

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: Thursday, June 8, 1989 2:30 p.m.
Date: 89/06/08

[The House met at 2:30 p.m.]

[Mr. Speaker in the Chair]

PRAYERS

MR. SPEAKER: Let us pray.

From our forests and parkland to our prairies and mountains comes the call of our land.

From our farmsteads, towns, and cities comes the call of our people that as legislators of this province we act with responsibility and sensitivity.

Lord, grant us the wisdom to meet such challenges.
Amen.

MR. SPEAKER: I wonder if hon. members could hold for just a minute waving at the Chair. I'd like to wave back at you, but in just a moment. I have a statement to deliver with regard to procedures. At the conclusion of the brief statement copies will be distributed to all members.

Although members are restricted to two notices of members' motions on the Order Paper at the same time, the Chair has taken under consideration the relationship of this rule to motions moved under Standing Order 40. A motion moved under Standing Order 40 requires unanimous consent of the Assembly and is only proceeded with if the member is able to persuade the House that there is urgent and pressing necessity for it to be dealt with. It is then debated forthwith without notice and does not go on the Order Paper. As a result, even if a member already has two notices of motion on the Order Paper, it is the ruling of the Chair that this does not prevent a member from making a motion under Standing Order 40.

However, as to notice, the Chair would point out that Standing Order 40 says only that there is no requirement for notice under Standing Order 38, not that there is no requirement for notice at all. This is also in accordance with recent practice in this House. Therefore, the Chair will require at least that oral notice be given during the daily Routine at Notices of Motions and also that the motion is presented in writing to the Chair and the Table when notice is given.

Thank you, hon. members.

head: **TABLING RETURNS AND REPORTS**

MR. ORMAN: Mr. Speaker, I would like today to table with you in the House the annual report for Alberta Energy and the Alberta Petroleum Incentives Program Fund. Additionally at this time, I would like to file with the Legislature two documents. One is the OSLO Alberta oil sands project, and the second separate document is the agreement to build the Lloyd-minster biprovincial Upgrader.

MR. SPEAKER: Thank you.
Edmonton-Mill Woods.

MR. GIBEAULT: Mr. Speaker, at the request of my constituent Mr. Terry Spencer I'd like to file with the Assembly copies of letters that he wrote to me as of today's date and an additional letter that he has addressed to the minister responsible for the Workers' Compensation Board.

MRS. BETKOWSKI: Mr. Speaker, I am pleased to table with the Assembly the following annual reports: the Alberta Cancer Board for the year ended March 31, 1988, the Alberta Association of Registered Nurses for the year ended September 30, 1988, the Alberta Association of Optometrists for the year ended December 31, 1987, the Alberta Dental Association for the year ended June 30, 1988, and the Health Facilities Review Committee for the year ended December 31, 1988. Copies will be distributed to all members. In addition, I am filing a supplemental report to the Alberta Association of Registered Nurses' annual report for the year ended September 30, 1987. These pages were missed from the previous submission, tabled on April 8, 1988. Copies have been distributed to all MLAs directly.

MR. HYLAND: Mr. Speaker, I'd like to table the annual report for 1987-88 of the Alberta Water Resources Commission.

head: **INTRODUCTION OF SPECIAL GUESTS**

DR. WEST: Mr. Speaker, I'd like to introduce to you and through you to the Members of the Legislative Assembly a very special Albertan. Last year at this time more than 50 disabled Alberta athletes were involved in the intensive training programs in preparation for the Summer Paralympics in Seoul, Korea, in October 1988. One of the athletes, who attended as a member of the women's basketball team which placed fourth in the world, was Elaine Ell. Elaine is a member of the board of directors of the Paralympic Sports Association of Alberta. She is also a respected advocate of persons with disabilities and devotes a great deal of time and energy to ensuring that they have equal opportunities and access to recreational experiences and facilities. She is an inductee into the Alberta Sports Hall of Fame, truly a great Albertan. I would ask all Members of the Legislative Assembly, Mr. Speaker, to join with me in extending a traditional warm welcome to Elaine, who is in the members' gallery.

MR. ADY: Mr. Speaker, I would like to introduce to you and through to the Assembly seven grade 9 students from the village of Hill Spring in my constituency. They are accompanied today by their principal, Mr. Thaine Olson, parents Diane Smith and Monica Gibb. I'd ask them to stand and receive the warm welcome of this Assembly.

MR. McINNIS: Mr. Speaker, it is my pleasure to introduce a former mayor of the community of Pine Point in the Northwest Territories, an individual who was also the New Democrat candidate in the constituency of Lacombe in the last provincial election. Please welcome Mr. Cliff Reid.

MRS. MIROSH: Mr. Speaker, I would like to introduce to you and through you to members of this Assembly 58 grade 6 students from the Chinook Park elementary school. They are in the

members' and public galleries, and with them are three teachers Mrs. Diane Fortin, Mrs. Donna Tabor, Mrs. Bonnie Kerr, and secretary Mrs. Marshall. Would you please rise and receive the warm greeting from this Assembly.

MR. TANNAS: Mr. Speaker, today I'm very pleased to be able to introduce to you and through you to members of this Assembly 17 enthusiastic students from Cayley school. They've traveled all the way from the south to be here, and they're accompanied by their teacher and principal, Arnold Nugent. I'm additionally delighted because some 20 years ago I was their teacher there in that same school. I would ask them to rise and receive the traditional welcome of this Assembly.

Mr. Speaker, I'm pleased to introduce to you and through you to the members of this Assembly two groups of students from the same school. We have nine grade 10 students and 60 students from the junior high from grade 8 in both the members' and public galleries. They have traveled all the way from High River. They represent Senator Riley school. They're accompanied by their teachers Pat Dunn and Bill Young and by parents Sylvia Moore and Janet Gardner. I, too, taught at that school and attended that school many years ago. I would ask them now to rise and receive the warm welcome of this Legislative Assembly.

head: ORAL QUESTION PERIOD

Taxation Policy

MR. MARTIN: Mr. Speaker, to the Premier. During the provincial election we made the point that Alberta families are paying much too much tax in this province simply because we have an unfair taxation system because they won't tax their friends the corporations and the well-to-do. This government just cannot be trusted to stand up for Alberta families. I want to say that now Mr. Lougheed, the previous Premier of the province, is making the same point. He told a Calgary audience that governments are overtaxing individuals. Alberta families are well aware of this, because under Conservative governments they are paying \$2,900 more than they used to. My question to the Premier. Has this self-evident fact come home to this Premier yet, and does he acknowledge and agree with Mr. Lougheed that his government is overtaxing Alberta families?

MR. GETTY: Mr. Speaker, the hon. member is referring to some statement made outside the House. Perhaps he's quoting it accurately; perhaps he isn't. I've no way of knowing. I would only say this to the hon. members: tonight we will have the budget presented. I'm sure the hon. Provincial Treasurer will be going to some length on the matter of income taxes, the position that Albertans enjoy of having the lowest personal income taxes in Canada, no sales tax, the lowest tax regime in Canada, and the Albertans who have the greatest take-home pay in Canada.

MR. MARTIN: I wouldn't clap too loud there. Not many of you are going to be around after.

My question to the Premier. He refused to answer the question, so I'll ask in a different way. Mr. Speaker, is the Premier saying that the Alberta taxation system as it now stands is fair to average taxpayers, when they have to pay 95 percent of the tax in this province and corporations get away with less than five

percent?

MR. GETTY: It was interesting, Mr. Speaker, that the other evening the hon. Member for Red Deer-North dealt very effectively with this very matter in speaking to the throne speech. I thought he presented the case in a much more effective way, a much more straightforward way, and I should just tell the hon. member that Albertans have the best tax regime in Canada.

MR. MARTIN: Mr. Speaker, there's no doubt that they have the best tax regime for the well-to-do Conservatives in this province.

But my question, then, is to the Premier. Over the next year, because I don't think they have their political agenda ready for this budget, would the Premier at least consider changing the mix and trying to tax some more from the corporations so there can be a refundable tax credit given to average families? He talks about the family. Do something about it.

MR. GETTY: Mr. Speaker, it's ironic the hon. member's raising the matter today before the Provincial Treasurer presents his budget. But as you would expect on all matters having to do with budgets, the government constantly reviews, assesses, and makes changes when they feel they're necessary.

MR. MARTIN: Mr. Speaker, I'd like to designate my second question to the Member for Calgary-Mountain View.

MR. SPEAKER: Calgary-Mountain View.

Funding for Tourism Projects

MR. HAWKESWORTH: Thank you, Mr. Speaker. The Alberta Department of Tourism has given \$100,000 of a promised \$200,000 grant to the organizers of a now-defunct chess tournament in Calgary. One of the people associated with the organizers of this event was the minister's brother. Another is a Mr. Jon Emr, who was the subject of an NBC documentary a few weeks ago looking into a number of scams that have been pulled off in the United States. To the Minister of Tourism. Why did his department not look more carefully into this application and pick up on the fact that they were using taxpayers' money to buy the equivalent of swampland in Florida?

MR. SPARROW: Mr. Speaker, it is true that the government did participate with Global Chess Group Inc., which was later taken over by another group. We were working with the Calgary Tourist and Convention Bureau and the city of Calgary, and we help other communities when they identify a major project. Both the city and ourselves were part and parcel of supporting this major event, and it's unfortunate that it's not going to take place. Innuendos that the member brings forward, though -- I wish he would give us something substantial in writing so we can give it to our lawyers, because this file has definitely been turned over to them.

MR. HAWKESWORTH: Well, I understand, Mr. Speaker, that typically the promoter banked on his connections with people of standing in the community in order to gain respect and credibility for his sting operations.

MR. SPEAKER: What is the question?

MR. HAWKESWORTH: To the minister. In view of this, how much influence did his brother have in getting this particular grant approved by his department?

MR. SPARROW: Mr. Speaker, as most of us could read the article in the *Herald*, which I sort of classified as yellow-bellied journalism and socialistic, but other than that . . . [interjections] That same article quoted very clearly -- and my deputy was quoted in it -- that at no time was my brother involved with reference to the grant or grant application, and many other volunteers were supporting this project, I understand. It's sad to see it go by the wayside, but we do have some very, very many successful ones, and I could list them off if you want the good stories.

MR. HAWKESWORTH: Mr. Speaker, to the Premier. How is it that ordinary Albertans have to go through all kinds of red tape and hoops to get money from this government when people with connections to ministers of this government can easily walk in, walk out, and walk away with up to \$200,000?

MR. GETTY: Mr. Speaker, such a question, placed in the way the member has, is of no credit to him and, frankly, does not require the dignity of an answer.

Confidentiality of WCB Files

MR. DECORE: Mr. Speaker, my question is to the minister responsible for the Workers' Compensation Board. It is now clear from information that we have that the minister has released confidential information, and my question is: who gave him the information, and under what authority was that information given to him regarding the Spencer matter?

MR. SPEAKER: Thank you, hon. member. The question is entirely out of order. Order please. The matter is going to be dealt with as signified to the House yesterday, the point of privilege as raised by the hon. member himself. The matter will be dealt with at the end of question period today, and there will be no more questions on this issue today. You've already asked your first question. I'd be interested in what your supplementary is that's related to some other issue related to that department.

MS BARRETT: Mr. Speaker, could we get a citation for that ruling, please?

MR. DECORE: Mr. Speaker, point of order after the question period.

MS BARRETT: No. I have a right to ask for the citation now.

MR. SPEAKER: Well, you're not getting it right at the moment, thanks very much.

MR. DECORE: Point of order. It is my understanding under the Standing Orders and *Beauchesne* -- correct me if I'm wrong, sir -- that this is with respect to the ruling that I have the right to withdraw the request for action under privilege, and that could still happen following this question period.

MR. SPEAKER: There's been no notification whatsoever in

that line given to the Chair. Therefore, with regard to the ruling yesterday it was the Chair's intention to have the matter of privilege dealt with yesterday. One party was not able to be present. The declaration was given to the House that it would be dealt with today. The whole matter is with regard to anticipation of what's later to take place in the day. Standing Order 23(e) and *Beauchesne* 409(12) are the relevant spots. So, therefore, the Chair will now recognize the Member for Clover Bar.

MR. GESELL: Thank you, Mr. Speaker. My question is directed to the hon. Minister of Tourism.

MR. DECORE: Mr. Speaker, point of order.

MR. SPEAKER: Point of order is taken for the end of question period.

Clover Bar.

Restoration of Hotel Macdonald

MR. GESELL: Thank you, Mr. Speaker. I'm elated about the recent announcement by Canadian Pacific about the restoration of the Hotel Macdonald. It appears that there has been extremely hard work done by the minister and in large part the present mayor of the city of the Edmonton to bring this excellent news to us. I'm providing this recognition to the members of this Assembly since there is now in progress a plan for restoration of the Macdonald rather than the controversy, the on-again, off-again situation that happened in the past which resulted from the abysmal, bungling efforts of the former mayor of the city of Edmonton, who now sits in this Assembly as the hon. Member for Edmonton-Glengarry. Would the minister share with the Assembly information about the details of the proposed restoration of the Hotel Macdonald as well as . . .

MR. SPEAKER: Hon. member, thank you; save some for your supplementary.

Mr. Minister.

MR. SPARROW: Mr. Speaker, it is indeed with pleasure to talk about the restoration of the Hotel Macdonald. It's about \$20 million that will be spent on that restoration. It will be definitely a tourism resort hotel, with open garden space around it, tennis courts, major athletic facilities within it. The city of Edmonton has placed on the building and several rooms within it historic resource identities, and they will be restoring several rooms to maintain them in the original facade, a very positive project.

MR. GESELL: Mr. Speaker, the project has been, as I mentioned, on again, off again. Is there some assurance that this project will proceed this time around? Is there some assurance of involvement by this government, a partnership amongst other governments, municipal and provincial and federal, in order to assure that the development will proceed to provide some potential for tourism in this area?

MR. SPARROW: Yes, Mr. Speaker. Canadian Pacific Hotels have made a commitment of \$500 million, to be spent throughout Canada on all of their hotels. This \$20 million is going to upgrade the Hotel Macdonald, but they also announced that they are building a conference centre at Banff, another conference

centre at Lake Louise, and they've already upgraded the rooms in both of those hotels. They have nine facilities in the province, and they've already spent, out of the \$500 million, \$120 million in Alberta and plan to spend another \$100 million in the next couple of years. I think they're very good corporate citizens. They'll be expanding their golf course in Jasper, for instance. They've already expanded their golf facilities in Banff and . . .

MR. SPEAKER: Thank you, hon. member. Let's get going. Final supplementary. Thank you.

Member for Edmonton-Mill Woods, followed by Calgary-North West, then followed by Lloydminster.

Confidentiality of WCB Files (continued)

MR. GIBEAULT: Mr. Speaker, last week we discovered that the minister responsible for the Workers' Compensation Board can't be trusted to appoint even a single injured worker to the board of directors of that particular agency. This week we discovered that we can't trust him either to even respect the confidentiality provisions of the Workers' Compensation Act. So I want to ask the minister sincerely if he would stand in his place today and offer an apology to my constituent Mr. Spencer for violating his fundamental rights. Would he do that?

MR. GOGO: Point of order, Mr. Speaker.

MR. SPEAKER: It's all right. Thank you. After question period for the point of order, but this question is out of order. What's the supplementary?

MR. MARTIN: Why is it out of order?

MR. SPEAKER: Why is it out of order is because it's a matter that's to be raised with regard to point of privilege, because this is also part of the issue. [interjections] Thank you, hon. members.

The Chair recognizes Edmonton-Mill Woods on a succinct supplementary with regard to a department.

MR. GIBEAULT: I'd like to ask the minister then: is it now his policy to release confidential information publicly against any injured worker who dares to challenge the policies of his government and the Workers' Compensation Board? Is that now his policy?

MR. SPEAKER: You'll have to answer that one.

MR. TRYNCHY: Mr. Speaker, it's never my intention, never was, never will be, and isn't today, to release any confidential information on any worker.

MR. SPEAKER: Supplementary on the broad issue.

MR. GIBEAULT: Mr. Speaker, to the Premier. Given that when the minister violates confidential provisions of legislation in this province, it compromises the trust that Albertans have in the minister and in the portfolio that he or she is responsible for, can the Premier indicate that he is going to try to re-establish some integrity in the provincial cabinet, either by bringing in

some new rules that cabinet ministers will have to follow or, in the case of the minister, for the WCB to ask him to resign?

MR. SPEAKER: Order please. With due respect to the Premier, the first question but not the second; the second relates to the matter of privilege. First question.

MR. GETTY: Well, I'd just make the point, Mr. Speaker, that the member is trying to create a hypothetical allegation which I would not feel is proper even to deal with.

MR. SPEAKER: Final.

Member for Calgary-North West.

Funding for Tourism Projects (continued)

MR. BRUSEKER: Thank you, Mr. Speaker. One of the more common themes that I encountered during the election campaign was the electorate's growing distrust and skepticism with the provincial government as a result of pork-barreling and patronage. Now we have a family member of the Minister of Tourism who has been involved in a chess tournament that received \$100,000 worth of grants from the department; \$100,000 is a hefty amount of taxpayer dollars to be granted on a project. My question to the Minister of Tourism. Will the minister please describe what mechanisms are in place for screening initial grant applications and then monitoring the project as it progresses to assure that taxpayers' money is invested wisely and fairly?

MR. SPARROW: Mr. Speaker, again, the hon. member's preliminary remarks are very nonfactual. As far as the policy, if any application comes forward, the department does do a good screening. In this case, in co-operation with the city of Calgary and the Calgary tourism and convention authority, they did. We approved ours only after the city had approved theirs. Our department screened and worked with the proponents. A similar function had formerly taken place in New Brunswick that became very, very successful, and in that case the city of Saint John had spent \$500,000 in the previous year for a very similar event. It's unfortunate that these proponents did not get their corporate sponsorship as they budgeted for and could not put their portion up, but I think the city and our department did our share as far as trying to make a very successful event out of it by making the advances under contract. In each and every case, before they advanced, current status of the project was in place. It's unfortunate that the Alberta Commercial Travelers could not finalize the changes they wished to have with Emr/Curtola and pulled out of the project as the project sponsors, which caused the city to pull out, and we followed suit.

MR. SPEAKER: Supplementary.

MR. BRUSEKER: Thank you. You mentioned earlier in the House that your brother did not directly make the grant application. Could the minister describe who it was who actually made the grant application to your office?

MR. SPARROW: Mr. Speaker, Global Chess Group Inc. Mr. Bob Hamilton, who was part and parcel of the group that did put the event on in New Brunswick, was the first proponent and

made the application, I believe, under that corporate name. It was later that the whole contract was taken over by the group previously mentioned, Emr/Curtola, and that was approved both by the city and the Calgary convention authority and ourselves.

MR. BRUSEKER: My third question is directed to the Premier. Will the government, and specifically the Premier, move to put in place concise and effective conflict-of-interest parameters that would outline the guidelines of conduct for cabinet ministers and their relatives?

MR. GETTY: Mr. Speaker, I draw to the hon. member's attention that we operate under a code of conduct and ethics that is established by this Assembly under the Legislative Assembly Act. The hon. member should review that legislation.

MR. SPEAKER: Member for Lloydminster, followed by Edmonton-Calder, followed by Edmonton-Meadowlark.

Husky Oil Upgrader

MR. CHERRY: Thank you, Mr. Speaker. September 2 was an historic day for Canada, and especially Lloydminster and area residents, with the announcement of the biprovincial Upgrader in co-operation with the three Progressive Conservative governments -- namely the federal, Saskatchewan, and Alberta -- with the private-sector partner, Husky.

MR. TAYLOR: That was the sixth time, wasn't it?

MR. CHERRY: Thank you very much.

My question is to the Minister of Energy. Can the minister advise the House what progress has been made on the Lloydminster Upgrader to this date?

MR. ORMAN: I'd be please to, Mr. Speaker. There has been excellent progress made with the biprovincial Upgrader. It is on schedule, and it has named its project manager. I understand they have started to move topsoil from the site, and I understand that part of the preparation will be done in the fall of '89. I should also point out that the bid packages have been scaled down so that local contractors on both sides of the provincial border can meaningfully participate in the construction of the plant.

MR. CHERRY: Supplementary, Mr. Speaker. Does the agreement ensure that whenever possible local businesses will be utilized in the area?

MR. ORMAN: Mr. Speaker, not only are the packages packaged in a way that local Alberta and Saskatchewan businesses can participate in the construction; there is also a real effort on behalf of Husky, the operator, and the chamber of commerce in the Lloydminster area, working with local residents, local businesses, so that they can participate as well as local employment in the Lloydminster area.

MR. CHERRY: Final supplementary, Mr. Speaker. What is the projected employment in '90 and '91?

MR. ORMAN: Mr. Speaker, as I recall from the information provided by Husky when they put together their information

package, they projected that through all phases of the construction of the plant, it would be in the area of about 5,000 to 6,000 people.

MR. SPEAKER: Member for Edmonton-Calder, followed by Edmonton-Meadowlark.

Child Care Standards

MS MJOLSNESS: Thank you, Mr. Speaker. This province continues to have the lowest standards in Canada in not requiring training for child care workers, even when two years ago this government's own Advisory Council on Women's Issues recommended formal training. We have been waiting far too long, but finally we see it in the throne speech. They have made a promise to bring in training requirements. To the Minister of Family and Social Services, because this government continuously breaks promises. When specifically is this minister going to keep this particular promise and bring in these training requirements?

MR. OLDRING: First of all, Mr. Speaker, I'm not aware of any promises this government has broken and would want to state very clearly that when this government makes a commitment, we stand behind our commitments. The member mentioned -- and she's quite right -- that the commitment is in the throne speech of February 17. This minister stands behind that commitment, and we can look forward to the standards being implemented, hopefully sometime late this fall.

MS MJOLSNESS: Supplementary to the minister then, Mr. Speaker. We have been waiting and waiting, so we'll be watching to see if that in fact comes to be in the fall. Will the minister assure this Assembly, then, that the requirements will be postsecondary training requirements, as recommended in the report by the Advisory Council on Women's Issues?

MR. OLDRING: Mr. Speaker, I would want to assure the member opposite that it is the intention of this government to consult with parents, to consult with day care operators, to consult with day care givers, and once we've had an opportunity of completing that process in co-operation with them, we'll be introducing our standards at that time.

MS MJOLSNESS: Final supplementary, Mr. Speaker, to the minister. Well, it seems like we're going to just keep waiting and waiting. In view of the fact that wages for child care workers in Alberta continue to be deplorably low, will the minister recognize the value of these workers and subsidize the wages of child care workers that are trained in nonprofit centres so that they can increase their standard of living?

MR. OLDRING: Again, Mr. Speaker, our commitment to providing day care opportunities for the people of Alberta is amongst the highest in Canada. We will continue to support parents in making their choices. As it relates to the salaries themselves, as the hon. member knows, those are set . . .

MR. SPEAKER: Order please. The Chair is having a little trouble. Maybe there's something wrong with the sound system, or there's too much babble in the House. Mr. Minister, please continue.

MR. OLDRING: Well, Mr. Speaker, it is difficult to hear at times. It seems they don't ask . . . [interjection] Tempting, Mr. Speaker. But to finish the answer, again we will continue to support choices for the parents of children in this province, and we will continue our commitment as it relates to the funding of these agencies.

MR. SPEAKER: Edmonton-Meadowlark, followed by Vegreville.

Environmental Impact Assessment Process

MR. MITCHELL: Thank you, Mr. Speaker. On February 23 this government made a commitment to funding local citizen participation in some kind of public hearings process for the Athabasca pulp mill. Yesterday the minister was less clear. He said on the one hand he couldn't see why government should have to pay for this public participation, and on the other hand he was extremely uncertain as to whether or not he could negotiate with the company to see that they would pay for this public participation. To the Minister of the Environment. Is this government going to live up to its commitment of February 23 and fund this public participation or isn't it?

MR. KLEIN: Mr. Speaker, to the hon. member, the answer is yes, we will fund that process. In answer to the question that was delivered yesterday, the question was relative to the preparation of environmental impact assessment documents and paying for intervenors in the process. We will fund the citizens' advisory group that will be conducting the hearings in Athabasca.

MR. MITCHELL: Mr. Speaker, there is a fundamental difference between the board that will listen to the review, the citizens' advisory board, and funding intervenors into that process. Is the minister so unclear on what an environmental impact assessment process is that he cannot draw this distinction between the review board and public participants who would like to present to that review board? Can he not even draw that distinction?

MR. KLEIN: Mr. Speaker, yes, I can.

MR. MITCHELL: Is the minister not aware that the Energy Resources Conservation Board automatically pays for public participants to participate in public hearings and then, without question, bills that cost back to the proponent companies? And will the minister exercise whatever authority he has to make the company in this case pay for that public participation?

MR. KLEIN: Mr. Speaker, I guess now I'm saying it for about the 14th time. The process relative to environmental impact assessments will be reviewed. Part of that review will be to examine the performance of the citizens' advisory board that will be established relative to the Alberta-Pacific project in Athabasca/Lac La Biche. I think I've said that on at least 13 or 12 other occasions in this Assembly, and if anyone is confused or simply doesn't have the ability to understand or simply doesn't want to understand, it's the hon. Member for Edmonton-Meadowlark.

MR. SPEAKER: Thank you.

The following members, if there is time: Vegreville, Drayton Valley, Edmonton-Jasper Place, Edmonton-Whitemud, Edmonton-Avonmore, Bow Valley.

Federal Drought Assistance Program

MR. FOX: Thank you, Mr. Speaker. Albertans know from experience that Conservative governments can't be trusted to keep the promises they make at election time. One recent example is the \$850 million drought assistance program promised by the Mulroney Conservatives during last fall's election. Mr. Mulroney committed only \$425 million to this program, apparently hoping that provincial governments would fund the balance. To the Associate Minister of Agriculture. What negotiations have taken place between this government and her cousins in Ottawa on the drought assistance program?

MRS. McCLELLAN: Mr. Speaker, I'd be pleased to take that question on notice for the Minister of Agriculture.

MR. FOX: Well, while we're in the process of taking questions under advisement, perhaps the minister could answer this question. She must realize that another commitment made by Mr. Mulroney at that time was to provide that much-needed cash for drought stricken farmers early in the new year. Most of that money hasn't arrived and won't for several months. I'm wondering what action this government is taking to make sure that Alberta farmers who suffered the ravages of drought get that money when they need it.

MRS. McCLELLAN: Mr. Speaker, this government has made a very strong commitment to the farmers of Alberta in drought. If the member would like a list of what we have done as a provincial government, I would be happy to supply it to him. The drought program that the member alludes to is a federal program. If he wants further information on the discussions, I would be happy to take it on notice for the minister.

MR. FOX: It's a federal program, but it impacts on Alberta producers. And I'm wondering how the associate minister can justify this complacency, when she knows that Alberta farmers were promised that money last fall, needed it in the winter, and they're not going to get it till sometime late in the summer.

MRS. McCLELLAN: Mr. Speaker, I can assure you that this minister is not complacent about Alberta farmers. This was a federal program. The drought assistance program that he is alluding to was announced by the federal government, funded by the federal government, and if he would like more information on it, I will take it on notice.

MR. SPEAKER: Thank you.

Drayton Valley, Edmonton-Jasper Place.

Albertans In China

MR. THURBER: Mr. Speaker, to the Deputy Premier. We have expressed some serious humanitarian concerns in this House in the last few days about the safety and the condition of students and relatives who got caught in the turmoil in China. I was just wondering: do you have an update on that? Can you give us any later information on that?

MR. HORSMAN: Mr. Speaker, this serious issue obviously concerns a number of Alberta families. I've been in conversation again today, as I promised I would do, with the Secretary of State for External Affairs relative to the situation with regard to Albertans in Heilongjiang province. I can advise members of the Assembly that the government of Canada is making arrangements to bring the students and others who are now identified as being in Harbin or vicinity home at the earliest possible opportunity. They are awaiting the permission of the government of the People's Republic of China to bring a plane into Harbin -- where, by the way, jets can land -- and the progress is good.

I can also say that the officials of the foreign affairs agency bureau of the province of Heilongjiang are working closely in co-operation with officials of my department and have been in close consultation and have promised safety to the students, their advisers, and other Alberta citizens now in Harbin.

MR. SPEAKER: Member for Edmonton-Jasper Place, followed by Edmonton-Whitemud, followed by Edmonton-Avonmore.

Alberta-Pacific Project

MR. McINNIS: Thank you, Mr. Speaker. We heard yesterday and again today that the minister is going to take no action whatever to secure funding for intervenors seeking to get answers to their questions about the Alberta-Pacific project. Now I've learned that he's attending a rally this weekend promoted by business interests who want quick approval of that project from this government. I know he's covered his track by hastily arranging a meeting with some farmers, but I think you'd have to agree that these events are not the same and this government can't be trusted to provide a fair mechanism for involvement in the process. I would like to know if the minister isn't concerned he might've blown his cover as the neutral licensing authority by attending the rally of the persons who want quick approval of the project.

MR. KLEIN: Mr. Speaker, I was invited to the Athabasca region by the MLA for that constituency. I'm proud to go up there to talk to not only those who support sustained economic development in the region and to provide jobs but to listen to those with environmental concerns. Part of the visit will include a trip to the Fort McKay Band further downstream, to listen to their concerns.

It might interest the hon. Member for Edmonton-Jasper Place to know that on the 19th of this month I will be meeting with the Southern Friends of the North at a rally, who have some concerns over the same pulp mill. I have no problems in listening to all sides of the situation, which is more, Mr. Speaker, than can be said for the hon. Member for Edmonton-Jasper Place.

MR. McINNIS: People who have concerns get private meetings; people who support the project get rallies. I would like to know why the minister refused to attend a similar public meeting sponsored by the Friends of the North on May 18 at Knox Metropolitan Church, if he wants to be evenhanded in the process.

MR. KLEIN: Mr. Speaker, I was on my way to Calgary. Fortunately, I left that particular evening where I had some commitments. Secondly, I wasn't invited specifically to that meeting; I was handed a poster announcing that the meeting was going to

take place. But I will repeat once again that I have been invited and I will be attending a meeting being sponsored in Calgary by a group called the Southern Friends of the North, who have the same goals as the Friends of the North.

MR. McINNIS: Well, if the minister wasn't invited to that meeting, why was his letter read out saying that he couldn't be there? I would like to know, then, why the minister failed to attend a similar meeting at the University of Calgary on April 26.

MR. KLEIN: Mr. Speaker, I was indeed invited to that particular meeting. I had been in office precisely five, six days, I believe -- I can't recall when the swearing in was -- and the writer of that particular letter acknowledged that in fact it would be more appropriate if we were to have a meeting later on down the road. That's precisely the kind of meeting I'm going to be attending on the 19th.

Hearings on the Disabled

MR. WICKMAN: Mr. Speaker, this government continues to operate in a secretive and private manner while purporting to be open and responsive, yet the Premier has condoned the process that ensures that Albertans are not aware of what information is being considered in the formulation of recommendations and decisions. My question: is the Premier aware that the Premier's Council on the Status of Persons with Disabilities is holding public consultations, and I stress public consultations -- taken from the press release issued by the government itself, when I refer to the term "public consultations" -- yet these so-called public consultations are being held in private?

MR. GETTY: Mr. Speaker, I'm not sure if the hon. member is accurate. We had the chairman of the Premier's Council on the Status of Persons with Disabilities in the House the other day. I can contact him and check on whether the hon. member is accurate and whether in fact there are good reasons for doing what they're doing.

MR. WICKMAN: Mr. Speaker, is the Premier aware that in this process, which I am accurate on -- they are in fact being held in private. But while they are being held in private, is the Premier aware that nonprofit organizations advocating for the disabled have been denied the right to attend the so-called public consultation hearings, so that nonprofit organizations that wish to monitor the submissions to that council and the presenters who wish to make a public statement do not have the opportunity to do so because of the private nature of the so-called . . .

MR. SPEAKER: Thank you, hon member. I think the point is across in the supplementary.

MR. GETTY: Mr. Speaker, as I said in the reply to the first question, I will talk to the chairman. This is a council that is made up of a chairman and public members who make decisions as a council. I'm curious as to why they are conducting their meetings in the way they are. There may well be very good reasons, and I would suggest to the hon. member that, being a public body, he might well contact them himself.

MR. WICKMAN: Mr. Speaker, in view of the status of the

council being a Premier's council -- not a public council but a Premier's council -- will the Premier undertake to instruct his advisory council, his Premier's council, to open its hearings to the public and to produce a public report on its findings? Can we have those assurances?

MR. GETTY: Mr. Speaker, obviously the hon. member knows that this is a public council. It may have a name indicating the high importance that we place on it as a government. I would say to the hon. member that he should contact them himself. I answered previously that I would talk to them, because I'm curious as to the conduct of their meetings as well.

MR. SPEAKER: Thank you.

Edmonton-Avonmore, followed by Bow Valley, followed by Calgary-McKnight.

Family Violence

MS M. LAING: Mr. Speaker, in the throne speeches of February 17 and June 1, the government acknowledged the need to combat the devastating effects of family violence. On Tuesday the Minister of Family and Social Services emphasized the value of involvement of the volunteer sector in the delivery of the services. Why has the minister contradicted his own words and broken his promises by withdrawing funding for the Grande Prairie treatment program for men who batter, which is a volunteer sector program and badly needed in northern Alberta?

MR. OLDRING: Mr. Speaker, the Minister of Family and Social Services has broken no promises.

MS M. LAING: Mr. Speaker, then how does the minister suggest that he is meeting his commitment to combat the devastating effects of family violence? Because intervention with batterers is the only way to break the cycle of violence.

MR. OLDRING: Mr. Speaker, the Minister of Family and Social Services shares the hon. member's concern over family violence. Again I would refer to our throne speech of February 17 where our government makes a commitment to introduce...

New initiatives to combat this threat will be proposed, and additional support will be provided to our network of family shelters.

MS M. LAING: Mr. Speaker, Grande Prairie already has a successful program. The minister's department has withdrawn funding since the February throne speech and the June throne speech. How can he say that he has a commitment to combating the effects of family violence when he withdraws funding from a program that will combat it?

MR. OLDRING: Mr. Speaker, our commitment to women's shelters in this province is second to none in the nation, and the programs that we continue to add and to build into that... [interjections] Mr. Speaker, they sure don't like to listen when they ask a question.

We'll continue to fight family violence in this province, we'll continue to work with the communities across this province, and we'll continue to work with the families in this province.

MR. SPEAKER: Member for Bow Valley.

Oil Production Quotas and Prices

MR. MUSGROVE: Mr. Speaker, my question is to the hon. Minister of Energy. The level and stability of international oil prices is critical to the activity of the Alberta gas and oil industry. OPEC recently concluded their meetings to establish production quotas for the remainder of this year. Could the minister advise the House on the results of the meeting and the implications on the Alberta gas and oil industry?

MR. ORMAN: Mr. Speaker, the actions of OPEC have a very important effect on this province and this country in terms of production and price. We were pleased to learn yesterday that at their meetings in Vienna the member nations were able to agree on a production quota increase of one million barrels a day, to 19.5 million barrels a day. I guess the objective is quite obvious, and that is that the quota is set at a level that is commensurate with the free world demand for oil. As long as the countries that consume OPEC oil are able to absorb the increase in the quota, I think we'll see stable prices.

MR. SPEAKER: The time for question period has expired. Might we have unanimous consent to complete this series of questions?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.

MR. MUSGROVE: Well, looking at the long-term impact of the OPEC agreement, Mr. Speaker, what's the outlook for the rest of this year?

MR. ORMAN: Mr. Speaker, I believe that the Provincial Treasurer in his Budget Address this evening in this Assembly will deal with the outlook for the balance of this year and the coming first quarter, second quarter of 1990. I should say that the market reaction to the increase in quota was mixed. It opened this morning at \$19.67 U.S., west Texas intermediate, and that is down from \$19.70. There was a slight slide in the price. There was an announcement by Kuwait, one of the member nations of OPEC that continued to produce over and above their quota. That statement had indicated that they will do their level best to live within the quota assigned to them at OPEC. As a result of that I understand that the U.S. price of oil recovered to just over \$20 U.S. I think that's certainly an important sign that the price has responded, in effect, positively to what OPEC accomplished yesterday.

MR. MUSGROVE: Final supplementary, Mr. Speaker. Considering the OPEC meeting yesterday and the outlook for the rest of the year, what's the impact on Alberta going to be?

MR. ORMAN: As I recall, Mr. Speaker, the average price this year has been about \$19.50 U.S., west Texas intermediate, and so that is positive. Actually, the current price today, as I indicated, is higher than the average price for the first part of this year, and so it's expected to see a little softening in the next quarter, which is traditional, seasonal, and then further strengthening towards the end of the year. As I've indicated and

as the Provincial Treasurer will touch on this evening, the prospects for a strong price and relative stability within OPEC, together with a growth in U.S. demand and the OECD demand, I think has a very positive impact and outlook for the sale of Alberta crude oil in the coming year.

MR. SPEAKER: The Chair would suggest a temporary one-day procedure to the House. The Chair has received at least four notes with regard to the introduction of guests, and since we anticipate some time to be taken up with regard to points of order for question period as well as a purported point of privilege, I wonder if on this one occasion we might have unanimous consent for the Introduction of Special Guests.

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.

head: **INTRODUCTION OF SPECIAL GUESTS**
(*reversion*)

MRS. OSTERMAN: Mr. Speaker, it's indeed a pleasure for me today to be able to introduce to you and to members of the Legislature a group of some, I believe, 41 grade 10 students from the Beiseker community school. They are accompanied by teachers Deborah Anderson, Doug McCulloch, parents Judy Adams, Val McLennan, and Brian Karnes. They're seated in the members' gallery. I'm going to be looking forward to seeing them sometime later this afternoon for pictures and a visit. Would they kindly rise now and receive the warm welcome of this Assembly?

MR. SPEAKER: The Minister of Technology, Research and Telecommunications.

MR. STEWART: Thank you, Mr. Speaker. It is a real pleasure for me to introduce to you and through you to the members of the Assembly two very special people in the life of our head page, Katherine Wallace; namely, her grandmother, Mrs. Dorothy Wallace from Calgary, whom I have known for many years; and her mother, Mrs. Sarah Wallace, from Edmonton. I would ask them to rise and receive the welcome of the Assembly.

MR. ADAIR: Mr. Speaker, it's my pleasure to introduce to you and through you to the members of this Legislature a group of 10 students from the Kennedy elementary school in Grimshaw. I believe they're in grade 5. They are accompanied by their teacher Mrs. Jodi Schroeder and parent Mrs. Faye Wald. I would them to rise and receive the warm welcome of this Assembly.

DR. WEST: Mr. Speaker, it's my pleasure to introduce to you and to the Members of the Legislative Assembly a group that represents the greatest and most important resource that we have in the Vermilion-Viking constituency: our students and our youth. There are 33 students from grade 6 at the Mannville school. They are accompanied today by parents Mrs. Ross, Mrs. McDonald, Mrs. McLaughlin, and Mrs. Sabado; teachers Mrs. Chomlak and Mrs. Kem; and their bus driver Mr. Swanson. They are seated in the members' gallery, and I would ask that they stand and receive the warm welcome of this House.

MR. SPEAKER: Points of order. The Chair recognizes or has made notations: Edmonton-Glengarry and the Minister of Advanced Education.

MR. DECORE: Mr. Speaker, I wonder if you would be kind enough to allow my colleague the Member for Calgary-Buffalo to deal with a point of order. [interjections]

MR. SPEAKER: Order. The Chair will indeed allow it but is somewhat taken aback to discover that the Member for Calgary-Buffalo is so shy and retiring. Please proceed.

MR. CHUMIR: Mr. Speaker, the ruling that you dealt with raised the question of anticipation, and it is indeed a somewhat difficult area. We've seen, today in particular, evidence of how difficult it is in the sense that Edmonton-Glengarry's series of questions was ruled out of order, whereas on the other hand, part of the series from Edmonton-Mill Woods was in fact allowed when it dealt somewhat along the line of the same topic. Now, this is an area that raises the same types of difficulties one has when you're dealing with a question or an issue that is under litigation. Some questions may be in the heart of litigation and others aren't. Of course, I think members of the House would grasp for some form of principle and guidance when dealing with these things, particularly when we are faced, as we were in this particular instance, with the prospect of not only losing the immediate question but the whole series.

The Speaker has cited *Beauchesne*, which states in section 409(12) that

Questions should not anticipate a debate scheduled for the day, but should be reserved for the debate.

But my attention focuses on the concept of debate itself, and I'm wondering in what sense and under what conditions questions would be considered to relate to debate itself as opposed to something which may be on the same topic but not relate to debate. Now, in this instance I would submit that the question in issue, being one that is not in any way argumentative or suggestive in itself but merely requesting simple information, and in this instance information with respect to what types of information the minister may have received and when, is certainly within the parameters of what should be allowed, because during debate itself, debate is not a question period, and although presumably a question may be raised, debate is in the nature of debate and not one of question and answer.

Similarly, rule 23 of the Standing Orders talks about:

[anticipating], contrary to good parliamentary practice, any matter already on the Order Paper . . .

The question arises as to what is good parliamentary practice. Apparently, the implication is there that some forms of question may be within the bounds of good parliamentary practice, and of course, we've seen in the case of Edmonton-Mill Woods that he succeeded. So the bottom line, Mr. Speaker, would be a request to have from the Speaker some guidance, some form of principle whereby we the members would be able to ascertain when we're getting into those very difficult waters and are going to have some problem.

Finally, the more serious aspect of this, of course, is that the hon. Member for Edmonton-Glengarry was deprived not just of the one question that he asked but the whole series. One wonders on what principle, on what basis, that happens from time to

time and other times it doesn't. Yesterday a question was ruled out of order and the series continued. In this instance the initial opening question of Edmonton-Mill Woods was ruled out of order; his series continued, but not for Edmonton-Glengarry. I think the members of this House can rightfully have their noses out of joint when, on a basis totally lacking any visible principle, a decision is made to deprive one of a right which is not a right to be exercised on one's own behalf but a right exercised in the fulfillment of our duties as members of the Legislature to raise public issues, not for ourselves, but in terms of the public interest. That hollers out for some principle and rationale and explanation, Mr. Speaker, particularly in this instance.

MR. HORSMAN: I'm not so sure that the hon. Member for Edmonton-Glengarry hired the best lawyer to cite the case, but he did his best. I don't know whether it's unparliamentary to call it convoluted flapdoodle, but that's exactly what it sounded like to me.

Mr. Speaker, if the hon. member wants to -- and this applies, I think, too, because it was made reference to by the Member for Edmonton-Mill Woods. Clearly this issue of privilege was on notice for consideration under Standing Order 23(e). We've known about it for two days. The hon. Member for Edmonton-Glengarry raised it originally; it was also referred to again yesterday. And if the hon. Member for Edmonton-Mill Woods is more skillful in framing a supplementary question -- having been ruled out of order on the principal question -- than the hon. Member for Edmonton-Glengarry, surely that is not . . .

MRS. HEWES: He didn't get a chance.

MR. HORSMAN: Oh, the Speaker invited the hon. Member for Edmonton-Glengarry to try and phrase a supplementary, and I think that *Hansard* will show that. And if he was unable to do so effectively, well surely that's not the fault of the hon. Member for Edmonton-Mill Woods, who was able to do so.

MR. SPEAKER: Thank you.
Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. On this issue I would just like to point out a couple of things relating to the Protected Persons provision in the sixth edition. I sort of anticipated that this might happen, and so I looked this up in advance and realized that under Protected Persons the issue is not spelled out when it comes to the sub judice convention in the way that it was in the fifth edition. So I'd like to make the following case with respect to the entire point of order. Under Protected Persons, sixth edition, it says:

All references to judges and courts of justice of the nature of personal attack and censure have always been considered unparliamentary . . .
And it goes on to . . .

AN HON. MEMBER: What section?

MS BARRETT: I'm sorry; 493.

It goes on to talk basically about the court system. Now, of course, it's not clear in what way that would apply to our Assembly or to any parliament. So I believe that we're forced back now to the fifth edition of *Beauchesne*, section 335, which commences The Sub-Judice Convention, through 339. If I can

be permitted, 335 says:

Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record.

It may be reasonably construed that, ultimately, if a matter of privilege is decided at the prima facie level and then handed to the Privileges and Elections Committee -- in fact, in history this used to be and can be, at the time of the will of the Assembly, considered a court of tribunal. I think that is the common parliamentary understanding, Mr. Speaker. But until the matter is actually ruled on as a prima facie case of privilege and then handed over to this court, it seems to me that the matter is not one that would fall under the sub judice convention. Logically, then, the only alternative for using this notion, which I understand you did not specifically address, but you did with respect to citing section 493 of the sixth edition . . . Logically, then, the only other person who could be prejudiced by overhearing a discussion or questions on the matter according to 335 and 339 of the fifth edition -- I'm sorry this is so complicated -- would be you yourself, Mr. Speaker.

Under the circumstances, seeing as how you are in the Chair, you are the one who decides whether or not the prima facie case exists and all the rest of it. And given the fact that you're here every day and listen to a lot of what goes on, it would hardly be fair, I believe, for anybody to assume that you would be unduly influenced by those questions or the discussion. [interjection] That's not a joke. I mean, quite frankly, we have to be realistic and logical about this. So what I'm arguing is that I believe, technically, if we go back to these rules, not to mention the Standing Orders, that in fact it would be in order to discuss the matter raised by, in this instance, the Member for Edmonton-Mill Woods but also related to Edmonton-Glengarry's questions until the ruling has been determined.

I'd make one final note, Mr. Speaker, and that is that while Votes and Proceedings indicated on Wednesday that an issue of privilege had been raised, as there was no response to it yesterday, it did not appear on the Order Paper. Therefore, neither would the anticipation rule apply, I would argue.

Thank you.

MR. SPEAKER: Thank you, hon. members, for the input. A number of things have occurred, and first of all, the matter of privilege is deemed in parliaments to be so serious and so rare an issue to be raised that it then brings into vogue a whole other sense of what is indeed, if you will, sacrosanct in dealing with the House, because to raise a matter of privilege is the most serious matter that can indeed be raised in any legislature. So it should not be brought forward in any flippant way, and I certainly don't believe that it has. But it's such a serious matter that it then brings into effect other kinds of rules with regard to anticipation or so forth, relevancy in debate.

The Chair is not in any way wishing to constrain what occurs in question period as to the issues or the questions at all. When the Chair received notice of this issue of privilege the other day, there was an immediate concern: "All right; then now this is going to bring some constraints with regard to this particular issue until such time as the House can hear the matter and that can be dealt with." It was the Chair's intention to have the matter fully discussed earlier in this week, and that was to have been done yesterday. Circumstances prevailed whereby it was not able to be dealt with yesterday, and so it meant that while we intended to deal with it, yesterday's series of questions with regard to the issue were, indeed, ruled out of order by the Chair

with regard to these various citations as given earlier.

The Chair then also gave notice, aside from whether it had been printed or not, that indeed the matter would be dealt with on this day and, in fact, sent instructions to the minister's office that he must be in the House on this day or the matter would indeed proceed.

Once again, the Chair is not happy at having to tie up or constrain question period in any manner, but yesterday we know full well that two members were called to order with regard to questions related to the issue before us with WCB and the aggrieved citizen at large. Yesterday the Chair felt that when the Member for Edmonton-Glengarry was called to order for raising the matter, other members would indeed take heed of that and not proceed to ask similar questions. Such was not the case, and the Chair then had to call to order the Member for Edmonton-Mill Woods.

Yesterday again it was indeed pointed out that the matter of privilege would be listened to on this date. That then brought into focus again the fact that questions would not be entertained with regard to the specifics of the issue as far as the Chair could figure them out to be.

So then we come to the matter of the leader of the Liberal Party, who raised the issue. In the opinion of the Chair the focus of the question was indeed such that it would to some degree colour, perhaps, the contention that would be made later this afternoon by the Member for Edmonton-Glengarry or any information that might come or comment by the minister of workers' compensation or any other members who would then participate in that debate. Therefore, that question was called to order. The Chair then pointed out that the member could frame other questions of a general nature with regard to that department. That did not occur. Instead, we found ourselves having a point of order and some comment made about withdrawing the point of privilege. Since in question period we're not to be consuming the time of the House with points of order or, in this case, this interesting suggestion of withdrawing the matter of privilege, the Chair was not prepared to go further at that time. As the member did not bring forth a supplementary, the Chair went one stage forward and recognized the next member. Now, perhaps the Chair moved too quickly in that; that's for the opinion of the House. Nevertheless, in question period, as you all know, things tend to happen at a fairly quick pace.

Later in question period the Member for Edmonton-Mill Woods, who had previously tabled copies of correspondence to the House, which the Chair had requested a copy of so that the Chair could see what the correspondence was about, then attempted to ask questions on the same matter. Perhaps members had missed what had been going on in the previous two days and that the Chair felt that the Chair was constrained to deal with this issue whether the Chair wanted personally to deal with it or not.

The first question from Edmonton-Mill Woods was with regard to offering an apology to his constituent, and the request was made of the hon. minister. Since that matter has not been dealt with at this time and should properly be dealt with under the matter of privilege, that then was also ruled out of order. Then it went further, and the Chair recognized the Member for Edmonton-Mill Woods in saying to please supply a succinct supplementary with regard to the department. The next question, in the opinion of the Chair, did indeed deal with broader issues of the department.

That's what occurred from the point of view of the Chair.

The Chair's not interested in taking away questions, let alone them being major questions or supplementary questions, from any member, but perhaps we can regard today as an interesting exercise as to how all of us will perform in a much more efficient manner.

Now, to go back to the matter as raised by the Member for Calgary-Buffalo. The citation which I supplied to the member in writing and a note during question period did indeed relate to not only *Beauchesne* 409(12) but also to the Standing Order 23(e). And again to refresh the memories of all of us, with regard to *Beauchesne* 409(12):

Questions should not anticipate a debate scheduled for the day, but should be reserved for the debate."

Now, one could indeed get into the definitions of "debate" and so forth, and the Chair has chosen to regard it that as more than sufficient notice had been given that we were going to be dealing with privilege today, that then would be the broad sense of the term "debate."

With regard to Standing Order 23(e), as pointed out by the Government House Leader -- the Chair had also picked this up while listening to the Member for Calgary-Buffalo -- the member did indeed omit something that was on notice for consideration. It had occurred in the Votes and Proceedings, and also more than sufficient verbal notice had been given yesterday with regard to the matter.

Now, that's what occurred, and therefore the Chair does not intend to uphold the point of order, just having given the explanation.

To go one step further, one would hope that when the matter of privilege is dealt with today, then we could get things into such a frame of mind, in terms of proceeding, that questions will be allowed in the very near future on this particular matter.

The second point of order. The Minister of Advanced Education.

MR. GOGO: Thank you, Mr. Speaker. During the question period I rose with a point of order, the authority being Standing Order 23(i) and, indeed, perhaps 23(j) and even 23(h). It was with reference to the question from the hon. Member for Edmonton-Mill Woods to the minister of Occupational Health and Safety and contained a very serious allegation. I quote from today's Blues: "can't be trusted" and "we can't trust him." Mr. Speaker, I think that is a very serious allegation, undoubtedly one that would in other circumstances certainly border on a question of privilege, a matter that I'm not prepared to pursue at this time. But perhaps to the benefit of all members of the House the matter was vindicated when you yourself, Mr. Speaker, ruled the hon. member out of order.

MR. FOX: Mr. Speaker, very briefly on that point of order. In terms of the member's contention that the term "can't be trusted" violates our Standing Orders, I think that was a matter decided upon by the electorate on March 20. Fifty-six percent of Albertans made that decision, and we ought not to be so thin-skinned as to, you know, regard that as imputation of motive or slander against another member.

I would like to point out on the point of order raised by the Member for Lethbridge-West in reference to the Member for Edmonton-Mill Woods that, seeking your opinion, Mr. Speaker, would it be fair to assume that the hon. Member for Edmonton-Mill Woods would be expected to know what purported point of privilege the Member for Edmonton-Glengarry may or may not

raise at the end of question period? It seems to me that it's the Member for Edmonton-Glengarry's point of privilege; he knows whether he's going to raise it or not. The Member for Edmonton-Mill Woods wasn't privy to the inner workings of the Liberal caucus and I submit should be able to ask his questions, because it's not his point of privilege.

MR. SPEAKER: Well, let us first deal with the point of order, let alone what this query is from the Member for Vegreville. The point of order was raised and the comment was also made by the Minister of Advanced Education that he would not pursue it further but see it as a gentle reminder to all members of the House that indeed one will be called to order for making allegations against another member or "imputes false or unavowed motives to another member." With regard to words like "mistrust" or "can't be trusted" and so forth, as long as those occur, I suppose, within the generality of talking about a political party as a whole, that's one thing. But the moment you bring it into focus with regard to one member, you should indeed be called to order by the Chair, if the Chair can listen to you fast enough to try to cut you off. That's the first point on the point of order.

Now, with respect to your inquiry, hon. Member for Vegreville, as to the point of privilege, let us see what transpires, because it is indeed the intention of the Chair to allow at least one or two members from each caucus to have their comments available with respect to the matter of privilege. But it must be dealt with in terms of the context of privilege as developed by the Member for Edmonton-Glengarry.

Now, might we go to the point of privilege, and the Chair recognizes the Member for Edmonton-Glengarry.

head: QUESTION OF PRIVILEGE

MR. DECORE: Mr. Speaker, you quite correctly noted, as have other members of the Assembly, that the matter of privilege is a very serious matter. I listened with interest to the comments made by the hon. minister of public works very soon after I entered this Assembly for the first time. If members will recall, it was that hon. minister's observation that all of us take an oath when we become members of this Assembly that we will uphold the laws of the province of Alberta. I think all of us expect when we come into this Assembly that we will be treated equally. That's why in fact there is a Speaker, so there is equality in the manner in which matters and issues are dealt with. No person should be placed in an exalted position; no person should have more authority than others in this Assembly. No person, Mr. Speaker, should be allowed to flaunt the law when all of us are, first of all, equals in this Assembly and all of us have taken the oath of upholding the laws of our province.

Now, the matter of what I now call the Spencer affair has arisen, and the evidence is clear, Mr. Speaker, from Mr. Spencer's statements that under no circumstances did he ever allow for the release of certain personal information. He never signed anything; he was never taken somewhere, as I understand it, and asked if he would agree to the release of personal information. Such was not the case. When questions were put to the hon. minister responsible for the Workers' Compensation Board, those answers weren't given forth quickly in the Assembly, but at a later time a statement was issued by the hon. minister in which certain very personal information was included. I don't know where you could get this kind of information unless you

asked Mr. Spencer for the information or you had some kind of source that would give this kind of unbelievably personal information. The last paragraph of the statement made by the hon. minister dated June 5, 1989, is really an incredible personal set of facts when it reads:

It is my understanding that Mr. Spencer invested in several unsuccessful business ventures and unfortunately lost most of [his money in these] investments.

Now, where would he get this information? That was really the purpose of attempting to extract that information, and that's why this is so serious to me and to our party and, I think, so serious to this Assembly.

Now, under the provisions of the Workers' Compensation Act, the minister is charged with the administration of the Act: making sure that the Act operates properly; making sure that everything goes as it's supposed to go; making sure, pursuant to the oath that he gave in this Assembly, that he will uphold the laws of the province and uphold the laws, particularly, of the area of responsibility that he has; namely, the Workers' Compensation Board.

Now, when you deal with matters of injury, when you deal, Mr. Speaker, with matters of psychology, psychiatric issues, of medical and psychiatric issues, of anything where people are telling somebody in authority something very personal, you usually want to see some provisions where there is a protection given to that person, to that injured individual, that person that is aggrieved. The Workers' Compensation Board gives that protection. It says that there is protection, that there is confidentiality given to a person who deals with the Workers' Compensation Board in ensuring that that information that's given to the Workers' Compensation Board will be kept confidential, that people won't be able to laugh or make judgment or do something unusual with the information that's been given. I can't see how it could be any other way, Mr. Speaker. It has to be that way.

Now, the minister clearly, by definition, right in the first section of the Act, says that he is responsible for the administration of the Act. He now makes it clear, Mr. Speaker, that it was he, in fact, that released the information. That's not even in question. He, I think, admits by that same statement that he has released personal and confidential information, and that's corroborated by what Mr. Spencer says.

Now, somebody has contravened the provisions of the Act. The minister has the responsibility to ensure that there is confidentiality, that if somebody is breaching that confidentiality, then it's his responsibility to go to the board and say, "Look, there's something awry here." There's a criminal provision in the Act where a police or a legal investigation can be made, and the board can, from that information, take the appropriate criminal action.

But, Mr. Speaker, it would appear from what's happened here that the hon. minister is part of aiding and abetting in this whole process. I say that with feeling for the individual involved here, and that's why I indicated in my letter to you, a copy of which the minister has, that I would be satisfied if the hon. minister simply said, "I apologize for what's been done." I would leave it; that would be the end of it. Mr. Spencer, in my conversations with him, has indicated he would be satisfied. I don't want to see a member of this House hurt by simply an error in judgment. But that hasn't happened. There was plenty of opportunity for that to take place, but still it goes without having happened.

Mr. Speaker, my argument, then, is this: that there can't be some members of this Assembly who are more equal than others. There can't be members of this Assembly who have the right to flaunt the law, to say, "I won't" or "We won't adhere to the provisions of a certain Act." If that is in fact allowed to happen, then I am disadvantaged as an individual member of this Assembly, and I think this Assembly as a whole is disadvantaged because somebody is being given preferential ability to deal with the law over others.

It is on that basis that this is a serious matter, that I thought long and hard about putting the motion to you, to this House, for action. And I make it clear right now, Mr. Speaker, if the hon. minister stood up and said, "It was an error of judgment; there was somebody in the Workers' Compensation Board that gave me this information; I shouldn't have received it, or I should have sought authority and permission from Mr. Spencer to release it," I would be satisfied. We would be satisfied and the matter would end. But until I hear that, the matter must be pursued, and we don't wish to be put in a lesser position than others in this Assembly.

Thank you, sir.

MR. SPEAKER: Thank you.

The Member for Edmonton-Mill Woods to the general topic of privilege.

MR. GIBEAULT: Yes indeed, Mr. Speaker. Since Mr. Spencer is one of my constituents, I have to support the Member for Edmonton-Glengarry and indicate that it is my belief as well that there has been a breach of the privilege of members of this Assembly.

I think we have to look at when one of our constituent's fundamental rights to have their records in front of this government and government agencies, protected by provisions of confidentiality that are clearly spelled out in the legislation -- when those are violated, by extension they are a violation of the rights of the member who represents that constituent. And so I think those kinds of fundamental violations of workers' rights to confidentiality of their records before the Workers' Compensation Board or other agencies, but in this particular case the Workers' Compensation Board, are a very grave and serious matter. I think this question of privilege raises some very profound questions, Mr. Speaker, about ministerial behaviour and accountability.

These provisions such as section 141 of the Workers' Compensation Act are there to protect injured workers, people who have confidential dealings with the government, from having that personal and confidential information exposed to their detriment. When ministers of the Crown, employees of the departments, and agencies of the government release confidential information, they are betraying that provision for confidentiality. They are betraying a public trust, Mr. Speaker. And if we don't have trust in ministers of the Crown and a government and agencies of this government, we don't have very much.

This minister, along with other ministers, was sworn to uphold the law. They cannot be seen to be and they cannot be beyond the law. They cannot have one set of rules for ministers and another for everybody else. Any member of the Legislature that wants information on a constituent's file with the Workers' Compensation Board must get that in writing from the constituent, and no such authorization was obtained by the minister in this case.

Mr. Speaker, as the Member for Edmonton-Glengarry men-

tioned, we tried to provide an opportunity for the minister to express an apology to Mr. Spencer, to show some contrition, and he chose not to do so. I think the gravity of the situation is such that I must urge you and encourage you to support the question of privilege that was raised by the Member for Edmonton-Glengarry and refer this matter to the Legislature's Standing Committee on Privileges and Elections, Standing Orders and Printing for a complete and thorough review.

MR. SPEAKER: The Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I wanted to touch on another aspect of the question of privilege, particularly as to Standing Order 15 and also as *Beauchesne* would outline in its whole setup of actually what privilege is, Mr. Speaker, and that is the breach of rights of the Assembly, or all of us as individuals.

Certainly what I think is at risk here, Mr. Speaker, if we try to get far enough away from individuals or constituents or anything else, is that all of us MLAs from time to time, no matter what side of the House we're on, are called upon by some of our constituents or other people in Alberta to help solve a problem or redress or address what they think may be a wrong at the time. If that person, if that citizen in Alberta, in any way, shape, or form feels that when he or she comes forward to us and if we could try to ask the question in the House or bring some publicity onto the problem, it's going to get blown out of the water by all the power and all the files and all the information that's available from the ministry that we're particularly enquiring on, certainly that's government by fear. That means we as individuals will not have people coming forward to talk to us. They'll be afraid, Mr. Speaker.

I think this is a real privilege that's at question here in that a minister chose to use all the powers at his command to, in effect, wreak retribution, you might say, on someone that was questioning, rightly or wrongly -- who knows? But it's against the privilege of every member in here. It's against the privilege of the whole House, and that's one of the things I wanted to emphasize. Because if ministers can get away with lowering the boom with all the power and majesty which we have in this modern technocratic age with computers and all, then it's going to mean that every one of us is going to have our ability, our respect from the public, diminished.

Thank you.

MR. SPEAKER: Thank you.

Hon. minister.

MR. TRYNCHY: Thank you, Mr. Speaker. I guess as I have stated to the question this afternoon, and I'll read it again:

It's never my intention, never was, never will be, and [hasn't been] today, to release any confidential information on any worker.

Mr. Speaker, I'd just like to provide a little information on this. I think it's so important, because it is a matter that concerns me. It concerns me because I would like to help, and I've tried this for so long.

When we met Mr. Spencer in my office on May 3, we had a good discussion. It was at that time that Mr. Spencer provided me -- ourselves; a number of us in the office -- the statement that he received some funds to start a business. That business failed because he felt the Workers' Compensation Board

shouldn't have provided the funds, knowing his condition. He went on to talk about a number of things, about how he lost his business and things like that. I said to Mr. Spencer to put all his concerns down in writing, so we could go step by step to provide him with the answers. He did come back to us some time later with 12 concerns. Those were addressed, Mr. Speaker, and I asked the Workers' Compensation Board to review those concerns, to make sure that if there was anything there that needed rectifying, needed adjustment, needed correction, it should be done. I did that because, as I said the other day, I have a feel for the injured. I want to be, and I think I am, a caring and fair minister. I want to proceed that way through this portfolio.

Mr. Spencer arrived again at our office on May 23, unannounced, with a group of seven or eight people, and I advised that group -- and I think it worked out well -- to provide their concerns to me, to bring their concerns one on one, so I could respond to them through the Workers' Compensation Board. Mr. Spencer was not really interested in that case, but I must say that the seven or eight people that did provide their concerns to us have been responded to, and in most cases their claims, their concerns, have been rectified.

As I said that day, the first day I met with Mr. Spencer, the second time, the third time, the fourth time: if the Workers' Compensation Board erred, then that error would be corrected; if there was new information that could be brought forward, that information would reopen the case. Mr. Speaker, no new information was provided, but I asked the board to send Mr. Spencer's case to the Appeals Commission regardless of no information.

Mr. Speaker, I won't go into all the details, but as we proceeded through the days of my ministry, I kept receiving phone calls, concerns raised through the media or whatever that we were not a caring government; we did not provide enough funds; we didn't do a number of things to help this gentleman. We were told that we had pulled back on rehab vocational training. And so all these things were bothering me. They bothered me deeply, because I have a feel for the injured. I've worked a number of years in the private sector myself. For the last 30 years I've hired people, and I've had a look at injuries. So the concern was there. I wanted to be positive. I wanted to be really sure that the concerns raised that I was getting, from whatever source -- through my colleagues, through the press, wherever -- were factual.

So I asked the Workers' Compensation Board, Mr. Speaker, to provide me with information, information that could be made public; not confidential information such as doctors' reports and tilings like that, but information that would correct the misunderstanding, the distortions that were about. I received from the Workers' Compensation Board a document that outlined -- and contrary to what I was getting from both Mr. Spencer and others -- information. I was asked again, "Why don't you do something for this gentleman?" I said, "We have." I was questioned. As a matter of fact, as the hon. Member for Edmonton-Mill Woods said, it got down to where I wasn't telling the truth. Mr. Speaker, that bothered me. It bothered me so much that I thought, well, let's get this out. It's public knowledge. It was in the press. It was stated in a number of cases. I provided that statement that I received to the public to make sure that the facts were out.

Mr. Speaker, was it an error in judgment, as the Member for Edmonton-Glenarry has stated? Well, maybe it was, because of my concern for the injured. I was so involved in trying to

help. My advice was not heeded, was not wanted. The help from the Workers' Compensation Board was not heeded and was not accepted. And the question again says, "Was it an error?" Well, I don't know, Mr. Speaker. I guess that's for the House to decide. But I was trying to do the right things for the injured people. Should I apologize for the Workers' Compensation Board? Well, I have no difficulty with that. If laying out the facts in some way did something to somebody that it shouldn't have done, then I can apologize, because I don't think it should happen. It shouldn't happen to injure anybody. Mr. Speaker, to suggest that I flaunted the law, to suggest that I was wrong in what I was doing, I don't think is accurate, because what I was trying to do was correct the misinformation, the distortion that was out there, to make sure that the people that were reading these documents, were getting this information, would know the facts.

So, Mr. Speaker, I leave it in your hands. I have a number of things I could say. And if it goes on, to whatever course of action you decide to take, I'll respond again.

Thank you.

MR. SPEAKER: The Chair must first ask the minister: did one hear the word "apology" in there on behalf of the board?

MR. TRYNCHY: Mr. Speaker, I suggested that if I have to apologize for the actions of the WCB, I have no difficulty with that.

MR. SPEAKER: Thank you.

The Member for Edmonton-Highlands.

MS BARRETT: Mr. Speaker, I don't believe that the foregoing from the minister is appropriate under the circumstances. What he has just provided us with is the sort of defence that one would ordinarily take as evidence if the matter was referred to the Privileges and Elections Committee. He has not argued whether or not a matter of privilege has occurred. I would argue that it has, Mr. Speaker.

I would point to section 141 specifically of the Workers' Compensation Act -- for the benefit of someone who doesn't understand inclusive language -- and I would also point out that it is a specific rule of the board that members of this Assembly or their delegates, ordinarily staff members, must have written permission to even look in the files of any claimant at the WCB. Without that written consent from the claimant we are not allowed to even look in the file, Mr. Speaker. And therein lies the breach of privilege, I would argue. It is clear, I believe, from section 141 of the Act itself, that the minister has no authority to do so without the written permission of the client, and worse yet, has no authority to divulge information so garnered without that permission, to anyone. So I would argue, in fact, that there is a two-step breach of privilege under the circumstances.

Now, if it were not the case that the WCB exercises the rule uniformly, if in fact there was any question about the agency sometimes applying the rule for written consent and sometimes not, I believe that the minister may have a valid case for declaring himself not to have breached a privilege of the House. Our research indicates that that rule is applied uniformly, and it would appear that the exception was exercised in this case and in the case of a ministerial request. We believe that that is in violation of the Act itself and that this further violates not only the privileges of all members of this Assembly, in that rules are

to be applied uniformly, but also violates the privilege of an individual who doesn't have the power of sitting in this Assembly to argue for himself on the basis of his entitlement to confidentiality. I do appreciate that if the issue is handed over to the Privileges and Elections Committee, his evidence may be taken into account, but at this point I believe that responsible legislators must also speak for his rights. This is an individual who, after all, like all individuals, has the right to confidentiality under our laws and those which govern our country and our Commonwealth.

So, Mr. Speaker, I would argue that the comments from the minister, whether or not they include an apology, and I'm quite convinced that they do not include an apology, do not constitute an argument against this matter being handed over to the Committee on Privileges and Elections.

MR. SPEAKER: Thank you.

Government House Leader.

MR. HORSMAN: Mr. Speaker, in dealing with matters of privilege, as all members have quite correctly pointed out, matters of privilege are serious issues and should only be raised under appropriate circumstances.

The alleged breach of privilege, one would assume, although it has not been, in my view, precisely and clearly stated to the Assembly, is to the effect that the minister has breached the privileges of the Assembly in his capacity as minister by violating in some way a statute of this Assembly as it has impacted upon an individual in our society. And the only citation that has been referred for consideration as to a breach of confidentiality is section 141 of the Workers' Compensation Act. That is the only statutory provision that has been put before Mr. Speaker for consideration.

I think I should read it into the record. I would assume that it is section 141(2) which is being referred to. Subsection (1), I'll read that in too.

No member, officer or employee of the Board and no person authorized to make an investigation under this Act shall, except in the performance of his duties or under authority of the Board, divulge or allow to be divulged any information obtained by him in making the investigation or that comes to his knowledge in connection with the investigation.

That's subsection (1). Well, the investigation, Mr. Speaker, leading up to the payment of funds to this individual was completed, obviously, and so far as is being alleged in the information before the House, there has been no divulgence of information contained in the investigation that has been specifically alleged.

Subsection (2) provides that

No member or officer or employee of the Board shall divulge information respecting a worker or the business of an employer that is obtained by him in his capacity as a member, officer or employee unless it is divulged under the authority of the Board to the persons directly concerned or to agencies or departments of the Government of Canada, the Government of Alberta or another province.

I don't think subsection (3) is relevant, but you can take that under consideration, Mr. Speaker.

Well what, in that section, indicates that any information relative to a decision made by a board relative to a payment of funds to an injured worker can only be released by the government of Alberta with the consent of the person involved? A clear reading of that section does not indicate that at all, and that

case has not been made out. Rather vague references to the necessity of a person who has received compensation consenting to the release of that information have been made by an argument in the House, but it is not in the words I have read into the Legislature this afternoon.

I'm sure Mr. Speaker would want to take this under consideration before ruling on the matter. But I would think one would have to read with some precision this issue in conjunction with the actual wording of the statute, because there is, in my view, Mr. Speaker, no impediment in that section of the Workers' Compensation Act upon the release by the government of Alberta of information with regard to the level of compensation provided to workers as a result of workers' compensation proceedings. And it is that precise issue, I think, which must be determined as Mr. Speaker considers the matter of privilege now before the Assembly.

MR. SPEAKER: Thank you.

Hon. members, that's sufficient discussion with regard to privilege. There's not the possibility for the Member for Edmonton-Glenarry to make a summation in response. We've had two speakers from each caucus, and so it is that the Chair does indeed take the matter under advisement and will report back to the Assembly at the earliest possible moment.

MR. DECORE: Mr. Speaker, I'm not clear, and I'm wondering if I could just ask a question to clarify the matter.

In my letter to you that you requested, I made it clear that if there was an apology, I would end the matter and finish the matter. I don't wish to waste your time or more time of this Assembly, and I'm reading from my friends nearby that they would do the same. I think we're almost there, Mr. Speaker. If I could clarify it, if the minister could clarify it, I think this matter could be ended. The issue wasn't for him to apologize for what the department did; it is, in fact, sir, a request that he apologize for his actions, because it's the actions of the House that we're talking about.

I think we're so close, Mr. Speaker, that the matter could be ended now if the hon. minister could address it in terms of specificity.

MR. SPEAKER: The Chair takes that as a point of order. Perhaps the hon. minister would care to respond.

MR. TRYNCHY: Mr. Speaker, as I've stated -- I guess if you tell the truth, is that a crime? I've thought about that. I say that because as a young lad my mother taught me to tell the truth. She said that even if it hurts, to tell the truth.

If it would satisfy the House, Mr. Speaker, if it would satisfy everybody, then I have no difficulty in saying that I'll apologize for the Workers' Compensation Board and for myself . . . [interjections]

MR. SPEAKER: Order please, in the benches. At least have the decency to listen to him first.

MR. TRYNCHY: . . . and for myself, Mr. Speaker, if I in fact erred.

MR. SPEAKER: Thank you.

MR. DECORE: Based on that, Mr. Speaker, I'm prepared to

withdraw my notice of motion. I made it clear, and I have to live to the commitment I made to you and the hon. member, that if there was an apology -- and I consulted with Mr. Spencer when I wrote that line into my letter; that's important here, because it's Mr. Spencer's rights that we're talking about -- I'm satisfied. I think Mr. Spencer is satisfied, and I think the House should end it now.

I withdraw my notice of motion.

MR. SPEAKER: Thank you.

On this point of order . . .

MR. MARTIN: Mr. Speaker, I'm quite prepared to let this case drop, but I want to know what the rules are in the worker's compensation at some point. Even if this is dropped with the particular minister, I certainly want to know what the rules are in terms of confidentiality, and if there is a problem, then we'd better be back at this Legislature bringing in some new legislation then, Mr. Speaker.

MR. SPEAKER: The Chair interprets what has happened in this manner. To go in reverse order, the concern as raised by the Leader of the Opposition will now be able to be addressed through the normal manner of question period or correspondence or discussion with the hon. minister, or the Premier for that matter, with regard to that total issue.

The Member for Edmonton-Glengarry has accepted the words of the hon. minister of Occupational Health and Safety as being a full apology with respect to the issue. The Chair thanks the hon. minister for his graciousness in offering that apology and also thanks the hon. Member for Edmonton-Glengarry in accepting the apology in a similarly gracious manner. Therefore, rather than have the point of privilege withdrawn, the matter ceases because of the apology given and received.

The Chair thanks all hon. members in the House.

The clock has moved, so now it's past 4:30, and according to our own Standing Orders we should now go immediately to debating a private member's Bill. With the unanimous consent of the House we could entertain other business, going back to what would be the normal flow of business of the day, so the Chair awaits some direction from the Government House Leader.

ORDERS OF THE DAY

head: **PUBLIC BILLS AND ORDERS
OTHER THAN
GOVERNMENT BILLS AND ORDERS
(Second Reading)**

Bill 201 Code of Ethics and Conduct Act

MR. MARTIN: Mr. Speaker, when I rise to speak on Bill 201, the Code of Ethics and Conduct Act, while it deals very narrowly, I think perhaps it's quite appropriate at this point. I might go back in history a bit, if I may, and say that hope springs eternal when you bring Bills into this particular Legislature. For your information, Mr. Speaker, the Official Opposition has brought this particular Bill in eight times. Four times between 1979 and '82 my late colleague Grant Notley brought this Bill in, and myself in 1983, 1986, 1987, and now 1989. As

I say, hope does spring eternal that good and just and honest Bills will eventually make their way across to the government side, and I look forward to it in the next three or four years.

Just to be general about this, there is a perception in political life about politicians and about political life generally, and regardless of our own political stripe, whether we be Conservative, NDP, Liberal, or whatever party might be around, we all ignore this at our own peril, I suggest. As I recall, Mr. Speaker, you alluded to this in your first remarks on the Speech from the Throne, that the perception is out there that politicians somehow are in the business to help themselves or to help their friends or to get something out of it later on in life. I say to you, Mr. Speaker, and I say this honestly, that that is not fair, it's not the reality, but unfortunately in politics often the perception is more important than the reality, and democracy suffers generally when the public believes this. I say to you that I believe people in public life generally go in because they do want to serve the public, and I say that regardless of which political party that person happens to be involved in. I think the vast majority of people do that. But as I say, Mr. Speaker, because this disillusionment with political life is there, this disillusionment with politicians is there, then we should have to deal with it. I want to make the point that if we don't, government suffers, democracy suffers, and it leads to an apathy.

[Mr. Deputy Speaker in the Chair]

Let's not kid ourselves, Mr. Speaker. Among a lot of people out there, there is an apathy because of their disillusionment with politicians. How many of you have heard, regardless of which stripe you're on: "Oh, they're all the same. They're all in it; they're all crooks," or whatever derogatory things they might have. Why, they even have bumper stickers going around like "Don't vote; you only encourage them." And the response the Rhinoceros Party and people get I think we should take as a very serious matter, because a lot of people have basically dropped out of the political system.

Now, I'm not saying that one particular Bill at one particular time is going to solve all the problems. Mr. Speaker, I expect it goes deeper than that, that we have to look at what happens in the schools in terms of people understanding our parliamentary traditions, understanding what politics is all about. Understanding the process a little better, I think, would go some direction. But in the meantime I think we have to recognize that those feelings are there and try to at least do something about it out of this Legislature. This is not, as I say, a new problem. I think the problem's been developing and getting more serious as we go along. It's a healthy skepticism about politicians. It's good. I guess a healthy skepticism about any profession is good. It's when it becomes unhealthy, when people actually believe the things they're saying, that it worries me. I say to you that I honestly believe the problem is getting worse rather than better, when you talk to rank and file people.

So, Mr. Speaker, it's with that atmosphere that I bring this particular Bill forward again, for the eighth time, not to punish anybody or not to say that this government has been worse or better than others -- I don't believe they have -- but to deal with that perception that people have. So we're suggesting here with Bill 201, the Code of Ethics and Conduct Act, that there be some laws clearly laying out the rules under which all of us play -- and I'll explain in a few minutes -- beyond us as politicians to the top of the civil service. Now, I'm suggesting that they be

not just guidelines but that we bring it forward in terms of a Bill. I would suggest that if we were to bring in a particular Bill like Bill 201, it would impress a lot of people, those people I'm talking about who are somewhat disillusioned. Again, I don't want to overstate the case; it would be only one Bill going in that direction. But I do believe it would have a positive impact on the public we're all serving, and for that reason it's an important Bill.

Mr. Speaker, I won't spend a lot of time. There are some new people in the House. Some of the other people, like the hon. Member for Little Bow, have probably heard this Bill eight times. I think at one time he agreed with us, so we'll see if he agrees with us now. But I would like to just quickly cover some of the major points and then conclude and allow debate on the Bill.

To sum it up quickly, the Bill prohibits an MLA, a cabinet minister and, importantly, senior staff from accepting any payment or benefit for performing his public duty. Now, I recognize that in large measure this is already covered in the Legislative Assembly Act in sections 3, 4, and 5. I believe, though, the most important part for our purposes here is to look at section 6. This particular section prohibits an executive staff member or head of a Crown corporation from carrying on any business other than a family farm or getting public money other than his or her regular pay and any benefits generally. Surely, Mr. Speaker, if you're in that type of position, you're certainly well paid at that level. You shouldn't have to look for other work. In doing so, I think it's unfair to other people, but more importantly he's putting the time in that very onerous job that you have.

Mr. Speaker, to go on, we're also suggesting that for a period of four years following the employment, no minister, executive staff member, or head of a Crown corporation can become a director of a company which was regulated by or received money from the department or agency for which he or she worked or act on behalf of a person or a company with whom she or he had a personal and substantial involvement on behalf of his department or agency or lobby on behalf of any person with his former department or agency. Now, it seems to me, Mr. Speaker, that this is straightforward and common sense. In other words, we are saying that you can't be in government and have inside information, certainly inside connections, then go set up your own company and do business with the government. There has to be a cooling-off period. And I'd point out that this is not a new Bill. There are a number of Bills like this in Canada, including, of course, as you are aware, in the House of Commons.

We're also suggesting that no MLA who's a member of the standing committee on private Bills at the time a private Bill for a company is considered can thereafter become a director of the company for, again, at least four years. I think this makes common sense. At least the perception, whether it was done that way or not, that you have somebody in on private members' Bills, and they influence, as you know, that committee well, and all of a sudden they get a job right after -- you can imagine the perceptions that are going to be there with the public. So, again, I think this just makes good common sense.

To go on, Mr. Speaker, for a period of two years following his or her employment, we suggest that no minister, executive staff member, or head of a Crown corporation can accept employment with any person with whom he or she had significant direct official dealings during his or her last year on the job or

act for any person with regard to any matter that came under the authority of his or her department in any agency during the last year of his or her job or give any advice for commercial purposes about anything directed to that department or agency. Again, obviously this makes good common sense. What's the perception going to be when people move in and out of top-level positions, move from government, say, to a company that's dealing or bidding with the government and they do it right away? Whether it's there, whether it's true or not, again the important thing is that the perception is going to be there that that person had either inside information or inside connections. And a Bill like this is just a cooling-off period for two years. Certainly it shouldn't affect a person's future that much if they were well paid before.

Finally, Mr. Speaker, the last part of the Bill prohibits the appointment of a former minister, executive staff member, or head of a Crown corporation to a position in the public service for two years following their employment regardless, and thereafter -- and this is a key point -- unless they win it in an open public competition. To reinforce that, the private sector is there; there are jobs for all of us after we're through here. Surely we don't have to go into the public service. I hear from the government that they believe in the private sector and that there are all sorts of opportunities in the private sector. At least for two years, Mr. Speaker. Then I think the key point I want to add to get away from the perception that there's inside information, we're just hiring our own friends, is that there has to be an open public competition. If after two years that ex-MLA, cabinet minister, or senior staff member is the best person and they've gone through the open public meeting, I for one then have no suggestions that anything's wrong. But there has to be those two years and, secondly, an open public competition for the job.

AN HON. MEMBER: Like Jim Gurnett in . . .

MR. MARTIN: Now, don't get worried, hon. member from Red Deer. You wouldn't get the job because you're not competent, so don't worry about it. [interjection] I'm sorry; I didn't mean to hurt the hon. member's feelings.

Let me just conclude by giving an example, Mr. Speaker, of something that should not have happened. This is going to happen on June 30 when the deputy forestry minister . . . And I know the gentleman. I will say to you that in my dealings with him I think he's aboveboard and a very capable person, so it has nothing to do with the individual. I don't think he would ever involve himself in the way I was talking about, using inside information. But, again, I'm talking about perceptions of the public, Mr. Speaker. That's the key point.

As you know, the deputy forestry minister, who I believe has been on board for approximately 10 years, Mr. Speaker, will join a U.S.-owned company after taking a holiday in July. I believe his departure is around the end of this month. Now, as pointed out, it's perfectly legal to do this -- and I wish the hon. gentleman well in his new position -- because we do not have what I've been talking about, the conflict-of-interest guidelines covering civil servants who leave government employ.

As I said, Mr. Speaker, I know that this gentleman's integrity is beyond reproach, and he has made a very significant contribution to this industry in the province of Alberta. But I would point out that this company has been trying at least to do business with this government. They lost out to a rival bid for government approval in a major project last year. Now, from their

perspective I can understand them wanting somebody on the inside who at least knows the ropes. Maybe that is the only reason they want him. I expect maybe it is. But I say to you that because this particular person is able to do this, move right out of the top position right into a company doing business with the government, what are the other companies going to think? And it may be that the minister would like to bend over backwards to avoid that perception. Then that's unfair to them also. It gets us into a whole can of worms. I think this specific example shows it as well as I could. Obviously, under our particular Bill 201, the Code of Ethics and Conduct Act, this would be impossible. So the government wouldn't be put in this embarrassing situation one way or the other.

Mr. Speaker, in conclusion I want to again state what I believe to be self-evident among members here in the Legislative Assembly. Ours is an honourable, an extremely important vocation. I frankly can't think of any vocation that is more important. But I say to you because of that, because I believe it's the most honourable vocation and the most important vocation, all of us, regardless of our political stripe, have to do everything we can to get the respect of the public. I know I'll hear arguments later if people aren't about to support this Bill, and I haven't noticed them rushing over to put it as the Member for Lacombe's Bill, as part of a government Bill. I've heard the arguments that we don't need it, that this will take good people away from running, and all the rest of it. Well, last election I didn't see any absence of people wanting to get into this Chamber. So I just reject that. And I say that even if you see that as a problem, the most serious problem is the perception out there with the public. If we don't take that seriously, we're taking it again at our own peril. I say to you that an important first step, and it's only a step -- as I say, I don't want to overstate the case about the importance of the Bill -- would be passing a Bill like Bill 201, the Code of Ethics and Conduct Act.

Now, Mr. Speaker, I'm a generous soul. The government in the past has stolen some of our ideas. We don't mind that, especially if they're good for the people of Alberta, and even if they don't want to put mine on Government Bills and Orders and want to change it and call it Bill 10 or 12 or 14 or 16, they even want to change some words, great.

AN HON. MEMBER: Not too many.

MR. MARTIN: Well, not too many. Make it an important Bill. Maybe they can improve it. I throw that out as a challenge. But, Mr. Speaker, if they want to do that, I say to the government to please feel free to do it. I for one will not be upset about it, and in fact I'll stand up in the Legislature and give them credit if it's anything close to what we're doing in Bill 201.

I point out that just like your so-called family day, Mr. Speaker -- I recall them running that Bill down, but then for once they did the right thing and brought it in, the midwinter holiday. So I'm hopeful after the eighth try that they might take a look at a Bill like that. Again, government members, if you don't understand the problem and you think everything's okay, you're just not listening to the public.

Thank you very much, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Glenmore.

MRS. MIROSH: Thank you, Mr. Speaker. Bill 201 standing before the House today addresses a very valid issue and is a Bill that concerns all of us. The issue is ethical conduct in the realm of Alberta politics and the public service. The fact that we as members of this House periodically review the rules under which we must conduct ourselves is healthy and pays tribute to the credibility of our political system. It demonstrates that we are self-reflective about our actions and the impact they may have on public service in this province. I know that I speak for all members here when I say that a high standard of moral conduct is essential to proper functioning of our democracy and that we as legislators must guard against actions that undermine such a high standard of conduct.

The issue we face today is, however, not whether we need checks on our conduct as members of the public service, since we already have a network of guidelines in place. Rather, we are here to debate what sorts of checks best promote ethical conduct without at the same time inflicting damage on the democratic process.

Bill 201 seeks to establish a written code of ethics through a series of specific conflict-of-interest guidelines. What we must ask ourselves is whether this approach is indeed the best one in light of the goals we wish to attain. This House guards against conflict of interest in the public service through several pieces of legislation which set forth an acceptable standard of conduct on the part of members and public servants. This legislation includes the Legislative Assembly Act, the Elections Finances and Contributions Disclosure Act, and section 33 of the Standing Orders of this House. Further, we are guided by the parameters set out by two ministerial statements of former Premier Peter Lougheed from 1973 and 1982, through the province's code of ethics for public servants and, of course, through the Criminal Code of Canada.

In addition, members remain answerable to the Assembly, since each member has a responsibility to censure a member who has forsaken his public duties, and of course public officials are forever in the eye of the public and the media. These laws and regulations and limitations come as a result of years of experience on the part of members in this House, mostly on this side, and strike a balance between two goals, both of which I believe we all subscribe to. First, the broadest spectrum of Albertans should be encouraged to serve in the public arena. Our goal must be to ensure that people in touch with the various sectors of our society -- businessmen, professionals, and so forth -- are represented in this Assembly so that we make parliamentary democracy a living reality rather than an ideal principle. Second, we must limit the potential for conflict of interest by laying out general principles of acceptable behaviour for both members of the Legislative Assembly and the public service, while at the same time allowing public officials to enjoy their individual rights.

Bill 201 threatens to undermine these goals in a variety of ways. We want to encourage a broad range of quality people from different walks of life into the public realm of service. We have many colleagues in this House, for example, who come from all professions and all occupations. I fear that the restrictions and multitude of rules proposed in Bill 201 would discourage some individuals from pursuing an interest in politics. While we rely on the expertise and knowledge of the private sector, Bill 201 would only serve to discourage this participation.

Sections 7 through 13 of the Bill, for example, dictate em-

ployment restrictions for public officials. For four years after they leave office, members of the Assembly, ministers, executive staff members, and heads of the Crown corporations would be prohibited from pursuing employment opportunities such as a directorship of or employment with a company that in any way deals with government. Given the fact that almost every business in the private sector today must have some association with government, these provisions are of great concern to me. Mr. Speaker, I fear that these restrictions go beyond the intent of guarding against conflict of interest and instead infringe upon individual freedoms. Furthermore, any businessman would think twice before running for office if it meant surrendering his abilities to some day return to that private sector.

As far as elected members of this Assembly are concerned, it seems to me that people should choose to run for office because they have a desire to represent their community, because they feel they have gained expertise within their community that enables them to bring fresh and useful ideas and represent this government, and because they feel they have empathy for the interests of the constituency. However, under Bill 201 members of the Assembly could grow distant from the very interests and concerns of the groups in society which they are supposed to represent. Members would not be able to take on any supplementary employment which, according to the Bill, would unduly interfere with responsibility as a member. Their participation in private life would be curtailed. The result would be a widening gulf between public and private life, between public officials and those which are intended to serve. Consequently, for those who choose to end their participation in the private sector, as dedicated by Bill 201, in order to pursue public life, their very ability to represent private Albertans would be diminished because they would be out of touch.

I'd like to use myself as an example. I am currently a registered nurse in the province of Alberta, and in order to retain my registration I must practise, and I must practise a certain length of time while I am serving the public. I believe, Mr. Speaker, that my constituents would not want me to stop nursing. If there was a disaster and I was called back to work, I believe my first call would be to the patients. I don't think I should be prohibited from doing that.

Beyond these general philosophical problems, a Bill such as 201 is in practise unworkable for several fundamental reasons. Primarily, specific conflict of interest legislation may end up working against itself. That is, legislation is designed to prohibit certain activities, so at the same time it legislates and legitimizes those activities that it excludes.

Mr. Speaker, we may end up with a situation where a certain action that would be considered unacceptable under our current broader provisions, and according to Bill 201 legal, rather than guaranteeing our morals, by enshrining them in legislation, this code of ethics would become something to work around. It would be very difficult to operate; there's no flexibility. There is, moreover, the problem of anticipating and including in the legislation all types of conflict that even arise in the future. Once we make the decision to specifically name unacceptable modes of behaviour, we must be willing to stand by that legislation and accept any actions we may consider unethical but that slip through the cracks of the legislative provisions, and of course the multitude of rules that 201 would force us to surrender, would mark the beginning of an ongoing debate over definitions. Business, for example, is defined as any "profession, trade, occupation or undertaking of any kind whatever."

What could this mean? The definition of conflict of interest itself is very open to interpretation as well, it being "a situation where an individual's private interests conflict with his public duty." That would certainly be my case. Because terms used in this proposed piece of legislation are vague, we would be left constantly unsure of ourselves despite the most honourable of intentions.

Beyond these specific problems, we must ultimately consider whether, practically speaking, writing down such a code on paper would better promote ethical behaviour. As yet the concept of a written code of ethics in Canadian jurisdictions is new, and its effectiveness remains unproven. It is my belief that ethics are not something we can instill through codes in the law books but rather are something we as a society pass on to one another and promote within our own community, as we have done in conducting our lives. Adding more laws with respect to conflict of interest will not encourage greater honour within the public service. This is something we can only promote through example, deed, and leadership. The written word cannot deter unethical actions when one is determined to so behave, just as words on paper cannot instill in one a sense of right and public honour, something I believe all my colleagues already have.

We must not forget that our democratic process is built upon the premise that the final word belongs to the people of Alberta. So rather than defining right or wrong for the people, as Bill 201 would have us do, we must leave the final judgment to the electorate, and this is why the Progressive Conservative government sits with 59 seats today. I believe we have already achieved the best of both worlds. Through our current legislation and guidelines, we have guarded against misuse of public office while at the same time not deterring good people from entering politics and the public service.

I will conclude my remarks in much the same way that I began. I believe I speak for most everyone here when I say that we are sincere in our pursuit of the highest code of ethical conduct. It is because this very sense of honour exists amongst us that we know there is no need for the Bill being debated in this House today. There will always be a bad apple that surfaces every so often, and we've seen it in members opposite, but such a problem would not be eradicated through passage of Bill 201. Those intent on unethical behaviour will not be deterred by any amount of legislation. So let us instead direct our attention toward the rest of us, who believe in what we are doing. Let us not detour, not deter or limit our participation in the democratic process through ambiguous and frustrating rules, and let us not replace our sense of public honour with a piece of legislation that may in the end undermine the highest code of ethics, which we in this House already share.

Thank you, Mr. Speaker.

MRS. B. LAING: Mr. Speaker, I beg the indulgence of the House as I rise to speak to Bill 201 and indicate that I will deliver my maiden speech at a later date.

Mr. Speaker, the members opposite have drawn attention to a number of very interesting points on the issue of ethics and good conduct in the public service. Each of us in this Assembly realizes that there is a legitimate need for some other form of guideline covering the conduct of those in the civil service. Common sense would dictate that this be the case. I agree with the hon. Member for Calgary-Glenmore that a high standard of ethics and conduct is essential in government and public service. Professionally I have been guided by a code of ethics, as I'm

sure have many of the hon. members of this Assembly.

As a new member of this Assembly, I have made a point of examining the documents governing the conduct of members in this Assembly, and it certainly was no surprise to find that the existing statutes are more than adequate for conduct. At the same time, Mr. Speaker, when I examined Bill 201, I fully expected to find that it would have, at best, a redundancy to existing statutes. In fact, Bill 201, as presented today, contains virtually nothing that comes even close to a reasonable or practical guide to existing statutes governing the conduct of members in public service. This leads me to conclude that the members opposite have been less than diligent in their attempt to address this very important matter. In fact, all that I could really find in this Bill was a feeble attempt by the opposition to instill upon Albertans an ill-defined version of what is and what isn't ethical behaviour in civil service.

Mr. Speaker, for the members opposite to say to the people of Alberta that they will decide for you what is and what isn't ethical conduct would be inappropriate. Albertans know what is right and what is wrong. They know that the current guidelines established by this government are reasonable and that they ensure the highest conduct of our civil servants. As I stated at the outset, I support the need for the highest standards of moral and ethical conduct in civil service. The public expects it and as elected members of this Assembly it is our duty to ensure that these standards are upheld.

It is one thing for the members opposite to try and score political points in this House at the expense of government. After all, that is part of their role. But more importantly, Mr. Speaker, the role of the members opposite is to act responsibly in their duties and obligations to their constituents. Part of that obligation is to present quality legislation for the consideration of this Assembly. Bill 201 most certainly does not come even close to meeting that obligation, and for that reason I personally cannot support it.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Speaker. I rise in support of this Bill. I think it's time that our province had clear and unambiguous rules as far as what is ethical conduct, not only for elected officials but also for appointed officials, people who work in the public service. I think that after eight years of trying, it's time that perhaps the government took up some of these initiatives and considered some proposals of their own. It's one thing to come in here year after year and quibble about some of the rules: well, this one is worded ambiguously; this one could be interpreted the wrong way; this one may not operate the way it's intended. Those problems can be worked out.

But after eight years I think one has to think that there's something fundamental in the difference of opinion over this matter. I think it's been referred to briefly, but I think fundamentally there are two different views of what this government process is all about. You find this when you go campaigning door to door too. Some people think it's a great big cookie jar. You know, people go in there, and they help themselves, and they look after their friends until they are voted out. Then somebody else comes along, and they help themselves and look after their friends. A lot of people believe that.

There is another view, and I think it's the one that most of

the members of this Assembly would espouse, which is that we have to do certain things on behalf of the public. We collect taxes. We make rules which apply to everyone. We provide services which are available in a nondiscriminatory fashion. In other words, Mr. Speaker, the role of government according to the second view is to treat like cases alike across the board. That's really the principle that's embodied in the legislation. If members want to talk about the specifics, it might be more appropriate to do it in committee, but all the rules in this particular Bill are designed to treat like cases alike and to make sure no one gets an unfair advantage because of their relationship with a person in government, either at the elected level or the level of the officials. I think it's a very important principle, because most of the people in society in fact depend on that, whether they believe in the cookie jar theory or the theory of treating like cases alike.

I think there are problems with the current system. I know both of the two previous speakers from the government referred to bits and pieces of statutes and regulations. The list includes the Legislative Assembly Act, the election finances Act, Standing Order 33, a ministerial statement made by a former Premier -- I think it's at least somewhat ambiguous what legal status a ministerial statement has -- the Criminal Code, and finally the great political system. Well, the great political system doesn't always provide guidance for people who are in doubt, and I think most serious decisions that one has to take in life have some aspects of doubt to them. Situations are not always what they seem to be at first blush. There are often areas of gray in making ethical choices, and sometimes our personal code of ethics doesn't provide all the guidance we need. I think that's why we need to have some rules, and if we're going to have rules, the rules should have the force of law.

I was intrigued, Mr. Speaker, by the argument that dishonest people are going to be dishonest anyway, whether you pass laws or not. If that's the case, why don't we repeal the whole statute book? Surely if those with a guilty mind are intent on going 180 kilometres an hour in a school zone, it's not enough simply to leave that to their conscience and to their karma in the long run. Surely we have laws to deter behaviour because we believe in our society that if you transgress in a certain way, you should be punished. To say that you can't deter an evil intent by passing laws surely casts doubt on whether any of us should be passing laws in this Legislative Assembly.

The argument about attracting quality people is an interesting one. It does seem that some people believe that if they can't indulge in certain practices which would be outlawed by this legislation, they're not going to become involved in the political system. I say, so be it. I mean, surely public life can stand the loss of those who aren't interested in ensuring that no one gets an unfair advantage through the institutions of government. I think it's fair to point out, and I believe the Leader of the Opposition did so, that these conflict-of-interest rules in this particular statute are drawn from the guidelines which have been in effect in the Privy Council office for the government of Canada, to my knowledge, for about 15 years. Now, it doesn't seem that the government of Canada has wanted for people to run for public office or to accept those very high paying jobs at the level that is referred to in this particular document. In fact, there is pretty stiff competition for all those positions.

It's a fundamental principle of public administration that you pay your public servants and your officials in such a way that they don't have to be beholden to parties outside the govern-

ment. That's the way to make sure that people aren't granted undue favours, that there isn't queue jumping, that there aren't favours being awarded to people who don't deserve them. I think that principle is a sound one. It's a principle that separates modern public administration from the spoil system and all the problems associated with that. I think that's the fundamental basis.

I want to give a specific example, Mr. Speaker, of how the current system creates ambiguities and, I think, puts people in a position which they wouldn't be in if they had clear and unambiguous rules. I want to refer to the case of Fred McDougall, who is at this moment the Deputy Minister of Forestry, Lands and Wildlife. Mr. McDougall in April of this year announced that he had accepted employment with Weyerhaeuser Canada, which is a forest company with assets and operations in the province of Alberta. The understanding was and is that Mr. McDougall would remain in his capacity as a deputy minister until the end of June. At that point he tried to make the case that he would not be involved in making any decisions. This is a period of approximately two and a half months that he would be acting as deputy minister of the department but would not be making any decisions.

I find it difficult, and I think most people would find it difficult, to imagine how you could show up and be, in effect, the leader of a department of government at the highest level in the public service and not make any decisions. It makes you wonder what one would collect their paycheque for if in fact the top-ranking official of the department did not make any decisions which presumably in one way or the other might influence the value of Weyerhaeuser's assets or any other company's assets in the province. That's leaving aside the whole question of what may have gone on in that office in the whole period of time leading up to the decision to make a decision with Weyerhaeuser. It in effect requires you to believe that this individual, who I understand to be a very capable and very dedicated public servant, would show up to work and leave half his brain at home, that he would somehow operate on only two of the eight cylinders as he goes on a day-to-day basis trying to filter out what he knows, what he used to know, what he might know, what he's responsible for in the future.

I think that's a very difficult ethical position to maintain over a period of two and a half months. But nonetheless, he's in it, and I think he's in it because there is simply nothing in any statute, regulation, standing order, ministerial statement, or any other such document which prohibits it. I don't say that Mr. McDougall has done anything wrong, because the law as it exists in the province gives him that option. He's done what he is entitled to do.

What then happens when Mr. McDougall goes to work for Weyerhaeuser Canada, which has assets in the province of Alberta? Is he supposed to forget about everything he learned, every conversation he had, every memo he wrote, every contact he made during his many years in the Alberta public service? Is he also to go on functioning on a few cylinders in that capacity as well? I think not. I think there must be a reason why a company like Weyerhaeuser would want to hire Mr. McDougall, and I think the reason is that he knows an awful lot of people, that he knows an awful lot about the functioning of the department, that he knows many things about the department, where the department is heading in the future. He knows perhaps things about some of the northern forestry projects that have been discussed in question period that this member of the Legislature would

dearly love to know but can't get any answers from the Treasury benches. So it seems to me that there is a further gray area facing Mr. McDougall when he leaves at the end of this month to take up his position with Weyerhaeuser, and I think it's unfair of us to leave senior public servants in a position where they have to fend for themselves in this area, where they have to defend themselves against suggestions which arise from the general looseness and the ambiguity.

The Bill states very clearly that there is a cooling-off period for those who are involved in a senior management position in the public service, that they should be careful not to disclose information, that for a period of four years they shouldn't accept a directorship in a company that has a special relationship to a department, act on their behalf in a special proceeding, or lobby on their behalf with the department. It basically says that no person should be able to purchase an unfair advantage by hiring somebody from the government who knows things that aren't available to other members in our society. I think it's a principle that is eminently reasonable and would help avoid the kind of ambiguous position Mr. McDougall finds himself in.

Finally, I'd like to comment briefly on the suggestion that this Bill will somehow isolate Members of the Legislative Assembly from the rest of society in a way that makes it impossible for them to represent the people and do their jobs as members. I certainly feel that the member who spoke would perhaps be well advised to take up a career in medicine again and to help reopen some of the hospital beds that have been closed by the government. I do think that, if you read section 3 carefully, it says there is a prohibition against performing a duty "which unduly interferes with his responsibilities as a member." Well, I admit that that's somewhat subjective, but the opening part of that clause says, "other than as authorized by or pursuant to any Act." It seems to me that it's a very simple matter to make it possible for the hon. Member for Calgary-Glenmore to spend some time in the nursing profession while being a Member of the Legislative Assembly. I think that's a very good idea, and I don't believe there's anything in this statute that would prevent that.

I do think, though, that as members of the Legislature, we are paid and we're elected to perform certain duties, and it is a bit much to continue to be paid in that capacity if you do things that clearly interfere with performing those duties. So I think that after eight years the government should begin to show its commitment to making fair and comprehensive rules of post-employment and of conduct in office. I think this Bill is an excellent beginning to that process, and I hope we won't have to be here next year watching the government talk this particular Bill out.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Cypress-Redcliff.

MR. HYLAND: Thank you, Mr. Speaker. I rise to participate in debate on Bill 201, the Code of Ethics and Conduct Act. I noticed, I thought, a lot of familiar sounding words when the Member for Edmonton-Norwood was speaking, and I looked back in *Hansard* from, I think, probably the first time he spoke on this Bill and when he spoke on it last year. I saw him holding his notes, and it looked like it may well have been a copy of *Hansard* from his previous speech that he was using. Unfortunately, I didn't speak on it last time, so I don't have the oppor-

tunity of using my previous notes.

I think that when you look back in *Hansard*, you note that the Bill has been brought forward eight years, as other members have said. You notice that the argument is very much the same in eight years. There's been nothing new added to it. I guess if you've got nothing new to add to it in eight years, that's one thing. I'm sure, though, that if they really put their minds to it, they could come up with some new ideas and maybe they could convince us. If it hasn't worked eight times and you're coming forward with the same argument, it's tough to convince somebody. [interjections] By the sounds, Mr. Speaker, it looks like there may well be others that want to get into it. I thought I gave them good opportunity before I stood up.

Mr. Speaker, other members have referred to other pieces of legislation we have that guide us in our conflict of interest, and others have referred to the Legislative Assembly Act. I well remember a time in this Legislature when some of that Act was indeed too tight. I remember a day when we had to vote on a private member's Bill on the Alberta Wheat Pool, and the proceedings of the House had to be held up for 42 of us, I think it was, to exit when that Bill was voted on. We thought for a while that we weren't going to have a quorum. Over half of the House were shareholders or members of the Alberta Wheat Pool. In that instance, it was too tight, so some things had to be done so reasonability could take over, and if it wasn't of direct interest to you, you could still vote on the motion.

Mr. Speaker, we well know that we all try to do the best we can. We try to represent our constituents the best we can, and we all try to live within the guidelines. I'm sure nobody in the Assembly on any side of the House intentionally tries to breach the guidelines that are there, nor would anybody intentionally try to breach the guidelines that are there. I think we give up many things when we go into public life, and that some of the rules that are put on us once we become Members of the Legislative Assembly -- I well remember that when I became a member, I had to change banks because you were not allowed to deal

with the Treasury Branch. I had to pay back a loan on cattle that everybody else was entitled to but me as a member of this Assembly. I remember that other members of the Assembly, when a payout was given, lost many thousands of dollars because they were not entitled to these payments as was everybody else.

AN HON. MEMBER: You get free parking downtown, though.

MR. HYLAND: That's only for you Edmonton MLAs. Isn't that a conflict?

MR. FOX: It's a shame.

AN HON. MEMBER: You tell 'em, Derek.

MR. FOX: It's a core problem.

MR. HYLAND: It's a core problem. The members are now adding to the core problem of the city with the extra free parking.

Mr. Speaker, in view of what is coming up tonight and in view of the hour, I beg leave to adjourn debate.

MR. DEPUTY SPEAKER: Having heard the motion by the hon. Member for Cypress-Redcliff, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: The motion is carried.

[The House recessed at 5:30 p.m.]