

LEGISLATIVE ASSEMBLY OF ALBERTA

Monday, October 22, 1973

[The House met at 2:30 o'clock.]

PRAYERS

[Mr. Speaker in the Chair]

PRESENTING REPORTS BY STANDING AND SELECT COMMITTEES

Select Committee on Foreign Investment

MR. KOZIAK:

Mr. Speaker, as Chairman of the Select Committee on Foreign Investment, I beg leave to make the following report.

The Select Committee on Foreign Investment is unable to complete its report at this time and recommends that the said committee, as constituted in the resolution of April 21, 1972, be authorized to continue its deliberations and report again at the 1974 spring session of this Assembly.

Select Committee on Regulations

MR. ZANDER:

Mr. Speaker, as Chairman of the Select Committee on Regulations, I beg leave to make the following report.

The Select Committee on Regulations, established by resolution of this Assembly on May 10, 1973, due to an overwhelming number and volume of submissions, is unable to complete its work at this time and recommends that the said Committee, as constituted in the resolution, be authorized to continue its deliberations and report again during the spring sitting of the third session of the Seventeenth Assembly.

INTRODUCTION OF BILLS

Bill No. 88

The Licensing of Trades and Businesses Amendment Act, 1973

MR. DOWLING:

Mr. Speaker, I beg leave to introduce a bill, being The Licensing of Trades and Businesses Amendment Act, 1973.

The purpose of this bill, Mr. Speaker, is to provide for the establishment of trust accounts for various contractors. It upgrades the amount of penalty in cases where contractors do not live up to the letter of the law. It upgrades them from \$1,000 to \$5,000 and from \$250 to \$1,000.

Mr. Speaker, this is another of our planned measures by which we hope to protect the consumer against fraudulent practice and other abuses.

[Leave being granted, Bill No. 88 was introduced and read a first time.]

Bill No. 90 The Senior Citizens Benefits Act

MR. CRAWFORD:

Mr. Speaker, I beg leave to introduce Bill No. 90, being The Senior Citizens Benefits Act.

The provisions, Mr. Speaker, are already well known to members of the Assembly. In the bill there will be definitions providing for those who may benefit under the legislation, the prime purpose of which is to pay a monthly sum by way of increased income to senior citizens who are already residents of Alberta and in receipt of the old age supplement as well as the guaranteed income supplement.

[Leave being granted, Bill No. 90 was introduced and read a first time.]

Bill No. 222 An Act to amend The Municipal Government Act

MR. HO LEM:

Mr. Speaker, I beg leave to introduce a bill, Bill No. 222, standing in my name on the Order Paper.

Mr. Speaker, this bill is An Act to amend The Municipal Government Act. The intent of this bill is to provide for the municipal councils the same measure of parliamentary immunity that is presently afforded to such bodies as the provincial and federal Houses.

[Leave being granted, Bill No. 222 was introduced and read a first time.]

INTRODUCTION OF VISITORS

DR. HOHOL:

Mr. Speaker, we have in the members gallery approximately 25 students from Grades 11 and 12 of O'Leary High School in my constituency of Edmonton Belmont. It says here that they are accompanied by Mrs. Jane Warren, but it looks like Mr. Gove to me. I hope they are both in the audience, then I will be right for sure, Mr. Speaker. I should like to ask them to rise and be acknowledged in this Assembly.

MR. CLARK:

Mr. Speaker, I'd like to introduce to you and through you to the members of the Assembly a group of 40 senior citizens from Olds. They are members of the Olds Evergreen Club. They are in the public gallery, Mr. Speaker, and I'm very sure they are here. I'd like to ask the members of the Olds Evergreen senior citizens group to rise in their place and members of the Assembly to welcome them in the usual manner.

ORAL QUESTION PERIOD

Tri-Level Conference

MR. CLARK:

Mr. Speaker, I'd like to direct a question to the hon. Premier. In light of the announcement made by the Government of Canada Friday afternoon that federal members of the opposition would be able to attend the tri-level conference being held in Edmonton starting this morning and going on till tomorrow, my question is: would it be possible for members of the opposition to attend that conference?

MR. LOUGHEED:

Mr. Speaker, the answer to that would be clearly yes, and whatever technical arrangements need to be made could perhaps be made in the course of this afternoon between the Leader of the Opposition and the hon. Minister of Federal and Intergovernmental Affairs.

MR. CLARK:

Might I say then, Mr. Speaker, that the hon. Member for Calgary McCall, Mr. Ho Lem, will leave as soon as the arrangements can be worked out.

A second question, Mr. Speaker, to the Minister of ...

MR. HO LEM:

To the Minister of Federal and Intergovernmental Affairs, have you received an agenda for the conference yet?

MR. GETTY:

Yes, Mr. Speaker, there is an agenda and there is a full statement of administrative arrangements, et cetera, that we will make available to the hon. member. If he is desirous of leaving immediately, I shall send a note out now to start that clearance work immediately.

MR. HO LEM:

Thank you very much.

MR. HENDERSON:

Mr. Speaker, in view of that precedent, I wonder if the Premier would consider taking the hon. Member for Wetaskiwin-Leduc to the forthcoming federal meetings on energy in Ottawa, I think some time in ...

[Laughter]

AN HON. MEMBER:

Did he agree?

MR. HENDERSON:

I gather. Silence is consent, you know.

MR. GETTY:

Mr. Speaker, for the information of the members. They should know that the meeting being held today is a completely open meeting.

#### Food Prices

MR. CLARK:

A question, Mr. Speaker, to the Minister of Consumer Affairs. In light of the alarming Statistics Canada report over the weekend that food prices in Edmonton and Calgary last month rose by 2.9 per cent, really 3 times the average of 12 major cities in Canada, I'd like to ask the minister if he is prepared to announce what specific measures his department is going to introduce to deal with this particular situation in Calgary and Edmonton.

MR. DOWLING:

Yes, Mr. Speaker. If the hon. Leader of the Opposition had paid attention to the House he would have found that we have taken some steps over the last number of months. However, by way of explanation you will find, if the arithmetic of the press is not what it should be, that the food price increase for Edmonton, Alberta and Calgary, Alberta as opposed to the rest of the country is less than twice as much as the other 12 cities.

However, you'd have to know how these figures are worked out, Mr. Speaker. In Quebec, for example, they use a 1969 index. In Alberta it's 1961, which throws the whole business of averages out the window. You will notice that in Quebec City and in Montreal their price increase was less than in any other part of the country. This is not a true picture of what is really going on.

The other thing you should know, Mr. Speaker, is that of all the cities in Canada last month, as compared to this month, the decrease in that increase was greater in Edmonton and Calgary than anywhere else in Canada.

There are a number of other things I could go into, Mr. Speaker, like the fact that the milk increase came into effect at that time, et cetera.

MR. SPEAKER:

The question as a matter of fact was overly well furnished with a preamble, therefore, in fairness certain latitude would have to be allowed to the minister.

MR. CLARK:

Mr. Speaker, a supplementary question without the lengthy preamble then. Did the monitoring system in the Department of Consumer Affairs indicate to the minister that, in fact, there would be this type of an increase in the cities of Calgary and Edmonton?

MR. DOWLING:

Yes, Mr. Speaker, I think that was fairly indicative in view of the fact that the increase the PUB allowed for milk was granted during the month of September and also the fact that according to some statistics, we may have peaked on the prices of beef and pork and other commodities of that nature.

There could be - and I'm not saying there will be - there could be a reflection of the reduction in milk prices and beef prices in the statistics for October which we will receive next month.

MR. CLARK:

Mr. Speaker, one last supplementary question to the minister. Is the government going to bring forward no programs, specifically, to deal with the 2.9 per cent increase in food prices in Edmonton and Calgary?

MR. SPEAKER:

The hon. member is actually rephrasing the previous question.

The hon. Member for Spirit River-Fairview followed by the hon. Member for Calgary Mountain View.

#### Harvesting - Crop Insurance

MR. NOTLEY:

Mr. Speaker, I'd like to direct this question to the hon. Deputy Premier and Minister of Agriculture. In the light of concern over harvesting conditions in the Peace River country, could the minister advise the Assembly what contingency plans have been made?

DR. HORNER:

Mr. Speaker, it's not only the Peace River country that we're concerned about at the moment. I have to advise the House that the entire area north from the City of Edmonton has serious problems with regard to harvesting.

Contingency plans are available for the provision of feed and seed throughout northern Alberta. We're still hopeful, Mr. Speaker, that Indian summer will come again to Alberta and will substantially improve the situation.

We're aware, of course, that in some areas there has been so much rainfall that, in fact, we'll need a hard frost so that the equipment can get into the field.

I might just add, Mr. Speaker, that it's extremely spotty even in the Peace River area where some of those areas are substantially completed. The Valleyview area is substantially completed, but there are areas particularly immediately north of Edmonton and in areas of the Peace in which there are serious problems in harvesting this fall.

MR. NOTLEY:

A supplementary question to the hon. minister. Can the minister advise the Assembly what percentage of the farmers in the areas affected are covered by crop insurance?

DR. HORNER:

Mr. Speaker, I haven't got the exact answer but will have. But as my hon. friend, I'm sure, is aware this year we had a turnaround in coverage by crop insurance and substantially more people were covered.

I have asked the crop insurance commission to continue to monitor the situation so that if there is something we can do through crop insurance, we can do it effectively.

In addition, this is the last year the federal government has prairie farmer assistance that might be available in certain areas.

MR. NOTLEY:

A further supplementary question if I may. In the contingency plans, has the government given any consideration to emergency crop payment similar to last year, and further, has it consulted with the federal government on the possibility of crop or cost sharing?

DR. HORNER:

Well, Mr. Speaker, I think that is one of the things you must always consider in any contingency plan. Until the present, we haven't gone into any direct negotiations with the federal government with regard to the situation, so we are keeping them aware of the situation in northern Alberta.

MR. NOTLEY:

One final supplementary question, Mr. Speaker. Can the minister advise whether any discussions have been held with federal agencies, i.e. the Canadian Wheat Board and the federal Farm Credit, with respect to pending legal suits against farmers in the affected areas?

DR. HORNER:

Mr. Speaker, we are in the process now of contacting all of the lending agencies in the province to ask them to advise us ahead of time of impending foreclosures in Alberta so that we can sit down with the farmers involved prior to foreclosure notices being served upon them. I think we will be able to do a more effective job in that area.

The entire question of whether or not the crop comes off is certainly of extreme importance to the farmer's commitments under Farm Credit and other lending institutions.

I might add though Mr. Speaker, that in my view the things we have done in the last two years to expand the livestock industry in northern Alberta ...

MR. SPEAKER:

The hon. minister is now going into a general statement of agricultural policy.

MR. TAYLOR:

Supplementary ...

MR. SPEAKER:

I believe the hon. Minister of Lands and Forests has a supplementary answer.

DR. WARRACK:

Mr. Speaker, I wanted to bring to the attention of the House the important decision made by this government last week relative to crop ...

MR. SPEAKER:

Order, please. Possibly the hon. minister could make that announcement under Orders of the Day.

MR. TAYLOR:

A supplementary, Mr. Speaker, to the hon. Minister of Agriculture. Would the hon. minister consider making that very excellent policy just outlined on foreclosures available to the rest of the province as well?

DR. HORNER:

Mr. Speaker, if I might clarify, the suggestion I made is to go to all lending institutions throughout the province, not just one particular area.

MR. RUSTE:

Supplementary, Mr. Speaker ...

MR. SPEAKER:

Perhaps we could come back to this topic. We have had a considerable number of supplementaries.

The hon. Member for Calgary Mountain View followed by the hon. Member for Camrose.

Ottawa Office

MR. LUDWIG:

Mr. Speaker, my question is to the hon. Minister of Intergovernmental Affairs. Are any steps being taken to upgrade the performance in the office in Ottawa, particularly with regard to liaison and communication between Alberta and Ottawa?

MR. GETTY:

Mr. Speaker, I think the hon. member would have to be more specific as to the use of the term "upgrade". He is probably familiar with the fact that we have appointed a representative of the Alberta government permanently in the Ottawa office. In our estimation, since he has filled that position, he has been doing an exceptionally fine job representing the people of Alberta.

MR. LUDWIG:

Yes, Mr. Speaker, I posed that question in light of the fact that the hon. minister and some other minister complained about the lack of ...

MR. SPEAKER:

Order, please. Order, please. If the hon. member wishes to ask a supplementary would he come to it directly.

MR. LUDWIG:

Yes, Mr. Speaker. I did want to indicate the purpose of my question to the hon. minister. Apparently he misunderstood. Is the minister satisfied with the level of communication between the provincial government and the federal government?

MR. SPEAKER:

Order, please. The hon. member will know that an outright request for a ministerial opinion of this kind is clearly ruled out in Beauchesne.

MR. LUDWIG:

Mr. Speaker, may I then direct that same question to the hon. Premier? I believe that Beauchesne permits a question like that to the hon. Premier?

MR. SPEAKER:

The Chair must respectfully disagree with the hon. Member for Calgary Mountain View.

The hon. Member for Camrose followed by the hon. Member for Highwood.

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Hog Industry

MR. STROMBERG:

Mr. Speaker, due to inquiries within the hog industry, I was wondering if the Minister of Agriculture has any indication of the percentage of the bred sow kill in Alberta.

DR. HORNER:

Mr. Speaker, one of the concerns we have had in the past several weeks has been the increasing percentage of bred sows coming to market. This has long-term implications for the hog industry in Alberta, and indeed for the availability of pork to the consumers of Alberta.

We would hope that finalization of the negotiations we have initiated with Mr. Lang will give us some stabilization in the feed-grains industry. Within a matter of two or three weeks, after consultation with the Hog Producers Marketing Board, we expect to come forward with specific policy with regard to pork production in Alberta which will include such things as credit facilities and physical facilities for the industry.

MR. BUCKWELL:

One supplementary, Mr. Speaker. Is the government considering providing subsidies for hog producers if the price drops below the average of \$57 per hundredweight, as announced by the minister in Saskatchewan?

DR. HORNER:

Mr. Speaker, the announcement in Saskatchewan is only a partial answer and in my view is not really the solution to a continuing and prospering hog industry in Alberta.

MR. SPEAKER:

With great respect, the hon. minister is expressing an opinion concerning a matter which wasn't asked in the question.

The hon. Member for Highwood followed by the hon. Member for Calgary McCall.

MR. BENOIT:

I'm sorry, Mr. Speaker. The Minister of Highways just stepped out and my question was to be addressed to him.

MR. SPEAKER:

The hon. Member for Calgary McCall followed by the hon. Member for Lethbridge East.

Illegal Immigrants -- Deadline

MR. HO LEM:

Mr. Speaker, my question today is directed to the Minister of Culture, Youth and Recreation. In view of the recommendations by the various Canadian and Albertan ethnic minorities that the federal government deadline for the registration of illegal immigrants be extended, has the minister or the government requested the federal government to extend its deadline?

MR. SCHMID:

Mr. Speaker, the Cultural Heritage Council met over the weekend and has not requested the provincial government to interfere with the federal government in this matter.

MR. HO LEM:

A supplementary, Mr. Speaker, to the Minister of Federal and Intergovernmental Affairs. Has the minister received any indication from the federal government that this deadline will be extended?

MR. GETTY:

Mr. Speaker, I'm afraid I was reading another item which was just drawn to my attention. Would the hon. member amplify his first question?

MR. HO LEM:

Mr. Speaker, to the minister, it is regarding the extension, by the immigration department, to illegal immigrants of the deadline to register. I'm wondering, in that the deadline has now passed, whether the federal government has indicated that it would be extended?

MR. GETTY:

Mr. Speaker, to the best of my knowledge there has been no indication of an extension nor, at this point, has there been any request directed to me or the department for an extension.

MR. HO LEM:

One last supplementary, Mr. Speaker. I would like to direct this question to the Premier. Has the problem of illegal immigrants in the Province of Alberta reached an alarming point?

MR. LOUGHEED:

Mr. Speaker, I'm afraid I can't adequately respond to that question. We essentially consider that to be a federal jurisdiction and a matter of their responsibility. We are pretty strong about assuring that they don't interfere with our jurisdictional responsibilities and I think we have to be equally aware of theirs. Certainly in this field it is, in my view, a clear case of federal jurisdiction.

MR. HO LEM:

One last supplementary, Mr. Speaker. Will the hon. Premier assure that all citizens of Alberta will receive their just representation as to their rights in this regard?

MR. LOUGHEED:

Mr. Speaker, insofar as it falls within the provincial jurisdiction, under the constitution of administration of justice, we will do so.

MR. SPEAKER:

The hon. Member for Lethbridge East followed by the hon. Member for Edmonton Strathcona.

U.S. - Federal Meat Inspector

MR. ANDERSON:

Mr. Speaker, my question is directed to the Minister of Agriculture. Has the Department of Agriculture made any representation to the federal government to establish a U.S. federal meat inspector in Calgary and Edmonton to eliminate the process of re-inspections in the United States?

DR. HORNER:

The short answer, Mr. Speaker, is yes, on many occasions. As a matter of fact two years ago we initiated discussions both with the federal government and indirectly with the American Consul in Calgary in an attempt to get a U.S.A. D.A. inspector station in either Calgary, Edmonton or Lethbridge.

To date, Mr. Speaker, the response of the United States government is that they hesitate to establish such an inspector outside the confines of the United States. We are continuing to negotiate through the federal government and the office of the Veterinary Director-General in an attempt to get some compromise with the Americans, or at least some exchange with them so they would at least accept our inspection of meats going into the United States and have us accept American inspection of meats going the other way, because there is a substantial two-way flow of products.



MR. SPEAKER:

The hon. Member for Edmonton Strathcona followed by the hon. Member for Little Bow.

Ten Days for World Development

MR. KOZIAK:

Mr. Speaker, a question for the hon. Minister of Culture, Youth and Recreation. I understand the minister met this morning with church leaders involved in the program Ten Days for World Development, which would see the provincial government matching dollar for dollar private contributions in the area of world charity. I wonder if the minister could report on that meeting?

MR. SCHMID:

Mr. Speaker, we had an excellent meeting this morning with the representatives for Ten Days for World Development. It was agreed, for instance, that "World" not only meant underdeveloped countries but also the underprivileged and handicapped, the mentally retarded and, let's say, also the poor people of Canada especially, of course, of Alberta. The items which were brought forward for discussion will be submitted to the Executive Council, most likely next Tuesday, and then made public when a decision is made.

MR. SPEAKER:

The hon. Member for Little Bow followed by the hon. Member for Clover Bar.

Pheasant Season

MR. R. SPEAKER:

Mr. Speaker, my question is to the Minister of Lands and Forests. Has the minister given further consideration to an early closing of the 1973 pheasant hunting season?

DR. WARRACK:

Mr. Speaker, I have asked for a report on that possibility and this matter is under consideration within the Fish and Wildlife division of the Department of Lands and Forests.

MR. R. SPEAKER:

Mr. Speaker, a supplementary to the minister. When could we expect a definite answer on this matter?

DR. WARRACK:

I will be happy to let the member know, Mr. Speaker.

MR. TAYLOR:

A supplementary, Mr. Speaker. Is the hon. minister able to advise the House of reports from biologists that indicate a severe shortage of pheasants in the Rockyford-Brooks area this year - or do you have such reports?

DR. WARRACK:

Mr. Speaker, I think last week, in response to the question from the Member for Calgary Foothills, I indicated that we do have these weekly hunting reports and that in fact the pheasant population and hunting situation was of concern uniformly across southern Alberta. That would include the area the hon. member refers to.

Senate Reform

DR. BUCK:

Mr. Speaker, I would like to ask a question of the hon. Premier. In view of the needs of Alberta to have its concerns strongly expressed in Ottawa, would the hon. Premier consider asking the federal government to have senate reform so that senators could be appointed by the provincial governments?

MR. LOUGHEED:

Mr. Speaker, I believe the matter of the question of senate reform would rise out of discussion if constitutional discussions were reinstituted, which is a follow-up to my answer given to the hon. Member for Cypress on Friday. Certainly we, for our part, have felt that there would be considerable merit in considering, in terms of constitutional review, the question of the Canadian senate having a place where appointments would be made upon the recommendation of the provincial governments. That is something that we would pursue during the course of those constitutional discussions, if they are reactivated.

DR. BUCK:

A supplementary, Mr. Speaker. Does the hon. Premier have any consultation now with Alberta senators relating to Canadian-Albertan affairs?

MR. LOUGHEED:

Mr. Speaker, yes. From time to time we have had consultation with the Alberta senators on issues that have occurred. We had some excellent discussions with a number of the senators involved, in particular on the issue of transportation as we approached the Western Economic Opportunities Conference, and we found that most useful and helpful from our point of view. Some of the material sent to my office by senators on that issue of transportation had some considerable bearing on the way we prepared for the meeting on the Western Economic Opportunities Conference.

DR. BUCK:

A final supplementary. Has the hon. Premier had any consultation with the senators in relation to the present oil crisis?

MR. LOUGHEED:

Mr. Speaker, the answer to that is, yes we have, and we will continue to. We think that both in terms of members of parliament and senators from Alberta it's in the public interest that we keep our channels of communication open. They are in the midst of the discussions and the debate in Ottawa in both the Senate and the House of Commons, and for that reason we try as much as we can to exchange views and be aware of the various views that are involved in terms of these important matters.

DR. BUCK:

A final supplementary, Mr. Speaker ...

MR. SPEAKER:

The hon. member is now asking his post-final supplementary.

DR. BUCK:

A final, final short supplementary? In light of the fact that there is a senate vacancy open, Mr. Premier, would you on a man-to-man basis ...

MR. SPEAKER:

Would the hon. member please address the Chair?

DR. BUCK:

Mr. Speaker, would the hon. Premier make the suggestion to fill that vacancy?

[Interjections]

AN HON. MEMBER:

I'm available.

DR. BUCK:

Mr. Speaker, does the Premier have an answer?

MR. LOUGHEED:

Mr. Speaker ... [Inaudible] ... and it may be they might pay some attention to our views and we'll take it under advisement.

MR. SPEAKER:

The hon. Member for Wetaskiwin-Leduc followed by the hon. Member for Sedgewick-Coronation.

Crude Oil Supply

MR. HENDERSON:

Mr. Speaker, I'd like to address a question to the hon. Minister of Mines and Minerals. In view of the federal government's apparent policy of discouraging development of the Alberta tar sands, I wonder if the minister could inform the House whether the provincial government is considering establishing an Alberta first policy so far as utilization of conventional crude oil reserves in the province is concerned.

MR. DICKIE:

Mr. Speaker, the question raised by the hon. member deals with a very important point. It deals with the question of control of crude oil in the Province of Alberta. This first came to our attention when we were dealing with it extensively after the controls put on crude oil last January.

Hon. members will appreciate that natural gas is controlled through legislation of The Gas Resources Preservation Act. The government is considering, as one method, an oil resources preservation act. This is one method that is presently being looked at in light of the recent events. I think other areas also will be considered and we should be in a position to advise the hon. members of a definite decision during the sitting in December on energy matters.

MR. NOTLEY:

A supplementary, Mr. Speaker, to the hon. minister. Can the minister advise us whether or not he has been able to carry on discussions with Syncrude or GCOS about ensuring that a supply of that crude oil is used for Canadian refineries - in particular, the Imperial refinery in Calgary that is being closed down?

MR. DICKIE:

Mr. Speaker, we have had discussions with both representatives of GCOS and Syncrude dealing with the gravity and the use to be made of the synthetic crude oil, and how much of that would be used in Canada.

I'm pleased to state, particularly in respect to the synthetic crude oil by Syncrude, I recall their gravity is approximately 32 and I think that gravity was designed so that it would meet most refineries in Canada.

MR. NOTLEY:

Mr. Speaker, a supplementary question. In view of the fact that that gravity of crude meets the specifications of the Imperial Oil Refinery in Calgary, has any discussion taken place with either Syncrude or GCOS to ensure that a portion of that crude is, in fact, detailed for the Calgary refinery?

MR. DICKIE:

Mr. Speaker, I can't say that our discussions have dealt specifically as to what refineries they would propose to sell their crude. Perhaps at our next discussions, when we have further details on it, we could go into that aspect.

MR. HENDERSON:

I wonder, Mr. Speaker, if I might ask a supplementary, further to my initial question. Did I understand the minister correctly that the government is considering, when the House reconvenes in December, to bring in an oil preservation act similar to the gas one?

MR. DICKIE:

Mr. Speaker, so there is no doubt, I could clarify that the government is presently considering an oil resources preservation act - as one method. In light of the recent events there may be other methods and they would also be considered and be brought back in the December session.

MR. HENDERSON:

One last supplementary, Mr. Speaker. In the likelihood or the possibility the government proceeds in that direction, or in spite of that likelihood - to eliminate the hypothetical aspect of the question - is the government also considering similar legislation for a coal resources preservation act?

MR. DICKIE:

No, Mr. Speaker, we haven't considered a coal resources preservation act at this time. There hasn't been the situation developing in coal that there has in oil with the federal government, although I wouldn't rule out that possibility as something that might be considered somewhere in future years.

MR. SPEAKER:

The hon. Member for Sedgewick-Coronation followed by the hon. Member for Calgary Bow.

Tourism - Foreign Diseases

MR. SORENSON:

Mr. Speaker, my question is to either the Minister of Tourism or the Health and Social Development Minister. In this age of exchange programs and booming tourism, what precautions are being taken to combat imported or foreign diseases into our province?

MR. CRAWFORD:

Mr. Speaker, I'll exercise the option if I might of saying that I think the issue maybe does relate more to health than to tourism. I am not aware of any specific precautions. I think the hon. members, all having been tourists on occasion, are familiar with the fact that in travelling very far afield certain medical precautions are taken. They are taken in respect to immigration. They are taken, with a lessening degree of fussiness, on the part of governments internationally. As between Canada and the US where the largest number of tourists pass through, of course, there are no precautions.

MR. SPEAKER:

The hon. Member for Calgary Bow followed by the hon. Member for Calgary Millican.

Land Taxes

MR. WILSON:

Mr. Speaker, I'd like to direct a question to the hon. the Premier. What action, if any, has the government taken on the request of the Alberta Chamber of Commerce that the government give serious consideration to site value taxation, excluding the worth of any buildings or structures on the property?

MR. LOUGHEED:

Mr. Speaker, the Minister of Municipal Affairs is not here at the present time. He is attending a tri-level conference. Subject to checking, my understanding is that this particular matter would fit within the terms of reference that are going to be referred to in the provincial-municipal finance council.

MR. SPEAKER:

The hon. Member for Calgary Millican followed by the hon. Member for Drumheller.

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Energy Meeting

MR. DIXON:

Mr. Speaker, I'd like to direct my question today to the hon. Premier. It has to do with the proposed meeting of the hon. Minister of Mines and Minerals and the hon. Minister of Federal and Intergovernmental Affairs with Mr. Macdonald, the energy minister, in Ottawa on October 29. My question is, what new proposals are going to be brought forward at that meeting to firm up our position as far as Alberta resources are concerned?

MR. LOUGHEED:

Mr. Speaker, it could be a very important and significant meeting. The Alberta group will involve the Minister of Federal and Intergovernmental Affairs, the Minister of Mines and Minerals, the Attorney General and the Provincial Treasurer.

As far as we are concerned, I think we have been pretty clear about our basic principles and we intend not to deviate from them. However, there are two important areas of discussion.

One will be the question of seeing whether or not agreement can be reached between the Government of Alberta and the Government of Canada. When we take the position that we should not be obliged to sell our oil and gas below world commodity prices on a free international market, are we talking about the same thing, and can we reach agreement in the same way [as] the federal government referred to [in] that terminology. That will be important, and in the Canadian public interest if we are able to reach agreement on that point.

The second question is the possibility of reaching an understanding on a natural gas index so that natural gas prices will escalate and increase in relationship to competitive fuels in such a way that there will be, within a reasonable period of time, a situation where Alberta natural gas is being sold outside this province at fair value.

Those, I think are two of the key aspects of the meeting. There may be others, but it would be premature for me to attempt to cover the whole agenda of such an important meeting.

MR. HENDERSON:

A supplementary, Mr. Speaker. I wonder, if in view of the fact the Libyan government has now put its crude oil prices up to close to \$9 a barrel and Venezuela has increased its 70 per cent, is the provincial government considering a freeze on exports of oil out of the province? Alberta oil is now being sold at substantially below fair market value in light of the federal government's price freeze?

MR. LOUGHEED:

Mr. Speaker, there is no question that is true in the short term. It would be our view that, as a province, with our undertaking to meet our obligations and to establish and confirm our market positions, it would be unwise for us, on a short term basis, to take an action such as mentioned by the hon. Member for Wetaskiwin-Leduc.

But that's a short-term assessment, and we will have to watch matters as they develop. We will have to assess whether any increases in price are allowed east of the Ottawa Valley by the federal government pursuant to their statement. Again, what is the implication in terms of Alberta crude west of the Ottawa Valley, and also what will occur on the January 30, 1974 date when the freeze will expire?

These matters will be discussed at the meeting a week today. It would not be our intention at the moment to undertake any action, even though we recognize that on a short-term basis we are, and have been, placed in this position of selling a substantial amount of Alberta crude below value. We are prepared to accept that, provided it is a short-term period. If we, at any time, either a week from today or in the course of the next few months or up until January 30, have any indication that this situation is going to be with us for some considerable period of time, then we will have to very carefully reassess our position.

MR. CLARK:

Supplementary question to the Premier with regard to the meetings being held a week today in Ottawa. Is it the government's intention at that time also to enter into discussions with the federal government with regard to the Syncrude agreement, and in fact, go to bat for Alberta on that matter?

MR. LOUGHEED:

Mr. Speaker, yes it is. We have, as the hon. Leader of the Opposition is aware, tabled the letter to the Prime Minister in the House together with our assessment of the benefits to the province. During the course of the meeting a week from today, which we understand will be with both Mr. Macdonald and Mr. Turner, these matters will be discussed. On the Syncrude agreement, both in terms of the condition B and condition C, we really think on both those items the ball is in the other court, so to speak, as far as the federal government is concerned. We will be pressing for a favourable response to the necessary support that's required by the federal government so the project will proceed.

MR. CLARK:

You might have kicked the ball over there.

MR. DIXON:

Supplementary question to the Premier, Mr. Speaker. Hon. Premier, owing to the wildly fluctuating prices of crude oil, has the federal government given any indication that they are going to adjust or drop the present tax on export of crude from Alberta?

MR. LOUGHEED:

Mr. Speaker, on the contrary. They've been pretty definitive, as far as I can see. They are going to at least maintain the principle of that tax. Certainly, the matter will be discussed a week from today, but there is no indication to support that assumption.

MR. SPEAKER:

The hon. Member for Drumheller followed by the hon. Member for Cypress.

#### Freight Rates

MR. TAYLOR:

Thank you, Mr. Speaker. My question is to the Deputy Premier, the hon. Minister of Agriculture. Is the Canadian Wheat Board paying the difference in rates of hauling grain from the north from the rate that the ARR would be charging as compared to what the NAR charges?

DR. HORNER:

Yes, Mr. Speaker, that arrangement continues in effect.

MR. TAYLOR:

Is the hon. minister aware of the total cost of this program for 1972 crops?

DR. HORNER:

No, Mr. Speaker. That would be reflected, as a matter of fact, in the total Wheat Board operations and would be difficult to separate. We're hopeful that once the ARR resumes operations it will balance itself out.

MR. TAYLOR:

One further supplementary. Has the hon. minister been notified of any grave dissatisfaction on the part of a large number of farmers in the north in the way the NAR are handling the grain this year?

DR. HORNER:

Well, Mr. Speaker, as mentioned in the House a couple of days ago, there has been some great concern, particularly on the Great Slave Lake Railway. We have had communication with the Canadian Wheat Board, and in response to that representation the Canadian Wheat Board has assured me of additional pressure on

the railways to provide a substantial increase in the number of boxcars, both on the NAR points and on the GSIR points.

MR. SPEAKER:

The hon. Member for Cypress followed by the hon. Member for Spirit River-Fairview.

Washington Office

MR. STROM:

Mr. Speaker, thank you. I'd like to address my question to the hon. Minister of Federal and Intergovernmental Affairs. Has the Washington listening post been filled?

MR. GETTY:

No, Mr. Speaker. That position has not been filled. The government has been considering a variety of ways to obtain the information which is so essential to energy decisions from the U.S. context and it may be that we will be able to do that by a person travelling to and from Washington on a regular basis. But also that individual would have to be able to obtain information throughout the world, not just in Washington. So we are considering the best way to do that, and we have not, at this time, placed a person in the capital of the United States.

MR. STROM:

Mr. Speaker, a supplementary question. Have there been any other offices established in any other countries, other than those that have been in operation for the last couple of years?

MR. GETTY:

New offices? No, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview.

Proposed National Oil Corporation

MR. NOTLEY:

Mr. Speaker, I'd like to direct this either to the hon. Premier or to the Minister of Federal and Intergovernmental Affairs. Have there been any discussions with Mr. Macdonald or with any other member of the federal cabinet concerning a national oil corporation?

MR. LOUGHEED:

Mr. Speaker, I don't really think that in our discussions with Mr. Macdonald to date a matter of a national oil company was specifically discussed. I recall a reference to it that was made in the energy analysis tabled in June, but as far as discussions with the Alberta Government is concerned, I think the answer would be no.

MR. NOTLEY:

Supplementary question. Has the Government of Alberta given any consideration to what role the Alberta Energy Company might play in conjunction with a national oil corporation?

MR. LOUGHEED:

Mr. Speaker, I think it would be difficult to answer that question because I don't really have a feel for the way in which a national oil company would operate.

I think we've been fairly clear where our objectives lie with regard to the Alberta Energy Company. We have established the company on the basis of partnership with the private sector, which we think is a very appropriate way for us to do it in this province. We established it on the basis that we would not be in competition with the exploration phase of the industry in this

province that has done, in my view, such a tremendous job in seeking out in terms of initiative and taking the risk to discover the assets we have.

I really don't think I could respond further to the hon. member's question until such time as the federal government is, more definitive - if it decides on a national oil company, what it in fact would do.

MR. NOTLEY:

One final supplementary question for clarification. I take it then from the Premier's remark that there has been no opposition expressed by the Government of Alberta to this concept?

MR. LOUGHEED:

Mr. Speaker, having regard to the circumstances of the past few months, I would suggest that it's important for us to take our opposition to federal government policies which we think are unwise in those areas that are most definitely and adversely affecting the Province of Alberta. We've given a higher priority to certain other areas of energy policy which we do not think have been in the Canadian public interest.

#### ORDERS OF THE DAY

#### GOVERNMENT BILLS AND ORDERS (Second Reading)

#### Bill No. 70 The Workers' Compensation Act

DR. HOHOL:

Mr. Speaker, I move, seconded by the hon. Minister of Public Works, second reading of Bill No. 70, The Workers' Compensation Act.

Mr. Speaker, in opening debate on The Workers' Compensation Act by way of second reading, I wish to recall the membership of the special Select Committee of the Legislature and to extend to them the government's and, through you, sir, the Legislature's appreciation and thanks for the many, many hours of selfless work on so important a matter.

Mr. Anderson, Mr. Drain, Mr. Cooper, Dr. Paproski, Mr. King, Mr. Diachuk, Mr. Harle and Mr. Werry each brought to the deliberations his own occupational background and also his own unique convictions, his own beliefs, his own value system and his own ideals to the job.

It was with this background that this dedicated group of legislators developed the recommendations of the committee on which the bill was formed. That there were strong disagreements from time to time attests only to the calibre of the committee members. But there was one overwhelming agreement throughout, and that was that without fear or favour we must make the strongest possible effort to bring to the Legislature the best report of which we were able.

The tragic loss, Mr. Speaker, of an experienced committee member, a legislator whose concern and compassion for his fellowman generally, but for the less fortunate in particular, was a constant reminder to do no less than we could, to not compromise important principles and concepts of compensation, and to provide Albertans with a report on which the government could formulate legislation which would, at the same time, be as businesslike and yet as compassionate as the late hon. minister, Mr. Len Werry.

To chair this outstanding committee, dealing with such very human considerations, was for me one of my most challenging and rewarding responsibilities in government.

Industry and the worker and Albertans generally, have been well served by the legislators who sat on this committee and by the legislation which will emerge from the report that it put together. The committee was strong in its unanimous view that reviews of The Workmen's Compensation Act, which have to be undertaken from time to time, should be made by a special select committee of the Legislature in contrast to, for example, commissions or tribunals.



The legislation and regulation of The Workers' Compensation Act touches so closely the people whom it affects, that surely this should be the very specific task and a happy and challenging one for legislators.

The major subjects of the legislation before you, sir, include those having to do with the development of occupational accident programs; accident prevention, income maintenance and rehabilitation.

Another topic of considerable importance is benefits, their nature and level. Reform of occupational accident programs and benefits can be real only if management and administration are viewed to be a vital part of how those programs and benefits are developed and therefore equally in terms of changes and reform.

I would now, Mr. Speaker, turn to the spirit, intent and content of the bill itself intending in so doing to be comprehensive enough to provide the basis for the fullest possible debate on this important legislation.

Mr. Speaker, changing the name of the legislation to The Workers' Compensation Act, 1973, recognizes the human rights legislation by referring to "workers" rather than "workmen". Definitions are an important part of any legislation. One such change will replace the term "common-law wife" to "common-law spouse" because workers' compensation should not in any way discriminate between males and females.

Turning to the Board of Commissioners itself, the present Act provides that the board should consist of three commissioners to be appointed by the Lieutenant Governor in Council for the administration of this act. One of the commissioners is appointed to be chairman. He, along with the other commissioners, shall each hold office from the date of his respective appointment until he attains the age of 70 years.

The legislation before you, Mr. Speaker, provides a notable departure with respect to the nature, the composition and the functions of the board. The board shall consist of not fewer than three members, one of whom shall be designated chairman. Members will hold office for that period designated by his appointment but not exceeding 10 years and subject to reappointment.

Presently the Act does not confer any special status on the chairman and implies therefore the need for consensus. The new act designates the chairman chief executive officer of the board and represents important reform. The possibility of an increased number of members requires provision for a quorum that is adjustable, further requiring that the chairman be designated chief executive officer to clearly establish lines of authority in the board.

Another notable departure, Mr. Speaker, provides that the Lieutenant Governor in Council would make all regulations under the act. There is an effective and important need for the board to reflect the policy of the Legislature in its general administration of the act because compensation deals so much with people who have strong financial or emotional concerns with respect to the operations of the board. Further, relieving the board of time consuming preparations of regulations will emphasize its primary responsibilities in accident prevention and adjudication for compensation, especially with respect to appeals.

Because moving regulations from board to government can be construed as a centralization of authority, it is particularly important to underline the very important principle that since regulations flow out of legislation, they are therefore a form of legislation and so a proper responsibility of government.

Because of changing social, economic and political circumstances it is important that there be a continuing review of legislation, regulations and procedures which would enable change to occur in response to these changing conditions. While major reviews by a special select committee will continue to be needed, some approach to continuous study and updating, particularly with respect to the act and regulations, is required. Accordingly the act would provide for an advisory committee to the minister responsible for workmen's compensation, representing industry, labour, the Workmen's Compensation Board, and the Legislature.

The application of the act to industry is an important consideration. The board has this authority and presently the legislation provides for restricted application and exclusion. This measure provides significant reform in the bill before you as it provides coverage for all workmen with specified exceptions, in contrast to the present system which simply includes certain groups in the coverage.

The change is best illustrated with farmers being covered unless they decline it, with exclusion only for certain farms, homeworkers or self-employed operators who do not apply for inclusion. The present Act does not apply to employing farmers unless they meet specified conditions, nor to people earning an income but who do not have employees.

The appeal procedure, Mr. Speaker, is being streamlined, consistent with other major reforms. The board commissioners are ultimately responsible for deciding upon the appeal of a workman or employer. Anatomical evidence alone cannot be the sole basis for decision and the benefit of the doubt must be extended to the worker.

The matter of time is of the utmost importance in settling claims and so decisions must be made expeditiously. Legislation provides that any decision of the Claims Department of the board will be subject to review by a review committee upon request by either the employee or the employer.

The findings and decisions of the review committee could be the subject of a hearing of a quorum of the commissioners upon request of either the employer or employee. This procedure would replace the present one in which the injured worker may apply for a medical examination if he is not satisfied with the decision of the Claims Department. A panel of two specialists, one selected by the worker and one by the employer, conducts the examination and submits a report to the board which is conclusive unless the board directs otherwise.

It is important to note, Mr. Speaker, that we are recommending three levels of claims review in place of five, and directly involving the commissioners. The objectives in these changes are adjudications which are as fair and as accurate as can be, and the reduction of time and waiting lists for appeals. In pursuit of this, a quorum of the board will travel the province to hold hearings into claims against the fund of the board."

With respect to lump sum payments where the earning capacity exceeds 10 per cent, the board will offer to pay out all pensions based on 10 per cent permanent disability or less. This is in contrast to the present 5 per cent or less. The change is reasonable in view of the fact that the worker's ability to function in employment is not usually seriously impaired with a disability of 15 per cent or less. They are costly to administer and form a large portion of the claims made for compensation and appear to meet better the circumstances of a claimant at this level of disability.

The legislation proposes, Mr. Speaker, an important step with respect to computation of compensation. You will recall that when the present government took office, the maximum income for computation was \$6,600. In the spring of 1972, during the sitting of the Legislature, this was raised to \$7,600. When the committee concluded its review into the matters of the bill, it was its judgment that \$9,000 would be an appropriate level. This was initially accepted by government as was the majority of the recommendations of that committee.

However, Mr. Speaker, we all know what has happened to the cost of living and to the value of money since the report had its third reading in the first part and toward the second week of May 1973. Accordingly the government, after careful consideration, feels that the maximum earnings for computation of benefits should be \$10,000.

The Select Committee took a strong position, and the government concurs, that there should be extended provisions of residence facilities. The proposed legislation provides authority for establishment of such facilities in conjunction with rehabilitation clinics, in contrast to the present Act which does not give authority for the establishment of residence facilities. It is the government's view that such services are a significant service to injured workers and that residence facilities will benefit this a great deal.

We have taken a look at the matter of board funds, Mr. Speaker, and with respect to such funds the Provincial Treasurer may, on behalf of the board, invest any funds under the Act. This became a reasonable thing to do when, in the fall of 1972, the Treasury Department created an investment management division, staffed by professional people, for the purpose of managing government investments as counsel for departments and agencies holding investment portfolios.

The board pays permanent disability compensation, that is to say pensions, by capitalization, meaning setting aside money from which earned interest will pay compensation during the lifetime of the worker. This being the largest single cost against board funds, it is imperative to obtain the best possible investment returns, thereby reducing the cost to the industry.

The government, Mr. Speaker, is well impressed with the committee's deep concern with safety. It is not moving on this one part of the committee's report, and for reasons that I believe the committee and this Legislature will accept. In view of the government having made the judgment that the whole matter of occupational health and safety should be a sign for comprehensive study and report by a commission, it is reasonable to await that report.

In the meantime, the legislation does reflect our serious attitude on this important matter. In addition, every effort will be made to improve and to upgrade safety in all the departments and agencies wherever such responsibilities may lie. At the same time we appeal strongly to industry and labour to work together to ensure the safest possible conditions with respect to the worksite and the workshop in their enterprise.

The matter of research, Mr. Speaker, was examined by the committee, and the government adopts the recommendation that research be identified as a special and particular service of the Workmen's Compensation Board.

The word "research" is probably not intended to be used in its literal sense in this particular case. What we are talking about is the documentation of data for indication of trends, of how things are going with respect to safety, with respect to adjudication appeals, and to establish a body of precedent, a body of knowledge, a body of scholarship on which decisions can be better made. This branch will be established and developed when the legislation is approved.

I wish to mention, too, the matter of government involvement in payment of benefits from general revenue since this has been the subject of a great deal of recommendation from segments of the public. These involvements of federal funds in workmen's compensation are intended to bring up-to-date a benefit structure which is notably inconsistent and inadequate in terms of the economic facts applied over the last number of years. But once having made them, these costs will be those of the industry. In other words, consistent with the industry funding concept, the government will not commit long-term funds to benefits.

I should now wish to outline some of the new provisions for compensation. I suppose the most important one is compensation for death. Presently, provision is made for burial expenses, including the plot, transportation and other related costs. New legislation would provide future pensions to the surviving spouse and equal the pension the worker would have received, if living and 100 per cent disabled. The allowances for children would be included within this pension and expenses in connection with the funerals would be consolidated and adjusted. An important principle of the recognition of loss, whether it is by complete inability to work or by cause of death, is involved in this new approach to this particular disability benefit.

Compensation for permanent total or partial disability presently is not less than \$225 a month. If permanent partial disability is assessed at more than 15 per cent of total disability, not less than a proportionate monthly amount is calculated at the percentage assessed. Our new legislation provides for all such presently existing pensions above or below 15 per cent being maintained at the present level or adjusted to the corresponding proportion of \$275 a month, whichever is greater. The cost-of-living increases have made existing payments unrealistic, and thus this important improvement in benefits.

Mr. Speaker, while I have dealt here with some detail in terms of computation, I want to underscore in particular that this matter of payment with respect to 15 per cent disability has been a very difficult and complex matter over many, many years. We feel we have an approach here that will work out an inequity that was simply difficult to overcome. We're confident that this will do it.

We are proposing a significant change in subsistence allowances, Mr. Speaker, to a workman undergoing treatment at a place other than where he lives, by increasing it from the present \$8 to the same subsistence rate in use by the public service of Alberta. The present rate falls far short of the transportation and subsistence costs incurred by the workman. We feel this is a move that Albertans generally would recognize as being eminently fair.

Similarly, the government proposes to increase the maximum rate for home care from the present \$7 a day to an allowance not exceeding the amount payable for nursing home care where the worker is receiving comparable standards of care. Cost of nursing home or hospital care is from \$10 to \$7 per day, yet the payments under the existing Act have permitted only payments of \$3 to \$7.

Home care precludes the wife or husband from earning additional income, but the more overwhelming concept and principle here is one that if the home is well

set up for it, in certain cases, in many cases, that is the best place for the rehabilitation of an injured worker. This new benefit attempts to recognize that.

In the case of compensation for other dependants, Mr. Speaker, provisions to increase amounts from \$50 per month to a parent or parents, and not exceeding in total \$85 per month to \$70 per month, and \$105 per month, recognize increasing costs of living since the present amounts were established.

With respect to compensation payable to a common-law spouse, the change in definition required a change in compensation. Compensation will be paid to a common-law spouse who has no children but has maintained the relationship for five years prior to the death of the worker. The present legislation provides compensation where a workman maintained the relationship for two years preceding death and where one or more dependent children were left and where no dependent widow survives. This simply attempts to recognize the apparent permanency of the relationship as indicated by a two-year period rather than five years, and depending on having children.

The present situation concerning the remarriage of a widow or widower is that on remarriage of a dependent widow, monthly payments cease but she will be paid a lump sum of \$1,320 within one month of the date of her remarriage. The new legislation will provide a dependent widow or widower remarrying, with a lump sum termination payment of \$2,700.

Payment to a widow of \$225 is reflected in the increased amount based on one year, this amount being increased from \$110 per month. Present payments to children to age 16 are \$50, and \$55 to an invalid child, or if between the ages of 16 and 18 at the death of the workman.

MR. LUDWIG:

Mr. Speaker, on a point of order. With all due respect to the minister's able presentation of all the details, I believe there are provisions in our rules to deal with these matters clause by clause when the bill is in committee. I do believe there is an overall general principle of the bill and its purpose. If the other members in the House are permitted the latitude of debating each clause, or most of the clauses the member touches on, this would indeed be a very lengthy and unreasonable debate. I believe the minister is in violation of the rules in dealing with this bill clause by clause at the present time.

MR. SPEAKER:

The Chair would by no means say that the point of order raised by the Member for Calgary Mountain View is not valid. However, it would seem that perhaps a certain amount of detail as being illustrative of principle might be permitted. But perhaps the hon. minister could take into consideration the possibility of perhaps reducing some of the details.

DR. HOHOL:

Mr. Speaker, I appreciate your comments and indeed that of the member, but I can also assure you I have reduced this a great deal. The examples I use are for illustrative purposes and are a long way from including even half of the clauses in the act, of course.

I will then go on to the cost of living, which we discussed at some great length in committee and later on as a government. The new bill does not include provisions for an automatic increase in the cost of living. We examined this carefully. Recognizing the fact that the cost of living phenomenon is yearly rather than waiting for a legislative committee to examine what has happened over a period of four years, it is our intention, Mr. Speaker, to make this item, along with a large number of other items, a major responsibility of the committee, which will advise the minister responsible for workmen's compensation.

On the basis of that kind of counsel and advice and our own considerations, we would attempt to deal with the matter of the cost of living on that basis rather than inclusion in the act. It was our view that the principle of inclusion of the cost of living on some basis within the act was not consistent with what happens in the cost of living from year to year.

I would close, then, by restating the functions of the board and some of the new circumstances in which it has to do its work.

In terms of service to people, the board has really three functions, prevention of occupational accidents, income maintenance to deal with work-related injuries, and the provision of rehabilitation to assist the injured to return to the work force.

There were many years in which the Act provided a level of social benefits not readily found elsewhere, permitting the board a low profile. But that has changed. Other influences brought about new social legislation, including social assistance, health care, unemployment insurance, the Canada Pension Plan and so on. As a result, the board finds itself with high visibility as it deals with many individuals and groups, including representatives of industry, employers, employees, some professions, particularly medical, claimants, politicians and others. This board's work will continue to change with such changes. We hope, Mr. Speaker, that the new act will assist them to do even better the excellent job which they have done over the many years.

Mr. Speaker, I could in no way review all the matters relating to the content, intent and the spirit of the bill before us, because of its size and importance. But I hope I have touched enough of the major ones, and I look forward to the debate on this very important legislation before us this fall. Some new legislation in the future may look at some of the matters that relate to compensation. At this point I would conclude and look forward to the debate. Thank you.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview followed by the hon. Member for Lethbridge East.

MR. NOTLEY:

Thank you, Mr. Speaker. I think first of all I would like to say, in reading over the report of the committee, that a number of excellent recommendations were made. It's obvious, Mr. Speaker, that a good deal of work went into the preparation of the report which was tabled in the Legislature last spring.

I certainly agree with certain aspects of this report and of the legislation we have before us. I was glad to see, for example, that the amount benefits are computed upon is raised from \$9,000 as recommended in the report to \$10,000. Might I just suggest, however, that we should perhaps consider, - and I can be corrected if I'm wrong - but I believe it was a recommendation in the Saskatchewan workman's compensation legislative committee that once 10 per cent of the claimants had an income of \$10,000, then the ceiling would go up another \$1,000. So it would mean that the ceiling would have an automatic escalation clause.

I think that's important, Mr. Speaker, because we all know that wages are going up. If we're going to make sure that the benefits of compensation have at least some reasonable relationship to wages, there should be some built-in scheme whereby the earnings level goes up on a stepladder basis. But I do believe it is a fair statement to say that the \$10,000 figure represents a rather significant step in the right direction.

I should also point out that I don't often get too enthused about the appointments made by this government. As a matter of fact, I think it's fair to say that most of us in the opposition from time to time are sceptical of appointments, but there can clearly be no doubt that the appointment of Mr. Jamha was certainly not an example of partisanship, at least. He's a person well qualified for this position, not only, I suspect, because of his nonpartisanship, at least in government terms, but more particularly because of his expertise and knowledge of those areas that come under his purview.

I'd like to deal with what I consider to be the three main principles in the act, Mr. Speaker. The first is the upgrading of pensions. The second is the question of safety committees. The third is the area of regulations made by the cabinet rather than the board.

There is no doubt that a good deal of concern has been expressed in the Legislature on the adequacy or otherwise of workman's compensation permanent disability pensions. It's rather interesting to look back over the record of this Legislature and note that in 1971 two members of the Legislature, one of whom happens to be the present Deputy Premier, introduced a petition from a Mr. Maynard Allers of Westlock dealing with workmen's compensation. Mr. Allers is a person who receives a permanent disability pension. The point of that petition, Mr. Speaker, was that the permanent disability pension was so low that Mr.

Allers had to go on public assistance. I think the petition was certainly a valid one, but I've received a letter from Mr. Allers again dealing with the new compensation rates. He advises me that even at \$275 a month he will have no alternative but to remain on public assistance.

I really suggest, Mr. Speaker, that we have to increase the disability rates for those people now receiving pensions from the board. The pension of \$225 for widows is inadequate and, as has been pointed out, there is no automatic cost-of-living aspect to this legislation, no indicator so that as the cost of living goes up these pensions will rise.

Now, it can be suggested that the committee which will advise the provincial cabinet will be able to make representation, but that's a rather slow process. A far better approach, in my judgment, is to have a cost-of-living allowance so that as the cost of living goes up the permanent pensions go up automatically.

In the case of people now receiving inadequate pensions, rather than clapping ourselves on the back and saying we're doing such a great thing because we're increasing the permanent disability pension from \$225 to \$275, I really feel we should be prepared to go further and bring these pensions up to a more reasonable level. I frankly suggest it is a rather sad commentary on the benefits set out by this Legislature that many people receiving permanent disability pensions, people who are victims of industrial accidents are in a position where they simply have no other choice but to seek public assistance.

There are several other cases I could bring to the attention of the Legislature, Mr. Speaker, but I'm sure hon. members will know of cases in their own constituencies. Since the Allers case was raised before, I think it is perhaps a good way of reminding ourselves that while pensions for people who are now receiving them have been upgraded slightly, we have indeed a very long way to go.

The second principle I'd like to discuss is with respect to the whole area of safety in the workplace. The minister advises us today that this is going to be subject to further study and presumably at some point we will have legislation. But I think it's important that we clearly understand that safety should not be considered the sole prerogative of management. The argument of the Alberta federation and most of the trade unions in this province that safety should be a joint responsibility is in my view a valid one. In workplaces throughout the province we should be fostering the establishment of safety committees equally represented by management and workers. I submit that this is the kind of thing which should be incorporated in any overhaul of The Workmen's Compensation Act.

I notice employers are going to be able to appoint accident prevention associations. There will be room for efforts on the part of employers to get together to presumably encourage greater safety. At this point, rather than waiting for some committee to look into it, which may be two, three, four or five years down the road, I believe we should incorporate into the act the very clear and definitive statement that safety is a joint area between labour and management and that our act should contain that very specifically.

This is getting into detail, but I use this for illustrative purposes. The clause which gives three days notice to an employer for an injunction on a safety matter has to be contrasted with the fact that an employer can get an injunction to stop a labour dispute in four hours. Three days on a safety matter which may impair a life; four hours on the question of a strike. I sometimes wonder if we've got our priorities straight.

The final point I would like to discuss in terms of the principle of this act, Mr. Speaker, is with respect to the provision that in the future the regulations will be made by the cabinet rather than the board.

It is my view that one of the strong points of the workmen's compensation concept - and I say "concept" deliberately because this is not just something which has been established in Alberta; every province in Canada has it, and we have borrowed our present acts to a very large extent from the experience of western Europe - one of the important points in any workmen's compensation scheme should be the autonomy of that scheme, the autonomy of the board. I must say that I view with a great deal of concern the move in this act to take away from the autonomy of the board and transfer to the cabinet the power to make important regulations.

Now admittedly the argument can be presented, as it has been by the minister today, that that will make the board much more politically responsive. Well, I really doubt that it is going to be that much more responsive. It might be more

responsive to the pressure of certain large interests that will have a greater influence over the cabinet, but the merit of having a board which is autonomous, which carries out the act as passed by this Legislature in a completely non-political, non-partisan way, is, in my judgment, the best guarantee to workers in the Province of Alberta.

I am not suggesting to members of the Assembly that by moving the regulations to the cabinet that the cabinet will abuse this particular right, but I submit that the opportunity to abuse it is there. And I submit that when we are dealing with an industry which is increasingly more sophisticated, the possibility of pressuring the cabinet composed of 22 ministers - only one of whom is really knowledgeable in the affairs of workmen's compensation, or at least very few of whom are really knowledgeable in that area - is much greater than applying pressure against a board which is composed of competent, fully knowledgeable people who are dealing on a day-to-day basis with the problems of administering this act.

I suggest that if we are going to set up an advisory committee - and I certainly don't argue that point - rather than making the advisory committee run to the cabinet, a much better approach would be to make that advisory committee an advisory committee to the board so that the board would have ongoing advice from multiple sources, from management, labour, MLAs and other groups. But I believe one thing we must make sure of, Mr. Speaker, is that the essential autonomy of the board is necessary if workmen are to be fully safeguarded.

I don't want to see the day come when regulations for workmen's compensation will in fact be thrust into the political arena to become a political football. It can be argued that the board has not been sensitive enough in the past. You can criticise almost any part of the government operation. But when you balance all these things together, I am certain that most workers would say that despite the quarrels they may have with the Workmen's Compensation Board, on balance the autonomy of the board should be preserved and the public input should be directed either through a committee which meets on an ongoing basis with the board or perhaps by more frequent reviews by this Legislature of the act itself.

I am sure that all of us have had our difficulties in taking cases we felt very strongly about to the board, even representing rural ridings, and we have many, many cases brought to our attention. I know they have been brought to my attention in my constituency, and I have often been frustrated. Nevertheless, in looking at the board's position in most of the cases I have to agree that those constituents I've brought to the board's attention have been dealt with fairly. I really can't in all honesty rise in this Legislature and, even though I may disagree with the resolution of some of these cases, condemn in a blanket way the work of the board. I believe that by and large it has done an excellent job.

Mr. Speaker, in general summary I feel that this legislation represents some modest gains in that at least we are using a higher figure to compute benefits. But I want to close by expressing the very strong hope that we upgrade past pensions under the scheme so that people are not forced on welfare and that the government seriously reconsiders the whole proposition of taking the power to make regulations from the jurisdiction of the board and placing it under the cabinet. In the final analysis, only by having an autonomous board will the workmen of this province have any guarantee that The Workers' Compensation Act will really provide the sort of protection needed.

MR. ANDERSON:

Mr. Speaker, I speak to you as a member of the select committee chosen to receive recommendations and representations as to the operation of The Workmen's Compensation Act.

After some 28 committee meetings and hearings held in Calgary and Edmonton I can only say that I learned to know the committee members more personally and can say they were a sincere and dedicated group to work with.

Mr. Speaker, it may seem to some that this bill did not go far enough. However, it was necessary to look at both sides of the question, to be fair with both parties. It is difficult, perhaps impossible, to please everyone. But I think I may say the bill represents a fair deal for both sides.

While the committee was not in agreement on every issue we came up with, after some discussion what we believed to be workable was put forth. I expect in the Committee of the Whole there will be valuable recommendations and amendments brought forth to this bill.

I am confident that the minister will give these suggestions his full consideration and that some of the recommendations and amendments will be incorporated into the bill.

Mr. Speaker, we had two major concerns in the committee: inflation and the capacity of some industries to absorb greater assessments. Considering the first issue, inflation, we felt adequate safeguards had to be included to give workers a fair deal and a fair living. We also felt we had to ensure that the workers were justly treated by industry.

It was also felt that provisions were required to protect those industries unable to withstand higher assessments, to make sure they were still able to compete in the market.

In looking at the position of both workers and industry, Mr. Speaker, I think we dealt fairly with both parties. I hope that those who introduce amendments and recommendations will also take care to look at both sides of the question.

To conclude, Mr. Speaker, I would like to thank the committee members for the kindness shown me and say that it was a pleasure working with them.

MR. SPEAKER:

The hon. Member for Edmonton Norwood followed by the hon. Member for Edmonton Beverly.

MRS. CHICHAK:

Mr. Speaker, in rising to express my support for the bill, I do not intend to cover all aspects but to make a few remarks of a general nature.

I have had brought to my attention over the course of time a good many unhappy experiences by persons injured in the course of employment who have met difficulty in finding just compensation under the existing Workmen's Compensation Act. Not only have the complaints been with regard to insufficient compensation allowances, but also with regard to unsatisfactory medical examination assessments and the apparent conflicts in reports between the medical officers advising whether the worker has sufficiently recovered to return to employment conflicting with those of the board indicating that the workers, in fact, are ready to return for employment.

The unsatisfactory appeal procedures remained archaic for far too long and I know that the changes in this area in the new legislation have been long awaited. The numerous complaints by injured workers of the attitude of no treatment given them by some members of the board from time to time must carry some kind of message to board members for a need for inward examination of their treatment of injured workers. Is it not the worker we are concerned with here? I believe the existing Workmen's Compensation Act has been inadequate for many years in its provisions in dealing with employed injured persons, and should have been extensively amended a decade ago.

I have to say that the former administration failed in this responsibility in that regard. Although in 1972 amendments to The Workmen's Compensation Act were passed, increasing the amount of the compensation coverage from \$6,600 to \$7,600 maximum, and the payment of compensation for permanent total disability or permanent partial disability assessed at more than 15 per cent increased from \$175 to \$225 a month, it was recognized that this was not adequate and, as well, that many other changes were necessary.

As has been indicated by the hon. minister, in recognizing the extensiveness of the problems in the workmen's compensation area, this government, immediately on coming into office, undertook a total review resulting in the preparation of Bill No. 70, The Workers' Compensation Act, which is presently before us. It is necessary to recognize that the changes proposed are extensive.

Firstly, the compensation coverage has been increased so that the ceiling for earnings to come under assessment is \$10,000.

There will be those who will claim that this is insufficient and that many claimants will be over the allowable ceiling. In that may be some truth, but keeping within the bounds of reason one might then ask, at what point will coverage be considered sufficient when someone else is paying the bill? It should also be kept in mind that as conditions change to any substantial degree, government ought to be prepared to review its legislation and bring about such



amendments as may be necessary and proper. As has been indicated by the minister, this government intends to carry through on this issue.

I am indeed pleased with the consideration given by the minister in the area of compensation payments. To recognize the real impact in this new legislation, one must make a comparison between the old and the new. As the hon. minister has, in his remarks, covered some of the major changes and in view of the remarks that have been advanced by the hon. Member for Calgary Mountain View, I will by-pass all of those areas that I felt needed special attention and will bring them forward in the committee stage of the study of the bill.

There has been some mention in this afternoon's debate that the area of safety should be a joint area of responsibility, that of the employer and the employee. To embark on that precedent, when there is contribution on the part of the employer into the fund and where the total cost of all safety features are covered by the employer, I think it is somewhat presumptuous of us to say I don't need to contribute anything to be safe but you should put in the kind of provision I think I want to live under. I think we can find very quickly that there would be demands for extremes.

I do not hesitate for a moment to acknowledge that there are areas or times when employers, perhaps, are not keeping up-to-date on the safety requirements and are somewhat offhanded. But I think it is equally the responsibility of the employee to report any such laxity that is unreasonable. I couldn't possibly support such a recommendation, that those people who have nothing to contribute to in the way of money should be able to demand the utmost.

Insofar as having the board completely autonomous, it has a great deal of autonomy in its operation. For far too many years we have had experiences with a totally autonomous board. We have found that there have been no changes in updating and legislation, none requested from what is apparent. We have found from the complaints of the workers, in whose interest the board really was to act, that the treatment of these workers by the board was perhaps even more unfair than the treatment from the employers. I have some real question as to whether the board should have the total autonomy that is being asked.

Again, I say there must be a few controls in the areas that matter where it concerns more than just one side of the story. I will look forward further in committee to support and bring out those very important changes that have been brought forward in this new legislation. I'm pleased to support this bill.

MR. SPEAKER:

The hon. Member for Edmonton Beverly followed by the hon. Member for Calgary Mountain View.

MR. DIACHUK:

Mr. Speaker, I take pleasure in making a few remarks on Bill No. 70, The Workers' Compensation Act, particularly because I, as the minister indicated, participated in the legislative committee. I appreciated the experience and the action of the committee and the people who made their presentations to our committee.

I have the privilege of possibly having an unrecorded record of having the first workers' compensation claimant come to a newly elected MLA because on the day after the election, and about one-half hour after I was in my business office, my first constituent appeared at my office. Naturally this was because I had made a promise to him during the campaign; he was going to hold me to my promise. This was only one of the claimants I've had experience with in the time of my service in office.

I do represent a constituency with a large proportion of workers, blue collar workers, people who are employed in the area or in the industries where accidents seem to be more common than in other industries. Most of these workers who appeared at my office basically wanted a better understanding and a better appreciation of their needs. In most cases they were not happy. They were not satisfied with their employer, with their union or their association, with their rehabilitation officer or the workmen's compensation officer. Their resort was to turn to somebody who was going to act on their behalf, someone they had elected to the Legislature. And I speak, I believe, very openly that most of us who are in the Legislature have had our constituents come to us in the same capacity and with the same intent.

I do feel that the voluntary programs being considered are always more successful, particularly when there are small groups of employees, small groups

of workers working in an industry. An industry that has a large work force has an association of people or a union, has staff working on behalf of the union and on behalf of the association [the workers] are able to sit with their employer and possibly implement programs. But when you have a small group of workers under possibly 10 employees, you can't really expect programs that their union or their association can implement unless it is done on a truly voluntary basis.

I support this legislation because it is more permissive. It does not prohibit the negotiation of some of these conditions in the time of negotiation of wages. It is more permissive in that when safety devices marked legibly with an insignia or warning are not installed or are not in their place, the prevention officers have the power and the authority to stop the operation until such time as steps are taken.

We've had reports - and members of our legislative committee indicated this from their own experience in industry where accidents are quite common - that in order to make equipment or machinery more effective safety devices were removed. Now when these things do take place, particularly if there is a warning on that device, I wholeheartedly agree with the proponents that there be legislative measures that this be a factor, that equipment be stopped immediately.

But when there is a new area, a new industry, and when there is some doubt as to the exact method by which some safety devices are to be used, I think this is a more negotiable item. In that case, the worker or the representative from the Workmen's Compensation Board should give the employer time to study the recommendation made by the worker. So you have to take both of these and weigh them. If the equipment, the safety devices, were there and were marked, definitely in those cases I feel the industry should be shot down without any notice. When this is a new area, they should be given some days to be able to come back with a reaction or a rebuttal. Because there are studies which show that sometimes some of these devices are not as effective as intended, therefore the employer should have an opportunity.

As to the recipients receiving the amount of benefits they really require to maintain themselves, there never will be, I feel, a formula able to pay that amount. I speak as a former social worker. Even in the case of social allowance programs there never was a satisfactory formula. Some people can just manage better on some amounts than others.

There is also the fact that the fund has to be funded on a projected income, and when you do that you must, at the same time, have some ceilings and an exact formula to be able to pay out these benefits. I don't think it is really wrong for a worker to supplement his needs by receiving benefits from another program, such as the social allowance or social assistance program. I think in both cases they have a need and I would not be too quick to accept a criticism from the hon. Member for Spirit River-Fairview that the program still will not give sufficient income at the proposed amount to look after even the example he raised. This is why governments have implemented social allowance programs and social assistance programs, to look after additional needs the citizens of the province do not have at their disposal.

With regard to the regulations, and particularly as a member of the legislative committee studying regulations this year, I can see what a difficult time people have with regulations. I would really hope - and I have confidence in this approach - that when the regulations will be passed by the Executive Council or by the Lieutenant Governor in Council, and by that same method can be amended, this will provide a greater opportunity to bring in changes.

Up till the present time the approach seemed to be that once every four years the workman's compensation legislation, regulations and everything, was reviewed. I'm not against the board having the freedom of implementing and setting policies continuously. As far as implementing the regulations, as far as bringing in new regulations, I support the approach that the Lieutenant Governor in Council may and will make further regulations to be able to bring in changes required and needed to complement government programs.

With these several remarks, I feel that the new Workers' Compensation Act, with regard to the change of name, with regard to the change of attitudes of some of the areas that follow the legislation brought in last year, I wholeheartedly support them, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Calgary Mountain View followed by the hon. Member for Edmonton Highlands.

MR. LUDWIG:

Mr. Speaker, I was very impressed with some of the remarks made in support of this bill. No doubt it has a lot of progress embodied in it. But when I look at some parts of this bill it reminds me of that expression that neither life, liberty or property is safe while this Legislature sits. Under the guise that we know what's best for people we sometimes chip away and deprive them of some very important liberties they have, some rights they have built up over hundreds of years.

The main objection I have to this bill, Mr. Speaker, has to be this section:

The board has exclusive jurisdiction to examine, inquire into, hear and determine, all matters and questions arising under this Act or the regulations and the action or decision of the Board thereon is final and conclusive and not open to question or review in any court.

[Mr. Diachuk in the Chair]

Now that's a very final kind of section, Mr. Speaker. That means that whether the aggrieved person has any grievance or not, that's the end of it. We know what's best for you. The courts are a prohibited area as far as this section is concerned. Now it wouldn't be so bad if, for instance, we were developing a new act and we were feeling our way, but with the great preponderance of lawyers on the other side, certainly some must agree that this is not good.

There is no harm to allow, at least in some instances, some aggrieved person who may even have gotten justice from the board, his right to say I'm not happy - I'm not happy and I don't want this board, which I think might be prejudiced against me. I'm been giving them a rough time. I've been criticizing them. I've been tough to get along with. They gave me a deal, I'm saying that the deal may be good, but I can't go any place else.

This is the plight of the individual, of the little man, who always says, they decided and I am helpless. He is indeed helpless when you have something this final and conclusive. It's like the pronouncement of death. We're going to hang you and you haven't got the right of appeal to court. I'm saying that this board has done a great job and it will do a great job. There is no harm, from where I can see the problems involved in this kind of board, in allowing appeal to a court. I'm disappointed in that part of it.

The second thing that has to be looked at is, we musn't be too pleased with ourselves if we are giving the worker more. We're giving him more, but even in the light of the thinking of three months ago, he's not now getting what the committee had, in fact, intended him to get. Even what he's getting now has been eroded at 2 per cent a month, 3 per cent a month, and before too many people can benefit from this legislation - and I'm saying it's an improvement - they will realize it isn't all it is cracked up to be. We have a problem of galloping inflation. Nobody denies that, but the remedy to the worker is going to be done on a four or five year basis, so that what he is getting today may only buy 60 or 75 per cent five years from now. We may have escalating scales, escalating clauses here to have cost of living built into this. If it is, it is commendable - I did not review it all that carefully. If that is the case, Mr. Speaker, then I will commend this government. But in those instances where the amounts of compensation or pension et cetera are set, then we have to take a different look.

One of the serious concerns I have about this bill is that there is no doubt that the employer will have to pay more. I don't know how you can get around that. But there is also no doubt that the employer will pass the increased cost to the consumer immediately. So it should be made clear to the public that the public is paying for whatever increases we give them. I don't think the public minds as long as the public knows. To say that some logging operation or lumber company is going to have to pay 200 per cent more - and I'm using a rough figure - towards the fund only means that tomorrow morning as soon as they can adjust their figures they're going to transfer that into the price of the object they're selling or producing. So we can be as generous as we like, whether we pay directly out of taxation out of general revenue or out of increased employer contributions. There does not appear to be any mechanism by any party or any

government to tell the consumer, it is going to cost you more but you can't possibly include this in your price to the consumer.

So in the final analysis, Mr. Speaker, the consumer, whether through general revenue or through purchasing the item involved, is the person who pays for anything that we increase in this regard.

I believe that when we look at reviews every now and then, we should perhaps include more frequent reviews because the speed with which changes are made now in industry and in our economy and in costs is a lot faster now. Perhaps more can happen in one year than used to happen in five or six. To that extent, Mr. Speaker, we have to be vigilant and be ready to make quick adjustments because even though only a relatively few people may suffer they are still suffering. It behooves us to be alert and to adjust these matters.

But, all in all, Mr. Speaker, I am not speaking against the bill. I believe it is very much an improvement. I believe it is overdue and there is no doubt that the committee did a tremendous job in assessing the present problems and the raising of the amounts is in itself a tremendous improvement because many pensioners in receipt of workmen's compensation were living at a poverty level.

One interesting thing - at least I think it is interesting - that I would like to comment on this matter of workmen's compensation, is that more and more we're getting into an area where there is a need to do an overall assessment of guaranteed income. Whether it comes through this form or whether it comes through social assistance or some other pensions or what have you, there is a spread of guaranteed living to more and more people; even people who have good incomes have a guaranteed additional income provided for them.

I believe that if one were able to assess the administrative costs of all of these programs at the federal, provincial and municipal levels that in their entirety provide a guaranteed income of some sort or other to hundreds of thousands, millions of individuals in Canada, I believe the public would be deeply concerned about the administrative costs alone. I believe that the time is now coming when perhaps some leadership should come from the senior governments and apparently some is forthcoming.

To look at the matter of guaranteed incomes and not at this area in particular, but this is one more area where a person has something guaranteed to him, whether we like it or not, at the expense of society. I am very much in favour of doing such a review. I believe that hundreds of millions of dollars in administrative costs alone can be saved the taxpayer if this issue were given a complete and thorough review so that there is no duplication, no question of a person not getting enough here and getting more from welfare, trying to get more from Ottawa, or the cities trying to get more from the province.

So with those few remarks, Mr. Speaker, I commend the committee and if I had been in error in criticizing the matter of escalating costs, then I stand to be corrected.

Thank you, Mr. Speaker.

MR. KING:

Mr. Speaker, it is a pleasure this afternoon to rise and say a few words about the proposed second reading of the new Workers' Compensation Act. I too was a member of the committee that worked for almost 18 months on the preparation of the report and on the legislation which members have in front of them this afternoon.

I would like to say before I get into my remarks, both personally and I think on behalf of all of the members of the committee, that there should be a real expression of sincere thanks to all of the people who made contributions to the work of the committee, including the members of the board whom we have with us this afternoon in the gallery, many of the staff of the board, representatives of both labour and industry inside and outside of Alberta, members of the legal profession, affected individuals, and people who had no personal or direct involvement but who were interested in the effect the present legislation and the present program was having on their neighbours and their fellow citizens.

Mr. Speaker, as a member of the committee and as all other members of the committee had to do, I had to wrestle with what were conceived to be the major concepts embodied in legislation existing across Canada today, embodied in the proposals for new legislation, and embodied in workmen's compensation programs across Canada.

With due respect to the members who have spoken this afternoon, aside from the members of the committee whose failure to mention these points may be understandable since they were so deeply involved with these questions while the committee was in session, I think there was a really regrettable lack of understanding about some of the recommendations of the report and of the legislation that follows on the report. I would like to draw certain features of the report to the attention of the members of the Assembly because I really think that they are very important.

The first concept I think is extremely important as it is stated in the report and as it is embodied in the legislation, is that the whole concept of compensation has been broadened. I would like, if I could, to read briefly from the report at pages 32 and 33:

The special select committee recommends that the board explicitly adopt the position of extending compensation for lost wages, reduced earning capacity and other specific compensation for social or psychological losses not easily assessable.

One of the things we discovered, Mr. Speaker, in our survey of the history of compensation and the present compensation situation across Canada, is that it is the practice in all jurisdictions to extend compensation for lost wages and for reduced earning capacity.

But, Mr. Speaker, the Province of Alberta, the committee in presenting this report, and the Legislature in moving second reading of this legislation - is the first jurisdiction - certainly in Canada, probably the first in the world - which in terms of its workers' compensation legislation has specifically recognized that there are losses which a worker suffers which are not directly related to his lost wages or to his reduced earning capacity. Insofar as we are probably the first jurisdiction in the world to explicitly adopt this position and take action on it, I would really have expected more comment from some of the hon. members of the Assembly on that particular point. For cross referencing to the new act I would draw the attention of the members to some of the subsections of Sections 55 and 56 of Bill No. 70.

A second thing which I think has been underemphasized by some hon. members is the significance which the committee and the drafters of the legislation attached to the importance of safety and accident prevention. If I could, Mr. Speaker, read from the report very briefly, page 6:

The Special Select Committee believes that the workmen's compensation must, in order of priority, (a) minimize accidents and loss from accidents.

In the section devoted to the accident prevention department a number of recommendations are made, the explicit intent of which was to make both labour and industry appreciate in a more concrete way their own direct interest in reducing the number and severity of accidents.

Without going into detail, I would like to make one point I think was common among the members of the committee respecting accident prevention and safety. That is, it is very much analogous to the present situation in the Middle East. People can recognize their own interest and can only work out an accommodation when they have recognized their own interest. But there is nothing in the world, there is no outside force or presence that is going to make any accident prevention or safety program workable if it depends upon the cooperation of labour and industry, if labour and industry have not decided themselves they are going to work together to make it work.

The first step the committee thought it could take as a committee, and the only step it thought it could realistically take, was to create a situation in which the penalty for lack of cooperation was going to be so great on both sides that they would be driven to the necessity of cooperating.

Labour I think must obviously recognize the losses it experiences directly and indirectly in accidents and in the failure of a safety program. It is, after all, workers who are injured, maimed or killed. But with all due respect to the many representatives of industry who appeared before us both at public hearings and at private meetings of the committee, I question in my mind whether or not industry as a whole has the same attachment to safety and accident prevention programs as labour appears to have.

I question in my mind whether or not any kind of cooperation can be imposed on the two parties when one of those parties does not really believe in the necessity of what is being done.

The third major body of recommendations made by the committee is with respect to compensation. Because they have been discussed at considerable length this afternoon I don't propose to go into them in any detail. I would like to draw the attention of the hon. Member for Calgary Mountain View to Section 54 of Bill No. 70 which specifically provides that the rate of compensation and the maximum ceiling would be subject to an annual re-examination with the possibility of amendment. The reason we went that route rather than to build a specific increment into the act was that of course the rate of inflation may vary greatly from year to year and we wanted to have some latitude. As an aside he mentioned there is nobody who wouldn't agree that inflation is a major problem. He should be sitting in the House of Commons rather than the Alberta Legislature and he might have a different perspective on that.

DR. PAPROSKI:

Talking to Trudeau.

MR. KING:

Pardon?

DR. PAPROSKI:

Talking to Trudeau.

MR. KING:

Yes, talking to the hon. Prime Minister.

A number of other things were recommended with a view to streamlining the administration of the board, making the board more accessible to the individual, industry and the claimant. I would just like to run through some of these very quickly without explanation because I am sure they will come up in Committee of the Whole. They are features of the act which I think are worthy of consideration by all members of the Legislature.

The first is that there is provision to expand the size of the board. If the board is not being severely overworked now, and I mean the three commissioners, the implementation of this legislation is going to achieve that end unless there is opportunity to increase the size of the board. I am glad the hon. minister is listening closely to that remark.

The second is that for the first time in the history of our workmen's compensation program in Alberta we have designated, or propose to designate, a chief executive officer and a chief administrative officer. I am sure all hon. members can appreciate the difficulty of attempting to function in an organization of this size when you have not designated either a chief executive or a chief administrative officer.

A proposal has been made which we hope and expect will improve the return on the investment of the Workmen's Compensation Board, and that is referred to in Section 61 of the act.

The Lieutenant Governor has had returned to him, or rather the Lieutenant Governor in Council has had returned, a legitimate measure of control. Now, I noticed this afternoon that some hon. members were opposed to that prospect. It was interesting to me that these hon. members, one in particular, were opposed to the concept of returning some measure of control to the Lieutenant Governor in Council. I was reminded of a commission on boards and tribunals that met in this province some years ago and of a submission that was made by a particular political party to which the hon. member now belongs, and I believe he did then, in which they expressed real concern, verging on abhorrence, that the boards and tribunals in Alberta operated so independently of the provincial government and that their autonomy extended to arrogance and this had to be controlled.

I would recommend to the hon. Member for Spirit River-Fairview that he go back a few years and read the submission that was made to that commission by a representative of the New Democratic Party. The other thing that interested me about his having made these comments was that he admitted the incidence, the variety and the severity of complaints that came to us as individual members, that came to the Ombudsman, and indeed that came to the commissioners of the board respecting the operations of the board, sometimes at a fairly low level.

If we recognize that these complaints exist, if we recognize that they are creating a real problem for the board, then I am surprised that someone as

imaginative and as innovative as he claims to be wouldn't be enthusiastic about something which can surely be tried on an experimental basis. Because I, for one, would be among the first to support reversion to more autonomy for the Workmen's Compensation Board if it were discovered that any measure of control whatsoever by the Lieutenant Governor in Council was nothing but detrimental to the operations of the board itself.

I do not believe that that will be the case. I do believe that the board, in cooperation with the Lieutenant Governor in Council, can function well, effectively and independent of political pressure.

We must remember two things about the proposal to have regulations made by the Lieutenant Governor in Council. The first is that these regulations are public regulations. If there is to be any political influence exercised, the consequence of it is going to be immediately recognized by the hon. gentlemen opposite, by the members of the press gallery - if they should happen to be available at the time - and by the public generally. The regulations of the Lieutenant Governor in Council are going to be susceptible to broad public pressure, not just partisan pressure.

The second thing that should be remembered is that this recommendation is not being made in isolation. It is being made in conjunction with another recommendation of the committee and that is that there should be created an advisory committee to the minister. Again, this answers the question of knowledge and of the variety of input.

If we have, advising the Minister of Manpower and Labour, a committee which is composed of representatives of this Legislature, industry, labour, and the public at large; if one of their responsibilities is to examine the regulations and the proposed regulations of the Workmen's Compensation Board; and if another of their responsibilities is to communicate back to the interest group that they represent the effect of these regulations, then I think that peer group pressure, the openness of a public environment, the involvement of the legitimate interest groups is going to more than offset any of the negligible dangers that I consider to be the result of giving the Lieutenant Governor in Council some arm's-length control over the operations of the board.

There is only one other thing I would like to read briefly - if I can find it - because it has not been said in the legislation. I don't believe that it can be said in the legislation, but what I am about to read represents a major interest, I believe, of all of the members of the committee and I think all members of the committee would want to draw to the attention of every other member of the Legislature a couple of paragraphs from the report on page 7.

The Special Select Committee believes that the workmen's compensation program should continue to be administered by a Crown corporation with exclusive jurisdiction in adjudication and administration.

Two qualifications are, however, important. The first is that the Legislature must provide the Board with the capability of responsiveness to changing economic and social conditions. This involves a number of things, including a briefer, more flexible Act, more frequent review of the program and its benefits, better communication by the board and staff to labour and industry.

And now I'd like to read something that I'd particularly draw to your attention.

The second qualification is that the Board must operate courteously, expeditiously and efficiently on behalf of both employers and employees. The Board must extend the benefit of "a doubt" to the workman.

Those and two or three succeeding paragraphs, I think summarize the basic position of the committee in preparation of this report, and I would commend to all of the members of the Legislature some of the really exciting new ground that I think is being broken in this legislation.

Just before I take my seat, the hon. Member for Calgary Mountain View expressed something akin to horror at the provisions of Section 12. He wanted to know where it came from. If I could read to him from the provisions of the current Workmen's Compensation Act which was enacted by the Social Credit government and its predecessors, Section 10.

The board has exclusive jurisdiction, either with or without notice to any person or persons interested to examine, inquire into, hear and determine, all matters and questions arising under this 'Act' ...

It goes on to be exactly the same as the act or the section of the act that he was concerned about.

MR. LUDWIG:

Mr. Speaker, a question.

MR. KING:

The hon. member can ask me a question when I've completed my remarks because I hasten to add I was not being facetious. That section of the act embodies the essence of what is referred to as the compact between labour and industry. In point of fact, there is an opportunity for appeal to the courts against an action of the Workmen's Compensation Board if the action is the result of the denial of natural justice. There is no appeal from the proper actions of the board. But there is if they have involved a denial of natural justice.

The section of the act embodies something which was proposed by Sir William Meredith when he drafted the first legislation. I think it is basic to the legislation that you must remove - from the court system, from the judicial system - the nature of an adversary hearing between an injured workman and his employer in cases of injury arising from work-related accidents. So the only thing I would say is that I regret the hon. member opposite hasn't had a chance to read the first two chapters of the report and I hope, before we get into the committee stage, he will, even if he can't read the rest.

MR. LUDWIG:

Mr. Speaker, a question to the hon. member who just spoke. Why does he insist in using a very foolish and antiquated section in support of another section which was passed recently?

MR. KING:

I appreciate the question, Mr. Speaker, because it obviously gives me the opportunity to go on for another five or ten minutes. What I was trying to suggest to the hon. member - I always welcome the opportunity to expand his education - is that when workmen's compensation was first proposed it was considered to be a compact between labour on the one hand and industry on the other.

It was costly, both monetarily and in terms of human resources that accident cases related to work should go to the courts. As a matter of fact, not even the legal profession, of which he is a member, seemed to enjoy taking these cases to court. Since this section is standard in all legislation across Canada and in similar acts in other jurisdictions, he is the first lawyer who has ever made a public argument that it would be worthwhile economically or otherwise for the legal profession to be able to take these cases into the judicial system. I would depend on the contribution of some of the other members of the committee to try to expand my argument to the hon. member that you are likely to do more harm than good for the individual who might want to take a case of this kind into the judicial system.

MR. LUDWIG:

Another question to the hon. member. Why didn't he quit while he was ahead?

MR. DEPUTY SPEAKER:

The hon. Member for Drayton Valley.

MR. ZANDER:

Thank you, Mr. Speaker, apparently I guess I have to agree with the hon. member over here that the hon. Member for Calgary [Mountain View] has certainly not read his brief. But, you know Mr. Speaker, I must commend the committee on its work in judgment of Bill No. 70 against the old Workmen's Compensation Act. There certainly are a lot of new safety factors and protection both for the worker and industry embodied in their report.

However, I refer you to Sections 10 and 11 of the jurisdiction of the board and it gives me a somewhat uneasy feeling relating to an independent contractor. Maybe I am not reading it right, Mr. Speaker, but certainly when you have Section 11 and Section 12 and you read subsection 2 under Section 11, it has, "Notwithstanding subsection (1), the Board, upon the application of a principal,



may deem all persons doing work for the principal to be his workers for the purposes of this Act."

In other words, it outlines the people who are and could be covered by workmen's compensation as an independent operator and either members of his family or other members that would be related to him and living within his own household.

Now in my constituency, Mr. Speaker, there are quite a number of small operators. Also I continue, Mr. Speaker, that in subsection 3 of Section 11 it also goes on and it states, "Notwithstanding subsection (1), the Board, if it considers it advisable to do so, may by order declare subsection (1) not to apply to any designated class of persons."

Now I am fully content, Mr. Speaker, to say that I am fully satisfied and agreeable knowing the background of the present chairman of the board, who is willing and would, perhaps, give consideration - and I would certainly hope so - but we haven't got that guarantee, we may not receive such consideration once the chairman leaves his position and we have another chairman who is familiar with the functions of the employer and the employee. I wonder if the hon. minister may comment on this later.

The other parts I refer to are in Sections 21, 24 and 26. In one case we say when an employee suffers a disability, then that the board will bring him before an independent medical person selected by the board and also, under Section 24, a non-medical employee. Now, if we are consistent in our thinking, perhaps we should have taken the example out of Section 26(2). In this case we say, "by a physician not employed by the Board." It would certainly give us an independent view and report of the physical incapacities suffered by the employee. This is why I fail to understand why it was not carried out in Sections 24 and 21.

Mr. Speaker, I would suggest that perhaps the minister may make some comments on this, and especially on Sections 10 and 11 and Section 11(3). These are the only parts of this bill that give me a little bit of uneasiness.

MR. COOPER:

Mr. Speaker, I'd like to make a few general remarks on the principle of this bill. I have certainly no intention of dealing with specific sections, which will come in committee work, nor to philosophize to any extent on it. But as the hon. Minister of Labour and chairman of the committee mentioned, I was a member of the select committee which reviewed The Workmen's Compensation Act. As I sat as a member of the two previous committees for the same purpose, reviewing and upgrading the act, I adopted the role chiefly of a very interested observer. I must admit, Mr. Speaker, I wondered for several meetings just what direction the committee's recommendations were going to take. It seemed that millions and millions of words were spoken, and if you examine the personnel of the committee you will realize just what I mean.

Eventually, however, the committee became a very good working unit under a very knowledgeable and excellent chairman. The members were certainly dedicated to their jobs because we spent a great many hours studying the new act and the final draft.

There are some notable changes in the new act. For one thing, responsibility for the regulations is transferred from the Workmen's Compensation Board to the Lieutenant Governor in Council, along with considerable powers of the board which are to be assumed by the Lieutenant Governor in Council.

A new advisory committee is also advocated. But when you get down to it, the upgrading of benefits to workers and their families took place just the same as on the two previous committees on which I sat in 1964 and 1968. On each occasion all the benefits and pensions were all increased. The cost of living at that time was also making its appearance but not to the same extent as now and rising wages were entering the picture but were certainly not as much of a factor then as has developed in the past few years.

The benefits and the pensions paid under The Workmen's Compensation Act were always on a level equal to or above those paid in other provinces in Canada. They certainly continue to be under the new act. They never at any time lagged behind the general level.

In 1969, as a result of a report of a special committee adopted in 1968, the permanent total and permanent partial disability pensions were raised to a

minimum of \$175 for the permanent disability and a percentage, of course, of the \$175 for the partial disability pension. Pensions are, as you probably all know, capitalized at the time of the accident. The cost of the additional amount of compensation was paid to the accident fund of the Workmen's Compensation Board out of the general revenue fund of this province. This was the first occasion in Canada this had been done.

In this connection I was rather interested to read in the Edmonton Journal of October 13, the following statement:

The government will channel - for the first time - about \$2.1 million in public funds to the Worker's Compensation Board to pay for the upgrading of existing disability and widow's pensions.

And I would refer the news media to Section 58 (2) of the Act passed in 1969 which states:

"The cost of the additional amounts of compensation paid under this Section shall be paid to the Accident Fund out of the General Revenue Fund of the Province."

And just while in a critical mood of the press, the same news article states that a farmer with employees could not be covered previously. A farmer with employees has been covered for years but it's not compulsory. He can be covered by application and the Workman's Compensation Board always had a great number of farmers covered and always has.

The act, in my opinion, Mr. Speaker, is a good one for the workers. There might be some complaint from management. Clause by clause study in committee of the new act should provide subject matter for some very interesting debate.

I think possibly, although I see he's not in the chamber, that I would be remiss if I didn't compliment the hon. Member for Edmonton Highlands, Mr. King, for the report he issued on The Workmen's Compensation Act. This was a job that was allocated to him. The hon. member was the author of the report and in my opinion it is certainly an excellent one.

Thank you very much, Mr. Speaker.

MR. DIXON:

Mr. Speaker, basically I could ask it as a question rather than on the principle of the bill. I have some concern when there is going to be a large infusion of public funds to bolster The Workman's Compensation Act not covered by assessment against industry. Labour is very anxious, and I'm sure a lot of other people are, that this is really workmen's compensation which is an agreement between labour and the employees.

The concern that I have, it may not arise quickly but I can see it happening eventually, is that because present federal government income tax regulations workmen's compensation all benefits are income tax exempt. I think you're going to see before too long that with the amount of money mentioned earlier in the debate, of some \$2 million, to bolster the funds to pay larger awards, I think the federal government will probably say that we should take a look at this because it's going beyond really the original deal based on medical evidence between the worker and his employer. I'm wondering if the minister has taken into consideration the fact that this could happen and the workman in effect would lose a great deal of benefit by the fact that the Workman's Compensation awards now are income tax exempt, but if we start to do something as a legislature that will bring about a change in this exemption it could have a detrimental effect on the recipients of the awards under the Workmen's Compensation Act.

MR. TAYLOR:

Mr. Speaker, I want to deal with a few principles contained in the act and the first one is, who should pay compensation? I have long been a believer that if a man is injured in industry a logical cost of producing that product is any loss of limb or loss of his body through injury or operation. I think that is a sound principle. For us to say that the taxpayers of the province should pay any portion of an injury sustained in industry, is not proper and is not sound in principle. The whole basis of compensation is that industry should pay its proper costs and the taxpayer should not have to pay for injuries sustained in industry. A man who loses a finger, a leg or an eye certainly has every right to expect that the product of that industry and the payment by the consumers who

buy that product, whatever it be, should be paying for that injury that resulted in the production of the goods.

When the taxpayer starts paying a portion of compensation costs, then I think a different perspective entirely must permeate the compensation act. For instance, as time goes on a number of industries become defunct and their pensions become unbearably low. Then one must ask, is it proper to charge the increase that logically should go to the worker because of a loss sustained in a period of low income? It should be borne by other industries, and I think there the answer is just as definitely no. We should not charge other industries with losses that did not occur in their particular industry or in the life of their industry. This, I think, brings the taxpayer of the province in because the taxpayer of the province then has a responsibility to make up the deficiency of that income from the product he helped produce to a reasonable standard of living.

So, as the hon. Member for Vermilion just outlined and several other members did too, the principle of the taxpayer paying some compensation has now been accepted by the Legislature and has been for some time. Then I think it brings in a perspective entirely different from the days when compensation was entirely payable by industry. But insofar as it is possible to do so, industry today should pay for the men and women who are injured or who lose part of their body in the production of that particular product. As far as I am concerned, there should be no ands, ifs or buts about that. That should be a logical cost on industry, and that should be added to the product which goes out to the consumer.

On other occasions in this House, I have deplored the tendency of commissions and boards being set up for the purpose of preventing or making it difficult to get at the government. The board or the commission takes the responsibility and the government is at arm's length and can say, well, it was the board that did it or the commission that did it, it wasn't the government. I don't think this is acceptable in democracy at all. Yet there is this trend and there has been this trend for a number of years, to establish commissions and boards and make them almost independent of government. Now maybe there some reason when the whole cost of compensation was payable by industry. But today industry does not carry the whole cost of compensation. The taxpayer is paying part of that sum. And so for that reason, if for no other, the government has to play a more vitally important part in dealing with workmen's compensation.

I remember the day when the minister in charge of The Workmen's Compensation Act felt it was wrong for him to even refer a case to the Workmen's Compensation board let alone plead for changes or plead for a workman. I don't think that is sound at all. Surely the government should be the number one body in any province, or any country, that is the most interested in making sure that people get justice.

Consequently I can't agree with the Alberta Federation of Labour and those who criticize the government for getting closer to compensation and establishing the regulations for the compensation board. If these regulations were going to become political regulations, and that a worker of one political faith was going to be separated from those of other political faiths for favourable treatment, then I would oppose it with all the power with which I am capable. Surely that can't be so in a workmen's compensation act and surely no responsible government would ask the politics of an injured workman before deciding that that workman should have justice and fair play.

Another point that makes this even more important is that regulations passed by the Lieutenant Governor in Council become public. They are published in the Alberta Gazette and are there for all and sundry to see. Again representations can be made to the place where they can be changed, to the Lieutenant Governor in Council who are responsible to the people, who must stand before the people for re-election. The highest court of the land is the electorate of this province.

I don't look askance at the government making this forward advance of making the regulations. I would certainly hope, and I can't see otherwise, the government doing it in very close liaison with the Workmen's Compensation Board and in very close liaison with the Alberta Federation of Labour and with any other group, whether it be employer or employee, interested in the welfare of the worker.

I want to emphasize that in my view it is The Worker's Compensation Act. It's not the employer's compensation act, it's the worker's.

I commend the hon. minister for the change in name. I don't think anybody ever doubted that women didn't have equal rights under the name 'workmen's compensation', nevertheless I think this is in line with modern day thinking and in line with what the women's lib would like to see done. I don't agree with everything women's lib want, but a lot of things they want should have been done years ago. The Worker's Compensation Act is good in that regard. I think the change of name is very excellent.

In concluding this particular principle I want to emphasize again that industry should not be let off the hook for paying for injuries, accidents, amputations or deaths resulting from the making of profit for that employer.

But there is nothing wrong with the province saying an additional amount is required for these workmen where there is no longer any industry to charge or because the cost of living has escalated beyond all expectations. They are human beings and they have to live and they are bringing in the taxpayers' money in conjunction with that of the Workmen's Compensation Board.

Actually I don't think it's very different from what has been going on, except it is a better principle. Before, many times the compensation board and MLAs have said to workers, this is all we can get from the compensation board and this is all that industry will pay so now you go to welfare, which is payable by the taxpayer, and get some addition. Many workers had their income and are having their income supplemented by public welfare, the taxpayer. So the principle really hasn't changed and I think it's better to do it under the board. That brings me to the next point I want to mention, as was mentioned by the hon. Member for Edmonton Highlands, the change in scope of worker's compensation.

Too long have we been dependent for compensation solely on the medical report. Now I have every respect for our doctors, our surgeons and our physicians, even though at times we may not agree. They may be right and I may be wrong, but we always have the right to disagree. But I feel the time came long ago when we should have got beyond the place where we are paying compensation only for what the doctors could find. Doctors have been wrong in the past and workers have suffered.

I know a workman who was crushed shortly after the last world war by a fall of rock in one of the mines in Drumheller. Tons of rock fell on him and he was crushed between the rock and his machine. He was on compensation for a reasonable time, but he was never the same man again. I knew him well - never the same man again. Never came up to the physical ability he had before that accident. But what did the doctors say? And I can't say they are wrong. They say he has a rare disease. The thing I had difficulty explaining to him, his wife and his four kids is, how did the rare disease suddenly appear after the fall of rock? I still can't answer it. I think the doctors made a mistake. But that man didn't get a ppd or a 'partial disability' and he was on welfare for some time.

I think the doctors were wrong. Maybe I am wrong, but that is my view. Doctors aren't always right. Back injuries - some doctors tell me it is most difficult to determine the amount of injury to a back. The compensation board told me many times it is most difficult to determine what the actual loss is.

When you know a workman who for years has been a topnotch worker - not lazy - wanting to earn every cent he receives, gets injured and after the injury is unable to do his job, unable to get back into employment, the doctors say the assessment is such a percentage. It's low, far lower than one would expect. Well, for many years compensation has been based entirely - almost entirely - on medical evidence.

I congratulate the hon. minister, the government, the committee and anybody else involved for being brave enough and courageous enough to say this act is going to depend on more than just the injury where conditions so warrant. There are other factors involved. The very fact we accept the theory that a pension awarded in 1932, when wages were depressed, is no longer sufficient and we are prepared to take from the taxpayer to bring it to a reasonable level warrants the broadening of the scope of the Act.

I know it is going to be difficult for the Workmen's Compensation Board to administer, much more difficult than basing it solely on medical evidence, but I say this is right. This is the right way to do it. This is going to give justice to workmen who were denied justice in the past when it was based entirely on medical evidence.

All losses, as the hon. Member for Edmonton Highlands said, have to be taken into consideration. All losses. I think that is the scope I am happy to see covered. I am hoping this will be advanced in the other acts of this country.

Now I wanted to say that I believe the board should have jurisdiction in deciding the amount. I am a little concerned with some of the sections which passed that responsibility on to committees. If there is a permanent disability, committees - one medical and one non-medical - evaluate it. I see there is an appeal, however, to the board, and I'm glad of that, similarly in other sections.

But I think the act has been definite enough in a number of places where the board is going to be held fully responsible for the compensation that is awarded. I don't think the board can any more say that we're going to depend entirely on medical evidence.

Now let me say a word or two in connection with the place of medical evidence. I think there is a place for medical evidence in compensation. I think the doctors of this province have rendered a very valuable service. It would be most unusual if some of them were not wrong, and I cited one who I think was wrong.

There are workmen all over the province who will claim the doctor is wrong. The board, and I commend it for its outlook, has always said to me, well, if you can find medical evidence that proves this medical evidence wrong, then we'll act accordingly. Many times I have gone to the board and said, is this workmen being compensated at the rate set out by medical evidence? The board has always been quite willing to show you the file and say, yes, we're paying exactly in accordance with the assessment of the medical men. Medical men have a very important place to play, also medical women, in the matter of compensation.

But not the whole story. Theirs shouldn't be the whole story. I think that's why we have men on the board to review this from a broader scope than just the medical evidence. Where a man has shown himself to be a man of high principle, a worker, a man of integrity during his working years and particularly if that's a period of time, and then he has a serious injury, then, Mr. Speaker, I hope the board will have the courage that is set out in this act to say we'll go beyond - we'll go beyond what the medical men say. Because surely this man can't suddenly be turned into a loafer after a serious accident when he has never been that way before, and we will find out what is wrong with him and correct it. Of course, that's a responsibility too.

Now when we talk about the exclusive jurisdiction. For many years I have - argued is the word - with miners in wash houses in my constituency that they should not have the act amended so that they can take it to a court. I've outlined to them the early days of compensation when workers had the right to go to court, before the days of the Workmen's Compensation Act, where the workers invariably lost because they couldn't afford the lawyers that the employer could afford.

But you know I think we're in a different period. I'm beginning to think that I argued this too vehemently with many workmen who felt they should have the right after final appeal, certainly in some injuries that are difficult to assess, to go before an independent body where the workers or the labour union and the board would be heard by a completely impartial body.

I think there is a place for reference to courts and I would like to see the act opened experimentally for that purpose to see if some of the cases now, there are not very many in the province really compared to the thousands that have been dealt with, but there are still a few that have come up through the years where there has never been satisfaction achieved to the workman's satisfaction, where he might have a chance of going before a court. This would have to be set out by regulation but I think now there is an opportunity to do that.

I would ask the hon. minister to consider making it at least possible for the Lieutenant Governor in Council to permit appeals to courts in some circumstances. I think it would be another advance for this province. If it's wrong, surely a few court cases are not going to be out of the way, not going to be irreparable, but it will stand in very good stead.

Mr. Speaker, I see you looking at the clock. I have a few more comments I'd like to make so I beg leave to adjourn the debate.

MR. DEPUTY SPEAKER:

The House stands adjourned until 8:00 o'clock tonight.

[Mr. Deputy Speaker left the Chair at 5:29 o'clock.]