

LEGISLATIVE ASSEMBLY OF ALBERTA

Monday, October 29, 1973

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

PRAYERS

[Mr. Speaker in the Chair]

NOTICES OF MOTIONS

MR. HYNDMAN:

Mr. Speaker, at this time I wish to give oral notice of a future government motion to be moved by myself and seconded by the hon. Dr. Hohol, that this Assembly do now adjourn until 2:30 o'clock on the afternoon of Monday, December 3, 1973.

FILING RETURNS AND TABLING REPORTS

MR. BATIUK:

Mr. Speaker, I would like to table an egg, a chicken egg, 12 inches long.

Last Wednesday, when I spoke in support of amendments to The Alberta Opportunity Fund Amendment Act, the hon. Member for Calgary Mountain View figured this was all baloney, so I said I will make it a point to try to bring an egg to table.

The owner of Highlands Produce in Two Hills, a firm that has been assisted by the Alberta Opportunity Fund and also the Agricultural Development Corporation, is processing these eggs. There are 12 eggs in here. They are boiled and frozen. He will be producing 2,000 cases, which is 288,000 eggs weekly. He has a market abroad. And this is the first and only such industry ...

MR. SPEAKER:

Could the hon. member lay ... I mean, table the egg.

[Laughter]

MR. BATIUK:

Mr. Speaker, in addition, the manager of Highlands Produce has given a sample for every member of the Legislative Assembly. There is one extra one, and I would even recommend that this one be given to the hon. Member for Calgary Mountain View. Probably he could even sit on it. It's frozen, so I'm sure it probably could cool him off even if he weren't able to hatch it.

[Interjections]

MR. CLARK:

... [Inaudible] ... hon. member have the yolk on his face?

AN HON. MEMBER:

Well, really.

MR. CRAWFORD:

Mr. Speaker, I would like to table copies of the 1973 twenty-second annual report under The Public Contributions Act.

DR. WARRACK:

Mr. Speaker, I have the honour to submit to the Legislature the first of our wildlife management series. They deal with a number of principles and also species of wildlife in Alberta, and are submitted for the information of members.

MR. DOWLING:

Mr. Speaker, I would like to table the answers to Question No. 278 and Return No. 279, ordered by this House.

MISS HUNLEY:

Mr. Speaker, I wish to table a reply to Motion for a Return No. 270, asked for by Mr. Dixon on October 23, 1973.

In tabling the reply, Mr. Speaker, I would like to comment that I did amend the motion to change the meaning from beer and wine. The hon. member indicated he also wished information on liquor. These regulations do, I hope, contain all the information the hon. member was seeking.

MR. HYNDMAN:

Mr. Speaker, I wish to table for the Assembly copies of a comprehensive progress report on Early Childhood Services programs across the Province of Alberta. I have copies available for all members of the Assembly.

MR. FOSTER:

Mr. Speaker, I'd like to table Return No. 269 requested by Mr. Benoit.

ORAL QUESTION PERIOD

Adoption of Infants

MR. CLARK:

Mr. Speaker, I'd like to direct a question to the Premier. Would the Premier indicate to the House the government's policy regarding the adoption of infants? To be more specific, would the Premier inform the House whether Alberta families are given priority in adoption procedures in Alberta?

MR. SPEAKER:

The latter part of the question could certainly be answered briefly. It would seem to me that an answer involving the policy on adoptions might be a little lengthy for the question period.

MR. LOUGHEED:

Mr. Speaker, I'd refer the question to the hon. Minister of Health and Social Development.

MR. CRAWFORD:

Mr. Speaker, the only cases in which adoptions of infants in Alberta go to parents outside the jurisdiction are cases in which there has been no success in placing them in Alberta. Normally it involves not infants but older children.

In respect to the policy statement generally, I think I could very briefly just add a little bit to that, Mr. Speaker. The general rule is that if a family is able to have children of its own or has previously adopted children and has not more than two, there will be a limitation. In ordinary circumstances it would not get a further child. This policy change was necessary within the last year or so because of the relatively small number of infant children available for adoption compared with previous years.

MR. CLARK:

Mr. Speaker, a supplementary question to the Minister of Health and Social Development. Is the minister aware of a situation - during the last fiscal year - where it appears that over 50 infants, many of them Caucasians without disabilities, were sent outside the province for adoption? If this is so, would the minister tell the House the reason for this situation?

MR. CRAWFORD:

Mr. Speaker, that would be contrary to government policy, unless they fell within the guidelines I outlined to the hon. Leader of the Opposition when he asked his question, namely that there had been no prospect of placing them in Alberta. I would be glad to look into the question, Mr. Speaker.

MR. CLARK:

Mr. Speaker, another supplementary question to the minister. When the minister is looking into this particular situation, will the minister also look into the possibility or the situation that appears, of a special arrangement between the Province of Alberta and the Province of Ontario, because the ...

MR. SPEAKER:

Order please. Order please. The hon. member has asked his question, I believe.

MR. CLARK:

Mr. Speaker, then ...

MR. SPEAKER:

The reasons for asking the question are not matters which need to be dealt with in the question period.

MR. CLARK:

Mr. Speaker, then a supplementary question to the minister. Will the minister check to see if a large number of these children has gone to the Province of Ontario?

MR. CRAWFORD:

Mr. Speaker, I'll do my best to get full information on everything related to that question.

MR. CLARK:

One last supplementary, Mr. Speaker, to the minister. Would the minister check to see if there has been a number of children from outside Alberta coming to the Province of Alberta for adoption here?

MR. CRAWFORD:

Mr. Speaker, that is a separate matter. I would also be glad to look into that.

MR. SPEAKER:

The hon. Member for Wetaskiwin-Leduc followed by the hon. Member for Drumheller.

Provincial Energy Marketing Board

MR. HENDERSON:

Mr. Speaker, I'd like to address a question to the Premier. I wonder if the Premier could advise the House as to whether the government has under consideration the establishment of a provincial crude oil and gas or provincial energy marketing board of some sort or other?

MR. LOUGHEED:

Mr. Speaker, the answer to that is yes. It is one of the alternatives and one of the options the government is considering. It would be a matter that

will be more fully considered by the government over the course of the recess of the Legislature. We could, perhaps, be more specific with regard to the matter when we reassemble on December 3.

MR. SPEAKER:

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

The Hospitals Visitors Committee Act

MR. TAYLOR:

Thank you, Mr. Speaker. My question is to the Minister of Health and Social Development. Is the government giving some consideration to the repeal of The Hospitals Visitors Committee Act?

MR. CRAWFORD:

No, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Whitecourt followed by the hon. Member for Macleod.

Livestock Facility Development Program

MR. TRYNCHY:

My question is to the Minister of Agriculture. In the number of inquiries I've received over the weekend on the livestock facilities program, can the minister be more specific as to the rate of pay a farmer or his sons may expect when engaged in this project?

DR. HORNER:

Mr. Speaker, yes I can. Response to the program has been really tremendous. Therefore, the following guidelines have been sent out to the district agriculturist who will allow the farmer to charge \$2 an hour for his labour - we appreciate that his time may, in fact, be worth more than this and usually is, but it does take into account that we will also give him an allowance for sons who may be helping. At the moment the going rate for farm help is about \$3 an hour. I would like to point out this is a labour assistance program and is a supplementary to what might otherwise be done.

In addition to that, Mr. Speaker, the other important guideline is that we will determine the maximum hours that labour should be involved in any particular project and have some guidelines for farmers so that it will be quite straightforward.

MR. BUCKWELL:

Supplementary, Mr. Speaker. With the number of programs the Department of Agriculture has involving the DA, is the minister considering an administrator in the different districts?

DR. HORNER:

Mr. Speaker, my first response would be that in my discussions with the DAs around the province - and I have just finished a departmental conference - they're extremely happy to be really in the swing of things and are pleased to be working harder.

We are not at the moment looking at any additional administrative personnel because we think it can be handled by the people in the field who have responded so well in the last two years.

MR. SPEAKER:

The hon. Member for Hanna-Oyen with a supplementary, followed by the hon. Member for Drumheller.

MR. FRENCH:

Mr. Speaker, my supplementary question to the minister is, when will these new regulations be going out to district agriculturists?

DR. HORNER:

They've gone out, Mr. Speaker.

MR. TAYLOR:

Supplementary, Mr. Speaker. Will the program be limited to those who are living on the farm or to farmers who are living in the cities? Will they be included?

DR. HORNER:

Let's be very clear about this, Mr. Speaker. It will be limited to farmers developing a livestock program. In this case I would suggest they have to live on the farm to look after their livestock. I want to be quite frank about that.

MR. SPEAKER:

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

Expo '74 - Spokane

MR. BUCKWELL:

Mr. Speaker, my question to the Minister in charge of tourism. The centenary celebrations in Alberta next year coupled with the Spokane World's Fair - could the minister in charge of tourism inform the House if any special publicity is forthcoming to inform and attract tourists to Alberta?

MR. DOWLING:

Mr. Speaker, I can answer that affirmatively. We have, of course, prior to the decision for Alberta to participate in Expo '74, developed a plan to convince the tourist travelling to Expo Spokane that once he arrives there he should continue his travels on to Alberta. This will be an extensive program in the Los Angeles, California area. As a first step we have recently appointed a Travel Alberta representative to that office.

We have also made some initial steps toward an organized plan of developing a tourist industry in 1974, after Expo Spokane, with the Travel Industry Association of Alberta.

Finally, Mr. Speaker, a group of ministers have been given a responsibility for developing a plan for Expo Spokane. Our department is involved in that as well.

MR. TAYLOR:

Supplementary, Mr. Speaker, to the hon. Minister of Lands and Forests. In selecting the Alberta trees and shrubs for this island that the Canadian government plans to construct, would the hon. minister give some consideration to placing among those trees and shrubs a beautiful dinosaur from the Drumheller valley?

DR. WARRACK:

Mr. Speaker, first of all, I did pass on the suggestion the hon. member made, I think last week, in that regard.

Secondly, I would place such an item in that display if I thought it would grow.

MR. HO LEM:

Supplementary, Mr. Speaker, to the minister. In view of the express interest of certain service clubs, such as the Jaycees, will there be certain grants allotted to these organizations to assist them in this program of yours?

MR. DOWLING:

Mr. Speaker, we now have a system of grants through the Travel Industry Association of Alberta whereby, through the 14 zones, we do grant certain amounts of money for approved programs. If this particular club feels it has a legitimate program for Expo Spokane, I would suggest it contacts its Calgary

counterpart and makes its proposal to them. From them it would come to Travel Alberta.

MR. SPEAKER:

The hon. Member for Calgary Millican followed by the hon. Member for Hanna-Oyen.

Oil Policy

MR. DIXON:

Mr. Speaker, my question today to the hon. Premier is regarding a possible Watergate. Or maybe you should call it a possible 'oilgate'? Did you receive, Mr. Premier, a phone call from the hon. Minister of Energy, Mr. Darcy McKeough from Ontario, stating that he had had a call from a mystery man and he had phoned you or one of your ministers ...

MR. SPEAKER:

Would the hon. member refrain from the pronoun "you" in that context.

MR. DIXON:

Thank you, Mr. Speaker, but it is mysterious and it is hard to pin it down. Maybe the Premier or one of the ministers can help out. My question basically is, following this call what was the discussion with the minister? Have we decided to cool it, as far as Ottawa is concerned, in our oil policy?

MR. LOUGHEED:

Mr. Speaker, first of all, I read the press report which I think might differ somewhat in its context with the actual speech that was made by the Ontario minister, Mr. McKeough. Through the Speaker, I can assure the hon. member that the mystery call was not from Alberta so far as we were able to determine.

I think the better context of my understanding of what Mr. McKeough said - and I think frankly it was not well-reported by the Canadian press - was that it wasn't a request to Alberta to cool it; it was a statement by Ontario that they intended to work in a more conciliatory way to work it out for the benefit of Canada and the two provinces involved.

MR. DIXON:

A supplementary question, Mr. Speaker, to the hon. Premier. Has the hon. Premier anything to report so far on the present meeting in Ottawa being carried out today?

MR. LOUGHEED:

Mr. Speaker, my reports have been extensive by telephone, but I do think that under the circumstances it would be better to wait until the ministers return to the House tomorrow afternoon and I am sure they would be pleased to respond directly. I am sure it would be better coming from the ministers who were at the meeting rather than through myself.

MR. TAYLOR:

Supplementary, Mr. Speaker. Does the hon. Premier think it would be wise for Alberta to cool it now, just when the people are getting heated up?

MR. SPEAKER:

The hon. Member for Hanna-Oyen followed by the hon. ...

MR. LOUGHEED:

Mr. Speaker, I think it is important to respond to that because I feel pretty strongly about the way it was reported.

In our view, we are as determined as we ever have been that we are not going to continue, for any indefinite period, to sell the natural resources of this province in a depleting basis below value. That position is as firm as it was in November of 1972.

MR. SPEAKER:

The hon. Member for Hanna-Oyen followed by the hon. Member for Pincher Creek-Crowsnest.

Remembrance Day Holiday

MR. FRENCH:

Mr. Speaker, my question is to the hon. Minister of Manpower and Labour. As November 11 falls this year on a Sunday, will November 12 be declared a holiday?

DR. HOHOL:

Mr. Speaker, this is now being considered by the government and we will be prepared to make an announcement on this tomorrow afternoon.

MR. SPEAKER:

The hon. Member for Pincher Creek-Crowsnest followed by the hon. Member for Calgary Bow.

Environmental Impact Studies - Highway No. 3

MR. DRAIN:

Mr. Speaker, my question is to the Minister of the Environment. Can the minister advise as to whether environmental impact studies are now being conducted as to the impact on the environment of the relocation of No. 3 Highway through the Crowsnest Pass?

MR. YURKO:

Mr. Speaker, as a result of the visit by a number of ministers through the Crowsnest area, the ministers who were involved in that aspect of the trip had a meeting on their return and discussed the construction of the highway as it relates to environmental consequences and aspects through the corridor. We have decided to re-examine some parts of the highway - the location and the manner of construction of the highway - with respect to improving the total environment in the corridor.

MR. DRAIN:

Supplementary, Mr. Speaker. When can it be anticipated that this study will be completed and available?

MR. YURKO:

Mr. Speaker, I wouldn't want to answer on behalf of the Minister of Highways but I believe that the highway construction period is an extended one over a period of some five years or longer, so that the studies themselves - it is not going to be a single study, it is going to be a series of studies - are going to be conducted over a period of some years.

MR. SPEAKER:

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

Calgary Area Parks

MR. WILSON:

Mr. Speaker, I would like to direct a question to the hon. Minister of Lands and Forests. Can the minister advise what action the provincial government has taken on the formal application by the City of Calgary for lease for park purposes of several provincially-owned lands along the Bow River in Calgary?

DR. WARRACK:

I don't know, Mr. Speaker. I would have to check.

MR. WILSON:

Supplementary, Mr. Speaker. Is it the intention of the provincial government to include a member of the City of Calgary Parks and Recreation Board on its Fish Creek Provincial Park advisory board?

DR. WARRACK:

Mr. Speaker, that is an important question that follows up on the question asked, I believe on Friday, by the Member for Calgary McKnight. What we're arranging, Mr. Speaker, is an advisory committee that would be from the public and at the same time to have a technical working committee that would be between the city and the province. In that way we would have the technical province-city input through that particular committee and also the public involvement consideration taken care of through the advisory committee that would be [drawn] from members of the public.

So in the way I describe, Mr. Speaker, the answer would be yes.

MR. SPEAKER:

The hon. Member for Clover Bar followed by the hon. Member for Calgary McCall.

Edmonton Census

DR. BUCK:

Mr. Speaker, I would like to address my question to the hon. Minister of Municipal Affairs. Can the hon. minister indicate to the House what stage negotiations with the City of Edmonton have reached concerning the overpayment by the provincial government of about \$400,000 as a result of the statistical error in the Edmonton census?

MR. RUSSELL:

As some hon. members may be aware, Mr. Speaker, the City of Edmonton has had discussions with me on this through the office of its mayor. They have requested an opportunity to conduct this year, based on the last report they received from their consultant, what they think will be a very accurate census. We now have some amending legislation on the books and in front of the members which will assist in that. We expect to continue our discussion, based on more accurate figures, following the results of that census.

MR. SPEAKER:

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

Denticare

MR. HO LEM:

Mr. Speaker, I would like to direct a question to the Minister of Health and Social Development. Mr. Minister, in view of the interest expressed by the general public in the question of denticare, have you had an opportunity to investigate or request your department to investigate the possibility of such a program for Alberta?

MR. CRAWFORD:

Mr. Speaker, it is not in the imminent plans of the government to recommend such a program.

MR. SPEAKER:

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

Pollution - - Smoking

MR. BENOIT:

My question, Mr. Speaker, is to the Minister of the Environment. Is the minister or the government planning any legislation to protect the non-smoking public from the pollution of second-hand tobacco smoke?

MR. YURKO:

No, Mr. Speaker.

MR. BENOIT:

A supplementary to the Minister of Consumer Affairs, Mr. Speaker. Is the minister or the government planning now or in the future some method of ensuring that non-smoking citizens of Alberta will not be compelled to consume second-hand tobacco smoke against their will?

MR. DOWLING:

No, Mr. Speaker, but I'm planning on quitting myself.

[Laughter]

MR. DRAIN:

A supplementary, Mr. Speaker. When?

MR. DOWLING:

Mr. Speaker, I have two days left depending on when the session ends.

MR. SPEAKER:

The hon. Member for Wainwright followed by the hon. Member for Clover Bar.

Airstrip Development Program

MR. BUCKWELL:

Mr. Speaker, my question is to the Minister of Industry and Commerce. During the spring sitting of this Legislature the minister indicated that further information on an airstrip development program would be following later this year. Is the minister in a position to announce this now, or when can we expect it?

MR. PEACOCK:

Mr. Speaker, not at this time. However, the consideration of such a policy is before the Executive Council.

MR. SPEAKER:

The hon. Member for Clover Bar.

Forum on Youth

DR. BUCK:

Mr. Speaker, I would like to address my question to the Minister of Culture, Youth and Recreation. Mr. Speaker, I would like to know if it is the intention of the Alberta government to participate in the November 6-9 youth conference in Toronto sponsored by the Ontario government? It is entitled Forum on Youth.

MR. SCHMID:

Yes, Mr. Speaker, it is the intention of this government to participate in this conference.

DR. BUCK:

Mr. Speaker, through you to the minister. Have the delegates been selected for this conference?

MR. SCHMID:

Mr. Speaker, one delegate has been selected. However, another one from the Department of Manpower and Labour will be announced. The reason this gentleman is going along is because LIP projects as well as OFY programs will also be discussed at the conference.

DR. BUCK:

My final question, Mr. Speaker. Has the delegate that has already been selected - is it a government appointment or is it an appointment from the youth groups?

MR. SCHMID:

Mr. Speaker, it is a representative of the Department of Culture, Youth and Recreation.

DR. BUCK:

My final question. Then the hon. minister is saying there were no representatives from youth groups outside government service?

MR. SCHMID:

That is correct, Mr. Speaker, since the invitation received was directed directly to the department.

MR. SPEAKER:

The hon. Member for Wainwright.

Crop Assistance Programs

MR. RUSTE:

Mr. Speaker, my question is to the Minister of Agriculture. Is the government considering making payments for snowed-under grain to farmers in the province, as was done the last time the crops were snowed under?

DR. HORNER:

Mr. Speaker, those are all parts of contingency plans provided that we can't make further progress in the harvesting situation in the province. We are still hopeful that substantially more crops can be harvested this fall. That will depend on a great deal of cooperation from whoever has that kind of power.

MR. RUSTE:

A supplementary question to the minister. Is the government considering making any special credit available, so that farmers who are in these areas may be able to utilize the program announced last Thursday dealing with the building of livestock facilities?

DR. HORNER:

Mr. Speaker, as my honourable friend should know, there are a substantial number of credit programs now available which farmers can take advantage of. I would suggest that these would cover, as a matter of fact, any such program that is outlined through the previously announced guaranteed programs.

MR. SPEAKER:

The hon. Member for Calgary Bow.

Aviation Hall of Fame

MR. WILSON:

Mr. Speaker, I would like to direct a question to the hon. Minister of Culture, Youth and Recreation. Is the provincial government taking any steps or is it interested in assuring that the Aviation Hall of Fame is located in Alberta rather than Manitoba or Ontario?

MR. SCHMID:

Yes, Mr. Speaker. On several occasions, when we had meetings with the National Museum people, we expressed our interest and support in having the museum of aviation located in Alberta.

ORDERS OF THE DAY

MR. HYNDMAN:

Mr. Speaker, I move you do now leave the Chair and the Assembly resolve itself into Committee of the Whole to consider bills on the Order Paper.

[The motion was carried.]

[Mr. Speaker left the Chair.]

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COMMITTEE OF THE WHOLE

[Mr. Diachuk in the Chair]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order.

The Speaker, before departing, asked me to read the following note. The note is from the Clerk.

Mr. Speaker, you might wish to advise members that the donation from the hon. Member for Vegreville was frozen on arrival. It has been disbursed among the members' boxes in the Clerk's foyer and we sincerely trust that members will claim their gift promptly.

Bill No. 69 The Department of the Solicitor General Act

MR. STROM:

Mr. Chairman, the only question I would like to ask the Solicitor General is with regard to staffing. Can the hon. minister tell us whether there has been an addition to staff, has a transfer of staff taken place, or just what has happened during this period of time?

MISS HUNLEY:

Mr. Chairman, up to the present time the only thing that has happened in the department is that certain personnel, already employed, have been transferred to the Department of the Solicitor General. We are advertising for a Deputy Solicitor General and that appointment, I hope, will be made soon.

Other than that I don't see any very great changes within the staff of the department as transferred over from the Attorney General.

MR. STROM:

Just one final question then. Do I take it that the programs that have been transferred to your department were transferred intact so there was no personnel left within the Attorney General's Department? And that we are not going to see any duplication or addition of staff as a result of the breaking-up of the two departments?

MISS HUNLEY:

Mr. Chairman, I wouldn't like to give an undertaking that there would not ever be any additional staff because I have some ideas, particularly in the correctional field, in which I feel I would like some leeway, that I feel there may be someone I need to add to the staff. I'm not positive of that at the present time.

We are working together, personnel and the finance department from the Attorney General, are meanwhile administering the affairs of the Solicitor General. We are in the process of finalizing the guidelines and we think that one department can manage the affairs for both. We believe that at the present time, though I would certainly not like to give any really firm commitment, it will not be necessary after I've had a chance to really review the operation.

MR. STROM:

Mr. Chairman, I didn't expect the hon. Solicitor General to give me that kind of an undertaking because I think it is very evident from the experience that we have had in the past year that there were great additions to staff taking place within the departments. All I am looking at and wondering is whether we are seeing if there are additions as a result of the immediate transfer.

I believe I heard a muttering over here that it was nonsense, that there were no additions to staff. I think that particular minister knows there has been additional staff.

[Interjections]

MR. STROM:

Well, the way I heard it muttered, it was "nonsense".

I'm very happy to hear that there has been no addition of staff in the transfer because I suggest to the hon. Solicitor General that this is one area that needs to be watched very carefully because I think there can be additions immediately.

MR. BENOIT:

I would like to have just a word of explanation with regard to Section 9 where The Family Court Act is amended by striking out Section 5. What was involved in that? Does the family court come under your jurisdiction for the time being?

MISS HUNLEY:

It refers to the probation officers. At the present time we're discussing, but we have not finalized, whether all the probation officers will move over with the probation branch. There is some feeling that those in Edmonton perhaps should remain and this has not been resolved.

MR. BATIUK:

Mr. Chairman, maybe Bill No. 64 [69] has gone ahead of itself, but in Section 4, subsection (1), it says, "The Solicitor General may establish such boards, committees, or councils as he considers". Should it be "she" considers, or "he" or "she"?

MR. RUSTE:

Good point.

MR. BATIUK:

The word "he". Should it be "she"?

MISS HUNLEY:

Mr. Chairman, I appreciate the concern of the hon. member, but I believe it is customary through the ages to consider "he" to read "she" or "he" as the case may it. As long as it doesn't say "it", it's all right with me.

MR. HYNDMAN:

Mr. Chairman, the Province of Alberta provides that "he" include "she" in all Statutes of the Province of Alberta.

MR. DIXON:

Mr. Chairman, I'd like to direct a question to the hon. minister. When the police put up these roadblocks for your StopCheck program, are they going to inform the motorist they have stopped what they are actually looking for? Or are they going to say, we just want to check your driver's licence, we're not interested in smelling your breath?

I'm just wondering how you can do that because it seems to me that we may run into problems in court with lawyers arguing and getting the person off because they say they are only looking for insurance. I think it's a violation, really, of The Bill of Rights to stop somebody falsely for something when they are not looking for this at all. They are looking for whether he is drinking or not. Why don't they tell him he is drinking or just what they are looking for? I'm just wondering how we're going to get around that, that is all.

MISS HUNLEY:

In my discussions with the various police departments throughout the province and with the RCMP, they were very enthusiastic about the suggestion we had, and that was that they proceed with the check stop and that they ask for

the pink card, because we felt that would be a good way for us to determine how many, if any, uninsured drivers there were on the road.

At that time, we will count on the policeman using his good judgment. If there are signs of impairment, I would expect the police to take the action they ordinarily take.

MR. DIXON:

... [Inaudible] ... program. Why can't they say, we are stopping all cars because we have StopCheck; we are looking for drinking drivers - rather than telling a person they are looking for something else, when in effect they are looking for liquor, not whether the car is insured or not. This is my question, Miss Minister.

MISS HUNLEY:

Basically I think it would be a wasted opportunity to stop. Certainly we are really trying to ask drinking drivers not to drive. That is the intent of the publicity. We are telling them that there is a possibility that they will be checked at a check stop and that there will be more check stops in the future than there have been in the past. If they wish to drink, will they please not drive because the possibility of being stopped by the police will be that much greater.

At the same time, we anticipate that they will check for the pink card. Perhaps they may check for registration if something unusual in the car makes them feel the car is perhaps stolen. I think they would be very remiss in their duty not to investigate further if there is something that creates suspicion in the minds of the officers.

MR. DIXON:

One further question in this regard. I had a phone call from a young person and I am to ask you this question. It may sound facetious, but I think the person who called was serious. This young person wanted to know if the government had planned to have liquor advertisements allowed on television the same week as they announced the program to stop the drinking driver?

MISS HUNLEY:

No, we didn't particularly plan it because these are two separate things. I was carrying on with the impaired driving program. We had a time schedule for it and they are actually completely disassociated. I am trying to convince people, as is the government, through the program that if you wish to drink, will you please stay at home or get someone else to drive and not get behind the wheel - which is the intent of the impaired driving program.

MR. BARTON:

Mr. Chairman, to the minister. Could she tell me which department legal aid will stay under. Will it be yours or the Attorney General's?

MISS HUNLEY:

Under the Attorney General.

MR. RUSTE:

Mr. Chairman, to the Solicitor General. Is the government considering stiffening the fines for impaired driving? I am looking at some of the things that are happening in some of the Scandinavian countries where it isn't worth it to take a chance because the fines are so stiff.

MISS HUNLEY:

I think we could debate that at some length. I believe that down the road we will be looking at other areas. But I am not convinced, from the reading I have done, that stiffening the fines and even jail terms have been as effective as we would wish.

It's quite an unusual thing and many people are not aware of the actual facts. They think that that has helped. It has not necessarily done so. What we are trying to do, through the impaired driving program, is to create a more sensitive attitude towards driving and drinking.

MR. SORENSON:

To the minister, on this StopCheck. I notice you have posters in papers and radio and television. Are you allowed to place posters in bars and taverns, warning them at that point?

MISS HUNLEY:

Mr. Chairman, as a matter of fact, we've had a great deal of cooperation from the operators of beverage rooms and tomorrow, in Orders of the Day, I hope to bring the hon. members up to date on where we stand, what has happened at the finish of one part of the program and the beginning of a second.

MR. TAYLOR:

Mr. Chairman, I would like to wish the hon. minister and the government every success in its program in connection with impaired driving. I certainly hope that it will be successful.

I am somewhat dubious, however, because of previous programs for which we had high hopes. Some of them are realized, but certainly not to the extent we wished. It seems to me, in following impaired driving across Canada in the last two years, that we are not really going to get to the bottom of this unless we get real teeth in the Criminal Code giving the courts authority to place a person, who drives while impaired, in prison.

Provincially we can't do it. We can raise fines as much as we like; the rich couldn't care less because they can produce the money. It hurts the poor. I'm not in favour of heavy fines; it's not equitable, it's not equality. It favours those who have a lot of money.

It doesn't matter whether you are rich or poor. If the court had the authority to say you would spend one day, even one day, in prison I know I would think several times before I got behind the wheel. Well, I think several times right now. But anybody would think twice, three or four times before they got behind the wheel impaired, if they thought there was a danger of spending just one day in jail. One day - that would be enough for most people, who have a hatred of being in jail.

I had some hopes at one time of putting this in provincial legislation, but the legal men said it wasn't possible. It's conflicting with a field that's already occupied by the federal government. Perhaps the hon. minister has also had some thoughts in that regard. I would like to see the government, and as a matter of fact the entire Legislature, make representation to Ottawa, to give the courts the authority at least to jail anywhere from one day to three months, with a maximum of three months, for a first offence of impaired driving. I would think this would produce results we have been unable to get in any other way.

At this stage I'm fully behind the program advanced by the hon. Solicitor General. I think every hon. member should get out and talk up this program in their public meetings, on the radio, on TV and with people, to see if we can create an awareness of responsibility that we have no right, no right at all, to get behind the wheel when we are impaired and endanger the lives of others. I think this is the theme of the program advanced by the Solicitor General. I certainly think we all have a responsibility to try to make this next program fully successful.

If it isn't as successful as the hon. minister wants, perhaps then we can unitedly ask Ottawa to provide a jail term. If it were emblazoned across the newspapers of this province and across the whole country - because it is no worse in Alberta than it is in any other province - that impaired driving meant a jail term of at least one day and maybe more, I think you'd find a sudden responsibility becoming very evident on the part of those who, today, drink and then get behind the wheel.

I think you reach a stage when you are drinking - and this is what I meant to imply the other day, not that I ever thought the hon. minister got impaired because I don't think she does and I'm sure she wouldn't. If that connotation was there, I certainly apologize because I never intended it. What I intended to say was that a person, sober, sometimes has difficulty reading a breathalyzer. I've seen a few people who were inebriated trying to read a breathalyzer, and if it weren't so serious it would be funny. They have no more sense of reading a breathalyzer than I have of going to the moon tomorrow and no more possibility. They just have no idea. The drunker they get, the more sober they think they are. The drunker they get, the better drivers they think they

are. We're simply wasting our time to think they could read a breathalyzer when they shouldn't be driving, particularly when they get into the latter stages of intoxication.

I want to congratulate the hon. minister and the government for this program. I hope it will be highly successful in making our highways and streets safer for people to ride and walk thereon.

DR. BUCK:

Mr. Chairman, I would just like to endorse the feelings of my colleague and say to the hon. minister that I certainly do wish her well in this endeavour.

My concern is that as citizens we just pay nothing but lip service to our genuine concern about drinking and driving. When you indicate to the layman that we can make the legislation so difficult and make the enforcement so difficult that you will not be able to afford to drink and drive, they say, well, we don't really want it that tough because surely a man can have a beer or two. When you speak to police officers, they say there has never been anybody picked up who has ever had more than two beers. That is the standard. The guy who says I am so drunk I can't walk, so I have to drive has never had more than two beers. The only solution I can see is that it must become so tough, as it is in the Scandinavian countries, that you cannot take the chance of drinking and driving.

The statistics that were shown in England, when they got that severe and that tough just before a holiday season about two or three years ago, indicated very clearly that the incidents of drinking and driving really did go 'way down. But then people seem to build up a tolerance and it levels off and the accident rate seems to come up. They start thinking, well, the police aren't really going to crack down that severely for any length of time, and the curve starts to swing up.

I think that until the general public really wants us to make the legislation that tough and have enforcement officers make enforcement that tough, we will not solve the problem of the drinking driver.

MR. CLARK:

I'd like to associate myself with the comments made by Mr. Taylor and the hon. Member for Clover Bar with regard to the program.

Might I suggest to the minister that I'm sure it won't be long after November 1 that you start to get complaints from a number of people who are, in fact, stopped. Might I suggest that you seriously consider having law enforcement officers present to drivers who are stopped a small card, perhaps something like this, with just four points on it. It would point out to people that something like 455 motorists were killed on our highways in Alberta last year, that perhaps 5 per cent of the people on the road are in that situation as far as impairment is concerned.

Now, we tried to check that percentage out - and found it very difficult - with the Drug and Alcohol Abuse Commission, the AMA, your office of the Attorney General's Department and the university. Nobody seems to have a figure, whether it's 5 per cent or 2 per cent or 6 per cent, but I'm sure you could find a figure that would be somewhat reasonable. To forward the proposition that if the large number of those people driving while they are impaired were taken off the highway, likely half of the 455 motorists who were killed last year wouldn't have found themselves in that situation.

Perhaps the last point you would want to include in this kind of handout to drivers you stop is to simply say, we hope the delay has not inconvenienced you unduly and that you understand this program is for your safety and the safety of your family.

I ask the Solicitor General to consider the suggestion seriously so that people, when they're initially stopped, will be asked for the pink card, as you've indicated, perhaps for something else. Then they'll go on and say, I wonder what that was all about? Nineteen out of the twenty people stopped will likely fit into that category. I think the steps your department is taking would impress them considerably, and also the concern that the government, the Legislature and people in general have for this kind of havoc on our roads in the province.

So I ask you to consider seriously some kind of handout to drivers who are stopped. I think it will have quite an impact on them after they're back on the

road again. It will likely end up on their dash and they'll notice it again in a few days. I think this is a worthwhile suggestion.

MR. STROM:

If I might just add one point that hasn't been touched on, and that is, I'm sure the hon. minister realizes that for every time we increase the number of outlets available and make drinking privileges more liberal than they have been in the past, we are adding to the problem of drinking drivers.

I for one would never argue an individual's right to determine what he or she might do in this area, except as it relates to driving. On that point it infringes on the privileges of those who may not even involve themselves in that sort of thing. Therefore, I say that we need to give very serious consideration to an expansion of the controls on drinking drivers.

I'm not sure if I understood the hon. minister right. I thought she suggested that penalties, fines and possibly jail were not deterrents. I think that if they reach a certain level, and I'm not sure what that level is, they do become deterrents. Coupled with that, I think we ought to look very carefully at the removal of driving privileges.

I know, from information I have received from friends and relatives from European countries, that it is working. I remember the hon. Provincial Treasurer in our former government visited Norway, came back and told me that friends of his, when going to a noon-day function and knowing that they were going to drive, simply wouldn't imbibe because they knew they would have to suffer the consequences. And it worked. Therefore it is all well and good to suggest that some of these things are not a deterrent, but I think that when we reach a certain level they certainly will be.

My last point - I want to reiterate that we must keep in mind, as we expand the outlets and liberalize our laws, that we are in turn going to have to counteract that with some control measures relating to drinkers and driving.

DR. PAPROSKI:

If I may make one comment for the hon. minister's consideration, I think if she reviews the statistics regarding alcoholism she may find - and I don't know these figures, but I suggest that it may be worthwhile reviewing them - serious accidents and accidents as a result of drinking are due to chronic alcoholics. May I suggest to the hon. minister that every consideration be given in the near future that those who are found to be diagnosed chronic alcoholics, have their licences revoked for a period of time - one or two years - until it is established beyond any question that they are, in fact, in a remission or recovery stage.

MR. TAYLOR:

Mr. Chairman, if I could add one point before the minister speaks. I was interested in what the hon. Member for Cypress just mentioned about the number of outlets and I think generally speaking what he said is true.

However, I would not be fair to my constituents if I didn't mention that the very reverse has been true in the area of Gleichen. I know of three people at least - and I think the people down there would vouch for more than that - who have been killed because people from the Gleichen area and from the reserve had to drive 30 miles on the Trans-Canada Highway in order to get to a liquor store. Representations have been made to me by the people of that area that if they had had a store, even a small store, in Gleichen itself that would have avoided driving on the heavily-travelled Trans-Canada highway and would consequently have saved apparently three lives at least in the last year. So I think there are exceptions to the general rule mentioned by the hon. Member for Cypress.

I feel it is worthy of consideration, particularly where you have a large number of people such as are centred in the Blackfoot Reserve and the town of Gleichen who must travel 30 miles on a heavily travelled highway in order to get their liquor. They have a few drinks and then of course, they endanger their own lives and the lives of everybody else on that highway.

MR. BARTON:

Mr. Chairman, just reinforcing the hon. Member for Drumheller. I think in the North there have to be some regulations that are a little bit more liberal than we have had in the past. Most of the northern communities are around

growth centres, they are like a big wheel, and the communities come in. This very thing happens where a person has to drive 150 miles, and in some places 200 miles, to get to a liquor outlet. Consequently he piles it up on the table, closing hour comes along and he guzzles it down, stacks up and away he goes home.

I think that when you are looking at the North you have to look at it just a little bit more liberally and provide for communities like for instance, Wabasca, which have fairly good merchants. There are 2,900 to 3,400 people in that area and yet they have to go 91 miles. In this 91 miles there are a lot of accidents and a lot of deaths over the years. I agree a little bit with Mr. Taylor, it is the availability of the particular product that causes a lot of our accidents in this area.

MISS HUNLEY:

Mr. Chairman, I would thank all hon. members for their contributions to the debate on my bill. I have had many observations similar to the ones made by the hon. Member for Drumheller, that the distance between outlets is creating and can create, part of the problem. So there are two distinct views on that, that the farther apart they are the more people will drive and consequently there is a greater chance of them being on the road. If the plan is successful we will encourage them to not try the product until they get back home with it but I think as to distance between outlets, there are two sides to that question.

Of course, alcoholism is an ongoing and a continuing problem and I think all of us in all departments will continue to make a concerted effort to help alleviate the great social problems that create it.

The hon. Member for Olds-Didsbury recommended a brochure. I would like to assure him that it's taken so seriously that brochures are already ready and will be handed out at the time the driver is stopped at the checkpoint.

MR. TAYLOR:

Mr. Chairman, there is one point I want to make and I didn't want to get it mixed up with the impaired driving.

I wonder if the hon. minister would comment on the section that is not in the bill, namely to provide for an annual report. I know the liquor store provides an annual report but there are some other very important segments of the Solicitor General's department.

I would think that it would be valuable, not only to all the members of the Legislature, but to people of the province, to have an annual report tabled in the Legislature each year. Whether the hon. minister wants to do it this year or not, I'm not going to move an amendment, but I would certainly think that next year the hon. minister should at least by that time bring in an amendment to this bill requiring tabling of an annual report.

MISS HUNLEY:

Mr. Chairman, we have actively considered this. In fact, we are still considering it. There are a number of departments which do not file an annual report. At the present time we are reviewing the possibility of bringing in an omnibus bill which will require those departments to bring it in. At that time this department will certainly be considered.

MR. RUSTE:

Just one question to the Solicitor General. Will all people who are stopped under this program receive one of these brochures that you referred to?

MISS HUNLEY:

Yes, we've issued the brochures to the various police departments and it is our intention that each driver who is stopped will receive a brochure. It briefly explains the program and says thank you for your cooperation. I have asked for some to be delivered.

It is my intention to deal with this at some length tomorrow. It's too bad we did my bill today. Maybe we could have cut down the time.

DR. PAPROSKI:

Mr. Chairman, will the hon. minister be so kind as to acknowledge the fact that she will consider my suggestion, for the record, regarding revoking licences for chronic alcoholics for a period of time until they recover?

MISS HUNLEY:

It was already recorded, Mr. Chairman, and the legislation comes under federal jurisdiction. It is part of the Criminal Code for impaired driving. We already have a problem with the federal government over some of our legislation because theirs doesn't coincide with ours. We've made representations to them to have it changed. So far, we have been unsuccessful.

DR. BUCK:

Mr. Chairman, just before we ask the minister to summarize her bill, I would just like to say a word or two about the Fort Saskatchewan Correctional Institute, as this will be under the purview of the new minister.

With the indulgence of the members for about five minutes I would just briefly like to give you a little bit of history on how the institution there has changed from almost a workgang to - now their biggest problem is whether their television will be black and white or will it be colour. This really is about as far as it has gone now.

When I first came to Fort Saskatchewan the inmates did many, many of the menial tasks in the community. They cleaned the sidewalks, they cleaned the skating rinks, they cut the wood in the golf course, they cleared the underbrush, they cleaned the creek that runs through the town that used to flood, and they did many, many menial tasks.

But at one point in time - and I'm sure my hon. colleague, Mr. Hinman, remembers - it seemed that some of the people around town felt that the little Joe jobs were being taken away from them, wrote to the Attorney General - at that time, Premier Manning - and stated that they would have to go on welfare or unemployment insurance or what have you because the inmates were taking away all the small jobs. As far as we could gather, as tax-paying citizens of that town, these people wouldn't work, whether you gave them a job or not. But it did cause the government to cut back on the amount of work that the inmates did in the town.

So, this was the first step in what I felt was a retrogressive step. Even though these programs of shovelling snow and cutting wood are not what you might call rehabilitative, it did give the boys, especially the Native boys, an opportunity to get out into the fresh air and mingle with the community. I think this is where the rehabilitative aspect came in with the opportunity for these fellows to mingle with the people on the outside. They built at least two churches. They built one curling rink. They helped on a second curling rink. They looked after the cenotaph all the time.

Now that has gone. They used to do all the grain farming. Now we know you can't go back to the binder, the horse and stooks, they went over to the combine, so they took that out. They had a dairy herd at one time which made them practically self-sufficient. They took that out. Now we are down to, I forget how many tons of cabbages and potatoes that are grown down there, but a very insignificant amount really compared to the amount that could be produced.

We have to get these boys and girls in the institution out into the community. I know that if we could arrange some type of a program with the trustees, to get the Native boys, who love animals, out on to a farm on day paroles, to get them out working with a farmer, to get them to sit down with a farmer and have a meal just like ordinary people do, I think this would serve a purpose. Get the churches involved. Get them to put their best foot forward so that we can try to rehabilitate these people.

I don't know if you can reverse this trend hon. minister. Maybe we can't. But maybe we should try to do it. I know the hon. Deputy Premier will say, "Well", when I say that we should try and get some of them on the tree farm. I still say that. I'll say that in this House until the good voters of Clover Bar decide they can dispense with my services. I'll bring that up every year because I think we can make use of these fellows in the jail.

The other thing I would like to mention to the hon. Solicitor General is staffing. I think we have some excellent people out there. I think they are underpaid. The only way we can solve this problem is to take them out - even

though they are, I believe, in a special bargaining unit of their own. I think they should be looked at a little bit more closely. We should give them a little bit of risk pay. Some of the jobs those men and women have to do, as guards in the correctional institute, do require a little bit of bravery. Some of those boys in there are pretty tough, especially some of those on remand who have been in on major offences. I wouldn't like to go on the graveyard shift. Maybe we could reassess this and possibly put them into a different category.

Another thing I would like the hon. minister to look at is when we are hiring people out there. I have been involved with many men, especially between the ages of 45 and 55. In government we preach, we want you people to get into the work force, but at the same time we say that, we won't give these people an opportunity, or not too many of them, to get on to our staff. The hiring personnel say they are looking for a man with a grade 12 education who wants to be a career correctional officer. I agree with that philosophy. At the same time, if you can get a man who is 45 or thereabouts, you can be sure that that man will be at work every day. He will be there regardless of whether he has a little bit of flu or not because he has been raised with that kind of philosophy. If he is hired to do a job he will be there. I think you would have a more dependable staff if you did look at this field.

Finally, I bring this matter up because I had a lady phone me. She was quite upset. She had had seven or eight years of experience working in correctional institutes in the Northwest Territories. She applied for a job on our staff. She was a middle-aged lady. They wouldn't give her a job because they said she did not have the academic requirements that the department required.

Now, if you have a lady such as this one who has worked with Native people for seven or eight years, I think academic background be darned. These are the kinds of people we want because this woman has compassion for the Native people. She has understanding for the Native people. Hon. minister, this is all I would like to say, but I would like you to look at some of these fields.

[The title and preamble were agreed to.]

MISS HUNLEY:

Mr. Chairman, I move that the bill be reported.

[The motion was carried.]

Bill No. 70 The Workers' Compensation Act

MR. RUSTE:

Mr. Chairman, there are three points I'd like to raise with the minister on Bill No. 70. One deals with Section 40 ...

MR. CHAIRMAN:

Mr. Ruste, we agreed last time we'd go section by section. We'll proceed immediately into sections, if it is agreed.

SOME HON. MEMBERS:

Agreed.

[Sections 1 through 5 were agreed to without debate.]

Section 6

MR. NOTLEY:

Mr. Chairman, before we go over Section 6. Mr. Chairman, I'd like to have the minister give us a little background on the structure of this advisory committee. On the structure or makeup of it, I'm not going to debate the question of whether it should be to the board or the cabinet because we've already debated that issue in second reading, so I'm not rethrashing that.

I'm interested in just how many members he anticipates having on the advisory committee. How many MLAs will be on it? What will be the criteria for the appointment of MLAs - for example whether any opposition MLAs will be appointed?

AN HON. MEMBER:

Heaven forbid.

MR. NOTLEY:

I raise that quite deliberately because it seems to me that if this is going to be a committee which advises the Executive Council, the Executive Council always has its input from the caucus, from the government side of the House. So my specific question is: is there any contemplation at this stage of the game of appointing opposition members? I think perhaps, Mr. Chairman, that covers the main questions I'd like to have the minister respond to on this particular subject.

DR. HOHOL:

Mr. Chairman, the plan at this time is to have an advisory committee of seven people. But I place this caveat on the information I give today, that it's subject to change following the confirmation of the act. But we are looking at approximately seven people, three from the Legislature, all-party representation, and four people from labour and industry.

The approach we might use is to ask management and labour each to recommend to the Executive Council two or three people from whom we would select one or two. This is consistent with the way we get representation on boards like the Board of Industrial Relations. So we're looking at about seven people, three from the Legislature from all parties - this doesn't mean, you know, if there were four parties on the floor, obviously one or two would not be represented - but it will not be a government caucus type of representation.

MR. ANDERSON:

Mr. Chairman, it was brought to my attention - where would this advisory committee be paid from? Would the compensation pay them?

DR. HOHOL:

That's a good question. It's something we should have taken up with the committee. I think we will get the advice of the Legislative Counsel on this. Again, it's a legislative committee, so I would guess, though I don't know for sure, that the recompense would be from the same source, the same account that pays for special legislative committees of the House.

[Sections 6 and 7 were agreed to.]

Section 8

MR. ANDERSON:

It was brought to my concern, Mr. Chairman, that people were wondering if they were in a place like Lethbridge, and we had a compensation office and they felt they needed to lease an office or a board, would they have to wait for permission, or would they be able to do things like this on their own?

DR. HOHOL:

Well they would have to have an Order in Council, but this wouldn't be a wait of any consequence. The judgment decision, to have a location in a particular place in Alberta, would likely take a great deal of deliberation and a great deal more time than such a recommendation would take - approval through an Order in Council by the Executive Council.

Sections 9 and 10

MR. NOTLEY:

On sections 9 and 10, I know that over the years there certainly has been the feeling among many farmers that they don't want workmen's compensation or their workers covered under workmen's compensation, although of late I think at least some have begun to change their views. I am wondering if the minister, or the committee, had an opportunity to consult with either Unifarm or the NFU, or perhaps both, prior to their report with respect to covering agricultural workers, under this act specifically?

DR. HOHOL:

Mr. Chairman, we didn't have a face-to-face consultation with either group. But I should like to recall that we held public hearings in Calgary and Edmonton and had somewhere in the order of 70 or 85 briefs. However, the views of the farm people were known to us with respect to coverage.

And while I am on my feet, Mr. Chairman, in further answer to the hon. member who just asked the question and also the questions put to me last week - or last Friday - by Mr. Zander with respect to the intent and control of Sections 10 and 11, I would point out that Section 10 makes provision for voluntary coverage on the application of an employer, an independent operator or a member of the family of an employer or independent operator. So that is the intent of Section 10.

But it refers thereafter to subsection (1) of Section 11 and that provides the description of a person who may be considered a worker under The Workers' Compensation Act.

I think the hon. Member for Drayton Valley was concerned with the application of these two sections and my answer simply has to be that the [assessment] stage of the board and its administrative staff would be that the zone of tolerance we have here in the intent of Section 2, in a "notwithstanding" clause, and also subsection (3) of Section 10 is going to be carried out in the spirit in which the question was asked.

MR. ZANDER:

Mr. Chairman, are we now dealing with Section 11, or part of 11, or 10 or 9?

MR. CHAIRMAN:

We are still at 10. We are just moving into 11.

MR. ZANDER:

Then I'll withhold my remarks until then.

MR. HENDERSON:

Before we leave Section 9, I would like to ask the minister whether the government is considering expanding coverage as a general matter of policy under compensation and bringing more and more groups of workers under the act? Is that to be anticipated?

DR. HOHOL:

Yes. Let me make this important difference between this bill and the act as it presently is. This bill will include all enterprises and list the exclusions. The present one does the reverse. It has a schedule and says these are the industries which are included, all others are excluded.

The intent of the new act, or Bill No. 70, is to include all except those which are excluded, which means that we are including a much greater number of classes, a much greater number of individual people as employees to be covered by the intent of this act.

MR. HENDERSON:

Mr. Chairman, without debating the pros and cons of that particular approach as a matter of policy with a view to expanding the coverage, I would just like to say - and this relates to other sections coming later on in the act - I would certainly hope that the government does not intend to depart from the classification system they have for assessing accident rates and the level of assessment placed against employers, that that is to be rigidly retained. If it is not, it seems to me we are heading for the same type of problems with compensation as the federal government has now got into with unemployment insurance. Unemployment insurance has been broadened so extensively that in actual fact it really is more like another tax. It's almost become a social security tax. So everyone says, let's make demands on it as though it were social security.

I would hope that in broadening the coverage to the type of people who come under the act, the basic principle of assessment based on accident experience in a grouping of industries would be continued. Some of the pitfalls, at least in

my mind - it's a matter of perspective - that the country has got into with items like unemployment insurance won't develop in this thing.

I think it's particularly significant, also, when we look to the fact that public revenue is now going into the compensation fund.

MR. D. MILLER:

Mr. Chairman, mentioning exclusions - have the exclusions been reduced or do they remain the same under the regulations?

DR. HOHOL:

The exclusions would be reduced. We're looking to universal coverage and exclusion, rather than a list of inclusions to be covered by the act. So the number of people and classes of people will increase when the act is passed. I'd like to comment on the principle involved in the question of the Member for Wetaskiwin-Leduc, and that is that the classification system will remain. It is my personal view that there are too many classifications.

This creates certain problems, not all administrative. In fact, there may not be that distinction that is as finite as it appears to be. But certainly there is a vast difference say, between the safety experience of the mine industry, for example, and that of the construction industry and that of the agricultural industry.

In the act the principle of assessment based on experience is maintained. Precedent to that, someone has to have an injury. So there is that very basic and fundamental difference between the unemployment insurance concept and the concept of compensation. In other words, I agree with you.

MR. HENDERSON:

I just want to make it plain. I'm not quarrelling with the question of judgment as to what the classifications are, but the principle is retained that there isn't going to be any trend towards a general equalization of compensation rates - that's the point I was trying to give.

MR. RUSTE:

Mr. Chairman, to the minister, what groups or categories will be included for coverage in the new act that aren't in there now?

DR. HOHOL:

I would put it this way, they are all covered now, except some which will be excluded - simply opposite to what it used to be. There used to be a schedule of those that were included and if they weren't on the list they weren't covered by compensation.

When this act passes with Section 10 and Section 11, all industries will be included except those which are not accepted upon application by the board, based on their criteria for acceptance, or those who have the zone of tolerance or the ability to apply or not apply. There will be some industries like that. All others will be covered by the act.

So we will no longer, Mr. Chairman, have a list of those industries which are included. They are all included, except those which will be excluded.

MR. RUSTE:

Well then, Mr. Chairman, wouldn't it be better that the Legislature decides which ones would be excluded rather than by regulation or by Order in Council?

DR. HOHOL:

Well, that would be extremely difficult.

MR. RUSTE:

We meet twice a year or three times a year.

DR. HOHOL:

The kind of data on which the judgment has to be made is very specific. It's data that has to do with trends of injuries with respect to location, class

of industry, the industry itself, the size of the payroll - there all kinds of factors go into this. This is really an administrative kind of thing.

What has happened over the years since the provinces have gone into compensation is that each year the Workmen's Compensation Board meets with certain industries and either includes them or excludes them on the basis of certain criteria. What we are now looking to is, as much as possible, to get every working man who is in an occupation that is open to hazard to be covered by workmen's compensation. This appears to be reasonable on the face of the province or the government having a compensation scheme. The committee and the government felt it is consistent with having an act to begin with, to extend it as much as possible to cover as many workers as possible.

What we're saying then, Mr. Chairman, is we're including all those except those who qualify for exclusion. Those who qualify for exclusion may, on their initiative, apply. If their application is approved by the board, then their employees are covered. If not, they are not. That is the intent, if I again can leapfrog a bit to Section 11.

MR. RUSTE:

I realize that there is certainly a lot of data required to determine the rates for a particular industry. The various safety records vary considerably.

What I'm concerned about is, certainly anybody who works at all - or even if you don't work, you're probably open to hazard. As to that part of it, I think you could cover everybody.

I'm getting back, particularly, to agriculture. Now is it covered? Is it going to be compulsory after this act is passed to have people covered in that industry?

DR. HOHOL:

It won't be compulsory, but on application, if the application is approved, then the employees would be covered.

MR. RUSTE:

Getting back to application then, an individual agriculture employer who hires men would make an application? That's the only way it would be covered?

DR. HOHOL:

That's right.

MR. KING:

I should like to ask the minister if there wouldn't be a distinction made between incorporated companies which are hiring people, other than their own family and the single family farm operator or unincorporated company. I may be wrong, but it had been my understanding, in fact, that one of the changes in the act would be to bring some agricultural pursuits under the act now automatically, that is if they were incorporated and employing people other than their immediate family?

DR. HOHOL:

Yes, I appreciate the point because it makes the matter very clear. An agricultural enterprise is really an industry in the sense of say, a sugar beet or a potato industry if it has homes on the establishment for its employees. It has year-round employees and also seasonal ones and is, in fact, an industry in the sense that a construction company operates in the summer and may not in the winter or the road-building industry. These would be included. Without application they'd be covered. But you're looking here at an industry.

I took the hon. member's question in the sense of the farm, the agricultural farm. I appreciate the question which clarifies a very important point and a change in the act.

MR. KING:

Just to follow that up ...

MR. RUSTE:

Just getting back to the matter of incorporating. I think if you take a blanket coverage there you're going to get set-ups where a husband and wife can incorporate under the present laws for estate purposes, for tax purposes and others. So I'd hate to see that be a compulsory feature just because you've incorporated, and because you incorporated, we'll say, two years ago or three years ago on the basis of information you had at that time, maybe you'd have to unincorporate if you're going to get into something like this, depending on what the circumstances are.

MR. NOTLEY:

Mr. Chairman, just a question for clarification. The minister mentioned the sugar beet industry. Could I ask him just what the situation will be under this act with respect to migrant workers working on small family farms in the sugar beet industry. Will they automatically be covered or what will the situation be with respect to them?

DR. HOHOL:

It would be my impression they would be covered. I feel that is likely as good an example, along with the potato industry - which is incorporated, where you have a business enterprise where you grow it and then - nearly integrated in some cases, they would be covered.

I would just point out that in questions like these, and they're excellent ones, we're in the area of administration and we would have to assume the board would use a kind of judgment and discretion. It has the kind of relationship with industry such that they can work out some of the more subtle and some of the grey areas to the mutual satisfaction of the employer and the employee. Both have to be considered here under the act.

MR. NOTLEY:

If I can clarify this a little more. I would take it from the minister's answer that in the case of the sugar beet industry in southern Alberta where you have some incorporated farms, some family farms but family farms that have contracts for sugar beets, that where a contractual situation exists, even if it's a family farm, that they would be designated as coming under Workmen's Compensation. Would that be your offhand assessment of it?

DR. HOHOL:

It would be my impression they would have an account with the Workmen's Compensation Board. This would cover workers coming and going and in some cases they go nearly as fast as they come. On the other hand, some stay some length of time and become fairly consistent returnees during seasonal work. Some stay in fact as a basic work force for a large farmer over the winter, the 12-month period.

MR. STROM:

Mr. Chairman, I was having a little difficulty following this because I would like to point out to the minister that often these migrant workers are hired on a contract. For example, one family coming in as a worker may take on the contract of doing a job for a farmer. The farmer has no other responsibility other than to pay out his contract.

If I understand the minister correctly, he is telling me that those are going to be covered. I can't quite follow it because if they are covered, it would seem to me that it would be the responsibility of the individual, who in effect becomes the contractor, who would have to cover them. But it wouldn't be the farmer then because if it is the farmer, then I suggest it is contrary to what you are saying to my hon. colleague from Wainwright where the farmer has a right to determine whether he wants to have compensation or not, which is the way it has been for some time. But if what you said to the hon. Member for Peace River is correct, then that is in conflict with what you have said to the hon. Member for Wainwright.

DR. HOHOL:

I appreciate the question. Let me please distinguish between the two kinds of farms that we are talking about. In talking to the hon. Member for Wainwright, I am talking about the family farm, like the one from which I came,

where the operator is deemed to be an independent operator or a member of the family of an employer or independent operator.

The question from the hon. Member for Spirit River I was placing in the context of a large business enterprise, and even if you were contracting all those who came on to his site would be covered by his number.

MR. STROM:

Then if I may, Mr. Chairman, I would point out to the hon. minister that most of the workers going to southern Alberta are working for the family farm operator that you are talking about, not for the business enterprise as you would think of a large corporation that would have an integrated operation.

The sugar beet company, as a company, does not hire the workers who go out to the farms. Therefore then, they would be on the basis that you mentioned to the Member for Wainwright. It would be at the discretion of the individual farmer as to whether or not they would be covered.

MR. TAYLOR:

Mr. Chairman, it might be of assistance to state - and I believe it is basic to compensation - that there must always be a master-servant status or an employer-employee status. If that master-servant status doesn't exist, then there is no way of carrying out compensation under the act. The master pays and the servant works. When the hon. member mentions that it might include your wife - I am very doubtful today if you could consider the master-servant ratio in regard to husband and wife. But I don't want to be quoted as an authority on that, I don't know much about it.

MR. HENDERSON:

I would like to inform the hon. member he is dead wrong. He is just confused as to who is in the servant end of the deal, that's all.

MR. TAYLOR:

In any event, I am not going to get into an argument about that, but I do think that if we keep in mind that there must always be the master-servant status then the board would be basing its exclusions on cases where there couldn't possibly be a master-servant status in many cases.

MRS. CHICHAK:

I would just like to clear the doubt in anybody's mind who the servant is. It is always the wife; she works out and she works at home as well, so she works 24 hours a day.

AN HON. MEMBER:

Oh.

MR. HENDERSON:

I would have to refute that, Mr. Chairman. I think that is a rather biased viewpoint.

MRS. CHICHAK:

I am saying so from experience.

MR. HENDERSON:

I am stating my views without any prejudice whatever.

MR. CHAIRMAN:

The Chair won't put that to a vote.

MR. BENOIT:

Following this a little closer, talking about a master-servant relationship, if I understand the definitions properly, a self-employed person in a qualifying industry may be covered with compensation, may cover himself with compensation as an employer. Is that correct?

MR. NOTLEY:

Mr. Chairman, I can appreciate that on some of these questions we can't expect the minister to have a final answer. But I'm still just a little uncertain as to what it means with respect to migrant workers in the south. If I understand him now, he's telling us that if the migrant worker works for a small family farmer and signs a contract to hoe so many acres of beets a first, second and third time, if it is with a family farm operation it would then be up to the individual migrant worker to insist that he be covered under compensation. But on the other hand, if he were working for a corporate farm, the corporate farm would automatically come under workmen's compensation. Am I right in that understanding?

Further, I am wondering - because this is rather a sensitive question, in southern Alberta especially - whether the committee had any opportunity in its deliberations to specifically discuss this question, not only with the sugar beet growers in southern Alberta, because I think it is important that the grower's side is examined, but also with the Native organizations with respect to the worker's side?

DR. HOHOL:

No, Mr. Chairman. Again, I simply point out that we had public hearings and we invited letters and visits directly with the committee even if groups didn't appear for public hearings.

However, I also point out that I personally am not associated with compensation, but I had occasion to make one extensive visit to get some understanding of the manpower-labour supply situation and the housing situation in the south with respect to the sugar beet and potato industry. So I got some layman's insight into that kind of problem. But we had no direct representation by them.

I must say, though, that on the committee we had people from all sorts of backgrounds, whether it was in the coal industry, agriculture, medical or whatever. It was pretty broadly based and we also had a lot of consulting access.

In answer to the gentleman's first two questions, I would say yes to both, with one additional bit of information. The farm would have some definition in terms of income. Again, this would give the board the capacity to use judgment and discretion. If a farm were very marginal and were to get some casual help, we're not talking about this kind of farm. We're looking at a business with an apparent and a real income. This is where compensation - and I think this additional information, Mr. Chairman, may aid me in interpreting a fairly sensitive and difficult area to interpret.

To review then, if a farm is a business and contracts, then they would pay the compensation. If a farm is the family farm, then it is on application. If a farm has less than a certain amount of income which would define it as a business, then there would no application of the compensation act.

MR. STROM:

Mr. Chairman, I really don't like to pursue this but I'm afraid we will be left with a misconception if we leave it at this point. My view is that a large percentage of our farms now are certainly good going concerns as far as a business is concerned. We could get into debate as far as that goes.

But would it not be true, Mr. Minister, through you Mr. Chairman, that what we were concerned about was the business enterprise that went into farming, and that had an integrated operation. They were then subject to the regulation that would be applied to a factory, a manufacturing firm and so on. I want to make it clear again that in my view 90 per cent of the farmers who are hiring migrant workers are simply family operations that I think would have the same choice as any other farmer in determining whether or not they want to be under compensation.

Again, I make this point because it was some time ago that we went through that debate in regard to the irrigation districts, as to whether or not they could be classed as agriculture. I think the hon. minister will remember that when he first took office that was still a very hot issue, and may still be.

I think there are some areas where you have to make a very fine distinction as to whether or not it is agriculture or a business. In the particular case we

are discussing, I would want to make it very clear that in my view it is farming, pure and simple.

DR. HOHOL:

Mr. Chairman, I simply agree with the gentleman. The distinction between the corporate and family farm is what the compensation board will have to face when it makes its classifications. The nature of the enterprise is how they will make the judgment, but the statement of principle is exactly what I was trying to reflect. There is no argument there.

MR. D. MILLER:

Mr. Chairman, further to this compensation - speaking of wheat farmers. Let me first say this, any contract that a corporated company makes with a farmer to grow beets is subject to whether they are suitable, clean and of the proper size and so on. I have field men - the corporation has nothing to do with migrant workers. The farmer makes application for migrant workers.

If anyone in the past few years - and I come from that area where the beet-growing industry is extensive - should be compensated it should be the farmer because of the type of worker we are getting. The neglect - if anything happens to the beet industry, it is going to be because of this type of work. I can't see why they should be compensated for the work they do. Some of them demand pay every day and then they won't show up the next day. They go into the bar; it is just lamentable. It disturbs me to think that you are going to include them, or even the possibility of including them, in compensation. Unless they took a knife and cut their hand off or something - I can see there is some reason there - but it is the farmer who needs to be compensated for the work that these people do.

MR. DRAIN:

Well, I don't know whether this clears the air or not, but going back to the interpretation of the then chairman of the board in 1940 when we originally went under compensation in the business of chopping down trees, and so on.

The basic interpretation of a master and servant related, not to the fact that the employer was under contract or not under contract, but it related simply to the fact that he was under the direction of the employer. Hence, under those circumstances I would be very disturbed to think that even a private farmer who was employing people would not have these people covered by compensation. Certainly I don't think that would be the intent of the committee. I feel that is a very important thing. I don't feel it would be an onerous load on the beet industry or any other part of agriculture.

MR. YOUNG:

Mr. Chairman, the discussion about farming has me rather curious about a question which relates very much, I think, to the farming issue. That has to do, or turns on, the definition of contract for service or of service. My understanding is that the legal profession makes quite a large distinction between the two.

The question uppermost in my mind may be an unfair one for the minister right now. In the instance of a businessman, probably a small businessman but not necessarily so - it may be agriculture, a lumberman or a contractor - but where a businessman employs on a piecework basis - I shouldn't use the term "employs" - has work done on a piecework basis, by individuals who band themselves together in a partnership or small company of their own, who is responsible for workmen's compensation and the payment thereof?

I know from experience in labour relations that there is some distinction, depending upon how the money is paid, whether there is opportunity for profit, what amount of direction is given, what possibility there is for profit to be made depending on who supplies the tools. I know there are quite a few of these types of operations around. They may be working fulltime for one operation, or they may only work part time for one, two or three others. But in that instance, who would likely be responsible for payment of workmen's compensation?

DR. HOHOL:

Mr. Chairman, the question set in terms of contract does apply to the point made by Mr. Miller. Probably the classic example is in the trucking industry which contracts to do work on highways. In that case the contractor would be responsible but he would have to apply. Now if I could place this matter in the

context of exclusions - because I think that is the concern of the hon. member at the moment - the intent of the legislation, of course, then takes form through orders in council based on regulations that will come back to the Legislature. What we're doing is fairly and squarely anticipating what the regulations will be. I think it will assist me and the Executive Council to deal with some of these matters when we finalize the regulations.

The intent of this is as follows: that exclusions would involve, first, workmen on farms or in the home who earn less than, and here's an arbitrary figure, say \$1,200 annually, and are not engaged in primarily mechanical operations. This comes close to Mr. Strom's concern, I think.

Second, exclusions would involve self-employed operators who do not apply to be covered - and they and have that option - including people working for fees, commissions, royalties or under contract. The question placed, I think, by Mr. Miller and the hon. Member for Jasper Place, I believe would fall into the area of those two points and the last one under contract.

So the onus for covering the employees for workmen's compensation would fall on the contractor, not the owner, whom he calls, for example, the client of the Workmen's Compensation Board. He may have his own number for other reasons, but if he has a contractor, the responsibility would lie with the contractor.

MR. NOTLEY:

Mr. Chairman, I know this is an extremely difficult area. I suspect that this may be one of the areas that our advisory committee, when it's set up, will have to look at in some considerable detail. But just flowing from what the minister has said, it seems to me that the problem at this stage of the game is that most of the migrant workers then will not really be covered under workmen's compensation. Maybe 10 per cent of them, who work for incorporated farms, will be, but the vast majority won't be covered.

I would just pose this as a proposition that might be examined by the committee at some point: is there not some argument when you have a large industrial operation which has a large number of contracts with individual farmers and these farmers in turn have piecework contracts with migrant workers, is there not some rationale for making the main company responsible for the compensation? If that, in fact, could be worked out, it seems to me it's one of the avenues which might be explored.

I think the point Mr. Miller raised was certainly an interesting one, but we're not going to improve the quality of migrant labour if we don't bring

them under workmen's compensation. I think that if we provide workers' compensation benefits we're more likely to improve the quality of migrant labour. So I think that is one area that might be explored.

[Section 10 was agreed to.]

Section 11

MR. ZANDER:

Mr. Chairman, I like that section, only, it is quite difficult to understand subsection (3). It outlines all people who should be eligible as individuals or independent operators, but then it goes on to say in subsection (3), "Notwithstanding Subsection (1) the Board, if it considers it advisable to do so, may by order declare subsection (1) not to apply ..."

I am thinking primarily in my constituency of the operators - the family operator who has one or two well-servicing units. A fellow may have at least three or four sons and in the past he has been unable to get compensation. He has to seek compensation under the company he works for, and in most cases the companies will not accept them. Therefore a lot of these people who cannot get compensation are not able to do their work and subsequently make a go of it.

And then, of course, there is another case of a small operator where there may be a family with three sons operating three cats. This family then is not able to get compensation as before. Looking at Section 3 the board has to decide whether it shall or shall not class him, even if he is an independent operator and possibly qualifies. Then we get a grandfather clause in there which says "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:". I would rather see, Mr. Chairman, that piece of legislation, or subsection 3, be deleted from the act under [Section] 11.

DR. HOHOL:

I wasn't sure if the hon. member wanted a response or if that was in the nature of a recommendation. But I would respond in this way. This act permits that kind of employment package to be covered by compensation, except - and that is different from the prior or the existing Act under which that kind of employer and his employees can't, under any circumstances, be covered. Now they can, on application, be covered if they meet the criteria. If the circumstances change from the original application, or if for reasons the board has cause to withdraw, that is the kind of discretion we would want a board of this consequence to be able to use.

I go back to what I said an hour ago, you can either leave this kind of discretion with the board or simply not provide it for it. It could be, that it may be proper to drop it. I would sooner have it - in a period of rather comprehensive reform in compensation - give the board this kind of zone of tolerance to make judgments on the changing circumstances.

The same thing applies to the point made by the gentleman from Spirit River. It could be that a comprehensive or an integrated company such as a farm, should be held liable. One could make the case for it.

On the other hand, the integrated farm is so distant from the people who do the actual work. Between that employee and the business management are several layers who are much closer to the employee and, it seems to me, have prior responsibility, from a common-sense point of view, to maintain compensation for the employee than does the distant corporation.

But these are the kinds of things we'll have to examine and see how they work as the new legislation is regulated and applied. And certainly we will take both under consideration.

MR. ZANDER:

I am not going to argue, Mr. Minister, on that point. The only thing I am interested in is that you can assure me or this House that the small independent operator, operating in various fields, doing machinery work, will be covered. Even if this clause does stay in, then I am satisfied, because this was not the case before. This was certainly a problem that the independent operator could not be covered by compensation because he had to rely on the large operator to come under that compensation of his fleet. If this is the case, then Mr. Minister, I am satisfied. If this will take care of the independent operator, then I have no argument.

DR. HOHOL:

Mr. Chairman, it's so important that the hon. member in making his case for that - because he must have had representations from his constituents - understands that that is exactly what that legislation provides for. The old Act did not make that provision; this one does.

The "notwithstanding" clause is a good clause in the sense that if conditions change and the operator falls outside of the intent of workmen's compensation, it's proper that his protection be withdrawn. But what you are asking for, sir, is exactly what that section provides.

[Section 11 was agreed to.]

Section 12

MR. BENOIT:

Mr. Chairman, I'd like to ask the minister what industry's attitude is toward the first part of Section 12. Are they really happy with the idea of the board having the final decision and there being no appeal to the court? I have another question which I'll ask later on.

DR. HOHOL:

I don't know if I would want to make a categorical statement for industry, but as I recall from the briefs and appearances of both industry and labour, they were happy. Because this goes back to the trade-off in terms of staying out of court. The industry knows it's going to cost them some, but not as much as it might if they were in court. The worker knows that he will get some, but not as much as he might have in court. On the other hand, whatever he gets is a

great deal more than if he lost the case, got nothing and had to pay the expenses. So on that basis, my recollection is that both the industry and the labour people were happy with Section 12.

[Mr. Appleby in the Chair]

MR. BENOIT:

May I assume that there is, in fact, a "notwithstanding" clause later on, an appeal from this to the Ombudsman and then through the Lieutenant Governor? I'm referring to page 12, Section 16(12). Is that correct? There is really an appeal from the board?

DR. HOHOL:

That is correct, and it's important to understand that the board stands in place of a court. It has the powers, for example, to get witnesses or materials for examination on a case, but the decision of the board on the facts can be appealed to the Ombudsman, who can then recommend to the Executive Council a course of action which the Executive Council may accept or not in its judgment.

MR. DIXON:

Mr. Minister, isn't it a fact, though, that if you go to court then the Workmen's Compensation Board really loses its impact? The idea of the court is that the case is never closed if further medical evidence or other substantial evidence goes before the courts.

I represent a labour-intensive constituency and they don't favour appeals to court. They claim the whole thing about compensation would be done away with because after you went through the whole gamut of courts, once the decision was made it would be final. But in this case it's never really closed; it can always be opened up.

I'm pleased to see that 14(1) and all the sections are left in as they are, and any improvements that will guarantee that the workman will not have to go to court to substantiate his claim are a good thing.

[Sections 12 was agreed to.]

[Sections 13 through 15 were agreed to without debate.]

Section 16

MR. HENDERSON:

Just before we leave Section 16, I think this has been answered, but just as a matter of again getting it on record, in Section 16(12) it refers to, "Notwithstanding anything in this Act, in any case where after considering the report ...". I couldn't find any specific reference in the act to what that report was. Is it implied as being the report of the Ombudsman?

DR. HOHOL:

That's right.

[Section 16 was agreed to.]

[Sections 17 and 18 were agreed to without debate.]

Section 19

MR. NOTLEY:

Mr. Chairman, on Section 19(4) we have penalties listed here of \$10 a day up to a maximum of \$50. That's similar to the penalty clause at the end, \$25 to \$100 I believe it is.

I wonder if the minister could give us the rationale as to how they arrived at this kind of penalty figure, because \$10 a day is not really all that serious a fine. If, in fact, the person isn't reporting as he should under this act, it seems to me that the penalty should be a little more severe. Is there any reason for such low penalties?

DR. HOHOL:

There are two areas of penalty in the act. One has to do with management's record of willful neglect in terms of supplying, upgrading and maintaining a safe site or workplace. Assessments and superassessments and double assessments and extra assessments are made. This is where we felt the real penalty should be, where the employer shows he hasn't the regard he should have for the working man in his work place.

There are two sources of notification. The employer has to notify, but the employee nearly without the question notifies immediately, so that here we felt was a matter of some kind of ethics too. We just didn't feel the matter of fining was the approach.

[Mr. Diachuk in the Chair]

I know some companies have excellent safety programs involving management and labour. Some on the other hand have charts somewhere on the wall which show how many people didn't get hurt and how many man-days weren't lost due to injuries, and their safety programs are not much beyond that. We felt this was an area of attitude and education rather than penalty that would get the information. The record shows that the employee, in any case, notifies the Workmen's Compensation Board because it's to his benefit to do that.

At the same time, Mr. Chairman, I'm not unaware, and I think the member is concerned with this, that some management or some personnel people will say, okay I know you're hurt but it's not serious, you can come back to work, we'll give you lighter duty. It's not recorded with the Workmen's Compensation Board. The incident is not recorded and the figures at the end of the year are just not true figures. This is a matter of managerial ethics and I don't think is changed very much by the extent of the fine.

MR. KING:

Mr. Chairman, relative to the point that Mr. Notley made. That section of the act also has to be read in terms of Section 92 (2) further on, which provides that if you are convicted of an offence under another section of the act - and here we're talking about 19 (4) - and if your failure to comply with the causes and conviction continues, you're then eligible for an additional penalty of \$25 per day. There's no maximum but you're also eligible for a jail term.

MR. NOTLEY:

Mr. Chairman, on that I was referring to both this section as well Section 92. I thought that rather than bring the thing up twice you might as well bring it up just once.

What has been the record of enforcement of the penalty clauses? Has there, in fact, been much enforcement? Some people in the trade union movement have, as the minister has already said, expressed concern that in shops there is the tendency to say, oh well, it's not all that serious a thing. We'll look after it. We don't want you to go to the compensation board because of course, if you go to the compensation board, that increases the accident rate and ultimately increases the amount they have to pay.

So I'm wondering, to what extent has there been stringent enforcement of these particular sections? Can the minister give us any sort of ballpark figure of the number of actions taken each year under the enforcement provisions?

DR. HOHOL:

No, I really couldn't, Mr. Chairman. I believe we tabled the report of The Workmen's Compensation Act for 1972 last spring. It's likely there will be a summary of those in that report. We have everything from non-reporting by employers and surprisingly by employees who, and maybe not that surprisingly, if they feel they might have difficulty getting another job, and so on. There is some difficulty in this area. Not so much peculiar to an industry or to a classification, but more peculiar to a particular employer. This is where you're involved with the ethics of management.

MR. TAYLOR:

Mr. Chairman, I also want to discuss subsection (4) of Section 19. I have every respect for what the hon. Member for Crowsnest said the other day when he stated that the board sometimes assumes that the employer's report is in. I

have had cases where a workman has been denied compensation for some considerable time while waiting for an employer's report, and many times a board is not prepared to make that assumption.

Then in other cases when we have gone back on a case that maybe happened two or three or four years earlier, the board has told me on occasion that we didn't get an employer's report. The employer never reported the accident. So then it appears that there is possibly no accident, that the employer didn't report it. I think there is more importance to this report of the employer than many people want to acknowledge.

The employee must fill in his application and, in my view, when a workman reports an accident, that should be reported to the board. I know it takes considerable bookwork but the board should have a record of these because later on when the injury becomes serious and aggravated - and sometimes very serious - then there is no employer's report there.

Now in this section, an employer after five days might just as well forget about it, there is no further penalty. I don't think that \$10 a day for five days is adequate at all. There are only a very, very few employers who are ruthless, who don't do this, but it is very, very difficult for the workman when an employer doesn't send in the employer's report.

I would like to move, in a spirit of at least trying to make it some deterrent for this type of operator, even though they are few in number, to change the \$50 to \$500. At least he is going to be guilty for more than just five days and he is not going to get off the hook after five days with a \$50 fine for not sending in a report of an accident.

So I would move that \$50 be changed to \$500. It is still not too adequate but it is certainly better than it is today.

MR. DRAIN:

Mr. Chairman, I just want to amplify this thing a little bit. There are three levels of reporting. One, there is the employee, the doctor, and the employer. My own personal experience has been in the case of many, many accidents, that the first advice you have of the accident is a card from the Workmen's Compensation Board. The next step then, is you find the employee. It could well be that he is on a job 300 miles away but eventually you do see him. But there is a time lag. You ask, if he phones in or something, did you have an accident? He says yes, you get the details, you fill in the form and send it the board.

Now in the meanwhile the board is actively seeking out this employer's report by the following procedures. One, is a request from the board for a report; two, a second request; and three, advice from the board that, unless they hear from the employer, they are accepting the claim and they are going to pay the employee.

However, what Mr. Taylor is referring to is the situation where in fact an accident does occur, and as a result of the interest in keeping a good safety record, this is not in fact reported at all. The employer says, forget about it. We will keep you on the payroll for two or three days and this is all right because we want to have a better safety record than the other plant. Certainly these things do occur. However, there should be some flexibility.

MR. MOORE:

Mr. Chairman, on the motion by the hon. Member for Drumheller, surely members should realize that there is an awful difference between employers. We have hundreds of small businessmen in this province employing one, two, three, perhaps four workers. While a deterrent of \$50 may be considerable to them, a deterrent of that nature to a very large company employing 200, 300 or 400 workers, could mean nothing.

So I think when you start considering raising fines from \$50 to \$500 you must bear in mind that probably most of the people who will be charged under this particular section will be very small businessmen who don't perhaps have adequate bookkeeping facilities. Sometimes they're not aware of the immediate requirement of reporting. They will be hurt much worse than the large companies which we seem to have in mind in making that amendment.

MRS. CHICHAK:

Mr. Chairman, I think the simple matter of requiring an employer to provide a copy of the report that is sent in to the Workmen's Compensation Board to the injured workman or employee would surely resolve all of these questions.

MR. HENDERSON:

Mr. Chairman, of course if the employer hasn't reported it, no report has gone in and it wouldn't accomplish anything, hon. member.

But I would like to speak in favour of the amendment. I think the members should be cognizant of the fact that it is not a mandatory requirement. It is discretionary provision under which the board may [impose penalties] if they conclude that "... unless excused by the Board on the ground that the report for some sufficient reason could not have been made." I think this leaves it to the discretion of the board.

But I think the point of the amendment is where the board has arrived at the conclusion that an employer deliberately set out to circumvent the requirements of the compensation act and deliberately did not file a report.

There are circumstances - everybody who is involved in industry faces this all the time - where the man himself has a question if he skins his knuckle. Well, Lord, anybody who is working with tools and heavy equipment is skinning his knuckles every day of the week. He doesn't do anything about it and maybe leaves that job and goes to another. He gets infected and the first thing you know he's got blood poisoning or something like this. Maybe they have to amputate the finger and he hasn't filled out a report on it. The board would have the discretionary authority to deal with that.

Under the circumstances we may well conclude that a penalty is not required. But as I see the terms of this act, as the minister said, it has its educational value. There is discretionary provision in the act. The board isn't obliged to levy it. It does seem to me where the board in its wisdom has concluded that an employer is deliberately trying to circumvent - and this is where I imagine this would come into effect - the provisions of the compensation act. If one wants to put a few teeth in it, I would just question how much teeth are in the \$50 figure.

So I don't think it should be concluded that the board is necessarily going to levy it. I can see the board only doing it where they have reasonable grounds for suspicion or doubt that an employer has complied with the spirit and intent of the act. Where he has, I expect they would not pay any attention to it.

Looking at it from the Legislature standpoint, I don't think the amendment proposed by the Member for Drumheller is at all unreasonable. The question of a \$50 fine really raises the question of how important it is to report it. I think by making it \$500 it makes it apparent to the employer that this Legislature thinks it is important to report. If he chooses to try to circumvent that provision I think it is not unreasonable to expect him to pay the penalty. As long as the board has the discretionary powers to make judgments, as is now in the act, I think the proposed amendment raising it to \$500 is really not an unreasonable one from the standpoint of the intent of the Legislature.

MR. NOTLEY:

Mr. Chairman, I certainly support the amendment for the reasons already explained by both the hon. Member for Drumheller and the hon. Member for Wetaskiwin-Leduc. As has been pointed out, it is a matter of discretion, so therefore it is not necessarily going to mean a \$500 fine.

But I think we should recognize, as the hon. Member for Pincher Creek-Crowsnest pointed out, that there are times when, in an effort to get a better safety record, what is at first glance just a minor injury is not recorded, the employee doesn't notify the board and the employer doesn't notify the board. But what happens if five or ten years down the road, as the result of what seemed to be a minor injury, it does develop into something? If no claim has been made, the individual workman in that case has no claim to compensation if there are ramifications. Therefore, I think the argument is that we should put a little bit of teeth into the act - we are not putting in very sharp teeth in this particular amendment - \$500 really isn't very sharp, but at least it is putting a little bit of teeth into the act.

I would hope, Mr. Chairman, that the minister would accept the amendment in the spirit it is presented to the Legislature. It would, I think, sharpen the educational role. All of us recognize that \$500 is not going to be all that sharp in terms of its impact. It is not going to put anybody out of business. But I think it is going to draw to employers' attention the fact that this Legislature does consider failure to report a rather serious effort to get around the terms of this bill. Therefore we would support a slightly higher penalty if they fail to report.

The other point, I think, has already been dealt with by the hon. Member for Wetaskiwin-Leduc regarding a report sent to the doctor. The problem is that if the employer is able to convince the employee not to file a report or not to see the doctor if the injury is of a minor nature, then the workman, over the long haul, loses his right to make a claim under the board. I think that has not happened all that often. I am not arguing that it has, but it does happen occasionally. As we draft this legislation I think we should take reasonable steps to stop that sort of thing from happening.

With respect to the argument that it is going to hurt small businessmen as compared to large businessmen, well that is true, I suppose, to a certain extent. But that is true of almost any protective move that we make in this Legislature. One of the arguments of doing business in this province has to be, as much as possible, to carry out the law as it reads. If a person disobeys the law then frankly I think he has to be prepared to accept whatever penalty is handed out. As the clause presently reads that will be determined by the board anyway. If there are extenuating circumstances, presumably they would not levy the maximum fine.

DR. HOHOL:

Mr. Chairman, I am in the unique position of agreeing entirely with the spirit and intent of the case under discussion, and yet not being able to accept the amendment.

I agree with all that has been said with respect to the employer's responsibility to file notice of accident. I think the same kind of attitude should prevail in the case of an accident in industry as in an accident on the highway. No Albertan would dream of not filing a report of an accident and fill in the diagrams and describe the circumstances as required by law. That is as it should be. I think that is the attitude this Legislature takes with respect to accidents in industry, and I agree.

The only reason I don't [accept this amendment] is that we should reflect the attitude of the Legislature to the board. In the meantime, I should like to draw the attention of the House to page 59, Part 11, Offences and Prohibitions, Section 92(2) which applies to the whole of the act with respect to penalties. This reads,

Any person who is convicted for contravening any of the provisions of this Act ...

This, Mr. Chairman, includes subsection (4) of Section 19. So if a person does not comply with subsection (4) and is fined the maximum of \$50 under subsection (4), he is then open to conviction under Section 92(2)

... or the regulations or orders of the Board and who fails after the conviction to comply with the provisions of this Act or the regulations or orders of the Board for the breach of which he was convicted, ...

This applies to subsection (4) as it does to some other ones

... is guilty of an additional offence and liable on summary conviction to a fine of not less than \$25 nor more than \$100 a day for each day his failure or default continues, and in default of payment, to imprisonment for a term not exceeding six months.

Now if the board were to assess \$100 a day for five days you would have the fine of \$500 contemplated in the hon. member's amendment. If he did not comply on the sixth day, the fine could conceivably be \$600. If the judgment were that he was flagrant in his attitude, or if he was contemptuous of The Workmen's Compensation Act, he would be open to a maximum of a six-month prison term.

So it's for this reason - not because the case isn't there and not because I don't agree with it. But it is my reading of the act that the provision for that more severe kind of penalty resides in Section 92 (2), so I'll be prepared for the question on the amendment.

MR. GHITTER:

Mr. Chairman, I wonder if the hon. minister and possibly the hon. Member for Drumheller would consider this situation. I think the point is well raised and I don't think Section 92, with the greatest respect to the minister, would cover the situation raised. If I might give an example to the hon. minister for a moment. Let us say John Jones is injured and there is no report, and then he is found guilty and pays the fine on the amount set out. Then Tom Smith comes along three months later and they don't report Tom Smith either. Then I don't think Section 92 comes into play because I don't think that on a reading of that section the punitive provisions of Section 92 wouldn't be in effect.

But I wonder if the hon. minister would, in that section, consider on the first occasion the fine as set out. But if someone on a second occasion or a second violation does not report, the fines would then be more severe. Because I can understand a small businessman not being aware of it and maybe just being negligent, for example. As a result he doesn't do it, he doesn't know, and that won't get him off with the board because that is not a satisfactory reason. But if, after he has been penalized the \$50, another case comes on and he doesn't report, then I think he should be penalized in a more severe way.

I don't know how the hon. minister or the mover of the motions feels about that, but maybe it would satisfy both ends if a small amendment, a (b) section, were proposed to satisfy your concerns, but would also not be too punitive on the first occasion for the small businessman who is negligent.

I just suggest that, as it might cover the situation. If the hon. minister would entertain that and the hon. Member for Drumheller would withdraw his motion, I'd be happy to write out a (b) section on that basis.

MR. HENDERSON:

Mr. Chairman, the hon. Member for Calgary Buffalo has in part brought up what I wanted to bring up. In all sincerity I suggest to the members and the minister that the provisions of Section 92 (2) do not really deal with the question of Section 17 (4) that we're dealing with, or whichever one - 19 is it? Because, one, we're dealing with discretionary judgment on the part of the board, and that's the penalty.

To follow the argument of the minister makes me think of days back when bootleggers were much more prevalent than they are now. I remember an old fellow at home we did business with. He just kept \$100 or \$300 socked away, and when they picked him up he paid the fine and then in a week he was back in business again. So I think what's bothering the Member for Drumheller and other members is that the \$50 figure, leads one ... that the measure is not stiff enough. Because theoretically one can say, you know, from a financial standpoint it's a better deal to pay the \$50 fine and let the matter go. By paying the \$50 fine you'd be complying with the law and you wouldn't be open to prosecution under Section 92 (2). The \$50 just doesn't get the message across. So he keeps on going, doesn't have a safety program and just wants to take the risk of not getting his assessments raised. So he says, well, I'll gamble on another \$50 next month. I might get caught for not reporting, but you know, if I get caught I'll pay the \$50 and let it go at that.

So that's the weakness in the proposition put forth by the minister, because Section 92 (2) just doesn't cover that type of offence. I think it's that type of problem we're concerned about. Because the board, I'm sure, has the discretionary power and judgment where there is outright - an employer hasn't appreciated the significance of it or there is negligence, or he has forgotten, that the board has the discretion not to impose it. But I can see where they are deliberately setting out to circumvent it, and that's where the board is going to apply the fine. I can't see the board being the big stickler on this.

There is a matter of judgment in a lot of these decisions because in some cases the negligence is on the part of the employee as much as the employer. But when the board in its discretion says, we've got to teach the guy a lesson, I think we should give them the power in the act to teach them a bit of a lesson. The \$50 figure, in my mind, just isn't large enough to deal with the type of offender that I think this particular section would relate to. Section 92(2) would not cover that type of circumstance for an employer to gamble, pay the 50 bucks and maybe I'll be lucky next week and get away with it.

DR. HOHOL:

I'd like to make this observation. Obviously, I was giving the benefit of the doubt to the employer in my comments. Certainly, if the employer wants to

stalk away like the bootlegger did, \$50 a week and do this over, over, and over, then he'd defy and beat the act. So, with that gap, I am prepared to take the recommendations of the hon. Member for Calgary Buffalo and the amendment from the hon. Member for Drumheller under advisement. If the House will permit me then, Mr. Chairman, to proceed with the act - and we'll be back to it obviously tomorrow - I will give the recommendation and the amendment consideration.

MR. TAYLOR:

Mr. Chairman, if I could just make one comment, that is satisfactory, as far as I am concerned and I am sure as far as the seconder is concerned.

I would point out in Section 92 there must be a conviction before these things take effect. In this section there is no conviction. It's not a conviction by the court, it is a conviction by the board. I would suggest to the hon. member for Calgary Buffalo that I am not averse to what he is suggesting, but I suggest that the discretion is already contained in this section for the board to do that on a second offence and a first offence. It is discretionary with the board.

I am not wanting to hurt any employer, but this is The Workers' Compensation Act. I am concerned about workers who are inconvenienced and sometimes have difficulties getting compensation because the employer doesn't follow the requirements of this act. If we are not going to make the penalty greater than \$50, which is a penalty for five days, then I would suggest we scrap the whole matter of employers' reports altogether and not require them if that's all the importance we are putting on them.

But if we are going to require an employer's report, let's require it. And let's make sure that the employer sends it in, if that's part and parcel of the program to give the workman his due after he is injured in industry and after he himself reports it to the board.

MR. HARLE:

Mr. Chairman, I'd like to get into this just from this point of view. As I read the section, and as already pointed out - but I think it is a most important fact - it is not a court that is determining this penalty, it is the board. And I would be very, very reluctant to see the board in a position of levying a \$500 penalty on somebody. I think the \$50 is enough for the board. Then if they want to lay a charge and go to court and go under the other section of the act, that can quite easily be done. I would prefer to see it left in the hands of the court, not the hands of the board, to start levying a penalty of \$500.

MR. TAYLOR:

Mr. Chairman, the whole basis of the act, then, has to be thrown out. The board already has the authority to levy far more than \$500, and properly so, where injuries are continually happening. It's the one tooth it has that's able to force some employers to put safety into their plants, so they are not going to be killing, injuring and maiming workmen. It is proper that the board should have this authority and they already have it. So \$500 is peanuts compared to what they can do in other sections of the act if the occasion demands it.

MR. CHAIRMAN:

As the minister requested that this section be held until later, the Chair will move on to Section 20. We will hold Section 19.

[Sections 20 through 23 were agreed to without debate.]

Section 24

MR. DIXON:

I just want to say briefly how pleased I am that the government has seen fit to put in a lot more public funds to enable greater compensation payments to be made. In particular I am thinking of the people who have a total disability, injured many years ago and not able to keep up with the times because they are not employable.

The only thing I would like to point out to the minister - and I spoke on this briefly the other day on the bill - was rather than putting in so much of the public funds we could work it another way by relieving the board of a lot of

the cost that they are being charged. All Albertans are entitled to hospital and medical costs anyway. If they weren't injured on an industrial job they would be covered under their Medicare program. So I'm wondering if we couldn't look at that to try to save the thousands of dollars being paid out now to hospitals, doctors and others in the field of treatment, and use that money.

If we could put those under the Medicare program, rather than the board being billed directly by the hospital and others. I haven't got the total. I asked the minister on Friday if he could maybe find out what the total cost was that the board has paid out.

But I would like to say that this is a good act in that it does benefit those people who have suffered an unfortunate accident. I visited one of these gentlemen in Calgary who was injured back in 1955. He is now in an auxiliary hospital. The fact that he is there I think is a good thing and he appreciates it. He is looking after the concession there. This young man was injured in an industrial accident when he was 19 years of age. He fell down eight storeys in the construction of a hospital and lost both his legs at the hip. He's quite a pathetic case. When he first got compensation it was \$87 a month. Under this new plan, of course, it will be double or triple that. Those are the kinds of deserving cases that make one feel good as a member of the Legislature to know that we are looking after them. But at the same time, I think these are the responsibility of the industry.

I can see that the industry, too, is being hurt in some cases where they are being charged by the Workmen's Compensation Board for somebody's medical treatment where, if the workman had been injured in other than an industrial accident, it would be picked up by Medicare. So I'm wondering if we shouldn't look at that to see if we couldn't relieve compensation of that cost which you are entitled to as an Albertan anyway.

While I'm on my feet, maybe we should pass legislation that where the government or the compensation board requires a medical examination, it be paid for under Medicare programs - in other words, a third party asking for it. But I think in the case of the government asking for it, for senior citizens driving cars, for example, I think this is where we could probably be more justified in saving public funds because they should be covered, as every other Albertan is covered, under Medicare.

MR. HENDERSON:

Mr. Chairman, I think in principle I would have to speak against that particular proposition, because I think it's relieving the employer of some of his responsibilities for current ongoing cases. I would suspect - and I'm sure the minister would check it out but I don't specifically request it - but I know the federal legislation under which we operate precludes such action. If we carried out the suggestion of the Member for Calgary Millican I strongly suspect in those cases that the federal government would not share in the costs because their act specifically requires the collection of those third-party costs.

I have a case where an individual was injured in an accident and he had a shoulder whiplash or something like this. He collected \$15,000 on the judgment and I was a real hero for about a week until he got the bill from the hospitals division for \$12,000 for hospital costs. I became a bum pretty fast as far as he was concerned. There was nothing to be done about it. It was a requirement under the federal act and part of the agreement with the federal government. But I suggest, even in principle, that such action in certain instances would certainly relieve the employer of his responsibilities for the costs of those particular claims.

DR. HOHOL:

Yes, I want to comment. The committee spent a great deal of time on this very matter. I'm trying to rationalize the many kinds of plans that we have in Canada, and I think the time will come when that will have to be done. But at the present time, the Canada Assistance Plan is very clear as to what kinds of claims it will recognize and what it will not. Those of workmen's compensation it simply will not, because that is an industry responsibility, in the same way that they won't, for example, pick up the bills for insurance claims and so on. Those are the responsibility of the industry.

MR. DIXON:

Mr. Chairman, I don't think we are being too consistent in this argument. We seem to be quite satisfied if we can take public funds which belong to

everybody, and place them at the disposal of the board. And yet we don't use the same yardstick in other arguments.

I'm saying that if a workman is injured other than on the job he could be covered under Medicare. We should look at this. If the hon. Member for Wetaskiwin-Leduc disagrees with me, of course it's his right, but I still say we should look at that issue. I think there is more justification for doing something about that than there is for putting in public funds. It's the same principle, only I think there's more justification if we can get some money from something the worker would be entitled to if he were injured other than from workmen's compensation. This is the argument that I feel is fairly strong.

The other point is, Mr. Minister, if the federal government is going to be so adamant about not going into this scheme, they're going to be just as adamant about the fact that workmen's compensation is going to come under income tax if we keep putting in public funds which I'm not opposed to. An advantage now is that a workman who is injured does not pay income tax on the money he receives from the Workmen's Compensation Board. But eventually the argument by the federal authorities is going to be, I'm sure, that this isn't compensation; this is money they're getting other than compensation. It's a combination of public funds plus those that are taken from industry.

MR. BENOIT:

I just wanted to make the observation that it really doesn't make all that much difference who is going to pay for these accidents. They are going to be paid for out of public funds somehow, directly or indirectly. If the employer has to pay, he only adds it to the cost of his product which the public pays in the end.

If the public pays it directly out of public funds, then everybody shares in it. If the employer pays, then only those who use that particular product are paying. In the long run the public is paying one way or another. To me, it's just one more argument that if we had a guaranteed annual income we wouldn't need unemployment insurance and compensation.

[Section 24 was agreed to.]

Section 25

MR. ANDERSON:

It has been brought to my attention under Section 25 that medical reports made out by doctors might become public information, and that the doctor might not give a true medical report. A lot of doctors fill out these medical reports for compensation and they're confidential. It is felt by some people that if these are made public the doctor won't give a true report and they'll also get in the hands of people who won't be able to read the reports properly and diagnose what the doctor is talking about.

MR. HARLE:

Mr. Chairman, I would like to mention something about Sections 25, 26 and 27. I wonder if the minister might expand a little on the result of those sections, especially when you compare the provisions in this new act with the old Act and Section 28.

I think hon. members will realize, as we've pointed out in the report on The Workmen's Compensation Act, that there are about four levels of appeal after determination has been made. The new act sets up a review committee which is to be appointed by the Workmen's Compensation Board in Section 26. I'm wondering if it is contemplated that the review committee will be as referred to in the report on the Workmen's Compensation Act, that is, made up of a doctor and someone who has a great deal of experience in the claims department of the Workmen's Compensation Board?

DR. HOHOL:

Mr. Chairman, with respect to Section 25, I think this is a most important clause and I appreciate the hon. member bringing it to the attention of the House.

I think that is one of the things that has to be moved out of the operation of the board - and in saying this I'm in no way suggesting that the board intended to envelope itself and its work in a mystique. It was the judgment of the committee, and I think in our study of Workmen's Compensation Acts across

the nation and elsewhere it seemed to us that the board does have its operations in a sort of atmosphere of mystique and we would like to strip this away and make the board and its operation much more visible to the public.

I just can't accept the proposition - the committee didn't and I hope the Legislature doesn't - that a medical doctor that should have any question about summarizing. We are not saying his medical diagnosis, which most people couldn't read, you know, because it uses a language peculiar to the discipline. We are talking about a summary that is written in lay language that anybody can understand, that doesn't use terms that may upset people emotionally or in other ways. I think the statement of a specialist, with respect to an injury, should surely be the kind of thing that is open to a summary.

One of the problems that the worker has had in Alberta and other provinces is that he didn't really know the reasons for his assessment or the level of his assessment. We felt this to be a notable gap, Mr. Chairman. I think the employee should know what the reasons are for saying your injury is at this level of compensation computed this way, and therefore this is the amount that you are going to get, and until we have new medical information which we will look at, that is the assessment.

I think, like many ladies and gentlemen of this Legislature, I as an MLA and as the minister responsible for this act, have been frustrated time and again by people who came to me and said simply, why? We couldn't tell them, and we felt pretty strongly, and I feel pretty strongly, that there is a real professional onus on those who do the assessment to give cause why a person should be assessed at a particular level.

Now if I can answer Mr. Harle's question, his question and answer are accurate, that the contemplation of Section 26 is exactly as the special legislative committee recommended. This review will be done by a medical doctor whom we shall always need - and his competence, but after the report is cleared - not only medical evidence but other evidence as well. And some of the best evidence can come from a person who has worked in industry, has been injured or seen people injured, and has worked with or helped them. So we are injecting, or intending, if this act passes, that the examination have the qualification of a person who has been in industry, has been down the trail, and knows what it is all about by being where the action was.

MR. HENDERSON:

Just a point of clarification relative to the remarks from the Member for Lethbridge. I don't read this Section 25 as meaning that the board is at liberty to release the reports to the public. This is strictly restricted to the employer and the worker.

DR. HOHOL:

Yes.

MR. HENDERSON:

I just wanted to make sure we get that straight on record.

MR. TAYLOR:

Mr. Chairman, along the lines the hon. Member for Stettler outlined dealing with sections 25, 26, 27, and 28, I would like to make one or two comments.

I take it that Section 26(2) is the new final medical replacing the old section that was known as the final medical. Or if there is another final after that, is it the final appeal or is it the second final appeal?

DR. HOHOL:

The second final appeal.

MR. TAYLOR:

Then there are just two points I want to raise on this particular item. The board makes the decision, then the employer or the worker, or his dependent in case the worker was killed, may ask for a review and the board then appoints a committee of the civil servants or of the employees of the board to carry out the review. I rather question this procedure.

Many times we say it would be wrong to have a board review its own decision, but here we have the employees of the board reviewing the decision of the board. It appears to me that there may well be a reluctance for employees who are dependent upon that board for their job, to make any drastic change in what the board already decided. I think fundamentally it isn't sound. I do think that there may well be a good relationship between the board and its employees so that the employees might vary the report of the board. But fundamentally I don't think it's right. I don't think it's sound. If this does remain in the act I would suggest that the hon. minister watch it very closely to make sure that we're not going through a farce as far as the workman is concerned.

I would much rather see a review committee be made up of men or women who are not dependent for their jobs on the Workmen's Compensation Board. I'm not going to make any motion on that but I'm sure the hon. minister will be just as anxious as any of us to see that this works out properly.

The other point I would like to mention here - and I won't bother mentioning it in other sections - is that when a medical examination is required by the board, or by the review committee in this case, I think it is an excellent thing to have one doctor. Workmen have told me so many times that they have three doctors and two of them are sitting and reading in a corner. One of them is doing the examination. This creates a very bad impression on the worker. I think it's a step forward to have one expert in his field to carry out this examination. I commend the minister and the committee for bringing in that particular item.

One other thing worries me and that is if the whole medical record as it accumulates is sent to each doctor. For years now I have found that doctors are reluctant to go against members of their own profession, particularly if they're eminent members of that profession. I would think that when the review board is asking for another medical that the medicals already with the board not be given to that new doctor and that he carries out a new examination on the workman. I don't want the x-rays repeated or items like that but the opinions of other doctors should not be sent to the doctor. I would like to see this covered in the regulations, not the act. I don't think it is at all fair to the workman to have the medical opinion of one doctor sent to every other doctor and accumulate as it goes along. I have looked at many, many files and it is the exception where you find that a doctor makes a different diagnosis from the original by another doctor.

I think the board is in an excellent position and the review committee is in an excellent position now to get a brand-new medical opinion based on the evidence, based on the workman's condition and based on the x-rays so that they then have a chance to compare what the two doctors say. If there is any purpose at all in having another medical, I suggest that that medical should be a brand-new medical and not just simply an amen to what the doctor before said.

MRS. CHICHAK:

I would just like to say that the views of the Member for Drumheller with regard to the medical reports are very accurate and are the kinds of complaints that I certainly have been receiving from a number of injured workmen. They have been extremely dissatisfied with the operation of the board and of the treatment they have been receiving over a period of years, in the assessments, and they have complained of the improper manner in which they have been handled. It was pointless to have another medical examination because the doctors would only read the forerunning report and would just about stamp it and not contradict any of the issues.

I think it is very important that this area be dealt with in the regulations in order that all of the opinions of the previous medical doctors not be provided so it would be an independent report. I would just like to underline that area of concern.

MR. FRENCH:

Mr. Chairman, as I read Sections 25, 26 and 27 I'm a little concerned with this review committee. I would like the minister to clear it up whether I have been interpreting it right. I read that there be a review committee and this is appointed by the board. Legislation does not say whether this review committee will be from members of the Workmen's Compensation Board or outside. Then if you go on it says "with the consent of the board". So although you do have a review committee appointed either from the internal workings of the Workmen's Compensation Board or an outside board, in any case you still need the consent of the board.

There is another appeal from that decision when you get down to Section 27. Then it comes back to the board not to me. It looks to me like this is just going around in circles within the Workmen's - I use the words "Workmen's Compensation Board" because this is the term I am used to. It appears to me that maybe this review committee should be an independent committee, because after all is said and done you must get permission from the board to be able to go to this review committee.

Now the board itself has probably said no, or it wouldn't be at that stage. Then you have three or four from the board. I don't know - maybe I am reading it wrong. I would like to have clarification. If a review committee is appointed by the board, would it not be better to say it is independent of the board? Or what? - I would like to get some clarification.

MR. HARLE:

Before the minister says something, perhaps I could add this. I think it is most important that we consider these three sections together. The whole object of the medical opinion with regard to the awarding of compensation is vitally changed by these three sections. The implication of the sections is that there will be more than medical evidence considered.

Now when we look at the review committee, it was certainly the object of the legislative committee which was considering the matter of The Workmen's Compensation Act to create a body, in effect, of supervisory personnel in the claims department who would be able to review the file and to make a decision. Because I think we have to realize that when a claim is made an assessment is made by people at the first level of the claims department. At that time a decision is made which is then given to the workman. I think this is most important.

The object of the review committee, as far as the legislative committee was concerned, was to create a body that has on it a doctor and a senior person in the claims department with many years experience. They then are empowered to examine the claim and see that it is in order. Basically the level of the review committee is not in a sense an appeal. It is a review of the file. It is a review to make sure that all aspects of the claim are in proper perspective as far as the file reveals. They can, and do have the power, to ask for a new medical. But basically it is to examine the file to see that it is in order at a higher level than the determination made by the claims department on first receiving the claim.

From there there is a further appeal to the board. And that is an appeal. I think it is very vital that we all understand the change that has occurred and not try to assess the new provisions in this act with the old Act, because there is a very definite change in the whole procedure. I am sure all members who were on the legislative committee are most anxious that this procedure will work.

MR. HENDERSON:

Mr. Chairman, in response to the matter, I have some difficulty as well in following through the intent of the section. It says the board shall appoint a committee. The question of what a committee is made up of, board members or people who aren't employed by the board, is left up in the air.

I would like to question the last part of Section 26(1). Does it mean that the committee "... may confirm, vary or reverse any decision made in respect of the claim ...," but only with permission of the board? Or can the committee independently "... confirm, vary or reverse any decision made in respect of the claim ..."? Because if that authority on the part of the committee can only be exercised by consent of the board, the prospect of an appeal to the board later on is a farce. So I don't think the wording of the section - I haven't got it clear in my mind what the intent of the section is. Would the minister very definitely clarify the section?

The other question is, not only where do the members of the committee come from - are they from within the board outside the board and is this an ad hoc committee or is it a standing committee? If it's a standing committee, they become another part of the board as far as making assessments. It seems to me that it should be an ad hoc committee that deals with each case.

MR. FRENCH:

Mr. Chairman, just one other point I meant to mention. I notice this act will come into force on January 1, 1974. My question is simply this: is this

review board going to go back into cases that were active, say, 10 years ago? Are they going to go back and dig up all these old cases and review them under this section? Is this the intent of the act?

MR. DIXON:

While the minister is answering the question - I'll be very brief, the time is short - I wonder if he could enlarge - it seems to me from what the hon. Member for Stettler is saying, we're getting away really from compensation being based solely on medical evidence. I was wondering what other things the committee and the minister has in mind that they would take into consideration other than medical evidence in awarding compensation?

DR. HOHOL:

Mr. Chairman, I don't want to sound trite, I appreciate the discussion we've had a great deal. Probably the most important and significant sections of the act, Sections 25, 26 and 27 as the hon. Member for Stettler pointed out, are intended to be read together.

Let me comment on the questions in this way. In Section 25, as has been pointed out, these are not intended to be public. It wasn't labour's wish at all to have the reports of its employees made public. It would not be in its interest and as we continually point out, this is an act in the interest of the working man.

In Section 26, the term "with the consent of the board" may present the problem pointed out by several members. That's really a kind of legal term, a kind of term you use in statutes. I want to say unequivocally, Mr. Chairman, and for the Legislature to understand, that the review board will neither ask nor require the consent of the board to review the claim of a worker requested by the worker or by the employer.

Let me review then very briefly the claims procedure. The employee files a claim and the claims officer of the Workmen's Compensation Board reviews the claim and makes the assessment. In most cases, in many cases, that's where the matter will end because the employee will be satisfied with the assessment of the claims officer. When that is not the case, it moves to a second level which is the review board. Mr. Chairman, ladies and gentlemen, the review board is made up of senior members of the staff of the Workmen's Compensation Act ...

MR. HENDERSON:

On a point of order. The minister is saying "review board". Is this something in addition to the review committee? Or is it the review committee?

DR. HOHOL:

No, I should not use the words "board" and "committee" interchangeably. I'll try to reserve the board for the Workmen's Compensation Board and the committee for the review committee, which will be made up of senior officials of the board. Now the membership of the board may be different from case to case, but it will be experienced senior staff of the Workmen's Compensation Board, but not members of the board itself.

It will have the function of reviewing the file and making sure that the judgment of the claims officer is proper because all the necessary data was there. If they feel it isn't there, they can require the employee to be tested or checked by another medical officer who is not an employee of the board. Let me say right away that I agree with the hon. Member for Drumheller and the hon. Member for Edmonton Norwood and others who say that the opinion of a medical person should be a new one and his own, not the summary of some other medical people. That can become information after he makes his own. Then if the review board in confirming ...

MR. HENDERSON:

Review committee!

DR. HOHOL:

Review committee, Mr. Chairman, sustains the claims officer's position and the claims employee accepts it, fine. If he does not, he then goes to the board level and the chairman of the board names a panel of commissioners of the board. This is the final review by the Workers' Compensation Board. There isn't that in-and-out type of thing. We've reduced five levels to three levels and we've

made the final disposition at the level of the board itself, which we feel is proper and where the final judgment must be.

Now as to evidence other than medical, this is what has commonly been referred to as gray area. I could not say it was this kind of evidence or that kind of evidence. It's the kind of evidence that has been referred to as the gray area, where people couldn't decide what it was. We are saying to the board, you'll have to look at it and make some judgments about that gray area in addition to straight medical data.

MR. HENDERSON:

Mr. Chairman, I beg leave to adjourn the debate. Or are we going to stop the clock and finish this point?

MR. CHAIRMAN:

Very well. The Committee of the Whole Assembly will be adjourned until 8:00 o'clock tonight.

MR. BENOIT:

Don't forget your baloney eggs!

[Mr. Chairman left the Chair at 5:30 o'clock.]