

LEGISLATIVE ASSEMBLY OF ALBERTA

Monday Evening, March 18, 1974

[Mr. Speaker resumed the Chair at 8:00 o'clock.]

GOVERNMENT BILLS AND ORDERS
(Second Reading)Bill No. 21 The Legislative Assembly Amendment Act, 1974 (Cont.)

MR. COOPER:

Mr. Speaker, I too wish to add my voice to those opposed to Bill No. 21. I'm certainly not basing my decision on the connotations of "shall" and "may". My concern is the fact that under the umbrella of The Legislative Assembly Act committees could be appointed without the Legislative Assembly having anything whatsoever to do with the said committees.

To me it is just another instance of the government slighting, overlooking and generally downgrading the role of the opposition in a democratic government. In this case, the entire Legislature is being overlooked. I was truly amazed to hear one of the members on the other side of the House rebuke us for having the temerity to even debate this bill.

The greatest man of this century in my estimation, Winston Churchill, once said that democracy may be a poor form of government, but it is still the best form of government known to the world today. And the opposition, Mr. Speaker, is an integral part of the democratic form of government.

SOME HON. MEMBERS:

Hear, hear.

MR. COOPER:

It is quite possible that if Bill No. 21 is passed, there could be two classes of MLAs: the government side, who receive the handouts by being appointed to committee by the cabinet, and the opposition members who do not.

If the government is determined to proceed with this bill, it should be withdrawn in its present form and reintroduced quite separate and apart from The Legislative Assembly Act. An act that takes away the jurisdiction of the Legislative Assembly has no place in The Legislative Assembly Act.

SOME HON. MEMBERS:

Hear, hear.

MR. COOPER:

And I am unalterably opposed to this bill.

SOME HON. MEMBERS:

Hear, hear.

MR. DRAIN:

Mr. Speaker, ... No?

SOME HON. MEMBERS:

No.

MR. SPEAKER:

As far as I am aware, under ordinary practice, the hon. member has spoken.

AN HON. MEMBER:

Very eloquently.

MR. GHITTER:

Mr. Speaker, I feel somewhat remiss to be stepping up at this time, considering how much I was enjoying hearing about Magna Carta, Runnymede and all of those other matters we heard as the debate adjourned this afternoon.

However, as the hon. Member for Pincher Creek-Crowsnest will not have that opportunity, I will step in, if I may, at the present time. And I promise not to provide any legal opinions. I think we have had enough of those this afternoon.

Before dealing specifically, Mr. Speaker, with the views expressed by some of the members opposite, I must say how much I enjoyed the debate this afternoon. You know, many people have said that the loyal members of the opposition have lost their zip, their enthusiasm and their interest. But I am sure that those of us on this side who heard the enthusiasm, strength, vigour and vitality that was expressed by the members opposite this afternoon couldn't help but feel the enthusiasm that was generated by them.

Some have been wondering ...

[Applause]

Thank you.

Some have been wondering, Mr. Speaker, when the loyal members of the opposition, would make their telling points in this session of the Legislature.

AN HON. MEMBER:

They're still wondering.

MR. GHITTER:

Some were waiting with vigorous opportunity, and really feeling somewhat threatened as to when we would hear - during the Throne Speech, probably - the views of the members opposite. Many of us have sat back impatiently wondering when it would happen, when it would come. Would it come during the question period, Mr. Speaker? Would it come during the Estimates? Would it come during the Energy Company debate?

But today it happened. Today we heard the loyal members of the opposition rise as one and state their point of view on what will probably be known as the issue of this session of the Legislature.

Who would have thought, Mr. Speaker, who would have thought in reading Bill No. 22 ...

SOME HON. MEMBERS:

Twenty-one.

MR. GHITTER:

Twenty-one, Twenty-one. Ah, ah. Oh yes, Bill No. 22 is The Public Service Vehicles Amendment Act.

Who would have thought in looking at these very brief few paragraphs of legislation, Mr. Speaker, that built within this little bill was the seed of the issue that would rock this Legislature?

Mr. Speaker, I listened to the well-reasoned arguments of the hon. Member for Cypress, and at that time I knew that something was stirring, that an issue was rising. When I heard the hon. Member for Calgary Bow rise and pound his table and speak with those enthusiastic toastmaster's gestures that we're all so familiar with, I then knew, Mr. Speaker, that something was stirring on the side opposite. As they rose in their places one by one, as the Member for Calgary Mountain View called us sneaky, and as the Member for Clover Bar rose to his feet and described how the Premier's helicopter came down to

earth, I knew; I knew at that time, Mr. Speaker, that this was the issue that we must all put our minds to.

But what is it, what is it, Mr. Speaker, that has raised the ire of the members opposite? Why are they so incensed when they read Bill No. 21? What is it, Mr. Speaker, in Section 59 as amended that causes them such alarming concern?

Under the present legislation, Mr. Speaker, any member appointed by this Assembly or the Executive Council must be paid - I repeat, must be paid \$40 a day for each meeting she or he attends. I ask any member on this side who has sat on any committees appointed by this government: Have you ever, any of you, received \$40 per day on a per diem allowance? Have any of you received it?

AN HON. MEMBER:

No.

MR. GHITTER:

Yet the government, Mr. Speaker, must pay \$40 a day. The legislation says that. Yet have any members on this side asked for the \$40 a day?

AN HON. MEMBER:

No.

MR. GHITTER:

Have any members requested the \$40 a day?

AN HON. MEMBER:

No.

MR. GHITTER:

No, Mr. Speaker. Have we complained? No, Mr. Speaker.

MR. LUDWIG:

... order. If no member is asking for \$40 a day, what are we debating?

MR. SPEAKER:

Order please. Order please.

AN HON. MEMBER:

A good question.

AN HON. MEMBER:

Read the bill, read the bill and you will find out.

MR. GHITTER:

Mr. Speaker, are the members on the government side complaining? Are we coming forward asking for it? No.

But, Mr. Speaker, who should come to our rescue? Who comes forward and speaks on our behalf? From whom do we hear that they must now get that \$40 a day, when we on the government side know? We're willing to amend the legislation; we don't think we should get it.

We are not in a position where we feel we want to enforce it. But no, Mr. Speaker, members opposite one by one rise in their places saying, we don't want that amendment; you must be paid.

This is the issue of the session, Mr. Speaker. This is why they are so incensed, because we over on this side all of a sudden are money-grubbing government members.

SOME HON. MEMBERS:

Hear, hear.

MR. GHITTER:

Yes. Right - wishing to get our hands on the treasury of the hon. minister, Mr. Miniely. Yet when we say we don't want it, when we say no, no we don't want it, up they rise and we hear from them, man after man, hour after hour this afternoon as they are trying to force the per diem payment down our throats.

Mr. Speaker, as one looks in terms of this little bill, this matter where we are saying that no longer must we receive the funds surely is not an issue, and surely I cannot understand with any comprehension the point of view raised by the hon. members.

And then, Mr. Speaker, the one point that seems to have credibility as the members opposite are speaking, the point about whether or not this type of legislation should be included in The Legislative Assembly Act of Alberta - I say, Mr. Speaker, where should it be included? For after all, what is the purpose of this Act if it doesn't set forth ...

DR. BUCK:

Pay yourself.

MR. GHITTER:

... the controls, the fiduciary relationships in matters of where a member stands from the point of view in this Assembly? Where would the members opposite prefer such things to be placed within our legislation? In The Weed Control Act, or The Senior Citizens ...

[Interjections]

Ah, yes. So I do not accept the argument from the Member for Wetaskiwin-Leduc, eloquent as he ... Mr. Speaker, I can't hear myself.

Let me then say, Mr. Speaker, that although I have enjoyed the debate this afternoon I cannot accept with any seriousness and any responsibility the points of view expressed by the members opposite. And if this is the only issue that we will be hearing from them during this session, I really say, may Heaven help us.

AN HON. MEMBER:

Who says so?

MR. CLARK:

Mr. Speaker, in rising to make a few comments with regard to amendments to The Legislative Assembly Act, let me say at the outset that I, too, have enjoyed the debate that has taken place this afternoon and this evening also. If I might comment with regard to the contribution made by the hon. Member for Calgary Buffalo, it seems to me that if I had a very weak legal case and wanted a very enjoyable presentation made, I would go in his direction. I think, Mr. Speaker, that we have seen an excellent example of that kind of footwork by the hon. Member for Calgary Buffalo, as enjoyable as it was.

Mr. Speaker, the Member for Lacombe made a comment this afternoon when he talked about the amount of money it is costing this Assembly to debate The Legislative Assembly Act. For the benefit of all hon. members, I would refer to comments taken from the book, These Things We Treasure, by John G. Diefenbaker, when he talks about the role of the opposition. I simply refer to one particular sentence here which says that only an alert opposition can prevent the short-cuts through democratic procedures that cabinet ministers and bureaucrats frequently find attractive.

I think, Mr. Speaker, that when we get to the nub of the legislation that is before the House this evening and that was before the House this afternoon, it's a matter of changing The Legislative Assembly Act so that it better fits the system of government which the Progressive Conservative government in 1974 wants to use in this province.

Mr. Speaker, this legislation that we are debating here this evening fits the style of government that the Progressive Conservatives want to put forward to the people of the province. I say, Mr. Speaker, if this is the style of government which they want, then in fact let's stand up as a government and say this is the approach we want and let's stop monkeying around with The Legislative Assembly Act. This is the second time in the course of three years, Mr. Speaker, that we have had legislation introduced to change The Legislative Assembly Act.

In the 1972 session, as was pointed out by my colleague, the hon. Member for Cypress, amendments were introduced in fact to weaken that Act, Mr. Speaker, to weaken that Act very much, so that we became involved for the first time in the history of this province in political-party task forces. The gentlemen across the way can look in the Public

Accounts of this province as long as they want and they will not find that the former administration on any occasion used political task forces or this route at all to do the kind of work that this government now believes it has to do.

Previously, Mr. Speaker, the members of the Legislature on the government side were called upon by the cabinet ministers to serve and to do those things that in the judgment of the government of the day were within the purview of The Legislative Assembly Act. And it should be pointed out, Mr. Speaker, that in the 1972 session when this legislation came forward we heard a great deal about the team approach to this venture. We now find out, Mr. Speaker, that it takes more money to keep the team operating, a great deal more money, and this is really what we are getting at here this evening. We are being asked to approve this legislation, this apparently very small change in The Legislative Assembly Act, and the Member for Calgary Buffalo says, so, the members can't take this \$40 that's going to be forced down their throat.

If we really laid the cards on the table and if the cabinet ministers really got up and said this, this would allow the Conservative back-benchers to be paid to go to various affairs across the length and breadth of the province when the cabinet ministers can't go and get paid for it. That's really what this legislation will do. And if that's what you want to do, stand up and let's say so, but let's not fiddle around and do it this way and then go through the rigamarole we've gone through here this afternoon.

The Member for Wetaskiwin-Leduc made an excellent point when he talked about working at the real basis of The Legislative Assembly Amendment Act.

The members of Her Majesty's Loyal Opposition in 1972 opposed the tampering with The Legislative Assembly Act, and the members of Her Majesty's Loyal Opposition are going to oppose it on this occasion. We are going to oppose it on committee work, and we are going to oppose it on third reading, Mr. Speaker.

If the government feels that it is essential for back-benchers to do research for the cabinet, we don't object. But, for goodness' sake, let's not do it under the guise of The Legislative Assembly Act, Mr. Speaker, because it smacks of having the approval of all 75 members of the Assembly. That's the part that really bothers us, Mr. Speaker. We're being asked to legitimize this legislation so that whatever is done by the cabinet in its wisdom - employing or engaging on a consulting basis, whatever term they want to use, various conservative back-benchers - it is slid under The Legislative Assembly Act and all members of the Legislature then have some responsibility for it.

And as for the point, Mr. Speaker, that's been made - well, we can check in the Public Accounts and see how much money goes to each of the members of the Tory task forces that is another year-and-a-half late.

Mr. Speaker, it's a matter of public record. You can get from Hansard in 1972 that this government has refused to give a commitment to this Legislature and to the people of the Province of Alberta that it will make the results of all the Tory task forces public. They won't do this. True, they have made some available, some public, but they haven't made all of them public, Mr. Speaker.

When one of the hon. members who participated here this afternoon was taking part in a speaking commitment in Edmonton not long ago, I suppose, rather inadvertently, he referred to a task force that he had been involved in, a Conservative task force that the Legislature was paying for, a task force that had not made it's report public, a task force recommending to the government that there be a fourth level of government. This was another example, Mr. Speaker, of the Tory task force, the government, not making all the information available to the public on this - rather spurting out, I suspect - rather inadvertent occasion.

And so, Mr. Speaker, when we get down to the nub of the matter at hand, we're really being asked here this evening to legitimize legislation that will permit the government to use The Legislative Assembly Act in a manner for which I don't believe The Legislative Assembly Act was ever intended to be used.

Secondly, Mr. Speaker, or thirdly, we are really looking at this legislation after the government has had a year or two years to live with it, legislation which the government has now found is weak politically, bringing this amendment in and in trying to use the arguments that we've heard from the other side today: well, we are putting ourselves in a position where we don't have to take all the money. Big guys, big fellows.

But I say, if we are really concerned about living with the intent of The Legislative Assembly Act, let's simply go back to what it was prior to 1972, and then we'll forget once and for all about the very ill-conceived and very poorly thought out idea of the Tory task force.

Bill No. 16
The Forest Development Research Trust Fund Act

MR. RUSTE:

Mr. Speaker, in taking part in the second reading of Bill No. 16, The Forest Development Research Trust Fund Act, I think it would be well to just look back a little bit at what has happened in the province over a number of years. I think it is safe to say that forestry in this province has come a long, long way. I can recall talking to some of the old-timers in the forest division who many, many years ago, several decades ago, when they had a forest fire, didn't have the sophisticated equipment they have today. They didn't have the wherewithal, so they'd let it burn. Those days, of course, are long since gone and with them some of the old-timers' problems and some of the experiences that have benefited us and led us to where we are today.

Now in bringing in this forest development research trust - to my mind, it's the third such fund set up within government, - I refer to the first one that I can recall as The Alberta Agriculture Research Trust. Looking back in the annual report of 1966, I find the following:

The Alberta Agriculture Research Trust as established by the Department became operational on April 1 with a \$500,000 contribution from the Department. The purpose was to expand agricultural research as carried on by the Faculty of Agriculture, University of Alberta. This was a recognition that research is necessary for progress in agriculture. Twenty new research projects were approved in the spring and a further twenty-three authorized by the Board of Trustees in the fall. The majority have a practical application in resolving problems in the province.

Then we go back to the Revised Statutes of 1970, Chapter 4. The objects of that Alberta Agriculture Research Trust are, briefly, "provincial expansion of applied and fundamental research."

I think a point of interest here refers to the 12 trustees who were set up under that legislation as follows:

... the Deputy Minister, the Dean of the Faculty of Agriculture of The University of Alberta and

- (a) two practising farmers nominated by Unifarm,
- (b) four representatives representing agricultural business in Alberta,
- (c) one representative nominated by The Alberta Institute of Agrologists who is not a member of the faculty of any university under The Universities Act,
- (d) one representative from the Department of Agriculture,
- (e) one representative nominated by the Faculty of Agriculture of The University of Alberta, and
- (f) one representative nominated by The Research Council of Alberta.

I mention these, Mr. Speaker, because the similarity in the acts themselves, and certainly the purposes of them, are all somewhat the same as well.

Then we go back to a later one which was brought in in the 1971 session and entitled The Alberta Environmental Research Trust Act. The purposes are basically the same. They are set up with a board of trustees consisting of the deputy minister and seven other persons appointed by the Lieutenant Governor in Council. It is rather interesting to note the report in the annual report of the Department of the Environment in 1972, which reads as follows:

The Research Secretariat was in the formative stages. Its principal function was defined as the secretariat to the Board of Trustees appointed to administer the Environmental Research Trust Account. Its objective was defined as identifying environmental research needs and promoting research from which usable tools and guidelines can be developed for future environmental management.

It was charged with developing an inventory of research activity and information, and providing a point of contact and source of supply for this information.

Now, Mr. Speaker, I referred to these two pieces of legislation that are somewhat in the same field. I submit, Mr. Speaker, that The Forest Development Research Trust Act, as brought in, can work side by side with the other two acts, really, in that there is much similarity. They are both working in the renewable resource field, true enough forestry,

but there is an intermingling, an interaction that can go on here in these three funds. I would submit to the minister that this is something which can be looked at very carefully in bringing this legislation to fruition. I appreciate what he has in the legislation, but certainly I think you can put the three acts down to the environment, to our renewable resource field. Certainly when we look at some of the things that have taken place over the years, we have the Northern Forest Research Centre in the city of Edmonton here. They're certainly needed there to work closely with this federal body in the work that may be done in the future. We have the report of the eastern slopes, and here again we get back to the life-giving waters of the eastern slopes of the Rockies which supply not only Alberta, but Saskatchewan and Manitoba as well.

Not too long ago we had the report of the Saskatchewan-Nelson Basin Board in which the Governments of Canada, Alberta, Saskatchewan and Manitoba took part. This was completed in 1971 and the terms of reference for that, Mr. Speaker, were set out in 1967 in an agreement made with the other parties. Actually, when you go back to the committee of ministers, I guess you could say it goes back to about 1963 when the committee of ministers really initiated that study. I submit that these studies, such as are mentioned, will certainly assist the new group that will be set up.

I think that Alberta is indeed fortunate in its forest management over the years. We can look at some of the other provinces. They would look with envy at the management we have had in the Province of Alberta. The forest areas are reasonably compact. I can well recall the days when we more or less closed down on homesteading adjacent to forest areas. In fact we went so far as to try to assemble some of the land that had gotten into the forest areas so that it would make a uniform and able area for providing services to our citizens, and so on.

I think the Alberta Forest Service should have a bouquet because of their supervision and control of the oil industry in the forested areas. Certainly we can look back and say, well, there have been some mistakes made. But by and large, Mr. Speaker, the Alberta Forest Service has done an admirable job in having industry come in there and work within their boundaries. I think, in the field of grazing as well, certainly there has been under permit a lot of grazing going on in our forest areas, but this has been done in a very conservative way so that they haven't been over-grazed.

I think that industry bears recognition as well, and I was rather interested in what the Member for Whitecourt said. I looked back in Hansard and I understood him to say that there has been no participation by the forest industry. I think, Mr. Speaker, that he hasn't followed what has been done by many of the businesses involved in the forest industry. Certainly over a number of years I well recall the cooperation and the amount of money that has been put by the forest industry, in cooperation with the Alberta Forest Service, into many of the things that go on in the forestry field. We look at seedling production, we look at the container plastics that are used for plantings and then we go back to the inventory that was taken several years ago which led up to the quota system and started with the implementation of the quota system on May 1, 1966. This, in itself, was a management tool that has been of assistance in bringing the forest industry to where it is today. You could even get into the ARDA programs that tie into soil survey, forest land use, forest protection, and our airstrips that dot the forest areas.

Mr. Speaker, in supporting the introduction of this bill at this time, I think we want to acknowledge the dedicated staff of the Alberta Forest Service and the industry who have worked with us over the years, and who have certainly helped to leave the plant, shall we say the forest plant, where it is today.

With all the changing times, with the weather - and we've seen the price of lumber, another one that has changed dramatically, in the stud mill business, where it was up and down and then back up again - I think we're going to have as many similarities there as in agriculture. So I would submit to the minister, in the implementation of this bill, that he work closely with the other two research trust funds we have. There could even be an intermingling of members on those different boards, pointed or spelled out as being a requirement.

I would suggest that we could improve some of the other legislation in calling for more than one meeting a year, because I think these things are becoming so important now that certainly a group meeting only once a year won't be able to keep up with what is going on.

So, with that, Mr. Speaker, I would like to commend second reading of Bill No. 21.

MR. LUDWIG:

Mr. Speaker, in taking part in this debate, I would like to point out that up to now we have been concentrating on the commercial aspects of reforestation and the benefits we could give the people of this province in that regard.

But I would like to point out that we have another very valuable use for the forests, some of which have no commercial value at all, and that is recreation. We must not overlook the aspect of caring for, and seeing that we don't deplete and use up our resources, forest reserves and parks too rapidly.

When we look at what this government is doing, we see it spending millions of dollars buying a few acres of parkland near a city. I'm not criticizing that, but we're paying an awfully high financial price for a few acres five or maybe ten miles from the centre of the city. When we look fifty miles away, we are probably destroying some of the finest preserves and recreational areas in North America by exposing territories to extensive public use. I'm talking about the intended road from Coleman to Kananaskis and all the way North. Are we moving in the right direction? Are we in a hurry to use up something that can be left a little more natural for perhaps another fifty or sixty years or more?

On one hand, we can show a great appreciation for something beautiful and open to the people. On the other hand, we will move too quickly and expose natural forest preserves to intensive public use. I just want to make this remark. I am not recommending we seal off all the beautiful areas of Alberta we have, but we also must not try to rush them, commercialize them, allow many roads and allow the territories that have been a recreational preserve to become used so intensively.

It's just one point I want to make; we musn't place all our emphasis on the commercial aspects of reforestation.

I would also like to state that when you talk about appointing a council, let's not pick out those people who can make the biggest money out of cutting, sawing and selling timber. I'm not making any recommendations, but somebody who has an attitude like that of the Hon. J. W. Grant MacEwan the present Lieutenant-Governor, would see to it that we look at all aspects of the problem and try to preserve the natural heritage we have, in every way possible.

I hope the hon. minister who will be in charge of this bill will see that the emphasis isn't on commercialism all the way, Mr. Speaker.

MR. WILSON:

Mr. Speaker, in rising to participate in the debate on Bill No. 16, The Forest Development Research Trust Fund Act, I would like to raise a few points, and perhaps the sponsor of the bill, the hon. Member for Whitecourt, might respond to them when he closes the debate on second reading. In the concept of accepting gifts, bequests and transfers, the issue was left pretty vague, Mr. Speaker. I'm wondering if the sponsor of the bill might advise us from what area he thinks they might receive gifts and bequests and, further, if there is an intention to accept gifts with a string attached. For example, contingent gifts. If somebody offers a sum of money by way of a gift, provided certain research, which may cost three or four times the amount of the gift, is carried out - are those types of gifts envisioned in the bill?

On Section 2 (2), Mr. Speaker, there is a principle implied here which I don't think is right. That is where no elected person will have any say in what the funds will be spent on, but only the recommendation from the council, because according to Section 2 (2) the minister shall make payments as directed by the council. I don't think that principle is a good principle, Mr. Speaker, particularly when there is no suggestion anywhere in this bill that the Forest Development Research Trust Fund is required to file, or even to publish, an annual report. I would like the sponsor of the bill to advise us whether or not this principle was intended, that funds would be spent, without any authority from any elected person, strictly on the recommendation of the council, and whether or not it was intentional or a mistake that this fund will not be required to table an annual report in the Legislature.

There is a further contradiction, Mr. Speaker, in Section 4 (c), as opposed to Section 2 (2), where in Section 4 (c) it suggests the minister does have a choice as to whether or not funds are paid out. We're dealing with a situation here where in Section 4 the council makes recommendations to the minister. But when we go back to Section 2 we see that the minister shall pay out funds on the direction of the council. Perhaps the sponsor of the bill might elaborate on those points.

Also, Mr. Speaker, there is a kind of unique situation in this bill where it names the makeup of the council. It says that the members who make up this council "shall be", and it lists various organizations and authorities over which this Legislature or the provincial government has no jurisdiction, for example, the federal government. I am wondering if the word "shall", or the whole principle of this legislation, which states that the members of the council "shall be" and then includes various organizations over which the Legislature and the Province of Alberta have no jurisdiction, is the principle the sponsor of the bill really wanted to imply. I would sincerely appreciate the hon. Member for Whitecourt commenting on those points, Mr. Speaker.

MR. RUSTE:

Mr. Speaker, on a point of privilege, when I sat down I gave my concurrence to Bill No. 21 and it should have been Bill No. 16.

AN HON. MEMBER:

We heard you.

MR. COOKSON:

Mr. Speaker, if I could just say a word or two about The Forest Development Research Trust Fund Act. Although my constituency doesn't represent a large lumbering area, I have some concerns I would like to pass along to the minister and the Member for Whitecourt.

I don't share the Member for Wainwright's opinion that we have in effect carefully nursed our forestry industry. I know from figures I've read that lumber is one of the main sources of revenue for British Columbia and could easily be a main source of revenue for Alberta. In fact, there is a fair amount of revenue from lumber, but if you look at the record and study what is happening to our major forest areas there is some doubt in my mind whether they have been properly managed.

I would in a way criticise perhaps a lack of funds in this department, problems with fires and lack of knowledge. For example, the uses to which wood can be put in particular areas that have been burnt out. You can go into many areas of the province and see these burned out areas where the timber has simply been left as windfall rather than used in a practical manner. There appears to be very little, if any, research into uses for this wood, or any understanding of costs, so that this particular type of timber can be properly used.

I am quite concerned about the incursion of agricultural lands into forest areas. We have a limited resource, it's a slow-growing resource, and I don't think there has been enough research done into projections as to what our requirements will be in the area of lumber 50 years hence, 100 years or whatever. Certainly I can't find any figures to indicate whether there has been any proper research or projection at all, and I would hope that some of the funds that would be used through The Forest Development Research Trust Fund Act could be used in this kind of study.

I can go into areas to the west, thinking of the Winfield area which was once a major lumber area and is now merely a remainder of the lumber industry. There are areas in the Rocky Mountain House area in which timber has been removed and put into agriculture and there is some question as to its productivity.

If we continue the way we are going we would eventually find ourselves in the same position as Ontario, with practically all of the hardwoods gone and a tremendous demand for a product which is slow-growing and no longer in existence.

There is one other area, Mr. Speaker, to which I would like to refer the members, and that is the area of small woodlots, which I would hope they [the department] would include in any kind of research. There are a number in my area. They could be turned into a great potential source of income for farm people and off-farm operations during winter, and with careful nurturing and proper management could be a continuing source of income.

One other area that I'm quite concerned with, and have observed over the years, is the problem of disease in timber, and in particular, of recent times, the spruce budworm, which has shown up in my particular area for the first time, and which has seriously damaged a fairly extensive woodlot area in the Lacombe constituency. There seems to be very little research or few ways of handling this particular disease, and it is costing the province literally millions of dollars, I am sure, in damage to potentially good timber.

I think the act is a move in the right direction and I would like to congratulate the Member for Whitecourt and the minister for bringing this into the Assembly.

MR. SPEAKER:

May the hon. member conclude the debate?

HON. MEMBERS:

Agreed.

MR. TRYNCHY:

Thank you, Mr. Speaker. I will just try to clarify, as we go along, some of the points of each member who spoke on this bill.

I enjoyed the conversation and the topic from the Member for Pincher Creek-Crowsnest.

As a matter of fact, he talked of using a match. Today he tried to light a little fire in this House and he forgot to come back, or else he was playing with matches and forgot to come back at 8:00 o'clock and continue. But his comments on hybrid trees were well-based and a comment I thought we should bring out is that we should preserve our poplar trees. I think, in time, as we go along with this forest industry, we might be running short of oxygen if we remove all our trees, such as poplar and broad-leaf trees. He says that the Alberta area is a poor growing area for trees and of course this is a fact, we don't grow trees as quickly as they do in B.C. They have 40 year trees which grow to the size of ours which are 100 years old. Of course, down south there is the disease in trees, but with research programs, fertilizing and getting the areas that will produce the trees set aside, I am sure we can probably beat most of this.

His comment on turning the land on its side to grow on both sides is a good one. I don't know really how we are going to do it. I would suggest to him that we might use row cropping and we could plant potatoes and beets down the middle and the trees on the outside.

AN HCN. MEMBER:

How about your corn?

MR. TRYNCHY:

And our corn.

I think the wetland areas such as the muskeg should be looked at. As I mentioned before, more than half our timber area is in the wetland areas and this, at this time, is not providing us with any trees and no production at all. This is an area we must move to.

When I mentioned that we should look at areas which are close to farmlands, the area I'm concerned with has a good soil condition, probably a number 7 soil which is in trees now. We could move this treed area to a poorer class of soil which would grow the trees as well, if not better, than agricultural soil and we could use it in that way.

The Member for Athabasca, the seconder, mentioned that over a number of years there was no program and no real alternative for the lumbermen. In 1948 the lumbermen presented a brief to the Alberta government for quota management. This was set aside for a number of years. It has just come in lately. We hear of the fine things that the past government has done, and yet for a number of years nothing was done in the forest industry.

I think the controlled burning which was spoken of by a number of members is something that we should look at. It was done in the past and I think it is a good program. I noticed in my area when a fire went through, the trees and the pine came back really thick and yet when you travel in the area around Hinton where they completely cut all the trees, reforestation isn't going as well as it should. I am hoping we can improve that because what we've done in the last 10 to 15 years in that area is certainly not up to par.

The hon. Member for Wainwright went on to say that forestry has come a long way and they have had three funds. They have talked over what they've done but it was all in agriculture. There was nothing done for research and for the lumber industry. And when I spoke of nothing being done, I meant nothing being done in a big way. They had a pittance for funds ...

[Interjections]

... and they speak of \$500,000 in agriculture but the board did not go into the wooded areas and set up research in forestry ...

[Interjections]

... and now he speaks of homestead land being taken out. And yet in my area we have a hodgepodge of farmsteads inside the forest areas. Land that we are trying now to exchange for land near the outside of the agriculture area so we can return this area to a woodlot, which is what it should have been. So, their programs in the past have not been to the liking of a number of lumbermen and farmers.

He goes on to mention that they have done great in their programs, yet, when you look back over the records you notice that the forest fires that have been through Alberta in the past years have taken away more timber than was put back into timber in the form of reseeded or replanting. So I don't go along with his theory that all was well when he was in government.

The hon. Member for Calgary Mountain-View spoke on recreation areas and, of course, I think this is a good point. This has to be done whether it's in the woodland areas or closer to the urban centres.

The Member for Calgary Bow brought up the gifts and what I would like to say is, the gifts which will be offered to industry or by industry to this program will probably be in accordance with work together. It will not be contingent on - we'll give you so many dollars but you go ahead and do this. That is not my idea of gifts, it's where any free enterprise can work together with government for the betterment of both government and industry.

The council which has no annual report is no problem. This can be done for departmental business. The minister can ask for an annual report, and I am sure the council would agree to it. The trustees of course can be appointed by council, and this is no problem either.

On the word "shall": he likes the word "shall", and yet he would like to see it changed to "may". All this afternoon, from 2:30 to 5:00 and till just a few minutes ago, the word "may" was a swear word here and they didn't like it. I just wonder where they stand on "shall" or "may" on this bill when they didn't on the last bill. Different bills I suppose.

The other question concerned: "The Minister ... 'shall' make payments from the fund ...," and, "The Minister 'may' provide by order for payment of expenses to members of the Council." Really I don't see any problem with those two words, whether we place a "shall" where the "may" is, and where there is a "shall" replace it with a "may", I really don't see that.

MR. WILSON:

Are you confused?

MR. TRYNCHY:

No I'm not. I was thinking that possibly the hon. Member for Calgary Bow was a little confused, but I see he has recognized the fact that "may" and "shall" can work in either case.

The hon. Member for Lacombe agrees that a research program must be set up. There is a need for it. I believe that when you have the disease mentioned by the hon. members for Pincher Creek and Lacombe, research in any way we can get it going - and I would suggest in a rapid way - is certainly what industry is looking for and also what Albertans are looking for in the need of lumber.

I thank all our members who participated, and I thank you, Mr. Speaker.

[The motion was carried. Bill No. 16 was read a second time.]

Bill No. 22
The Public Service Vehicles Amendment Act, 1974

MR. COPITHORNE:

Mr. Speaker, in presenting Bill No. 22, The Public Service Vehicles Amendment Act, 1974, there are two changes in this act. One is the definition of "axle" and "axle groups". These would be designated by regulation rather than by act. Mr. Speaker, this is to permit the Motor Transport Board to increase or decrease weight limits in accordance with current conditions and circumstances.

There is also an amendment in this bill, Mr. Speaker, to change the name of the Highway Traffic Board to the Motor Transport Board. This was brought about by the reconstruction of the highway traffic and transport department.

Mr. Speaker, this just about covers the total contents of this bill.

It also spells out the number of members to be appointed to compose the board.

MR. DRAIN:

Mr. Speaker, there isn't the opportunity here to use the eloquence that I stirred up, after having a very bountiful repast with the hon. Member for Wetaskiwin-Leduc. However,

I was overwhelmed by his good cooking and these words are now lost to posterity forevermore.

However, in referring to this particular bill, Mr. Speaker, I have some questions that possibly the hon. minister will choose to answer when he closes the debate on this bill.

In reference to "axle groups" and "axles", heavy industrial machinery, of course, gets heavier year by year and more difficult to move. This problem is overcome, in many cases, by stripping down everything that can be stripped down, which is quite difficult. But it can be accepted that this is necessary in areas where bridges are an important factor, for three months or four months in the year. Disregarding the bridges, I question the validity of any overload legislation, other than that consistent with the braking power of the unit.

I might point out the method that is used in Ontario where you haul anything as long as you have enough axles underneath it. This is certainly a great convenience. There are particular areas in the province, where you try to move in heavy machinery, where it's impossible, simply because you have load restrictions beyond the capacity to strip down a machine. These machines do get there, as the hon. minister knows, so presumably some of the things are done in a state of sin, shall I say, or it's done anyway, and therefore essential.

So I would look at the axle group rating from the standpoint of flexibility in adding more axles. This does several things. It distributes the impact on the particular road or bridge and also adds to the braking power of the unit. If the intent of this bill is to look at something like this, it would be appreciated by a lot of truckers in the Province of Alberta.

Thank you, Mr. Speaker.

MR. HINMAN:

Again, it's a matter of principle that leads me to speak on this bill. I'm very much opposed to legislation which leaves the definition of terms to regulation. I don't know how anybody in this House can know whether he likes the act or does not like the act if he does not know what the definitions to these terms are.

Now certainly the term "axle" and "axle group" in the previous Act were pretty well defined. If it were not well enough defined then we ought to improve on it. This is the kind of regulation that people always find obnoxious when it's applied to them. The fact [is] that some bureaucrat, and I use the word advisedly, can devise a definition, can perhaps take it to his minister and talk it past him because nobody's there to object, and consequently make a man guilty or a firm guilty or prevent them from doing something, simply by squirming around with a definition.

Now I don't know how to define "axle" or "axle group" any better than it's defined here. If we find that that definition isn't suitable, surely it isn't important for one year and we can come back to this House and redefine "axle" or "axle group" in a place where everybody can object, where people outside can get copies of the act and inform their members of their objections or their approvals.

Mr. Speaker, I find it very hard to support second reading of this bill which leaves to regulation the definitions which prevent us in this House from understanding what the legislation is all about.

MR. BENOIT:

Mr. Speaker, I only wanted to say a word to confirm what the hon. Member for Cardston has said, and ask the minister if he has any intention of tabling the regulations at the time we discuss this bill clause by clause in the Committee of the Whole, because it is the only way we can deal intelligently with this type of bill.

MR. ZANDER:

Mr. Speaker, I have some questions that I'd like to ask the minister in dealing with the axle and axle grouping. The question arises, and has been asked many times: why, if in Alberta there are 14 feet of frost on our main highways and on those that are not in that classification, why do we then have to have the scales open 24 hours a day? This question has been asked many times and I know that perhaps the bridge problem is one answer. But is there a need to have the complete weighing of every vehicle that is going out at this time of the year? Why not at the time when it is necessary to have them open. I would also ask the minister if it was possible to have the regulations when we deal in clause by clause study of the regulation as pertaining to axle and axle grouping.

MR. STROMBERG:

Mr. Speaker, I would also like to bring to the minister's attention a couple of questions I would like to have answered on behalf of several counties in east-central Alberta. That is in regard to overweight permits, where the counties are not able to acquire any of these funds which are given or paid out by truckers ...

MR. SPEAKER:

Order please.

With great respect to the hon. member, I am unable to see anything in the bill which would justify a discussion of overweight permits.

MR. CLARK:

Mr. Speaker, in dealing with this particular Bill, No. 22, I would like to associate myself with the comments made by the Member for Cardston and the Member for Highwood. The two hon. members, along with myself, are the members on this side of the House who were on a legislative committee looking at the whole question of regulations. And where I am certainly in no position to make any comments other than my own as far as regulations are concerned, if there is one thing that has impressed me about this committee, it is the tremendous variety of circumstances that we have in this province where, in fact, legislation plays such a vital role in determining how effective or how ineffective legislation is.

When we come forward with legislation such as we have in this bill, dealing with a section which gives the power to the Lieutenant Governor in Council and, in fact, to the Department of Highways and really in the end to the bureaucrats in the Department of Highways; with the responsibility of making life-and-death regulations for this particular area of public endeavour; it seems to me, Mr. Speaker, that the minister might well explain in some detail to the House why, in fact, we have to have this kind of regulatory power as opposed to legislative power. So when the minister is concluding his remarks on second reading, I'd appreciate it very much if the minister would outline why it is essential at this time, after many years of operating differently, that we now have to have this done by regulation, all of a sudden.

MR. RUSTE:

Mr. Speaker, I'd just like to add my comments along the lines of the Member for Cardston and the Member for Highwood.

It certainly amuses me to no end now to sit on this side of the House. I can recall about three years ago, four of the members who are on the front bench who are in the House at this time. The cry then was open government, let's have it by legislation rather than regulation. And here, Mr. Speaker, we have before us another one - regulation. Draw it up behind closed doors. We don't know what's going on. So Mr. Speaker, it is rather interesting to see the transformation that has taken place of the open government to the closed regulator ... [inaudible] ... the Tory body.

Thank you.

MR. SPEAKER:

Will the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MR. COPITHORNE:

Mr. Speaker, I'm actually quite amazed at the hon. gentlemen opposite who have been in government for 37 years and have never heard of regulations. I was interested in the hon. Member for Cardston who has a road in his area specifically that has to have special attention because of its weight-carrying ability.

Mr. Speaker, this year we are going to increase that. The conditions are different on many of the roads throughout the province and there have always been regulations passed as to those capacities of those roads. The change in the act makes it just a little more flexible so we can carry, on the roads, the maximum weight possible without doing large damage. This is the purpose of the whole exercise. Of course, the bridges always play a very important part in the transportation of heavy loads, in their ability to carry those capacities. Consequently it is very important to be able to be flexible in putting the right weights of loads on the roads being used. Mr. Speaker, I would think this will give

the truck-carrying abilities of the transport industry in Alberta a greater flexibility than it ever had before.

In regard to the regulations, they are all advertised. If the hon. members opposite ever read the ...

AN HON. MEMBER:

The Gazette.

MR. COPITHORNE:

... the Gazette, they would know what the regulations are. They are all advertised in those places.

I move that this bill be given second reading.

[The motion was carried. Bill No. 22 was read a second time.]

CLERK ASSISTANT:

Following the division I regret that I omitted to say, Bill No. 21, The Legislative Assembly Amendment Act, 1974, introduced by the hon. Mr. Topolnisky, is now read a second time.

[The motion was carried. Bill No. 21 was read a second time.]

Bill No. 25 The Highway Traffic Amendment Act, 1974

MR. COPITHORNE:

Mr. Speaker, in moving Bill No. 25, The Highway Traffic Amendment Act, 1974, for second reading, this act has several amendments in it which are necessary because of the changes that have taken place in the administration of The Highway Traffic Act.

One of the amendments makes abundantly clear the required insurance which comprises public liability, property damage, and accident benefit coverage. In the past, Mr. Speaker, the former Act didn't spell this out clearly, and consequently some of those necessary coverages were by-passed.

Another part of the amendment of this act is the Motor Vehicle Branch which was reconstructed last year into two branches. The patrol officers are part of the new Motor Transport Branch.

Another amendment provides for a photograph to be required, and that the identity must be proven. This is a new positive identification which is being well-accepted by Albertans everywhere.

Another amendment is that a person applying for registration of a motor vehicle must prove he is the person he purports to be.

Another amendment concerns a section that is reworded. It permits the use of one license plate instead of two. The former Act clearly spelled out that there had to be two license plates.

Another part of this bill deals with the revalidation tabs, legalizing their use.

Another part of the bill requires us to use two plates and we intend to use only one, this is spelled out in two places.

Amendment No. 8 will enable a municipal council to permit by law the sale and display of goods on sidewalks for special events. This has been requested by many rural communities in the advent of having country fairs and so forth, in the towns. It is in by popular demand throughout the province. Another clause deals with three-wheeled motorcycles which have a cab. It's not compulsory to wear a helmet in those because it is not deemed that they are unsafe to the same extent as a two-wheeled motorcycle without protection.

Arrest without warrant will now be permitted if a serial number is not visible to an investigating constable. Under the present legislation, when a constable, through a stop check, discovers an automobile which does not have a serial number, he, at the present time, has no power to hold that vehicle until the owner can prove that it is a legal vehicle registered in his name.

Another part of this bill deals with uninsured vehicles, which are now subject to impoundment until their insurance requirements have been met.

Another part of this bill deals with the offence of following too closely and passing while unsafe. These now are also suspendable offences.

Mr. Speaker, another clause in this act deals with a minister's power to require that a license be returned to him when it is suspended.

Also in this act, the temporary closure of a highway is clarified.

The regulations can now prescribe for the issuance of a multi-year license plate. Another part of this act deals with the computer printout of abstracts of driving records not needing to be certified. In the past, Mr. Speaker, each license as it was taken out, had to be certified by the Registrar. You can see the impossibility of this task when we have over a million licenses issued in the province.

Mr. Speaker, that pretty well deals with all the topics in this bill, and I move its second reading.

[The motion was carried. Bill No. 25 was read a second time.]

Bill No. 26 The Off-highway Vehicle Amendment Act, 1974

DR. MCCRIMMON:

I move second reading of Bill No. 26, The Off-highway Vehicle Amendment Act, 1974. The main changes in this bill are that it removes the insurance coverage from the regulations and places it in the bill.

AN HON. MEMBER:

Hurrah.

DR. MCCRIMMON:

An operator must have registration and financial responsibility cards. It lays out the requirements for operators, those who sell the insurance and those who rent out machines to other people. The basic reason for this change, Mr. Speaker, is that a few years ago there was just a limited number of off-highway vehicles in the province. This number has now risen to somewhere in the area of 100,000 vehicles. So it has to come under basically the same regulations as automobiles and other normal methods of transport.

Now the needs for the changes are the problems with the registration and insurance companies regarding rates and coverage. It covers where insurance is not required and so on. Now, in February of 1973 the Alberta Automobile Insurance Board issued a directive to the insurance companies stating that for minimum coverage no more than \$30 may be charged for an insurance policy for a year. This minimum coverage covers bodily injury, property damage of \$35,000 inclusive, plus accident benefits. Accident benefits are set out in Alberta regulations No. 352-72. It made reference to refund possibilities on cancellation of the policy.

Now the second main change in the bill is that the return of fines for offences under this Act will be made to the area where the offence occurs; in other words, towns, cities, municipalities and so on. The fine will be returned from the courts to the district or area where the incident occurred. In the case of Crown land it will be returned to the province.

I think those are the main points in the bill, Mr. Speaker, and I hope someone speaks to it so that if there are any other points that I can clear up, if you wish me to do so, I would be glad to. Thank you.

[The motion was carried. Bill No. 26 was read a second time.]

Bill No. 27 The Agriculture Statutes Amendment Act, 1974

MR. FLUKER:

Mr. Speaker, I move second reading of Bill No. 27, The Agriculture Statutes Amendment Act.

Mr. Speaker, this bill has three distinct parts to it, one being The Artificial Insemination of Domestic Animals Act, the second being changes in The Feeder Associations Guarantee Act, and the third, the amendments to The Dairymen's Act.

The proposed amendment to The Artificial Insemination of Domestic Animals Act will make it possible to regulate semen banks, or the people who store semen. Up to this time, it has been possible to trace semen only from production units through the inseminating businesses. Both the Health of Animals and the Veterinary Services Division are concerned about the possibility of haphazard handling and distribution of semen, as between people other than the semen producers and the inseminating businesses. This amendment is required to make it possible to set minimum standards for semen production when technology indicates this to have a practical value.

The second Act, The Feeder Associations Guarantee Act, is being amended to make it absolutely clear that the Lieutenant Governor in Council has the power to make certain regulations under which the feeder associations operate.

The change in The Dairymen's Act, Mr. Speaker, has been recommended to clarify the minister's authority to make regulations, particularly those regulations already in force in relation to approval of a producer's premises. The purpose of the regulations will be to clarify to the producer the various requirements of the Health of Animals Division of the Department of Agriculture prior to the start of construction or the purchase of major equipment to avoid the necessity of later costly changes to meet the requirements of the Health of Animals Division.

Mr. Speaker, these three amendments are brought forward at this time as a result of the government's continuing effort to improve the beef cattle and the dairy industry.

MR. RUSTE:

Mr. Speaker, just a few words, and I hope the mover would answer them when he closes the debate.

On The Dairymen's Act, does this spell out pretty clearly that it is within agriculture and has nothing to do with health, or is there an interrelation with those two departments? The reason I'm asking is that I had occasion not long ago to have heard from a farmer who was producing milk for delivery in a small community. He received a telephone call - he had had one earlier - but he received one that said he couldn't deliver any more milk. I think that some of these things are probably getting down to a point where this individual had operated for many years delivering to his community, and all of a sudden he was cut off. There was certainly some concern expressed to me on that point.

The other one I would like to raise is dealing with The Feeder Association Guarantee Act. Do I take it from the wording here then that it becomes a longer process? To me, over a period of years the feeder associations [practices] have been when you buy, probably in the fall, you feed them through the winter and sell them; or you can buy them in the spring and feed them through and sell them. But now when you change the word to "growing", does that mean that it could become a loan for a year or maybe even eighteen months, rather than the short-term loans we've had over a period of time?

MR. SPEAKER:

May the hon. member close the debate?

HON. MEMBERS:

Agreed.

MR. FLUKER:

Yes, Mr. Speaker. The question that the hon. member asked on the feeder associations is right the way he said it. This will enable them to go on a year-round basis, either on grass cattle or feeder cattle. Up to this time this was not so.

On the question he asked about The Dairyman's Act, this would be by submitting the following: "... requirements to be complied with on all dairy farms regarding the site, construction, remodelling or rebuilding of dairy farm buildings; the fabrication, capacity, installation and improvement of milk-handling equipment on dairy farms"; and by adding Clause (n) governing generally all such matters as the minister considers necessary, advisable and convenient for the purpose of carrying the provisions of this Act into effect.

MR. RUSTE:

Mr. Speaker, just one further question on this. Would he indicate whether or not this was complete within agriculture itself, or would health regulations still come into the picture?

MR. FLUKER:

Yes, the health regulations still come into the picture. Certainly there has to be health regulations, I would think, in the dairy business.

[The motion was carried. Bill 27 was read a second time]

Bill No. 29 The School Election Amendment Act, 1974

DR. PAPRCSKI:

Mr. Speaker, I beg leave to move second reading of The School Election Amendment Act, 1974.

Mr. Speaker, this bill, Bill No. 29, is a people act, a local autonomy act, an expanded franchise bill. It deals with voters in school elections; voters regarding trustees who will be elected as well as voting on educational matters, and is in line with government's high index and concern for local autonomy in educational matters.

Mr. Speaker, this bill if adopted will do the following. It will allow more voters to participate in school trustee elections by decreasing their period in Alberta to six consecutive months instead of twelve months immediately preceding the nomination day, and it will require residence per se in the area where the vote will be held upon nomination day. Mr. Speaker, both these changes recognize the mobility of our society, expand a franchise, and bring about a commonality between municipal elections and school elections.

Another amendment, Mr. Speaker, increases the number of voters able to vote even if they are physically incapacitated. The amendments we have brought about here will allow them to vote in advance and to vote in fact in their residence if the individual is indeed incapacitated. In summary, this section will also increase the probable number of voters to vote on school matters.

Another section will allow more Albertans to run as school trustees. This is done by decreasing the residency in the area where the school trustee is running to 6 months preceding nomination day, although maintaining the residency in Alberta to 12 months, which is the same as before.

A third very important provision in the bill is to enable the minister to require all boards to conduct a vote or referendum on any matter as he sees fit.

So in concluding, Mr. Speaker, this enables the minister to increase the interest in school trustee elections and in educational subjects. It will ensure an expression of citizens regarding matters of educational interest, and again, of course, increase the democratic process.

There are a number of other amendments dealing with procedural directions regarding voting which are updated. There is clearer communication, advice, information and so forth dealing with school elections per se.

Mr. Speaker, a bill such as this, I think, which expands the democratic process and assures local autonomy deserves support of all members.

MR. R. SPEAKER:

Mr. Speaker, I will make a comment with regard to this bill. I think I would like to make a comment on the subject of the democratic process.

One of the concerns I have often had at the municipal level, and certainly at the provincial level, is some of the protective type legislation that we enact and the protective position that we often take as provincial legislators. In light of that particular position, when we say a person must live in the province for 12 months to become eligible to be a trustee, I believe I would agree with that. He would then have a certain vested interest in the province he represents.

However, when we look at a particular area, division or ward, I think then residency should be examined just a little further. I feel that the choice in the democratic process is up to the voter. Whether or not a person lives in the area, ward or division,

there certainly will be other people challenging for that particular position if our democracy is working as it should.

What I would suggest is that the hon. member examine the possibility of not putting into the legislation this six-month clause with regard to a person's residency within a division or ward as indicated here; that we look at it maybe in a different light, and look at the possibility that the requirement be only operation or ownership of property within that particular municipality. That would allow just a little freedom at the municipal, county or school division level.

One of the other considerations that could be made with regard to this is that we leave the term of residence on a permissive basis to each municipality; that we enable them to set it out by by-law. Then the by-law would be able to indicate that a municipality could provide a term up to a year or less, or whatever their choice may be. This would give them just a little more ability to make decisions at the local level. It would remove some of the protectionism, I guess, that we often demonstrate as legislators at a higher level of government, and certainly place more responsibility at the local level. I think our democratic process, in light of an amendment such as that, certainly would work a little more effectively than what is suggested here.

MR. NOTLEY:

Mr. Speaker, I rise to support the bill, by and large. Certainly the proposition that we should liberalize, if I can use that term, the regulations with respect to eligibility for voting in trustee elections makes a good deal of sense when one considers that there is far more mobility among people today than there was in the past. That, as I see it, is essentially a housekeeping kind of amendment which is not really very controversial.

Really, the reason I rose to speak in this debate, Mr. Speaker, is to put to the member who has introduced the bill some questions respecting Section 3 of the amendment. It's my understanding that this is the amendment which will authorize the minister to direct that any school division must have a plebiscite or referendum before closing down a school, if I'm correct. Am I or am I not? Okay. If that's not the case here, then I'll save my comments.

MR. GRUENWALD:

Mr. Speaker, I would just like to make a comment, particularly a question to the member promoting the bill. It's about Section 3(b), regarding referendums.

I would like to know the reason for the particular section, that the minister may direct that a referendum be held for any reason whatsoever.

It seems to me that the only time that would come in is when the situation in a local area becomes rather hot and uncomfortable. Usually, my own concept is that elected people should bear the brunt and make the decisions that they are elected to make, and not be avoiding their responsibilities and going to plebiscites. Very often the school board may promote or suggest a certain type of action. The electorate becomes unhappy about it; it goes to the minister, the minister doesn't want to make a decision because it's a bad political type of situation, the school board is afraid to make it, therefore they just say, okay, let the people decide.

It seems to me that if this is what this is saying - I just want to be sure that it does - the elected people should, in fact, make the decisions; the plebiscite, as far as I'm concerned, comes at election time. I'd like the minister to comment on that.

MR. CLARK:

Mr. Speaker, in adding my comments to Bill No. 29, I would like to deal particularly with Section 3, and specifically with Clause (b) of Section 3.

The comments made by the Member for Lethbridge West, I think, are indeed very valid, but when we're adding a section like this and making it possible for the Minister of Education, regardless of who he or she may be, to direct a board to hold a referendum or a plebiscite, I see nothing in Section 3(b) that indicates that the local school board or school jurisdiction is then bound to live with the results of that plebiscite. I'm not suggesting that there should be, but being very frank about it, and all of us being elected members at a provincial level, all of us knowing, hopefully, the problems that locally elected officials face, if, in fact, a group is very upset with the local school board and it can't make headway with it, it comes and lands in the minister's office. The minister - for whatever good reasons there may be, and I'm yet to be convinced there are those good reasons, but there may be - then directs that a plebiscite be held. I'm sure that if we all ask ourselves, we must admit that the people in that area who have been instrumental in getting the plebiscite held and then perhaps carry the day from their point of view, will then expect it to be almost mandatory that the school board respond in

the way that the electorate has said it should. There's nothing in this legislation that says that to be the case.

If we're going to go ahead with this legislation - and as I say, I'm not wildly enthusiastic about this type of legislation by any stretch of the imagination - let's not play games with the local school electors. Let's point out to them very frankly, either in the legislation here or some place else, that regardless of what a referendum might say locally the local school board is not bound to live with the results of that referendum. By leaving it out here we're making it abundantly clear that a local school board would not have to live with the results of that referendum, and in fact rather than, shall we say, encouraging more legitimate interest in school board elections - and I agree very much with the comments the minister has made in this area - rather than developing more interest on a long-term basis, we might well develop the interest on a short-term basis. The plebiscite may be held, people may become completely disillusioned because the board refuses to move in the direction the plebiscite indicated, and they throw their hands in the air and say, what is the use?

If we're going to proceed on this section now, perhaps committee is a better place. But I'd like to hear from the sponsor of the bill his thinking with regard to that particular aspect as it applies to Section 3.

MR. JAMISON:

Mr. Speaker, I'm a little concerned about the residence clause in this particular bill, although it is 50 per cent better than in the old bill.

With six months' residence, if you consider a town such as St. Albert or Sherwood Park where you have roughly 9,000 new population in the last year, you could cut out possibly 2,000 voters in the next election. I would like to ask the minister or the member sponsoring the bill here if he considers that in a centre such as St. Albert or fast-growing centres the resident clause be left up to the local school board to come in with this particular end of it.

Thank you.

MR. DIXON:

Mr. Speaker, just one or two remarks regarding the principle of a couple of issues in the bill. One in particular is the one that has been touched on by the Leader of the Opposition, on the frustration that many of the voters in Calgary have experienced in the last few months because of their complaints regarding the raising of the salaries by the trustees. I understand the honourable judge in the court today ruled that there was nothing he could do about it and stated that the Act as it is presently written makes it awfully difficult to rule on the case. I was just wondering if the sponsor of the bill or the minister would enlarge on the principle of 3(1) to see whether it would cover the very situation that the hon. Leader of the Opposition was talking about, where a vast majority of the voters are very unhappy at what the school board has done and yet are not able to do anything about it, other than to say they can hold a plebiscite. Everybody agrees something should be done, but then when it gets down to it there is nothing to give anyone direction.

The other principle I was interested in, and I would like some comments on it from the sponsor of the bill, is the principle of allowing physically handicapped people to vote - and I'm all in favour of that. But I'm wondering why we just don't make it universal instead of leaving it up to the board as to whether they will provide a by-law for this to come about. I think that if it's a good thing, let's make it universal. Let's not leave it to the whim of some local board whether they are going to allow them to vote or not. Maybe I'm misunderstanding this section, but as I read it a by-law would have to be passed in order to give these people the vote.

If it's a good thing, I think we should make it universal so that they must carry it out at all levels. I can see the dissatisfaction if, for example, the school board in Edmonton decides we can have it, but the school board in Calgary decides that they can't have it. I think this would cause a lot of dissatisfaction. Those are the two points I would like a little enlargement on by the sponsor of the bill or the minister, whoever cares to enlarge on the principle of those two things that are contained in this bill.

MR. HINMAN:

Mr. Speaker, there are two elements of the bill that bother me a little bit. One is that we didn't change Section 3 nearly enough. There was a time in the province when school boards, particularly in outlying areas, may have been manned by people who could barely read and write, who knew nothing about The School Act and consequently knew very little about the procedures which might have been necessary. I think we are far past that age today. I think you will find on many school boards people whose qualifications are just as good as ours as legislators. As a matter of fact the average, I think, will be as

good and I see no point any longer in keeping a system where somebody can cry to papa that the older children are being unjust to us. If we were going to change the Act at all, I think we might have taken out that particular clause which said, "the Minister may give directions governing procedures", but we haven't now limited him just to governing procedures. We've made it possible for him to govern the conduct of the general election.

I think, as the hon. member for Lethbridge West has said, that probably we've outgrown that necessity. In this House it's very rare that we provide at all for a plebiscite of the province. The only time that I can remember lately was when we were trying to decide whether or not daylight saving time was good for us. If the House feels that we still have to keep that, I would submit that we are not decentralizing government. To me it isn't decentralizing government to move some board to some town. The only way you can decentralize it is to set up constitutionally - I think that is the proper word - the authorities which are given to each sphere of government and then we mind our own business and let them run it. I think we have reached the point at which you could do that with school boards.

However, referring to Clause (b), perhaps it's just an oversight, but it says, "... require all boards at any time to conduct a vote ...". I wonder if the ministers meant to have required "any" board, because certainly there would be only one board concerned when this took place. I make the same comments about it. I doubt that the minister ought to consider he is in a position to decide whether or not there ought to be a plebiscite. The only time you make such a decision, is when some irate people hire a lawyer, as I have had them do recently on a different matter. They approach the minister, make it appear that the local board doesn't know what it's doing, and that there is a great objection to what's being done. The minister feels obliged, when that happens, to at least hold up the procedure.

Surely, if he's going to hold up the procedure, he would need to quickly make a very thorough investigation. He would need to let somebody express the other side of the picture. It is my feeling, Mr. Speaker, that we could have simply struck out Section 3, left it alone, and let the decentralization of government be what we intended it to be.

SOME HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Mr. Speaker, I don't want to in any way interfere with the very able presentation of this bill, by its sponsor. However, a number of questions have been raised, and I think there is an misconception concerning this 3(b) which perhaps I could clear up very briefly: I think a number of these very helpful suggestions could well be dealt with in committee.

Concerning the question of a vote of referendum, hon. members should note that the word "all", to which attention was just drawn by the hon. Member for Cardston, under (b), "... require all boards ...", is very deliberately there because the purpose of this section is very simply to require a province-wide referendum only during the trustee elections held once every three years in the province. Perhaps that restriction should be placed in Section 3(b) in committee. It is because the word "all" is used that it does not contemplate any one particular board being required to hold a referendum by the minister, but rather, that during an election of trustees, for the purpose of increasing public interest in trustee elections, a province-wide referendum on a single topic would be required to be held by all 120 active school boards.

I think that caveat, if you wish Mr. Speaker, could well be placed in the Section in committee. The reason for that section, very simply, Mr. Speaker, was to encourage the degree of public interest in the fall school trustee elections which are forthcoming.

In the past there has been a turnout of somewhere between 4 and 8 per cent of the eligible voters voting for school trustees. In my view that's far too small a percentage. In my view the responsibilities of school trustees are equal to, if not greater than, those of aldermen or councillors. The thinking here was, in the 1973 elections and perhaps every succeeding three years, to have a referendum topic chosen by the provincial government which would be voted on at the same time the trustees are elected in the fall - on, I believe, the third Wednesday in October. The subject would be one of general provincial interest. Perhaps the subject, for example, to all Albertans would say, what is the chief reason that you feel children should get an education in Alberta? Then it would list four alternatives, to get a job, to attain some satisfaction, to get along with people - something like this. I'm quite sure a majority would not vote that it would be to get a job, but the answer, across the province and broken down in various areas, might well provide the legislators in this Assembly, and curriculum developers, with some very useful information over the next three years as to where they want the educational system to go.

I think that the main advantage of it would be to encourage voters to get out and go to the polls to vote for the referendum and to vote for the trustees.

The objective I would like to see is that there are no acclamations in in the province when the trustee elections come up this fall. I'll be speaking a little further about that and some other methods we hope to use to attempt to do that.

I think I can answer further questions and go into further detail, Mr. Speaker, in committee, but that is the purpose of having this referendum. I might say that in addition to a province-wide referendum - the subject has been discussed with the ASTA and they have agreed to it in principle - we would like to see each school board hold a local referendum on a subject which could be, when the results are obtained, of useful guidance for the new trustees for the ensuing three years. For example, in Calgary or Edmonton there might be a discussion about modifying the school year. Perhaps the school boards would want to have a local referendum added on to the provincial referendum and the ballot of trustees, enquiring as to whether people are interested in starting school at different times, having four weeks holidays at one time of the year and three weeks another time of the year. This is the objective of the amendment and I think the proposal to perhaps restrict it is a wise one.

I think those were the questions which were posed, Mr. Speaker. The question raised by the Member for Calgary Millican on the subject of honoraria we can discuss in the next bill coming up. I hope to go back to The School Amendment Act and it is in there that those sections are. I think the proposal by the Member for St. Albert is very useful regarding local boards having some jurisdiction. I would suggest that we can further discuss this in committee, Mr. Speaker, and that the suggestions have been most helpful.

MR. BUCKWELL:

Mr. Speaker, just a few words on this bill and the purpose as explained by the hon. minister. It would seem to me that prior to the removal of the school foundation levy paid by the provincial government, when the taxpayers were paying this themselves - if they wouldn't get out and vote when the bulk of their taxes collected at a municipal end went to school - now that the government has taken this off, I would suggest to him quite frankly that there is going to be less interest in the school board than there was before. Unless you get a hot issue such as, say, a divided school year, or something of this nature, or you get a different type of candidate running for the school board, it would seem to me that, while I appreciate what you are trying to do, there has to be some other form of getting people interested in school boards, particularly when the government is picking up the tab.

MR. SPEAKER:

May the hon. member close the debate?

HON. MEMBERS:

Agreed.

DR. PAPROSKI:

Thank you, Mr. Speaker. Just to make a few comments adding to what the minister has stated already, regarding the statements made by the hon. Member for Little Bow, I think he indicated that he would like to see the six months banished completely and have it at the discretion of the local authority. I think that certainly this is a step in the right direction at this time. It's improving the situation and it merits, certainly, reconsideration at a future date. The concern that I would have if there were variations from one municipality to another is that, indeed, there might be confusion from one municipality to another and people would not know at all when they are to vote on school election issues.

With respect to the comment of the Member for Spirit River-Fairview, he indicated this is a housekeeping type of amendment. In some cases this is true, in other cases I think it is more than just housekeeping. Just the fact that you allow a greater number to vote makes it a very valuable and very valid type of amendment.

With respect to the question of directing school boards, I must indicate again here that the word is "may" and not "shall". I think that is something to look at. The comments made by the hon. Member for Lethbridge in that the board must make the decision - it really doesn't have to make the decision. I think the hon. members would appreciate very much that if a board did not act on a referendum it is at risk for the next election following and I would pity them.

Bill No. 28 covers the other items mentioned by the hon. member regarding the honorarium, and I think that is it. If there are any other questions I would be happy to answer them, otherwise ...

MR. SPEAKER:

Order please.

I would respectfully draw to the hon. members' attention that unless they wish to change the rules it's not proper for members to cross between a speaker who is speaking and the Chair.

DR. PAPROSKI:

Mr. Speaker, I then beg leave to close the debate.

[The motion was carried. Bill No. 29 was read a second time.]

Bill No. 28 The School Amendment Act, 1974

MR. HYNDMAN:

Mr. Speaker, I move second reading of Bill No. 28, The School Amendment Act, 1974.

Dealing very briefly with the principles involved in the amendments in this act, first, the amendment to Section 2 simply parallels the amendments in The School Election Amendment Act, 1974, regarding eligibility, which we have just discussed.

The amendment to Section 6 simply provides more flexibility for the use of radio as a vehicle for advertising a public meeting after there has been a call for a petition by a required percentage of electors.

The amendment to Section 12 gives the government and the minister the authority to secure information from trustees and teachers in order to provide us with information to expand and improve the educational system. Further, under that section there is an amendment with relation to the closing of schools or the discontinuance of the use of schools, a subject which was mentioned by the hon. Member for Spirit River-Fairview, which requires a school board, if it intends to discontinue the use of a school or close such a building, to give notice to the minister of its intention and the conditions under which it may close the school. The power to close the school still resides in the locally-elected school board.

Section 13 relates to delegation of powers from the minister, to which three sections are added.

The next section of some special interest is Section 39, which provides boards with greater flexibility when they wish to change the chairman and vice-chairman of the school boards during selected intervals during the three years of their time as school trustees.

Section 46 is the one mentioned by the Member for Calgary Millican regarding honoraria. The members will note there that there is a requirement, a new one, of essentially three readings by by-law of a proposal by a school board to increase the honoraria payable to the trustees or any person appointed by a committee.

Section 90 is struck out. That is a section which it is seen will, within a matter of months, be contained within various collective agreements that have been, and are being, entered into. There is still some ongoing discussion between myself and members of the ATA and the ASTA, and there may be some amendments to that proposal in committee.

The next section, 115, provides further flexibility to boards if they have a little money left over after borrowing for a capital project.

The amendment under Section 139 enables the government to have some information as to the new and varying patterns of opening and closing dates of schools in the province, and of the dates of vacation periods, many of which are now changing at a greater pace than has been the case in the past.

Lastly, Mr. Speaker, Section 144 corrects a drafting error.

I would welcome any debate or suggestions from hon. members of the Assembly regarding the proposals in this amendment or, indeed, any other subjects pertinent to education.

MR. SPEAKER:

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

MR. GRUENWALD:

Thank you, Mr. Speaker. I have just a few very short comments. I don't find anything in the amendments with which I disagree to any great extent. However, there are a couple of observations that I'd like to make, and possibly questions I'd like to put to the minister, that he may want to give some consideration to.

I will go straight to Part 7 where he talks about Section 46 regarding honoraria to school trustees. I am wondering if possibly not only the by-law situation should apply but the minister should have probably given consideration to the possibility of having such by-laws passed immediately prior to the month in which an election is held so that school trustees, in fact, would not be voting themselves a raise while they are school trustees. But it only would apply after the election that would be forthcoming. I think this would take a lot of the criticism away from the elected people who are voting themselves excessive pay, if they can only take advantage of these if and when they are elected again.

Also in Section 65 regarding expenses, if I read this correctly it doesn't indicate at all what type of expenses would be provided for. If school trustees' honoraria are not as high as they would like to make them, certainly in voting themselves expenses they could make it up quite readily and quite easily and these could really run into excessive amounts very quickly as a matter of fact.

Oh yes, Section 139 regarding holidays and their dates - here I'm not too clear. Would school boards then have to say, a year ahead of time, which dates the schools would be closed for teachers' conventions and this type of thing, or are these not considered school days? Are they or are they not, as a matter of fact? Further than that, if they wanted to make a change within the year, if something unforeseen came up as in Lethbridge with the Southern Alberta Games when they decided that the schools would be closed in those areas for 12 days, I think it is, while those games are on, what would be the procedure then for this type of special activity that most people would agree is a good educational exercise? They may not be able to foresee that when school starts. They may and they may not.

I think I agree with you on Section 90. You may get some arguments on it, but I would certainly agree that Section 90 is usually set out in the agreements between school teachers and school trustees. They have plenty of difficulties at times trying to decide what these agreements are going to be but I would agree with you that, as a general rule, this is in the contract.

MR. NOTLEY:

Mr. Speaker, dealing with the various principles in Bill 28, first of all moving to Section 90, I have had some concern expressed to me about deleting Section 90. I would perhaps ask the minister, when he lines up the debate, if he could bring us up to date on just where his discussions are at the present time with the ASTA and the ATA? It is my understanding that the two groups had almost reached an agreement as to a substitute Section 90, and the suggestion has been made by at least some people in the ATA who have approached me that were we simply to throw this whole area back to collective bargaining, there could be some real problems when the act does come into force and that this will just be adding difficulties to the collective bargaining process.

While I know that one of the arguments in favour of putting it in the collective bargaining process is that presumably this goes along with the concept of local autonomy, nevertheless as I understand Section 90 in reading it over, we are really talking about a basic floor plan. The ATA or school boards can go beyond it. As I read, for example, subsection (2), "A board may under this section pay full or part salary for a greater number of days than 20 ..." . So in other words they can go beyond that. At least there is a floor plan and the suggestion has been made, to me at least, that were this section eliminated there could be some real problems in some of the smaller divisions that might, in effect, try to move back and that the ATA would resist any move back in working conditions.

The section with respect to rural schools is again, I think, certainly fine. The only point I would make is that probably more important than this act is what the minister proposes to do in the Estimates this year with respect to additional funds for rural schools, where the cost of education is higher than in the larger urban centres. I think that is probably a more relevant way of dealing with it, not that I'm against the section as it is. Then, dealing with Section 46, which has caused all the controversy in the city of Calgary and is indeed probably as controversial in the city of Calgary as the Commonwealth Games are in the city of Edmonton, I simply say that I agree with the purport of this section as it now reads. I think it is a reasonable proposition to insist that the by-law be read three times. I don't think it is interfering with local autonomy because I think there have to be certain basic rules set out.

Part of the complaint, as I understand the concern in Calgary, is the way in which the increase took place as much as the increase itself. I think it is just typical of our

whole parliamentary approach. Three readings of a bill are the way we do things federally, it's the way we do things in the provincial Legislature. In my judgment it is certainly not unreasonable, nor inconsistent with local autonomy, to expect the same standard to apply when school board members are dealing with honoraria.

I would be a little concerned, however, with respect to the proposal raised by the hon. Member for Lethbridge West. It seems to me that if we said in The School Act that any increases for the trustees would have to be after the ensuing election, it would probably be interfering unnecessarily with local autonomy, and the school board members could very properly say, well, why don't you people practice what you preach. We noticed that after the general election in Alberta the MLAs voted themselves a salary increase. What is sauce for the goose is sauce for the gander. Unless we are going to change the rules of the game for everybody, and perhaps start with ourselves, I doubt that kind of proposition would be well taken by local trustees in the province.

I just conclude then by coming back briefly to Section 90 and saying, as I understood the minister when he introduced the bill, there are possibilities amendments will be made. I would hope that if you can get agreement between the two organizations, then we would be much wiser to just insert that agreement into Bill No. 28.

MR. SPEAKER:

I believe my eye caught the hon. Member for Edmonton Jasper Place first.

MR. YOUNG:

Mr. Speaker, just a couple of brief observations on two of the principles contained in this particular bill. The first one is amendment No. 7, dealing with Section 46 as it now exists in The School Act. I have to confess I do not share some of the current enthusiasm for this particular provision. I say that not because I think we will, by enacting this proposal, interfere with democratic rights or any such line of argument. Rather, Mr. Speaker, my concern focuses around this perspective, that if in fact we are so concerned as a provincial legislature that we wish to set out, with special rules, the regulations or the procedure which must be followed for an item as small in the budget of a school district as the stipend or the honoraria for the elected representatives, then I think we ought to be seriously concerned about our perspective of the role of trustees and their motives.

In other words, I am afraid that the way in which I see the issue, the proposal that we have here will in fact deflect the public interest, or the public's interest - I should express it that way. The public's main concern, from issues of an educational nature to issues, of a very financial nature, and perhaps to an issue which is out of all proportion in terms of the time it will take on the part of the school board, will be aroused to the kinds of decisions that the school board must make. In other words, Mr. Speaker, it's my submission that the honoraria of school trustees is very small in proportion to the kinds of funds over which they have responsibility.

Further, it's my point of view that setting the treatment for the honoraria of trustees apart from other by-laws, which this does, requiring that there be a space of 14 days between readings of the by-law, a requirement not insisted upon in any other type of by-law, gives it an importance which it doesn't deserve, an importance which deflects from the good educational decision-making on the part of the school board.

I would be horrified, Mr. Speaker, I would be very horrified and upset if we were to amend this legislation by inserting into it the suggestion from the hon. Member for Lethbridge West, that the only time a change can be made in the honoraria is just before election. Mr. Speaker, I just think that that would be even worse than the proposition here, and would subvert the real concerns which should be evident during a school [board] election.

The other point I wanted to mention, Mr. Speaker, relates to amendment No. 11. It really is a question. The question perhaps can be expressed this way. As I understand the situation currently, most school years - that is, the period of time following the midsummer break to the end of the school term just preceding the next midsummer break - would generally not quite coincide with this May 31. I'm wondering if, in fact, the 12 months here should be changed to read 15 months or 14 months, or something like that. Twelve months from May 31 might not cover a school year, but might cover the tail-end of one school year and the beginning of another school year. It wouldn't necessarily provide for a very clear picture, if that is the kind of information that is being sought by the Department of Education or by the parents and the students.

MR. LUDWIG:

Mr. Speaker, in commenting on second reading of Bill No. 28, I wish to discuss that portion of the bill that deals with capital spending by school boards.

I would like the minister to outline whether there has been any change in the position of the government in providing funds for the construction of new schools. We don't want to be in the position that we were in in Calgary for a great period of last year when the chairman of the public school board was saying, the province has pinned us down to less spending, and the province was saying, well, it's a school board responsibility, and it really didn't matter to the people whose responsibility it was because the money, more or less, came out of the same pockets.

But a lot of discussion was conducted in Calgary concerning the establishment of new schools in new districts. I thought that the government was not measuring up to its responsibility. It was trying to practice economy by telling us that there are so many thousands of empty seats not occupied, so many empty classrooms in Calgary. That is true, but we're dealing with children who might have to be bussed five or six miles. We're dealing not only with today; we're dealing with rapidly growing cities, new districts springing up almost overnight, and we have an awful lot of people concerned about the fact that they bought new homes and they were in a transient position so far as schools were concerned.

I know that we were criticized in the past for providing perhaps more than we should have by way of school construction, but I haven't met anybody in the province with children who would say that the system is too good or that buildings are too good for their children. So the public was quite prepared to pay for the education of their children, even though some of the schools in the older parts of the city, or downtown, may become empty to some extent. And so the pleas of the aggrieved people often were not heard. They were not listened to and while the two levels of government, the school board and the provincial government, were throwing back the blame, one to the other, the people were very incensed and seriously concerned about having their children either not going to school for awhile or being bussed to schools away from their district. It's easy to ...

MR. SPEAKER:

Order please. I regret to interrupt the hon. member but I fail to see anything in the bill which would go into a discussion of school construction policy or the bussing of children, and I would suggest to the hon. member that perhaps that discussion might come more appropriately under the discussion of the Estimates.

MR. LUDWIG:

Mr. Speaker, I would like to refer to Section 115 ... [Inaudible] ... Section 10 where it says, "Subject to subsections ...", et cetera:

any money of a board

(a) acquired by borrowing, or

(b) accumulated by way of a reserve fund, or

(c) acquired in any other manner,

for capital expenditure, shall only be used for the purpose for which it was acquired or accumulated.

And the minister did invite comment. I believe it is a very related area and that it gives an opportunity to express oneself in that particular regard.

MR. SPEAKER:

I am aware of the section, but if it's going to be construed as widely as the hon. member suggests, then it can cover just about any kind of spending by a school board and we will be in a situation where we're going to have to deal with it perhaps twice, now, and then when we deal with the Estimates.

MR. LUDWIG:

Mr. Speaker, I wish to abide by your ruling but I and no one else in this House ought to anticipate what is in the Estimates because the budget has not been brought down and no one knows, including the hon. Provincial Treasurer, what is going to be in the Estimates at the present time.

I will abide by your ruling, Mr. Speaker, but it has been the practice in this House under your Speakership to give the widest latitude and debate in second reading. If you wish to be restrictive, Mr. Speaker, then I humbly submit that the restriction ought to be placed right at the beginning and then I will be more than pleased. But I will abide by your ruling. I have spoken in favour of speaking to the bill only on second reading and I objected to widespread debates, but when I did object it didn't prevail. I will abide by your ruling but let's have that as a ruling from now on and let's not decide in the middle of a debate on a bill to be restrictive, Mr. Speaker.

Thank you Mr. Speaker.

MR. RUSTE:

Mr. Speaker, I don't want to repeat too much of what has been said but there is just one concern I have which I would like to mention at this time, and it may be answered when the budget does come up, and that refers to the statement by the minister with reference to the power to close schools. Certainly this is a concern that we have in many of the rural areas where the school populations are going down. The rural populations are going down in some of these areas too, and certainly with that is the concern of the parents about the ability of their children to get an adequate education under the system. If the minister could reply to that now or when he gets into Estimates, I'd appreciate it at either time.

MR. CLARK:

Mr. Speaker, in dealing with the amendments in Bill No. 28, there are just four comments I would like to make.

Dealing with Section 46, which is the result of the situation that has developed in Calgary as far as the increase of school trustees' honoraria, without trying to be disrespectful in any way, shape or form of the school trustees in Calgary, I think, Mr. Speaker, as members of this Assembly, we must recognize that you can't legislate common sense. With great respect, we aren't going to be able to frame legislation here that can deal with every eventuality that will develop for each school system across the province.

I'm very lukewarm about the amendments as far as Section 46 is concerned, but it seems to me, Mr. Speaker, we should be careful, as members of this Assembly, not to jump in and bail out school trustees when they get themselves into the kind of situation that developed in Calgary.

I recognize there was a great deal of concern and controversy in Calgary, but as the Member for Edmonton Jasper Place mentioned, I think we're getting involved in new ground here which in the long run really isn't going to stand The School Act nor the educational system in the province in good stead.

Dealing with Section 12, the portion where the school board must notify the Minister of Education of its intentions if it is going to close a school, once again we are setting up a situation where a board must notify the Minister of Education if it is going to close a school. What's the minister going to do with it after that? Very clearly, with this legislation, he can get the notice from the school board that they are going to close a school. He can ask for all sorts of information about why they are going to close the school. But let's not kid ourselves. In the end the decision is still going to be made by the local school board. And that's where it should be made.

This particular section is some nice window dressing. If the school board doesn't let the minister know a certain number of months ahead of time, then the minister could say you couldn't close it down because you didn't let us know. The minister may want to go that far. But nevertheless, in dealing with the question of the schools - which is a very, very miserable question, a difficult question for the Minister of Education, and I can sympathize profusely with him on the problem - this legislation doesn't do anything more other than raise the hopes of people at the local level that somebody in the Department of Education is going to come along and straighten the school board out of their standpoint.

I just say before the members of the Assembly that as desirable as it might be to have this added, when all the fluff is cleared away this isn't going to change whether the one school at Puhdunkville is closed or not. I recognize there is an advantage in at least having the people in the area know several months ahead of time if the school is going to be closed. That is, I am sure, helpful.

Let's not kid ourselves into thinking that, as a result of that section, we're going to change the basic controversy: is a school going to be closed or isn't it.

It's a difficult question. I sympathize with the minister and sympathize with the department when they have to become involved in those kinds of problems. But this section isn't going to solve it in any way, shape or form.

The last comment I want to make, Mr. Speaker, deals with Section 90 and the striking out of Section 90. It is my understanding that the Alberta School Trustees' Association and the Alberta Teachers' Association have, for a period of some time now, been trying to work out a section which would have replaced Section 90. Had they been able to work out a mutually agreeable replacement for Section 90, we would have had at least a common place for both the teachers and the trustees to start bargaining or negotiations.

In taking out Section 90, we are really going back to square one. Where there may well be some advantages in this, on the other hand let's recognize that if we strike out Section 90, if there is no agreement between the teachers and trustees, next year at this

session the Minister of Manpower and Labour is going to be the recipient of a great number of complaints from members on both sides of the House because of the teacher, school board negotiating problems. I think - and I must admit that I'm a little biased here - that to move in the direction of making conditions of employment a matter of negotiations was a step in the right direction.

I am now saying frankly that at a period of time when the trustees and teachers themselves say they are getting close to working out some agreement here, this may well not be the time to take this out of the Act. It may well be that we should hold this perhaps until the fall session of this year, and see if they can work out some kind of agreement by that time.

However, in recognizing that, if we take this out, the negotiations between boards and teachers are going to be just that much more difficult. That is a fact of life that all of us in this Assembly should recognize before we vote on Section 90 being taken out.

MR. MCCRAE:

Mr. Speaker, I'd like to say a few words in support of second reading of this bill. I think it's a very worthwhile bill. I will not repeat all the arguments that we have heard on both sides of the House in favor of Section 7, which is the amendment to Section 46, and which of course has to do with the recent situation in Calgary where the school trustees voted themselves an honorarium increase, as I understand it, all in the course of one evening. As I further understand it, it was done by way of resolution and hence could be done in the course of an evening, whereas the amendment here will require that it be done by by-law on three separate occasions.

As I said, I support the resolution. I think it's important that it be done by way of by-law which will occasion more than one sitting. I think this will have the additional benefit of preserving local autonomy - there is no doubt that it does do that. The trustees themselves will make the final decision, but it will give the public the opportunity of knowing what is going on and having local input.

I would wonder whether it shouldn't be treated like any other by-law, and is that if the trustees are in unanimous agreement that the second and third readings could be proceeded with on one evening - but I leave that to the minister's further consideration.

One other comment I have on the bill, sir, is to deal with Section 3, which is an amendment to Section 6 and has to do with the advertising ...

MR. LUDWIG:

Mr. Speaker, on a point of order, in debating second reading of bills it is an established principle that you do not debate sections. That opportunity will certainly arise in debating this bill section by section in committee. If we are going to debate bills on second reading, then let's follow the rules of the Legislature, that if we are going to debate section by section, and then debate section by section in committee, we are merely wasting time and repeating what could be said there.

Your Honour just ruled, why should I deal with something that could be dealt with in Estimates which may never be brought down, or anything can happen between now and then. But when we are dealing with a bill on second reading, it has been established for many years, and it's a good practice here and elsewhere, that you do not debate sections of the bill. I would earnestly urge Your Honour to rule that we can do this in committee.

MR. SPEAKER:

The hon. Member for Calgary Mountain View has put his finger on a point which is very often difficult, but it would appear to me that where a bill - of which several we have had before us this evening are examples - deals with a collection of amendments, it could very well be said that it also deals with a collection of principles. It is therefore very difficult to distinguish between the type of debate which is appropriate on second reading and the type which may be appropriate in committee.

I would have to say that I would find nothing particularly out of order in the debate thus far by the hon. Member for Calgary Foothills.

MR. MCCRAE:

Thank you, Mr. Speaker. If I could offer an observation on this collection of principles, which is under No. 3, an amendment to Section 6, I think the suggested amendment to require a change in the advertising of this type of meeting is a good one. I would wonder whether, because of the recent situation in Calgary where in the meeting that was scheduled to discuss the honorarium in question apparently the school trustees had another meeting going the same evening - that is my understanding - to avoid a

situation like that, there shouldn't be some further consideration given by the minister as to whether or not there shouldn't be some compulsory quorum attendance by the trustees. How you go about requiring their attendance I don't know, sir, but without a certain number of them there perhaps the meeting should not be proceeded with.

Those are the only observations I have to make on this bill. In general I support it.

MR. SPEAKER:

The hon. Member for Drayton Valley has attempted to get the floor several times, followed by the hon. Member for Calgary Millican.

MR. ZANDER:

Mr. Speaker, in speaking to the principle of Bill No. 28, I have some misgivings about Section 7 dealing with the payments to trustees. Concern has been expressed in this House by many members about the lack of interest in the elections of trustees. Having been a trustee many years, I can only say, Mr. Speaker, that I think the salary the position of a trustee commands today is certainly something less than that of a slave.

I don't know really what went on, Mr. Speaker, in the concern that has been expressed in Calgary about the salaries of the trustees. But certainly, Mr. Speaker, speaking of the province as a whole and particularly the rural municipalities, it is very difficult to get any nominations for trustees. This is why most of the time the trustee is elected year after year by acclamation.

Many times we find senior citizens running the school boards. I am not saying that they probably are not capable. But we find that with the new curriculum that comes and with day to day changes, young blood, fresh blood, injected into the trusteeship of a school committee is certainly commendable.

I can only say, Mr. Speaker, in looking at the advertising of the by-law, that if we are going to do this to the school trustees, then I think perhaps the question could also be asked about municipal governments. And I am not too afraid, Mr. Speaker, that the trustees will vote themselves a salary which is not at least to the efforts that they put into it. During my terms in office, I believe, Mr. Speaker, that we looked at a salary of \$15 a day. Certainly when you deal in millions and hundreds of millions of dollars as the budgets of the counties now spiral continually every year, we cannot really expect to get really good qualified trustees if we are not willing to pay the price. Certainly this is where I have my misgivings.

I certainly would like to see, as the hon. Member for Calgary has suggested, that perhaps the second and third reading could be done at one meeting rather than at different intervals.

Also, the hon. Leader of the Opposition has mentioned the hot issue of closing the schools. It will be determined by the local trustee eventually in any case. Nevertheless I have to commend the minister for having that part of the section in the act. Many times school committees are too hasty because of the dollars and cents values placed on a school that is maybe better off to be closed. But perhaps the minister should have a look at it before the actual closing of the school occurs. I think we have to consider the children in the area rather than the dollars and cents that it commands. I would certainly complement the minister on that; that the minister at least be notified in advance before a school is closed. Too many times schools are closed, children are bussed many miles and have to ride on the bus at least an hour and a half in the morning and probably the same in the evening to get home. I think this is certainly not in the best interest of the children.

I think that will be all, Mr. Speaker.

MR. DIXON:

Mr. Speaker, just two points on principle I would like to remark on and then maybe the hon. minister could enlarge.

I would like to inform the hon. minister, Mr. Speaker, the concern the residents in Calgary had was the haste with which the raise was put through, but secondly, a lot of people became concerned because this was the second raise, I believe, in the one term of this particular school board. I am wondering if the minister wouldn't give consideration that if more than one raise is going to occur in one particular term of office of an elected official, whether in this case we are talking about school boards, then an automatic plebiscite must be held to see whether the public in that particular area or the taxpayers in that particular area are in favor of a second raise, because this would seem to be the thing that created and generated a lot of the problems in Calgary.

I have never had a school board issue in the last number of years that has been so talked about as this particular one, both by the press and by the public. They were certainly concerned and this is the reason why many constituents of mine wished me to bring this matter up before the House, to see if there couldn't be some control especially when it comes to the second raise in one term of office because it certainly looks like a raid on the treasury of the school board by the school trustees. Now, we could argue whether the second one was warranted or not, but a lot of people thought that it was just going a little bit too far, and I think this is the straw that broke the camel's back on the issue.

The other issue, Mr. Minister, that I'd like to mention through you, Mr. Speaker, is the fact that now that the province is picking up the 28 mills under the School Foundation Program, is there or has there been any research on what the ultimate effect will be on that particular proposal? Because I think a lot of people now are saying, well, the province is picking up the largest proportion of the bill, therefore it should have more say in what is going on and how the money is being spent. There are some school boards that are 28 mills under the School Foundation Program and some of them can go up as high as 14 mills for supplementary requisitions. So they are still spending quite a bit of money over and above the School Foundation Program. I realize that is in particular areas, but in other areas it would be a lot less than that.

And so, a lot of people are thinking, well, is this the opening of the door for the school boards and councils to get together ending up in a county system for local government in Alberta. And my query to the minister, Mr. Speaker, is: is this a persuasion to get in the county system for local government in our province?

MR. SPEAKER:

Will the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Very briefly, Mr. Speaker, a number of very useful points have been raised on the question of honoraria. There have been a number of suggestions made as to how the proposal in the Bill might be further refined. But I think between now and the time that this matter reaches committee, Mr. Speaker, the basic question which members of the Assembly should think about is this: in respect to the operation of elected school boards, to what extent should this legislature make laws that will, in effect, protect people from the decisions of their own elected school boards? That's the question which I think we have to decide and which I think is brought up by the amendment. I would look forward to a further debate on this question on honoraria and its relationship to local autonomy, in committee.

On the question of school holidays and the games in Lethbridge, at the moment I gather this is a matter being discussed by the local school boards involved and the ATA locals, with respect to collective bargaining.

On the question of rural schools and smaller schools which was mentioned by a number of members, before too long I hope to be able to make a statement to the House as to a new program which we have, which I think will assist in that regard. However, we do intend to leave the decision as to whether a school will be closed to the local school board. The purpose of the amendment which is found in the Bill is to ensure there is adequate notice given to people in the community before this occurs. Indeed that is perhaps something one can't do by legislation, and I would not look happily upon any school board in the province which suddenly, without warning, purported to exercise the power which it may legally have, but to do it on August 29 or a September 1 school year. If that was attempted I would be there and they wouldn't last very long. However, I don't think the province taking over decision-making as to when schools are closed would be correct. That is a matter within the jurisdiction of the local board which sets forth the way in which its resources will be spent and the number of teachers per pupil-teacher ratio.

On the subject of the new building programs, including the new concepts of schools and modular construction, I think that could be dealt with either in committee on this bill, Mr. Speaker, or during discussion of the budget.

The question of the 28 mills raised by the last speaker is an interesting one, Mr. Speaker. It certainly has been met with a very wide, helpful and enthusiastic response by the people in the province. We suggested this would perhaps lead to a greater degree of influence by the provincial government over its agents, the school boards. I don't think the fact that this now means some 86 per cent of moneys towards education are now paid from provincial revenues - in other words, excluding for the first time a provincial

property tax could be construed as meaning a move towards a greater provincial control. In fact, I think legislation suggests we have been trying to give school boards a good degree of discretion.

I think basically it is the attitude of the government of the day which decides whether school boards will have the degree of local autonomy. School boards are agents of the government, and school agents are given as much authority as the cabinet and the government of the day wish to give them, and that can be revoked.

In provinces such as Prince Edward Island, more than half the trustees are appointed by the minister. I think the question of the 28 mills being introduced as a positive new policy does not mean a move towards greater, or any, intervention by the government - greater than is now the case in respect of school boards. Certainly it is not a move towards the county system. For example, with regard to the larger metropolitan areas of Alberta, I think it would be a very, very serious and disadvantageous move to ever have the county system brought into effect, because I think it would put a very real hardship on education.

HON. MEMBERS:

Agreed.

MR. CLARK:

I wonder if I could ask the minister a question before he really concludes the debate. Are you going to comment on the taking out of Section 90 ...

MR. SPEAKER:

Would the hon. member please address the chair.

MR. CLARK:

Is the minister going to comment, Mr. Speaker, on the removal of Section 90 and the status of negotiations between the ATA and the ASTA?

MR. HYNDMAN:

Yes. I meant to mention that, Mr. Speaker. Very briefly, the understanding some months ago was that it might be satisfactory to both the parties involved to remove this section. However, in the last few hours I have heard this is not the case with regard to the Alberta Teachers Association. I will be meeting with them tomorrow evening, and subsequently with the Alberta School Trustees Association, with a view to trying to work out something agreeable to both parties. Certainly we don't want to force on the parties or on the very sensitive balance of collective bargaining anything which would upset the longterm situation in that area.

[The motion was carried. Bill No. 28 was read a second time]

MR. HYNDMAN:

Mr. Speaker, I move that the House do now adjourn until tomorrow afternoon at 2:30 o'clock.

MR. SPEAKER:

You have heard the motion by the hon. Government House Leader. Do you all agree?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until tomorrow afternoon at 2:30 o'clock.

[The House rose at 10:43 c'clock.]

