LEGISLATIVE ASSEMBLY OF ALBERTA

Wednesday, December 3, 1975

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

PRAYERS

[Mr. Speaker in the Chair]

INTRODUCTION OF BILLS

Bill 74
The Alberta Heritage
Savings Trust Fund Act

MR. LOUGHEED: Mr. Speaker, I beg leave to introduce Bill No. 74, The Alberta Heritage Savings Trust Fund Act. This being a money bill, His Honour the Honourable the Lieutenant-Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

Mr. Speaker, as pointed out in the preamble, the purpose of the bill is to establish a fund to be set aside, and not spent, for future generations in this province, by way of investment, not expenditure. It will establish a fund of $1.5 billion initially, and provide that from that point on 30 per cent of the non-renewable resource revenue to the province would flow into the fund every year.

The bill provides [for] investment in three parts: first of all, a capital projects division for long-term social and economic benefits -- up to 20 per cent of the bill -- which would not be revenue-producing and which would be established by a special appropriation of an act of the Legislature; secondly, a Canada investment division allowing for investments in other governments in Canada on a revenue-producing basis, up to and not exceeding 15 per cent of the total amount of the fund; thirdly, the balance of the fund in an Alberta investment division which is revenue-producing and is an investment subject to an investment committee which will be the Executive Council, subject to any directions which may be given to the investment committee by the Legislature from time to time which would restrict the nature of investments the Executive Council could make.

Any amounts not invested in any three parts would be invested in the normal manner we have seen in the past, subject to the specific provisions of the act by the Provincial Treasurer.

There will be quarterly public reports and an annual audit. The reports will be reviewed by a new and distinctive standing committee of the Legislature, which would be able to meet throughout the year, would recommend to the Legislature and [have] debated in the Legislature any observations or directions to the investment committee with regard to subsequent investments.

Mr. Speaker, I believe hon. members are aware that because of the great importance of this bill it is the intention to introduce it and let it die on the Order Paper during this fall session, so that we can receive public input over the course of the next few months and then bring it back in the spring session. Our objective would be to have the fund in operation as soon as possible after April 1, 1976.

[Leave granted; Bill 74 introduced and read a first time]

Bill 79
The Legislative Assembly
Amendment Act, 1975 (No. 2)

DR. HORNER: Mr. Speaker, I beg leave to introduce Bill No. 79, The Legislative Assembly Amendment Act, 1975 (No. 2). This being a money bill, His Honour the Honourable the Lieutenant-Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

Mr. Speaker, the contents of the bill are essentially the changes recommended in regard to the indemnities to Members of the Legislative Assembly. It is our opinion that the recommendations contained herein are well within the federal wage guidelines. Insofar as members of the Executive Council and the president of the Executive Council are concerned, the stipulations in the bill will exceed the $2,400, but it is not the intention of the government to pay the Executive Council anything greater than the federal guidelines.

[Leave granted; Bill 79 introduced and

read a first time]

Bill 73
The Municipal Affairs
Statutes Amendment Act, 1975

MR. JOHNSTON: Mr. Speaker, I beg leave to introduce a bill, being Bill No. 73, The Municipal Affairs Statutes Amendment Act, 1975.

Mr. Speaker, at the heart of this legislation is an attempt on behalf of government to encourage the efficient operation of municipal offices throughout the province. Many of the recommendations are directed toward attempts to increase these kinds of efficiencies, and to execute responsibility given to our managers through elected officials. I might add as well that many of the recommendations encompassed in this act are given to us by the two municipal organizations, and have been well debated before we received them.

Mr. Speaker, it is worth while to note two major items here that I should underscore. One of them is the thorny issue of conflict of interest sections. We have attempted to make efforts to increase the certainty with respect to councillors' roles as elected officials. Beyond that, Mr. Speaker, there is also the important amendment to the Municipal Government Act which allows for Executive Council ratification of Local Authorities Board annexation orders.

[Leave granted; Bill 73 introduced and read a first time]

Bill 84
The Provincial Court
Amendment Act, 1975

MR. FOSTER: Mr. Speaker, I beg leave to introduce a bill, being Bill No. 84, The Provincial Court Amendment Act, 1975.

This bill, Mr. Speaker, is an attempt to respond positively to the Board of Review headed by Mr. Justice Kirby. These are amendments to the provincial court which will essentially achieve three things. One is to appoint a chief provincial court judge, a second is to modify and restructure the judicial council of the provincial court, and a third is to establish the provincial court of Alberta as a court of record.

[Leave granted; Bill 84 introduced and read a first time]

Bill 86
The Department of the Attorney
General Amendment Act, 1975

MR. FOSTER: Mr. Speaker, I beg leave to introduce a bill, being Bill No. 86, The Department of the Attorney General Amendment Act, 1975.

Mr. Speaker, this bill completes the legislative package with respect to the Kirby report. This particular piece of legislation will, if passed, allow for the creation of the reorganization agency which was referred to in the report, and makes one other minor amendment to the department.

[Leave granted; Bill 86 introduced and read a first time]

MR. SCHMIDT: Mr. Speaker, Bill 67 was introduced as a normal bill, but it is now regarded as being a money bill. Therefore, I have a message from His Honour the Lieutenant-Governor recommending Bill 67 to the House for its consideration. I beg leave to table this at this time so that it may be attached to the official copy of the bill.

MR. SPEAKER: Does the Assembly unanimously agree to the request of the hon. minister?

HON. MEMBERS: Agreed.

INTRODUCTION OF VISITORS

MR. LOUGHEED: Mr. Speaker, I would like to introduce to you, and through you to the Members of the Legislative Assembly, on this day of introducing the heritage savings trust fund, a class from my constituency, essentially in Calgary West. We always have some interesting significance in the fact that again this class comes from the Ernest Manning High School. They are a Grade 12 class, accompanied by their teacher, Miss Hazel Brown. They're 55 in number. I would appreciate it if they would rise, and we could give welcome from the Assembly.

MR. MANDEVILLE: Mr. Speaker, it's my pleasure on your behalf to introduce through you to the members of the Legislature 17 students from your own constituency. They're from Edmonton Meadowlark and are accompanied by their teacher, Mr. Laird. They are also in the members gallery. I would ask them to rise and be recognized by the House.

MR. HORSMAN: Mr. Speaker, I have a great deal of pleasure this afternoon to introduce to you, and through you to the members of the House, a very distinguished young Albertan, Chuck Meagher, of Medicine Hat, who is age 18 and is seated in your gallery. He is the international president of the key clubs of the Key Club International organization. I'm sure many Kiwanians will be familiar with this high school organization. Mr. Meagher is the second Canadian in the 50-year history of key clubs to hold the position of international president. I would ask that he rise and receive the acclaim of this Assembly.

MR. FOSTER: Mr. Speaker, I was about to rise and introduce to you and the members of the House 30 Grade 10 students from the city of Red Deer who are supposed to be seated in the members gallery, but as I looked around all the students I see up there have stood up. I'm not quite sure whether they're here or not. Yes, they are. So, Mr. Speaker, I'll continue with my introduction and introduce to you the 30 Grade 10 students from Red Deer. They are accompanied today by their teacher, Oliver Prudence. May I ask that they rise and be recognized by the Assembly.

ORAL QUESTION PERIOD

NFU Meeting

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Premier and ask what progress he has to report in arranging a meeting between the cabinet and the farmers having a problem with the cow-calf situation.

MR. LOUGHEED: Mr. Speaker, that matter is being effectively handled by the Minister of Agriculture, and I would like to refer the questions to him.

MR. MOORE: Mr. Speaker, could the hon. member repeat the question?

MR. CLARK: Yes, I'd be pleased to. I asked the Premier what progress is being made in arranging a meeting between the cabinet and the farmers who are having the problems with the cow-calf situation.

Mr. MOORE: Mr. Speaker, first of all I presume the hon. member is referring to members of the National Farmers Union, because in fact we've been meeting with a good number of other organizations to discuss the problems at hand.

With respect to the National Farmers Union, I could advise that since the Legislature rose last Wednesday, two attempts have been made to meet with them. The first was by way of a message I conveyed to them early Friday morning that I, together with some other members of cabinet, would be willing to meet with them at 11 a.m. last Friday to discuss the problems of cow-calf operators and the proposals they wanted to put forward. On that particular occasion, while I did attend with three members of cabinet at the Legislature Building at 11 a.m. Friday, the members of the National Farmers Union refused to come to a meeting.

That was followed up by a telegram from Mr. Dascavich, the regional director of the National Farmers Union, in which he asked for a further meeting to discuss the problems, giving them two full days' notice. So Mr. Speaker, on Friday afternoon I informed Mr. Dascavich by telex that I, with other members of cabinet, was prepared to meet with their group at the Legislature Building Monday at 11 a.m. That meeting was arranged and took place on Monday morning. I believe 12 members of the National Farmers Union were there, together with myself and 3 other cabinet members, Mr. Speaker. The meeting began with the leader of the National Farmers Union delegation providing each cabinet member with a package of material, which essentially contained the same information they put forward before. We were then advised they had been instructed by their membership not to discuss any proposals they wanted to put forward or any solutions that might be provided in that regard with myself and the other cabinet members there. The meeting broke up, Mr. Speaker, after a very short time, about 10 minutes, with myself and one other member of cabinet asking a number of times if they wouldn't like to stay and discuss the matter, because we had time to do it then.

So Mr. Speaker, two attempts have been made to meet with them since the House rose on Wednesday. Both have basically failed, not on our part but on theirs.

I received a further letter this morning, delivered by Mr. Dascavich, asking for a meeting this Friday at 11 o'clock between myself only and members of their executive. I've got that under consideration. Hon. members should know the Legislature will sit Friday morning. I'm not sure yet that meeting can be arranged.

Farm Stabilization Plan

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Since the House rose on November 26, have there been any discussions between him and the federal Minister of Agriculture regarding the federal government's long-awaited stabilization plan? Perhaps I might ask if the Treasurer, when he was in Ottawa, or the Minister of Federal and Intergovernmental Affairs, took the opportunity to meet with Mr. Whelan.

MR. MOORE: On the first question, Mr. Speaker, there have not been any direct discussions between me and the federal Minister of Agriculture. However, there have been discussions between officials of our department, not only on that matter but on a variety of others.

MR. CLARK: Mr. Speaker, a supplementary to the Provincial Treasurer or to the Minister of Federal and Intergovernmental Affairs. In the course of their sojourn in Ottawa, did either of them discuss the question of the long-awaited federal stabilization plan with the federal Minister of Agriculture, Mr. Whelan, or his office?

MR. HYNDMAN: No, Mr. Speaker, we did not. The purpose of that meeting was in relation to temporary anti-inflation measures. We felt the matter was very adequately handled by the Minister of Agriculture, both at the official level and other levels.

MR. CLARK: Mr. Speaker, a further supplementary question then to the Minister of Agriculture. I'd like to ask him if it's still the position of the Government of Alberta that if any aid is given to Alberta's cow-calf operators during this period of time, they would not then be eligible for the federal stabilization plan, if and when it ever comes in.

MR. MOORE: Well, Mr. Speaker, first of all that never was the position of the Government of Alberta.

MR. CLARK: It was last week.

MR. MOORE: Indeed, over recent weeks, particularly during the last three or four years, a variety of programs has been available for beef producers that might be considered aid. I refer hon. members to the cow-calf advance of last year and again this year where an interest subsidy is paid. I refer them to my remarks last week in this Legislature when we said that the Agricultural Development Corporation will be involved in applications from individuals on an individual basis, in extending loans and principal payments and that kind of thing. So, Mr. Speaker, it has never been the position of this government that no aid would be forthcoming to beef producers in this province except on the initiative of Ottawa.

What we're really talking about there, Mr. Speaker, is an additional form of assistance called stabilization, that hasn't previously been applied in this province to the beef industry. Hon. members well know that the legislation in Ottawa was changed in July of this year to provide an additional level of stabilization of certain named commodities, one of which is beef. It remains a position of the Government of Alberta, however, that if we move into the area of a stabilization program of our own at a provincial level, the provisions of Bill C-50, the federal stabilization legislation, could not apply to the beef industry in this province.

MR. CLARK: Mr. Speaker, a further supplementary to the minister, for clarification. Last week in the Assembly the minister alluded to discussions he'd had in, I believe, Newfoundland, [and] I think members received the impression that if the Alberta government went further than it has gone now, Albertans would not be eligible for the benefits of the federal beef stabilization plan.

My question to the minister is: has the government changed its position since the minister's comments in the House last week when he indicated that as a result of his discussions in Newfoundland with the Minister of Agriculture, Alberta would not be eligible for the benefits of the program if we did anything more for farmers in this cow-calf situation?

MR. MOORE: Well, Mr. Speaker, I'm a little confused. The situation with regard to the federal stabilization program and whether that can apply to provinces that have stabilization programs of their own which might tend to shift or move production by an artificial means was not a decision made by this government, but rather a decision made by the Government of Canada and the federal Minister of Agriculture.

MR. CLARK: Have they received it in writing?

Tent on Legislature Grounds

DR. BUCK: A supplementary question, Mr. Speaker, to the hon. Minister of Government Services and Culture. Can the minister inform the Legislature if he asked the NFU people to remove their tent from the Legislature grounds?

MR. SCHMID: Mr. Speaker, this afternoon the occupants of the tent on the Legislature grounds were asked by Mr. Glyn Morgan, manager of the physical plant of Government Centre, to remove their tent and their personal articles forthwith.

DR. BUCK: Mr. Speaker, to the hon. minister. Has this been a direction from the hon. minister's office, and on what grounds were they asked to remove this from public property?

SOME HON. MEMBERS: On Legislature grounds.

DR. BUCK: On what basis, Mr. Speaker?

MR. SCHMID: Mr. Speaker, the occupants, who are members of the NFU of Alberta, are trespassing on government property.

NFU Meeting (continued)

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier, getting back to the first question posed by the Leader of the Opposition. In view of the fact that the National Farmers Union is requesting the right to present its brief to the entire cabinet, is it the Premier's intention to accommodate that request and meet as an entire cabinet with officials of the National Farmers Union?

MR. LOUGHEED: Mr. Speaker, I believe, as the hon. member is well aware, the nature and approach our government has to delegations is to meet them, not as part of a whole cabinet, but through the responsible minister and a group of ministers. Having regard to two facts -- first of all the fact that the National Farmers Union despite extensive efforts was not prepared to discuss its submission with the responsible minister and a group of ministers who were delegated by the Executive Council to have those discussions on Monday morning, it certainly would not be the view of the Executive Council to meet with them. We would give consideration to their further request, which the minister has just

received, to meet with the Minister of Agriculture on Friday.

MR. NOTLEY: Supplementary question. Will the Premier give consideration to joining the meeting on Friday, if in fact a meeting is set up, and sitting in with the hon. Minister of Agriculture and whichever ministers will be on that particular committee?

MR. LOUGHEED: Mr. Speaker, I would be reiterating my previous statement. Our position is quite clear on these matters. We delegate the responsibilities to a group of ministers. We have delegated this responsibility to the Minister of Agriculture, and we are satisfied he is handling it appropriately in the public interest.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. Minister of Agriculture. In the light of some controversy over the timing of the Friday telex, is the minister able to advise the Assembly when in fact that telex was sent to the National Farmers Union? Is it true that it was only a matter of 10 or 15 minutes before the meeting was scheduled to take place?

MR. MOORE: Mr. Speaker, yes I could. Really, the telex was a confirmation of a visit by my executive assistant very early Friday morning to the tent which was pitched on the Legislature grounds, advising them that we were available for a meeting at 11 o'clock. So in fact there was a couple of hours' notice. In addition to that, Mr. Speaker, there was more than two days' notice with regard to a meeting on Monday morning at 11 o'clock, at which they did not want to discuss with me and three other members of cabinet the proposals they wished to put forth.

Tent on Legislature Grounds (continued)

DR. BUCK: A supplementary question to the Minister of Government Services and Culture. On a point of clarification, Mr. Speaker, did the hon. minister say that these people were asked to remove themselves from government property or public property?

MR. SCHMID: Mr. Speaker, the Legislature Building and grounds are on Crown land. They are trespassing on Crown land, and they were asked to remove their tent and their personal belongings from Crown land.

DR. BUCK: Mr. Speaker, I always thought that Crown land belonged to the people.

Mr. Speaker, I'd like to know, was it the minister who gave the decision to ask the people to remove their tent from the Legislature grounds, or was it somebody other than the minister?

MR. SCHMID: Mr. Speaker, I asked the manager of the physical plant for the Government Centre to request that the tent be broken down and removed forthwith.

DR. BUCK: Mr. Speaker, finally, was this a decision of cabinet or just the minister's sole responsibility?

MR. SPEAKER: Order please. The hon. member is not entitled to make inquiries concerning the internal operations of the Executive Council.

Government Buildings -- Security

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Attorney General. In view of the large number of policemen in the building today, can the minister advise the Assembly what specific security measures have been taken, and why?

MR. SPEAKER: Without wishing to restrict this line of questioning, which has gone on for some time now, other members are waiting with their questions. As I have pointed out previously in the Assembly, a question which asks why is really an invitation to debate. That is not an appropriate item in the question period under the rules which hon. members have themselves adopted to apply to the Assembly, and I'm obliged to follow those rules. Now if the hon. member wishes to seek information which is based on fact or consists of fact, that's another matter; but we really shouldn't get into a debate on this topic.

MR. NOTLEY: Mr. Speaker, thank you very much. I'll rephrase the question and ask the hon. Solicitor General if he can advise the Assembly what security precautions have been taken and what the reasons are for the decision to take those precautions.

MR. FARRAN: Mr. Speaker, with due respect, I don't think that's any different from the question asked before, but normal precautionary measures considered prudent in the public interest have been taken.

MR. NOTLEY: Mr. Speaker, a further supplementary question. Is the hon. Solicitor General in a position to advise the Assembly how many policemen are presently guarding the Legislature Building and the Agriculture Building?

MR. FARRAN: No, I'm not, Mr. Speaker.

MR. TAYLOR: Supplementary to the hon. Minister of Agriculture. Are the leaders of the National Farmers Union trying to get their problems solved, or do they just want to see 22 ministers?

MR. SPEAKER: Might this be the last supplementary on this topic.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Attorney General. Can he advise the Assembly what the ground

rules are for entry of people into the Legislature Building itself?

MR. SPEAKER: With great respect, I would suggest that that is a question which might be eminently suited for the Order Paper. It's evidently going to require the exposition of some detail.

DR. BUCK: A supplementary, Mr. Speaker, to the Minister of Government Services and Culture.

AN HON. MEMBER: You had the last one.

MR. CLARK: Oh, quiet.

MR. SPEAKER: A supplementary on the same topic?

DR. BUCK: Yes.

MR. SPEAKER: Perhaps we could come back to that if there is time left at the end of the question period.

Red Deer River Hearings

MR. CLARK: Mr. Speaker, I would like to direct a second question to the Minister of Environment and ask if he's had an opportunity to discuss the ECA hearings on the dam on the Red Deer River with his departmental officials who attended those hearings?

MR. RUSSELL: No, I haven't, Mr. Speaker. The purpose of sending resource people from the department to the hearings is exactly for that purpose, to act as a resource and assistance to members of the general public attending the hearings. Our next step would be to await the report of the Environment Conservation Authority.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. In light of the comment by the chairman of the Environment Conservation Authority [that] it would take from three to six months for the Authority to finalize its report, and having regard for the tremendous amount of representation at all those hearings that if a dam were to be built on the Red Deer River, it be built west of Sundre, upstream on the Red Deer, is the minister in a position to indicate to the Assembly whether he has asked the Department of Environment to do studies on the feasibility of a dam site to be located west of Sundre on the Red Deer River?

MR. RUSSELL: Well, Mr. Speaker, that question goes back some time. As the hon. Leader of the Opposition is aware, a great deal of resource material was made available to the public in information centres arranged by the Environment Conservation Authority. That material, of course, contains a preliminary analysis of approximately 20 sites that were looked at, and gave some analytical and comparative data for the 20 or so sites considered feasible. Out of those, 2 sites were selected as probably being the best, and detailed information was prepared. So I really believe that some of the presentations put forward with respect to another site have been dealt with much earlier in this process.

MR. CLARK: Mr. Speaker, a further supplementary question to the minister, in light of the comments made by the assistant deputy minister that only cursory examination was done on sites upstream from Sundre and that the site there might conceivably be satisfactory for a dam. In light of those comments from his own assistant deputy minister, is the minister now prepared to direct the department to do in-depth studies in that area?

MR. RUSSELL: Mr. Speaker, I'm not aware of which assistant deputy minister or which statement the hon. leader is referring to. But again I go into the earlier reports in which a cursory or an initial examination, if you want to use that term, was done of many sites. It's a very lengthy procedure to examine in detail and prepare the information on the two sites that have been selected for public discussion. I believe that to go into a very detailed examination at this time of every possible site on the river would be rather an insurmountable task.

MR. CLARK: Mr. Speaker, one last supplementary question. In light of the tremendous number of people who took part in those hearings and of the problem that proper investigations hadn't been done, and having regard for the fact that the chairman indicates the report will not be available for six months, is the minister prepared to sit down with the chairman of the ECA and reassess his position in light of the hearings?

MR. RUSSELL: Mr. Speaker, I think we have tried to make it quite clear that we don't have a fixed position. This is the thrust and objective of the public hearings. A very considerable amount of time and expense has been involved in preparing information kits, doing studies, setting up information centres, and arranging for the public hearings so that any interested citizens along the entire river basin could have their say. They'll have the full assistance of the Department of Environment in a resource way. I think it's very proper for us to follow the regular course of events and await the ECA's report. I naturally meet at regular intervals with Dr. Trost, the chairman of the authority, and no doubt I will be getting a verbal briefing on the content and climate of the hearings. But I wouldn't think we would want to do anything by way of major change until we receive the authority's report.

Heritage Trust Fund

MR. TAYLOR: Mr. Speaker, my question is to the hon. Premier. With reference to the

Alberta heritage fund, is the $1.5 billion now invested?

MR. LOUGHEED: Mr. Speaker, essentially yes. I'd refer that question to the hon. Provincial Treasurer.

MR. LEITCH: Yes, it is, Mr. Speaker. It's invested in ways authorized pursuant to The Financial Administration Act.

MR. TAYLOR: One further supplementary. Where is the interest from that investment going now, and where will the interest go after the bill is passed?

MR. LEITCH: The interest now, Mr. Speaker, is accruing to the general revenue fund. There is a provision in the bill that the interest on the funds in the Alberta heritage savings trust fund would accrue to the fund.

MR. NOTLEY: A supplementary question to the hon. Provincial Treasurer. Can he give the House any statistics as to the average interest rates the fund is earning at the present time?

MR. LEITCH: I could, Mr. Speaker, but I hesitate to do so from memory. I will check and respond later in the House.

MR. TAYLOR: One further supplementary. Has any consideration been given to the suggestion of using the interest for the benefit of the people living now?

MR. LOUGHEED: Mr. Speaker, I think the nature of that question probably leads right into the context of the bill. There's certainly the feeling that if only 30 per cent of the natural resource revenue is being put aside for future generations, 70 per cent of the natural resource revenue of a non-renewable basis is going to the people today.

Fire Detection Equipment

MR. LITTLE: Mr. Speaker, I would address my question to the hon. the Attorney General. Would the hon. minister inform the House if he is aware of any legislation which requires high-rise apartment buildings to be equipped with smoke sensors and/or sprinkler systems?

MR. SPEAKER: Strictly speaking, the hon. member might ask that question of a solicitor, but if it can be answered briefly, perhaps hon. members wouldn't object.

MR. FOSTER: Mr. Speaker, I believe there is such legislation at the municipal level with respect to some municipalities. For example, I think the city of Edmonton by-laws provide for such detection. I can't answer about other municipalities or other provinces at this time.

MR. NOTLEY: A supplementary question to the hon. Attorney General. Can the minister advise the House whether or not the government is entertaining the proposition of a provincial statute which would enforce smoke detectors in all high-rise apartment buildings throughout the province?

MR. CRAWFORD: Maybe I could deal with it. What the hon. member is asking, and what the hon. Member for Calgary McCall asked, is really, in its character, a question about uniform building standards, which is governed by legislation in Alberta.

Casino Permits

MR. YOUNG: Mr. Speaker, to the hon. the Attorney General. Could the minister outline the policy as it exists today with respect to the granting of permits for the operation of casinos and related activities?

MR. FOSTER: Mr. Speaker, I could take the question as notice and provide such details as exist in the department with respect to policies, regulations, and the laws that relate to regulation of casinos. I have said, however, that I was not personally prepared to see the level of casino activity in the province extended or large casinos approved until we have the capacity in the department and in the police forces of this province to adequately supervise and control casino activity and the public interest, since considerable numbers of dollars are going hopefully over the table. I can provide the hon. member with the legislative base for it and the regulations as they currently exist.

MR. YOUNG: Mr. Speaker, a supplemental. Could the minister advise whether permits for casino operation are being granted, or could be granted, at the present time?

MR. FOSTER: Mr. Speaker, we still have the capacity to grant casino licences at the moment. My information is that we are not granting any large casino licences. It may be that the department has approved some minor or very small casino activities by religious or charitable organizations elsewhere in the province. I'm not personally aware of that at the moment.

Marketing Boards

MR. NOTLEY: Mr. Speaker, I'd like to direct my question to the hon. Minister of Federal and Intergovernmental Affairs. I might just say by word of introduction, Mr. Speaker, that I posed this question to the hon. Premier last week, but he suggested I refer it to the minister when he returned from Ottawa. It concerns the position of the federal government with respect to bringing farm marketing boards under the control of the national wage and price control board.

I'm wondering if the minister is in a position, Mr. Speaker, to advise the As-

sembly just what the status is of that, I rather think, ill-starred proposal coming from Mme. Plumptre and Mr. Pepin.

MR. HYNDMAN: Mr. Speaker, as we understand it at the moment, the situation is that the federal government has made a distinction between marketing boards which are price-setters, involved in controlling production, and those which are price-takers. We understand from the federal government that the boards considered to be price-setters -- which would include, for example, milk, turkeys, or broilers -- were to be subject to federal guidelines on the basis of the cost pass-through principle. We understand the federal board would monitor these and clarify the guidelines as they apply to the boards, but would have no direct authority over them other than drawing infractions to the attention, in this case, of the Government of Alberta. So as we view it, entities such as the hog marketing board clearly would not be, and should not be, subject to the guidelines in any way.

MR. NOTLEY: Mr. Speaker, a supplementary question for clarification. As I understand the minister's remarks, certain boards such as poultry and fowl boards would be, but the hog marketing board would not be? Perhaps I misunderstood the minister's answer, but I would like to clarify this in my own mind at least.

I'd like to know just what they define as boards which will come under the guidance, if you like, of the national wage and price board.

MR. HYNDMAN: Mr. Speaker, our understanding of those marketing boards which would come under federal guidelines and inflation controls are those involved in the setting of prices, or in controlling production, but none other. That would involve boards involved in milk, eggs, turkeys, and chicken broilers, in that category, but would clearly not involve such entities as the hog marketing board, which does not have those two characteristics.

MR. NOTLEY: A further supplementary question for clarification. Is it the view of the government that this kind of proposal is really inconsistent with the proposition there should be no controls at the farm gate, at least as it relates to those specific items?

MR. HYNDMAN: Mr. Speaker, as I say, at the moment this is our impression of the federal position. I think it is somewhat fluid. It may be known to a greater degree this Friday. We take the position that if it is necessary from the point of view of the Province of Alberta to protect the activities of such boards, we would consider moving in either a policy or a legislative way.

AGT Costs

MR. COOKSON: Mr. Speaker, I have a question for the Minister of Utilities and Telephones. In view of the 20 per cent escalation in prices permitted to AGT and the wage and price controls laid down by the federal government, has the minister made any submissions or presentation to AGT to control its costs in some way?

DR. WARRACK: Mr. Speaker, that matter is very timely, because the 1976 budget for Alberta Government Telephones will be before the Alberta Government Telephones Commission very shortly. Certainly that's one of the matters I want to address in the coming year, with the assistance of all the members who are part of the commission and the responsibilities they have.

At the same time though, Mr. Speaker, I would not want to present a defensive kind of reaction to this, because I think all members of the Legislature would agree on the importance of maintaining the high level of service provided by AGT, I think second to none. A deterioration in that service could be the result of ill-advised cost cuts.

MR. COOKSON: Mr. Speaker, just one further supplementary. I wonder if the minister would comment on the kind of advertising AGT is carrying out, in view of the fact that it is a non-competitive corporation, and whether any large amounts are being spent on advertising.

DR. WARRACK: I would have to take the details of that question under advisement, Mr. Speaker, and certainly would be pleased to do so. At the same time though, I would point out that some aspects of the advertising are directed toward cost savings, for example on the use of directory rather than calling information whenever a number is required. On the other parts of the question though, I would have to look into the matter and would be pleased to do so.

MR. COOKSON: Just one further supplementary or submission, Mr. Speaker. Would the minister look into whether advertising new-type telephones is really necessary to save costs?

DR. WARRACK: I'll be happy to apply my best judgment to that submission, Mr. Speaker.

Pheasant Stocking

MR. STROMBERG: Mr. Speaker, on behalf of a number of my constituents, I'd like to direct this question to the Minister of Recreation, Parks and Wildlife. Why were 1,500 pheasants released on the abandoned railroad between Camrose and Kingman and all shot out by Edmonton hunters, though hunters in my own constituency were not even made aware of that transplant?

MR. SPEAKER: The hon. member is starting an interesting debate. No doubt the question could be phrased in some other way, and perhaps the hon. minister should make a brief comment on it.

MR. CLARK: Better to be concerned about Dodds-Round Hill.

MR. STROMBERG: Supplementary. Does the minister make news releases as to where these pheasants are being transplanted?

MR. ADAIR: Mr. Speaker, in response to the supplementary, no.

MR. STROMBERG: Supplementary, Mr. Speaker. I'd like to ask the minister, how many dollars does a hatchery-raised pheasant represent?

AN HON. MEMBER: Put it on the Order Paper.

MR. STROMBERG: He knows.

MR. ADAIR: Mr. Speaker, I wonder if I could get that clarified. I'm a little confused by the question. Would you repeat it and clarify it, please?

MR. STROMBERG: How many dollars does a pheasant raised in a hatchery cost the Province of Alberta?

MR. ADAIR: I hesitate to give you a figure, Mr. Speaker, but I believe it's around $3.

MR. STROMBERG: One further supplementary, Mr. Speaker. Is the minister giving consideration to encouraging pheasant-raising as a 4-H project?

MR. ADAIR: Yes, I'd be quite happy to respond to that one, Mr. Speaker. We have been working for some time with the 4-H movement, and I believe if we have not already got it in the new 4-H manual it will be included. That's on pheasant-rearing for group projects within the 4-H movement.

Stony Plain Hospital

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Hospitals and Medical Care. Could he indicate when the Hill inquiry with regard to Stony Plain Hospital was completed, or will be completed?

MR. MINIELY: Mr. Speaker, the holding of hearings and the inquiry itself have been completed. The last time I spoke to the commissioner of the Stony Plain inquiry he indicated to me that the compilation of all the testimony and witnesses heard by the commission inquiry would take some time. I haven't spoken to him for two or three months, but the last I did speak to him, Mr. Speaker, he indicated that his feel for the timing, although he didn't want to be bound totally within it, would be around the conclusion of 1975, or early 1976.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. When the report is completed, is it the intention of the minister to table it in the Assembly?

MR. MINIELY: Mr. Speaker, I'm certainly prepared to take that under advisement. I think in the public inquiry I'll have to examine the report, then consider what the disposition should be.

Mr. Speaker, I think the hon. member is aware that there are two sides to these kinds of questions. A lot of individuals and personalities are involved, and I would like an opportunity, for myself, to review the report, then to discuss the report with my colleagues and make a decision if, in fact, it is in the overall public interest to take certain action with it.

AEC Shares Sale

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Energy and Natural Resources. Has the energy corporation worked out a method yet to distribute the shares applied for by Albertans, as a result of applications exceeding the $75 million?

MR. GETTY: Mr. Speaker, I anticipated the interest hon. members might have in that matter and discussed it today with the president of the Alberta Energy Company. He advises me that the board of directors will be meeting tomorrow to finalize an allocation method. The only firm principle I am aware of is that the smaller orders would be filled first.

New Home Warranty

MR. TAYLOR: Mr. Speaker, my question is to the hon. Minister of Housing and Public Works. Is a program of warranty on new homes now in effect in Alberta?

MR. YURKO: Mr. Speaker, I'd refer the question to the Minister of Consumer and Corporate Affairs, who handles that matter.

MR. HARLE: Mr. Speaker, the answer is yes.

MR. TAYLOR: A supplementary. Is the program provincewide?

MR. HARLE: Mr. Speaker, as far as I'm aware, the program is provincewide on a voluntary system. We've been very impressed with the amount of co-operation from the house building industry.

MR. TAYLOR: A supplementary. Does the hon. minister know the percentage of contractors who are in this program?

MR. HARLE: Mr. Speaker, it's approximately 88 per cent.

Dodds-Round Hill Project

DR. BUCK: Mr. Speaker, I'd like to direct my question to either the Minister of Environment or the Minister of Energy and Natural Resources. I'd like to know, Mr. Speaker, if either minister can indicate to the Legislature if and when hearings will be held in the Round Hill-Dodds area, in relation to the proposed strip mining operation in that area.

DR. WARRACK: Mr. Speaker, perhaps I could respond to that question. I have been dealing with this matter in the House, as all hon. members are aware from the question posed earlier by the Member for Camrose. At that time I indicated that once an evaluation of the applications filed was assessed for completeness, the Energy Resources Conservation Board would be deciding on the location -- and a suggestion was made by the Member for Camrose -- and timing of the hearing that would be involved. To my knowledge, those decisions have not yet been possible.

DR. BUCK: Mr. Speaker, to the hon. Premier. I'd like to know if the decision on the mining operation in Round Hill-Dodds will be made prior to or after the Land Use Forum reports?

MR. LOUGHEED: Mr. Speaker, we are hoping that the report of the Land Use Forum will be received early in 1976, and I wouldn't conceive that we'd have to come to a decision on the Dodds-Round Hill proposal until after we've received recommendations from the ERCB. So I certainly would hope, in fact I think we'd insist that the Land Use Forum report is received, in terms of general policy in relationship to that matter.

DR. BUCK: A supplementary to the hon. Premier, Mr. Speaker. At the public meeting at Round Hill the other night, Mr. Speaker, I was in attendance, [as was] the hon. Member for Camrose, and the hon. Member for Hanna-Oyen. The concern there was, would funding be available for people in the area to make a presentation before the Energy Resources Conservation Board? I think this is probably one of the biggest problems groups face when they're trying to pull material together to make a presentation, as opposed to the high-priced help the companies involved have on the other side.

Would funding be available for those people?

MR. LOUGHEED: Mr. Speaker, I don't know whether or not funding would be available, but certainly every effort, I'm sure, would be made by the Energy Resources Conservation Board in conducting the hearing to assure that anybody who wants to present points of view would have a full opportunity to do so. But we will take the matter the hon. member raises under advisement.

Supplementary Estimates

MR. R. SPEAKER: Mr. Speaker, a question to the Premier to follow up one I raised earlier in this session with regard to the study of supplementary estimates. I wonder if the Premier has had an opportunity to make a decision as to whether we will study them this session or not.

MR. LOUGHEED: Mr. Speaker, yes we have. It's our judgment that the practice and procedures we've had are certainly adequate. We think there is full opportunity for review of the estimates and the supplementary estimates during the course of the year. We don't see any need to change the normal procedure.

Commonwealth Games Stadium

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Premier. It flows from the well-publicized remarks over the weekend of the hon. Minister of Energy and Natural Resources concerning possible provincial participation in the roof of the Commonwealth Games stadium.

Mr. Speaker, can the Premier advise the Assembly how far this particular promotion has got as far as the provincial cabinet is concerned?

MR. LOUGHEED: Mr. Speaker, the matter has not been discussed as yet by the Executive Council.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. Has the matter been discussed by cabinet committee?

MR. LOUGHEED: Mr. Speaker, not as yet.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. Premier. Is the government considering the matter in any other way at this point in time? For example, have there been any discussions with the city of Edmonton concerning possible provincial funding of the roofing of the Commonwealth stadium?

MR. LOUGHEED: Mr. Speaker, my understanding is that the proposal was presented to the members of the Executive Council who are on the Commonwealth Games Foundation, to acquaint them with the proposal. No response was given by the ministers because they're obviously aware that the matter is before Edmonton City Council tomorrow.

Coal Mine Safety

MR. TAYLOR: My question, Mr. Speaker, is to the hon. Minister of Energy and Natural Resources. Does the government have any program ready when an underground coal seam catches fire?

MR. GETTY: Mr. Speaker, I would want to check the full details of this matter. But in discussing it briefly with the Energy Resources Conservation Board, they advise me that in their coal mining safety regulations they have provisions for dealing with this matter.

Telephone Bills

DR. WARRACK: Mr. Speaker, I was asked last week by the hon. leader of the Opposition to report on a matter which I guess is not as important now as it certainly was then. It was very important then -- the question of accommodation to the postal strike with respect to AGT billings. I was in a position to report that we had made arrangements for that accommodation, but as of today we've cancelled them. I wanted to report because I had agreed to do so.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill 71
The Alberta Labour Amendment Act, 1975

MR. CRAWFORD: Mr. Speaker, I take pleasure in moving second reading of Bill 71, The Alberta Labour Amendment Act, 1975. A number of matters raised by the new bill might be discussed in any debate in respect to the principle of the bill, but there are probably three areas that are more important than the others.

I thought I might just make a few remarks in regard to the hope that the bill will make easier than previously the accommodation of both employers and employees to the still relatively new area of flex-time. I think we're in the position as a province where our employers and employees are gaining experience in this field. There has been a reasonable outbreak, you might say, of cases in the private sector where it was desired that both flex-time and the compressed work week would be things that employer and employee could agree upon and bring into effect; and, of course, it was the previous stringencies of The Labour Act which made that difficult at the time. The first changes made are now being adjusted, based on experience with flex-time, the purpose being to make it more flexible than before and more usable by both employer and employee. Of course, I commend these changes to the House and think there would be no particular question raised as to whether they were advisable or suitable as a matter of government policy.

I specifically refer to the private sector, because in the public sector, in the case of Alberta's own government employees, similar discussions and some experiments have been conducted in respect to both flex-time and the compressed work week. I don't believe there are any particular difficulties over the way that's being handled at the present time.

In respect to maternity leave, I think this is contemporary legislation. In very short summary, the purpose of it is to protect the employment of a person entitled to maternity leave and to protect that person's seniority in the employment. These are both very important objectives. I think it is well known that a number of proposals have been made throughout the country in recent years in respect to this type of legislation.

I have to be prepared to admit that some other jurisdictions moved in that area more quickly than Alberta. We did look at the matter carefully over that period of time. We were aware that in large bargaining units, a lot of the benefits sought in connection with maternity leave were in fact being negotiated in collective agreements, and therefore some employees, perhaps a substantial number, were receiving the benefits of this progressive type of thinking in legislation. But it was considered in the last months, both prior to the recent election -- when my colleague who is now Minister of Advanced Education and Manpower had the responsibility -- and since then, that these recommendations should now be made to the Legislature and maternity leave provisions brought forward with the request that the House give them favorable consideration.

The details of the nature of the changes will be provided for in Board of Industrial Relations orders, which is the usual way, and quite a satisfactory way for matters relating to conditions of employment to be dealt with. Therefore, the legislation proposed in Bill 71 is, in fact, the establishment of a framework to allow the passing of regulations, which will be in full detail.

Mr. Speaker, I don't think anything more needs to be said in respect to the maternity leave question, except to acknowledge that there have been a number of groups who primarily present views to government on behalf of women's groups in the province. Their views, of course, are being responded to by this legislation. I'm satisfied that what is being put forward will answer most of the concerns expressed by a number of individual briefs over past months.

Mr. Speaker, the other major area which deserves some attention in connection with Bill 71 is the amendments to Section 163. I think it's worth noting that this section now has a 15-year history in the Province of Alberta. I'm not acquainted with the reasons for introducing it in 1960, as what must have been a significant change to the labor act of that day. But it has stood the test of those 15 years of experience and has, I think, fulfilled its purpose in large measure, in that it has

not brought about most or any of the situations sometimes made the subject of dire predictions on this type of legislation. It is no secret that a number of requests have been made for removal of Section 163. Those requests, I'm sure, were also present at the time it was orginally passed. No doubt it was asked that it not be put in the act at all.

I think the changes now being proposed could in no sense be referred to as being as far-ranging or sweeping as was the change in the act at the time it was first brought in, 15 years ago. Having introduced it into the act in 1960, and having found that it was a workable part of our labor legislation in the province, what is being proposed at present is not an extensive change to the character of that particular section. I think it would be wrong for me to suggest that legislation of this type is not controversial and probably doesn't have some problems that go along with it. But to say experience has shown that it doesn't belong in the labor legislation of the Province of Alberta would simply not be the case.

The government's view in bringing it forward at present is that the changes being made will not increase the number of occasions upon which it is likely to be used, or sought by parties to be used. It's recognized as a provision that should not be used on a frequent basis in any ordinary period in the history of any jurisdiction. In effect, it is provided to allow for unusual situations -- really, for the most extreme and difficult unusual situations. I don't think it can be fully understood without reading it in the context of the entire part of the act of which it forms a part. The sections that follow Section 163 deal with the establishment of a means whereby extremely difficult disruptions in labor-management relations can be resolved when all other methods have failed.

Therefore, I commend that hon. members considering the advisability of amendments to Section 163 note the free-standing positions that follow in the remainder of that particular part of the act whereby the public emergency tribunal is established and an assessment of the dispute and its circumstances made, that by nature of an extreme breakdown in a situation could not be done by the parties and, no doubt, some outside assistance is called for.

In regard to legislation that permits the direction to employers and employees to cease a dispute, the comment is sometimes made that that should be done by the Legislature and not by the cabinet. I suggest, Mr. Speaker, that has some favorable features. It's an ideal. When it's expressed, it's certainly a description of one of the proper uses of the legislative process, but probably doesn't take into account all the practicalities of the situation and the need, as undoubtedly could arise from time to time, for action to be taken somewhat more quickly than the entire Legislature would take it. It also requires making judgment decisions in individual cases rather than entire policy areas. Of course, whether it's better done by the Executive Council or the Legislature is debatable.

But I think a test of the history of any of the orders that could be made under this is likely to show that judgments made by the Executive Council in specific instances are not likely to be less considered and responsive to the need than if the entire Legislature was involved. By passing the legislation in the first place -- and I say again, references to the emergency procedures rather than to the specific amendments we are speaking about today -- the Legislature has itself long since approved the procedure that should be called into play.

Other concerns can be expressed. It can be said that the existence of a strengthened Section 163 will cause parties to fail to bargain in good faith. Employers in particular will be so reassured by the existence of a section with such provisions, they will believe they need not bargain in good faith, and that the collective bargaining process is something they can lightly engage in. If anything really goes wrong, the provincial government will look after things and order everybody back to work.

I wanted to say that is not the history of the section over the past 15 years. I have no anticipation whatever that that would become the history as a result of the proposed amendments. In fact, if they need any warning to that effect, I think parties to disputes should be, in effect, warned by the Legislature on the occasion of this debate that there isn't any easy bailing out of people in difficult collective bargaining situations, and the need for bargaining in good faith is the only way the system will work.

I don't think individual employers should feel any assurance whatever, as a result of the bringing forward of these amendments, that part of the bargaining load will be removed from them. It will not be. I think the government would refuse, as it would have prior to these amendments being made, to get involved in a situation where it appeared that bargaining in good faith had not already taken place. In other words, the grave situation that would call the using of the section into play would have to be bona fide. It would have to be one that actually existed, and not the manoeuvring within the system that could take place, does take place in fact, by both parties in their actual negotiations.

Now I think, Mr. Speaker, there's one more thing I might add at this point that is relevant to the issues of Section 163, and that is I'm not proposing to discuss, in connection with these amendments, the issue of whether strikes are good or bad in individual instances or generally. I think that is a separate debate. It does not relate to those occasions when Section 163, with its very limited potential application, despite its relatively wide terminology, would be involved. Because I recognize this section does relate to some extent to the overall labor relations pic-

ture in the province, in labor relations as a whole what we should be doing at that time, when perhaps the other larger debate does take place about the significance of work stoppages in the economy and in the social structure of our province, is looking for means that management and labor can agree upon as being the ways in which strikes would be rendered less likely than they are today, not a deeper involvement of government if we can avoid that at all -- and I think with good faith on the part of both management and labor we can -- but by seeking those ways which in the final analysis will be alternatives to what seems today to be an unnecessary severity or depth of particular work stoppages in various parts of the country. I need not give examples of what those are.

So my hope is labor relations will continue to adapt to Alberta's changing social and economic scene; that we will indeed find, with the co-operation of management and labor, progressive ways in which other matters can be brought to the bargaining table and handled in a way that isn't tied to some of the mistakes of the past. That will be where we'll make our real progress. That improved climate and atmosphere of labor relations within the province, with the sincere efforts of the parties on both sides, will be the way we will really find alternatives to severe and long-standing work stoppages.

I think those hopes can be realized in time. I for one, and I know the other members of the legislature feel the same way, am most interested in suggestions that give us, as legislators, some guidance in the direction of changing the mood, the procedures to some extent, and the results achievable in the labor-management picture.

Leaving that larger issue aside, Mr. Speaker, I'll conclude by saying I recognize the appropriateness of that debate whenever and wherever it's held. As to the particular provisions of Bill 71, as the amendments are proposed I do commend them to the Legislature as a carefully considered and carefully thought out adjustment in a section of the act which has been for some years a part of the labor relations picture in the province and has, in fact, stood the test of the experience over that time.

MR. CLARK: Mr. Speaker, in commenting on second reading of Bill 71, may I say at the outset that the Minister of Labour has, I think, recognized that he has rather a weak argument with regard to some section of this act. I deal specifically with Section 163.

I appreciate his comments towards the end of his remarks when he talked about improved atmosphere, but when we look at Section 163 and we're trying to talk about an improved atmosphere, if one takes the time to check with the Alberta Federation of Labour or with The Alberta Teachers' Association -- two of the groups that, I think, all members of this Assembly know have some of the gravest concerns about the implications of a section like 163 -- they advise me, and have advised other members before, that in fact there was no prior consultation with these groups at all in dealing with Section 163. So when the minister stands in his place, as he did today, and talks about improved atmosphere in Alberta as far as labor-management is concerned -- it's one thing to say that in the House, but actions speak much louder than words. I'll come back to Section 163 a bit later in my remarks, Mr. Speaker.

I want to say at the outset that, frankly, I was very surprised to see Section 163 in the act. At the outset I'd want to commend the minister for the action as far as maternity leave is concerned. I think that's a progressive step. It's appropriate and certainly has our support.

On the question of flex-time, I think that the changes in this direction are appropriate also. I would like to ask the minister if he could indicate to the House, at the end of second reading when he concludes the remarks or in committee, whether this section dealing with flex-time will deal with the problem of the 40-hour week limit, and 8 hours per day maximum. I cite specifically the situation in some sectors of the lumber industry where they would very much like to work 9 hours a day for 4 days, and then get the rest of the 40 or 44 hours in the fifth day, so they don't have to come back on the sixth day of the week, which has been a long-term problem with the Board of Industrial Relations. I'd like to ask the minister if he could comment in that area in the course of concluding his remarks.

I say I was surprised to see Section 163 in the act, especially when I read the reports of the province's mission to Europe, and when I read of the interest that the Premier showed in this co-determination venture that he looked at in Germany. I'm not advocating that we move with great haste into a complete legislative program of co-determination which would allow employees to have half the members on the boards of various corporations in Alberta. But I think that rather set some sort of frame work, that many people, especially in the labor field, hoped the government would be doing some reassessment in that particular area. I think it is also significant that the Alberta Federation of Labour has presented draft legislation to the government -- as I understand it, a draft labor act -- and to date there has been really no formal response from the government in that particular area.

For the government to come forward with Section 163 -- recognizing that it's a difficult section, recognizing, as the minister said, that it's been in effect in Alberta since 1960 and was used very sparingly by this administration and by the former administration. If my memory serves me correctly, the only time this section was used in the last three or four years was the teachers' strike in southern Alberta. I know there is pressure on the government, from a number of quarters, from time to time, to use this section when a strike is dragged out. But I ask the members of the Assembly to put themselves,

for just a moment, in the position of members of teaching profession, members of organized labor in Alberta. When in fact this section comes in to the session, with no advance discussion with either organization -- and I think it's a rather recognized principle that the government discusses important legislation with those people who are affected, prior to the legislation coming in to the House -- it's very, very surprising that this approach would be taken by the government.

I listened carefully, in the course of the minister's remarks, for some reason that we're changing 163. I hope I would have been prepared to listen. If the minister could outline to the Assembly a number of situations -- or even one or two situations -- that have developed since the new labor act came in about three years ago, why there is a need to change Section 163, then I would like to think I would have been prepared to listen and judge the case on that. Unless I missed it in the minister's comments, he gave us no illustration of the problem that the department or cabinet is facing today.

The concerns expressed to me are that, if we look at Section 163(b), and I quote: "unreasonable hardship is being caused or is likely to be caused to persons who are not parties to the dispute", it's pretty clear that this gives the cabinet the power, by order in council, to stop a strike after it's started if, in its opinion, it is likely to bring undue or unreasonable hardship to people affected by the strike or even expected to be affected by the strike. Now I can't see anything else, other than saying this simply broadens a great deal the power the Executive Council wields in this particular area. Admittedly, it's been used judicicusly since 1960. But for the life of me, I can't understand why the government would be broadening it now without laying any example, any problem, before the Assembly. If the minister had come here and set several situations before us, I think members on both sides of the House would have been prepared to look at them.

I should perhaps also say to members that I was a member of the former government when this particular section was used on the rarest of occasions. In retrospect, I think it was likely appropriate at that time. I would rather urge hon. members, though, to look at the approach the federal government takes as far as this kind of national situation is concerned. I refer my rural colleagues to the approach the federal government used on the grain handlers' strike, basically, calling the federal House of Commons back and legislating them back to work.

If we're really interested in this kind of improved atmosphere that the minister talks about, likely this is the time we should be looking at saying, when we're going to use the strength in Section 163, the reasonable thing is to call the Legislature back into session. If, in fact, the federal government can call the House of Commons back into session from all across Canada, then it certainly isn't impossible for us, in Alberta, to call the Legislature back into session to deal with that kind of legislation if it has to be dealt with. I would really urge the government to reconsider its situation there. Lest someone say I'm rather reassessing my situation, that is indeed the case. In the course of the next year or two, there'll be a number of reassessments in positions that we've formerly been involved in -- and this is certainly one, although not a major one here today.

I would also call to the attention of the members of the Assembly the position taken by the Government of British Columbia, when in fact it used legislation to put people back to work when all other bets failed. I frankly would urge the government to consider that route, rather than enlarging Section 163, as is being done here today.

I'd also urge the minister, in the course of concluding the debate, to give us some specific examples, specific problems, which the department has faced during the period of time he has been the minister, rather than for the minister to say -- and I wouldn't want to misquote him, but I think he said something like, this is a most difficult and extremely unusual situation. In the course of the minister's comments, that was about as close as we ever got to an example. Frankly, I am not enthused about Section 163 as it is before us. We have no reason put forward by the minister, other than to say that it's in the interest of improved atmosphere. If we're really interested in trying to improve the atmosphere, or improve relationships between management, labor and the government, then I would have to say to you, we should start by consulting all groups before we bring in this kind of legislation, this kind of change to The Labour Act.

MR. NOTLEY: Mr. Speaker, in addressing myself to the principle of Bill 71, I noted with a certain amount of amusement that the minister, in introducing the bill, took some trouble to outline the various arguments against the essential services provision of The Labour Act and to attempt to counter those arguments. It would have been somewhat more useful to the debate if he had, as the Leader of the Opposition has suggested, given us some specific examples as to why we need to make what I would suggest, Mr. Speaker, are some pretty substantive changes in the wording of Section 163.

Mr. Speaker, I believe at this time there is almost universal suspicion among working people -- and certainly among the ranks of the organized working people -- about the intent of the federal price and wage policy, that we have in fact wage controls but not price controls. Now is not the psychological time to make any changes in The Labour Act which basically qualify the rights of working people. I suggest to the minister that many people in organized trade unions in this province will see the change as provocation. I'm willing to admit that both the former

government and the present government used Section 163 with prudence and common sense. I'm also willing to admit I have confidence in the ability of the minister to continue to exercise prudence and common sense. But, Mr. Speaker, when we're drafting legislation, we cannot look at it just from the viewpoint of our regard, one way or the other, for the minister in charge of the legislation. We have to examine the legislation itself.

With the greatest respect to the minister, what we see in Section 163 is a very important change. We are substituting "extreme privation" for "unreasonable hardship". Now, Mr. Speaker, I submit to the members of this Assembly that we have to take a close look at what this legislation suggests we do. There's a great difference between the ability to bring in compulsory arbitration if one chooses -- and let's talk facts. We're talking about compulsory arbitration in the case of an emergency situation. There is a very important distinction between compulsory arbitration where you have the (a) and (b), "damage to health or property", which is an admitted problem, "health services", or the distinction between "extreme privation" and "unreasonable hardship".

Now I noticed that when the minister was introducing the bill he mentioned, and properly so, that this section has not been used except on the rarest occasions. But I say to him, in rebuttal, that by substituting the words, "unreasonable hardship" for "extreme privation", we make it much more possible for the government to use this section not on the basis of a genuine emergency, not on the basis of an emergency where the case has to be clear and undisputed, but in the case of a situation where it is much more a shade-of-gray dispute. Mr. Speaker, in my view, it gives latitude to the cabinet which I really can't accept.

Mr. Speaker, we could argue all day in this House about the principle of collective bargaining and whether people should have the right to strike. I have yet to see any evidence that substitutes for collective bargaining with the right to strike are workable. We've had all sorts of suggestions made by politicians around the world. We had the labor court suggested by the late Ross Thatcher in the Province of Saskatchewan. We have the compulsory arbitration used in Australia. When one looks at the alternatives, I think one finds pretty clear and convincing evidence, Mr. Minister, that compulsory arbitration is not a workable substitute for free collective bargaining.

When one talks about improving the free collective bargaining process, when one can examine some of the changes that should be made in the bargaining process, fair enough. No concept is so good it can't be improved. But I suggest to the members of this Assembly that, when we start looking at the range of options, free collective bargaining is still the best choice for settling industrial disputes in our society.

Now I know that the government is under strong pressure by many people in our society who take the simplistic approach of saying: strikes are damaging, therefore, let's eliminate strikes. No question, strikes are damaging. But, Mr. Speaker, we're not going to eliminate strikes by taking away free collective bargaining and the right to strike. All we will have instead of legal strikes is work-to-rule, slow-downs, walkouts, wildcat strikes, and we will find -- and again I say the evidence is pretty clear in my mind, at least -- that where we've gone the route of compulsory arbitration or labor courts, we find just as much time lost as a result of illegal walkouts as from legal strikes in our free collective bargaining system.

Mr. Speaker, it's worth noting that in 1969 the Canadian government Task Force on Labour Relations said, and I'd like to quote, "The acceptance of collective bargaining carries with it a recognition of the right to invoke the economic sanction of the strike and the lockout". Mr. Speaker, what I'm saying is simply this: free collective bargaining is a well-recognized and understandable approach which is highly regarded among most of the trade union movement and, I think, a large number of employers as well. It's an approach which has been recommended. If one reads the UN Declaration of Human Rights or, for that matter, the ILC declaration of 1944, to which this country is a signatory, there is over and over again the recognition of the importance of free collective bargaining.

The point I want to make, Mr. Speaker, is that free collective bargaining, as the Canadian government task force quite properly points out, acknowledges both the right to strike and the right to lock out. Any move to qualify that, to try to find a simpler approach, to attempt to substitute arbitration for the workings of the collective bargaining process, in my view is doomed to failure.

Mr. Speaker, I would like to see us undertake a review of the steps that can be examined to improve the operation of free collective bargaining. In many of the western European countries -- I hesitate to cite the example of Sweden, but I think nevertheless it's a good example of where free collective bargaining has resulted in an era of labor peace, where the right to strike exists, but because of the continuous mediation, because of the ongoing process of discussion between management and labor, and yes, in some of the western European countries, because of the co-determination feature that the hon. Leader of the Opposition cited in his remarks today, there is an era of co-operation which, in my view, Mr. Speaker, would be much preferable to arbitration. So I raise that, because I think it is an important principle.

Mr. Speaker, there are going to be times, however, and I'm willing to acknowledge this as a fact, where the right to strike has to be qualified in the public interest. I think the question we have to debate in this House is: under what conditions do we qualify that right to strike, and who qualifies the right to strike? The

minister, when he introduced the bill, quite properly pointed out that there are many people who argue that the qualification of the right to strike should be made by either Parliament or the Legislature. I point out, Mr. Speaker, when one reviews the labor legislation in other provinces, that to the extent of the investigation we've undertaken there is no other province that has a provision similar to 163. The closest thing to it is in the Province of British Columbia, where the government has the right to bring in a 21-day cooling-off period. But that's not arbitration, that's a 21-day cooling-off period.

I would also point out, Mr. Speaker, that it is quite possible to end strikes that are against the public interest by calling the Legislature together. In January 1975, in the Province of Saskatchewan, as the minister probably recalls, there was a strike by essential service workers working for Saskatchewan Power. The Premier simply called an emergency session of the Legislature in a matter of hours, and sent them back to work. Now, in that case, the right to strike was not qualified by a cabinet order, but by a bill which was duly introduced in the Legislative Assembly, debated, and passed. In the final analysis, the workers went back to the job.

We have the more dramatic example in the Province of British Columbia last October, when the Premier of B.C. called an emergency session of the Legislature. At first, members thought that it was to deal with a truckers' strike in Nanaimo. It turned out that the legislation introduced sent all the workers back to work for a period of 90 days, when there would be compulsory mediation and discussion, not compulsory arbitration, but forcing them back to the bargaining table.

But the point that must be made, Mr. Speaker, in looking at both the example of the Saskatchewan Power strike of early 1975 and the Barrett legislation of October '75, is that it was the Legislature which made the decision. In the case of the British Columbia Legislature, that decision was made virtually unanimously. Only three members -- as a matter of fact, three members of the government caucus -- voted against the legislation. But apart from those three, the decision was made quickly and decisively.

I submit, Mr. Speaker, that it is going to be very difficult indeed for the minister, however suave, sophisticated, and reassuring he is -- and I say that in a sincere and positive way, because I think he presented his case very well -- but no matter how well he presents it, it's going to be very difficult to convince me that consigning this right to the cabinet is a realistic substitute for the Legislature taking its responsibilities when we get into those situations where the public interest must come first.

I think, Mr. Speaker, that if we're going to qualify the rights of people in this province -- and keep in mind that the Alberta Federation of Labour and the people in the labor movement in this province deeply believe that the right to strike is a basic right -- if we're going to qualify that right, the decision should be made by the Legislature.

The test can be the public interest. The test, as you point out in Section 163, may even be in that case, "unreasonable hardship". But it should be the Legislature that makes the final determination. I do not think, Mr. Speaker, that the members of this Assembly are so self-important or difficult to reach that in the unusual circumstance of an emergency arising, we could not be convened in special session within hours, if necessary, to deal with the problem.

Now, Mr. Speaker, those are the concerns I would express on Section 163 of the act. I would just add one additional comment, and say that once again we see legislation which is increasing the scope of cabinet decision. When one looks at this, coupled with the legislation we've already passed on the Public Utilities Board -- no matter how many reassurances we get from the front bench -- as a Legislature, we still have abdicated some of our responsiblity and consigned it to the cabinet in both cases, Mr. Speaker, without a clear and convincing argument as to why we should make that sort of change.

Now, Mr. Speaker, the other point I want to deal with very briefly was the important change regarding maternity leave. Certainly, I support the move in principle; but what does concern me is that we are leaving this matter up to the board. Now, I remember a debate we had in the House in 1973, when we discussed the amendments to The Alberta Labour Act. We talked at that time about the termination clause. If I recall correctly, in committee stage I asked whether it would be reasonable to leave the termination clause up to the Board of Industrial Relations. At that time I was advised that was a most workable thing to do.

The problem, Mr. Minister, is that there still is no workable termination clause, because there hasn't been the board order. What troubles many people in the trade union movement about this maternity leave section, is that it's fine in principle, but if you leave it up to the board -- the board with the consent of the cabinet -- when, in fact, are we going to have maternity leave legislation in the working places of this province?

Mr. Speaker and Mr. Minister, that is not an unreasonable question to ask, because it is clearly one trade unionists are raising at this time. I would just note with a certain amount of amusement that if one looked at the old act before the amendment came in, Mr. Speaker, we find that it would have been possible to grant maternity leave under the pre-1973 legislation. The board had the authority to do that. If the minister wants to review that section, it's not expressly said in so many words, but it is certainly, clearly there. The board could have the power at that time -- before 1973 -- to bring in maternity leave regulations. It is my understanding that the board was even

working on a series of regulations on maternity leave at that time.

So what troubles people in the trade union movement, Mr. Speaker, is that after two years we now have, with great fanfare, the announcement that maternity leave regulations will be forthcoming, but it's going to be left up to the Board of Industrial Relations with the consent of the cabinet. In International Women's Year, we can surely do a little better than that.

Mr. Speaker, when one reads through Bill 71, there are a number of useful changes I don't quarrel with. The principal concern that I must express at this time, as I did in 1973 when The Labour Act was debated in this Legislative Assembly, is that in my view if we are going to qualify the most basic part of the collective bargaining procedure -- the right to lock out or the right to impose the economic sanction of a strike -- then the people who should make that decision are the people in this Assembly who must bear the responsibility, not only in the House, but to the electors who sent us here in the first place.

MR. YOUNG: Mr. Speaker, I wish to address myself to this bill this afternoon. Some of what I have to say the minister will be pleased to hear, and I'm afraid some things which I have to say he may find a bit critical.

Mr. Speaker, it's always difficult to discuss labor legislation without finding oneself either on the side of employers or on the side of the employees, or in a class struggle situation as far as our society is concerned. There are more voters in terms of the employees, so that is the way, from a political point of view, one should always lean.

On the first matter I want to raise, that is the direction I am leaning. I am concerned about the change in Section 23. This is a change I'm having some difficulty understanding. The significance here has eluded me. I think I know what it's about, I hope I know what it will do, but I'm not convinced and that bothers me. I trust the minister will be prepared to bear with me in committee stage until I am convinced on the matter.

I've had complaints and problems from employees who, with the previous legislation, found themselves unsure whether they could work the 44 hours in 5 days, or whether it had to be done in 6 days -- and that, when all over 40 hours is being paid at overtime rates. Now I hope this amendment resolves that matter, but I'm not of sufficient legal training to be sure whether it does. My previous appeals on this resulted, as far as I know, in an unsatisfactory resolution. It was a resolution which was accepted as long as nobody complained. If anyone complained, my understanding was that the weight of a violation would be charged against the employer.

Moving to the next point, I commend what I would regard as more flexibility in the flex-time provision. As the minister indicated, I think [it] has been accepted by our society that a number of employers and employees have been able to agree upon extended hours and fewer days, and that this is a good thing. The one question I would pose with respect to this is whether it might be possible to establish the legislation -- if not now, at least the next time we have the opportunity to review it -- in such a manner that if the employees and the employer voluntarily agree to a flex-time provision, it doesn't have to go before the board for approval, and that if there is dissatisfaction, then the matter can be brought to the board and the situation would have to revert to the standard hours unless approved by the board. It seems to me that this would simplify the administration and make for less government involvement. I think that would be a highly desirable improvement. So, rather than have the expression, "The Board upon application . . . may", provide for the exception where there's dissatisfaction to have application, and then have it automatically revert at the time the application is made.

The third point has to do with maternity leave. The expressions "contemporary legislation" and "progressive legislation" are being volunteered this afternoon, and I agree with that.

I have had some experiences, though, which I want to express to the Assembly. In speaking about it, I think we are looking at the interests of a particular group. There is another group, however, which may be affected.

I would relate to you an incident I am fully familiar with, as it occurred to me when I was involved in labor relations that had to do with a provision for maternity leave in a collective agreement involving teachers. It was a provision probably as generous as what the legislation here contains. By the signed collective agreement the employer was bound to give the teacher in this instance maternity leave of a certain duration on application. No problem with that, except the teacher had very particular and specific qualifications which only one other teacher in a relatively large school possessed. When arriving at work in September, the teacher was quite obviously to the point of pregnancy that didn't require written notice to the school board, although when she signed her application form for employment she was single.

The problem arose because she wanted her maternity leave to commence in November, which happens to be part way through the fall semester. She wanted to return to the school at the end of February, if I recollect, which is part way through the spring semester. She was entitled by the collective agreement to do so, and in fact my advice to the school board was that they had to follow through since they had signed the collective agreement. But their point to me was that what they established as being the greater good and public interest of the students was going to suffer because they had to pull a teacher who happened to possess those particular qualifications out of their school system in another area. So to provide this change actually disrupted about 60 students during the year. I

mention this just so we should be aware that some other interests may at some time be influenced in a negative manner by this provision.

I notice there is a possibility under the legislation for regulations to provide notice, and I believe one exists that the regulations might require the lady to provide notice to her employer of her maternal condition. If carried out, that is a regulation which may have some difficulty of enforcement. I've debated the matter over a hundred times in negotiating collective agreements, and unions are very reluctant to put that in. I would regard it as not very useful in a collective agreement. We've all heard of instances where babies are born when the mother didn't realize that she was about to become a mother until rather late in the pregnancy.

I'd like to address myself next to Section 163. Much has been said this afternoon about this section. It has been expressed that we cannot have free collective bargaining with this section in the act, or it may endanger free collective bargaining. I don't particularly take that point of view. I think we should be talking about free and responsible collective bargaining. It's one thing to talk about free bargaining and it's another thing to talk about responsible bargaining. In most, if not all, instances when this section would be used, irresponsibility in the collective bargaining process should have been demonstrated. As far as I'm concerned, there are instances. We may have witnessed an instance in the recent postal strike, where there was a great deal of irresponsibility. I am sure that many members of that union would have wished the government to put them back to work. I think events with respect to that particular dispute have indicated it was one of those strikes which just shouldn't have happened. So I'm not concerned that this will destroy free and responsible collective bargaining.

One impression I gained from listening to the speeches this afternoon is that there may be a tendency for the parties involved in collective bargaining to throw the dispute to the government, to try to force the government to resolve it. Now any responsible union and any responsible employer will try at all costs to avoid government intervention. My experience in labor relations was that you only sought government intervention when you felt you were on the ropes and were really in a losing situation. There are very few of those because, with due respect to Executive Council and governments, and I should more particularly say to arbitration boards, nobody but nobody knows what an arbitration board is going to come up with until after it's produced its report. Usually it produces reports which are not going to be satisfactory in whole to either party to a dispute.

With the history we have in this province, I would not anticipate a greater reliance on that section, subject to one qualification. That qualification, Mr. Speaker, is the manner in which the section is used by the government. I would expect that there will be great pressure on the government at different times to make use of this section. I hope it will be resisted very strongly, and the impression will be given to the public at large, to employers, and to unions that they cannot expect the government to bail them out just because a situation is a bit sticky. If that impression is gained, and if the government produces that impression by continuing the course of action it has followed both in this and the previous administration, I do not see any great problem with this section causing either the employer or the employees to become irresponsible, in the sense of trying to cause the government to resolve their differences.

Now I'd like to address myself to a concern not contained in the amendments which I would have liked to have seen, if not in the amendments, at least in policy. I'm not really sure whether it could be handled under the existing legislation. Specifically, Mr. Minister, I am concerned with the application of [Section] 13 of the existing statute. It is my view that government has a responsibility to investigate at its expense any possible violations of division 13. It is not realistic to expect a member of a union, who for whatever reason is in the bad graces of the union, to appeal at his expense to the Board of Industrial Relations on a labor violation which that [Section] allows for. It's not very realistic either to expect small unions to appeal against actions of larger unions. Nor do I think it realistic to expect small employers to appeal at their expense against the actions of other unions or -- I can't visualize the situation where an employer would be involved, but at least of other unions.

We've had a case this spring in which a relatively small employer spent about six or seven months on an unfair labor case, in which he charged a union with unfair labor practice, or something under Section 155, if memory serves me. After seven months, the decision of the Board of Industrial Relations was that the International Brotherhood of Painters and Allied Trades, and persons acting on behalf of the said trade union, shall forthwith cease doing acts prohibited by Section 155 as amended.

A relatively weak condemnation, a weak slap on the wrist for that union -- a very, very mild one; nevertheless, in terms of Alberta's industrial relations context, I suspect, a landmark. I'm not aware of any previous decision or incident of that nature occurring. Maybe there were previous incidents, but I'm not aware of them. So, in that sense, it broke new ground and is a landmark case.

I spoke to that employer afterwards. He told me that, disregarding his time and that of his employee, the bill for getting that decision would be somewhat in excess of $10,000. Mr. Speaker, I just cannot visualize how we can or should expect violations of our statutes, when they're of this nature, to be financially pressed by individuals or groups in our society.

I would commend to the minister either

in policy or in statute, that instead of regarding these disputes in a somewhat benign and perhaps umpire fashion, we should take a different point of view, accept them as a responsibility of government, and assert ourselves now in the industrial relations framework of this province, so that violations or complaints will be investigated at cost to the government.

I think we are moving from a relatively innocent stage in industrial relations to a situation where we are what some people would call maturing. Some people call it a sign of a progressive and industrialized society. At least, it's a different situation in industrial relations than we've enjoyed over the years. I think we would avoid much grief by asserting ourselves now, as government, that we intend to make sure the [Section] 13 provisions are followed through and regarded as substantial, as something which should be observed by unions and employers alike.

Mr. Speaker, that is the sum of my comment this afternoon. I'll be exploring some of these matters further at committee stage, and I hope that the minister, with these observations, will be prepared to [inaudible].

MR. TAYLOR: Mr. Speaker, I want to say a few words on second reading of The Alberta Labour Amendment Act. The first has to do with the basic right of striking.

I think many misinterpretations are placed on that basic right today. When a right is given, a responsibility is also given. When the responsibilities are not exercised, the rights should disappear too. We see example after example in this country where strikes are being perpetrated upon the people, where union leaders are not showing responsibility at all. In my view, this is simply going to destroy the right to strike, if it continues.

I think the recent strike by postal workers is a very excellent example of two or three things I want to say. In the first place, there is complete irresponsibility on the part of the labor leaders. For instance, when the labor leaders refused even to let the rank and file have a right to vote on whether they would accept an agreement, who is running the union -- the labor leaders or the people, the rank and file of that labor union? There is no responsibility there. This is a disgrace to collective bargaining, and a disgrace to all labor unions in this country that do show some responsibility.

I believe we are going to have to have some method of controlling irresponsible labor leaders in our legislation. They're not only out to destroy their particular labor union. They're out to destroy the country. Those who get up and support the type of thing we've seen in this country in the last few years are certainly not, in my view, doing the country any service.

I believe in the right to strike, providing there is responsibility on the part of the employer and the employee. I believe in the lockout, where there is a responsibility on the part of the employer and the employee. But I certainly don't agree with the right to strike when innocent people must suffer because of the action of a third party.

When we hold up the actions of the Canadian government and the government of British Columbia, particularly, as examples of how to settle a strike, it becomes almost a laughing matter to me. The Canadian government has been the worst possible example to any government in the world in regard to settling strikes.

A few years ago, the grain handlers went on strike. It went on week after week after week. The federal government sat there, waiting for something to happen. The government was elected to govern. Governments are elected to govern, and they should exercise that responsibility in the interests of the people.

But who suffered from that grain strike? The prairie farmers. We lost our barley market at that time, and we never did get it back. It was grabbed by the Americans. They still have that pearl barley market we lost because of the irresponsibility of a handful of people, compared to the rest of the population of these prairie provinces. We say that's the way to settle a strike, that's the way to handle it, waiting for a federal government that's afraid to take a stand, to call the House of Commons back into action. That's ridiculous. That will ruin the country. We've lost the barley market and we're going to lose other markets, if they don't wake up and assume the responsibility to govern the Canadian people gave them.

Then we talk about the postal strike. Here the government sat on its -- whatever it sits on -- for the last several weeks, while the people of Canada were inconvenienced, while businesses were going bankrupt, while there was complete inconvenience, loss of business, and sometimes loss of investment that will take years to remedy, if it ever can be remedied in some cases, while the government was afraid to take a stand and order the men back to work. No, they didn't want the labor unions to be able to say to them: you took a stand, you interfered with the right to strike.

Why are governments elected? Are they elected to sit there and look, while other people do nothing? They weren't even before the bargaining table for many, many days. And we say that's the example we want in settling strikes? Well, it's not the example I want. It's not the example my people want either. They want a government to take action when people are being forced into hardship, suffering, and bankruptcy because of the action of a few.

When there appeared to be some agreement, the union leaders refused the right of the rank and file of the union to say their say, to vote. These union leaders talk about democracy in government, but they refused to exercise democracy themselves. Every postman, every person in that strike had the right to vote and the right to say. That union is being governed from the top down, not through the rank and file, the very antithesis of democracy. I

think that should be stopped right now in all our unions, make sure our labor legislation is not going to permit union leaders to tell the rank and file what's good for them. It just isn't right. It's not democractic, and it's not right. It shouldn't have happened in this postal strike either.

Another thing, because a man wants to feed his family, has no credit, has no money coming in, he goes back to work. What does the union say? He now loses his right to vote on whether the union will go back, whether the strike is over or not. Again, complete nonsense. Is there no freedom of the individual in this country any more? No wonder in Toronto they burnt their union cards in front of the very noses of some of the union leaders. I wish more people would take a stand like that. This is complete irresponsibility on the part of union leaders. I believe our labor legislation is going to have to control union leaders in this country, so that the union leaders will at least listen to the rank and file, so at least they can have something democratic within their labor unions.

We talk about how Premier Barrett settled the strike. When did he settle it? After month, after month, after month, he finally called the Legislature together and settled the strike. After several homes were broken up because of economic reasons, where there was actual hunger in many of those homes. I've had word from one person over there. If Premier Barrett thinks he did something wonderful in settling the strike after weeks and weeks and weeks of strike, he's got another think coming. I hope the memory of the people of B.C. isn't so short that they let an action on the prices caused by the federal anti-inflation bill . . .

MR. SPEAKER: Order please. I hesitate very much to interrupt the hon. member, but in fairness to other members who are going to be debating the bill, they should perhaps not be drawn into a debate on the principles of this bill which really relates to the failings or faults of governments of other jurisdictions.

MR. TAYLOR: Mr. Speaker, I'm simply using this because at least two other members have referred to them. I want to say -- and I'll bring my remarks to a conclusion on that point, in deference to your ruling -- that I hope we are not using B.C. as an example of how we should settle our labor disputes in this province, because I think Premier Barrett's government sat there and refused to take action for weeks.

The point I'm trying to make is that irresponsible union leaders have to be controlled, and I don't put all union leaders in that category, either. We have union leaders in this province, yes, of American unions -- UMWA for instance -- that have shown complete responsibility through the years. I think they are a credit to the labor movement. [For] these people who are not showing responsibility, there should be some definite action where the rank and file have their say.

Another point I would like to make -- and this is the second point I want to deal with -- is that many times it is the employer's fault -- not always, but sometimes -- where employees are left to go week after week without a contract, and finally, in order to try to bring the thing to a head, they go on strike. I think the responsibility is on the employer. I would like to see something definite. I haven't found anything in here that deals with this point. But I would like to see something definite in our labor act that places some penalty on an employer who deliberately avoids having a contract, because he simply doesn't want to make a decision; he doesn't want to give a raise that appears to be in the offing, or for some other reason.

Surely an employee, whether a teacher, a plumber, or a railway or postal worker is entitled to a contract. He is entitled to a contract. I believe there should be a penalty where employers deliberately plan things so there will be no contract, then week after week after week goes by until the employee has to go on strike. In my view, that is a responsible strike, when an employee does that in order to get a contract to which he is entitled by law.

I would like to deal with the power of unions today. The spirit runs right through this entire labor act. Today we have unions telling men whether they have the right to work or not. In our Bill of Rights, man has the right to work. Today a union can tell you you don't have the right to work, unless you do certain things within their union. I know of a trucker in this very city who is now being refused the work he has done for years, because he belongs to the wrong union. The controlling union says, you can't haul into this plant. Now, aren't unions getting pretty strong when they can take the livelihood away from a man who has spent his lifetime building up a business? Well, I think they are. I just don't think that kind of power should rest with unions -- any union that says to me, you can work or you can't work.

I belonged to the Alberta Teachers' Association for many years, but the ATA could tell me whether I could work or whether I couldn't work. We have compulsory membership in the ATA. If I don't join the ATA, I can't teach school in the Province of Alberta. You know, it's getting to the point where we have to start looking at some of these things: when we talk about freedom of the individual on one hand, then say he can't do this, he can't do that, because some union leader or some union agreement says he can't do it. It just isn't basic to our way of thinking, and to our way of life in this country.

If I have the qualifications and I want to teach school, surely no one in the ATA office should tell me that I can't teach school, if somebody wants to hire me. If a school board wants to hire me and take a chance on my ability to teach the boys and girls in that school, surely somebody sitting in the head office of the ATA shouldn't tell me I have no right to teach, if I have the proper certificate and the

proper qualifications.

We're going too far, and some day we're going to have to face this issue, because year after year we are getting closer to the point where people are getting fed up, completely fed up right to the neck, with unions telling them what they can and can't do. I want to say there is a place for unions. There is a place for unions that show some responsibility, but I hope there is no place in this country for the continuation of these unions that are irresponsible and that are being led by irresponsible people who would like -- if the truth were known -- to destroy our way of life, and destroy responsible government.

Now I come to one other point, and that is Section 163. I have asked not the present minister, but the former minister, to use Section 163 -- and if my memory serves me right, I think the hon. Member for Olds-Didsbury, who's out of the House, did too -- when we had a teachers' strike in that area. I have no apologies for that. The teachers know it, the school boards know it, and the people who re-elected me know it. I did it for a very definite reason, because I saw boys and girls being denied an education.

One boy who had tremendous potential left school. Today he's out in a common laborer's job -- not that there is anything wrong with the common laborer, but he had potential to do something else. He had the intention of becoming a doctor. But week after week went by, and he couldn't stay there and wait for the schools to open, for the teachers to go back. Finally, he had to get a job. Whether he continues his education is questionable. To date he hasn't, because he's two or three years older, and he would now have to go back and sit with people younger than him. It's all right if you can do it, but how many futures of other boys and girls have been jeopardized because school teachers went on strike?

Again, I say there has to be some responsibility. They can't go on week after week with the government sitting doing nothing. In my view, this change to "unreasonable hardship" is a proper one, where unreasonable hardship is exercised on any third parties who are not part of the dispute, who have no part in it, who couldn't settle it if they wanted to, no authority, but they're the ones who suffer. Surely, in cases like that, we can say the government should order them back to [work] and have compulsory arbitration of some type.

I find, as I go from home to home, the people are getting pretty well fed up with governments which say, just leave it to collective bargaining, irrespective of how long it's going to take. This isn't why governments are elected. They're elected to govern. If it had shown a little intestinal fortitude, the federal government could have settled that mail strike five or six weeks ago. But no, it was afraid to take the stand, afraid it wouldn't be re-elected. Well, governments are expected to govern, and they're expected to take the lumps if they make a mistake. But surely they should be able to make a decision.

I'd like to deal with another point dealt with by the hon. leader of the New Democratic Party, when he says it's the Legislature's responsibility. It isn't the Legislature's responsibility. The government is elected to govern. The Legislature wasn't elected to govern. I stood for re-election as an opposition member. The people knew when they were electing me that I wouldn't be part of the government. The government was elected to govern. The government is responsible to the Legislature, and to the people through the Legislature. But the government must take the responsibility to govern, not the Legislature. Premier Barrett could have settled that strike weeks and weeks . . . Pardon me. You don't want me to refer to B.C.

I say the government has the responsibility to govern. I supported Section 163 back in 1960 even though there were strong demands by the labor unions, demands saying this will be used on every possible chance; it will break strikes, it will do this, it will do that. I haven't seen any of those things happen in the 15 years under the former government or the present government. There's responsibility on the part of government, because government must answer to the Legislature, must answer to the people.

Apparently now many union leaders are answering to nobody. They've become a law unto themselves. When we see the things mentioned here -- police, utilities such as gas -- why should there not be immediate ordering back to work if those responsible for the maintenance of gas in our furnaces in 40 below zero weather go on strike? If any of us were in a home like that, we'd want the government to act pronto, not 2, 3, or 4 days ahead. They'd want it done right now. Surely any reasonable person would support that stand. When it comes to the care of the ill, the aged, the infirm, the mentally unbalanced, the senior citizens, those who need other people's help, surely they haven't got the right to strike. Yes, they're entitled to a proper wage, but surely in this day and age we can settle that without going through a withdrawal of services.

I remember being on a workmen's compensation committee the first year I was elected. The police of Edmonton came to that committee and said, we want compulsory arbitration. There's no problem now, but we never want to be in a position where the police can go on strike. We don't want to have that right. I thought that was a very responsible attitude on the part of the city police of Edmonton. I believe Calgary was involved also. Do we want to wait till police go on strike and we have rapes, burglaries, break-ins, robberies, assault, and everything else while we're waiting for the Legislature to be called to settle the strike? Not at all. I don't. If the police go on strike they should be ordered back immediately, and the same with these other essential services.

The previous speaker said it's been used prudently, and we expect a government

to use it prudently. If it uses it unwisely the government will have to take the lumps, because it's responsible to the Legislature and to the people. But the people of this province are expecting better action in this matter of strikes than we've had to date. There's just no reason at all, in this day and age, why innocent third parties should be called upon to suffer, time in and time out, because somebody decides to withdraw his services and sit out there. I believe in the right to strike, but there has to be responsibility on the part of those who strike. There has to be responsibility on the part of the employer and the employee.

I want to make just one final point. If we could deal more definitely with some of the causes that lead people to strike, if we got right down to the root causes of strikes and tried to solve that, we'd really be doing something. Most people go on strike because they're not getting enough to make both ends meet. They're not getting enough to feed, to house, or to clothe their families, and so they ask for more pay. Finally, it comes to the point where they have to strike. If we could correct some of those things, some of the basic needs of our fellow men, I think we'd eliminate the right to strike. I'm hoping that this price and wage anti-inflation legislation will enable the people to expect the prices to be held so they don't have to ask for an increase in wage. If the prices were controlled effectively on the major basics, there'd be very little reason for increased wages at this time.

So, Mr. Speaker, generally speaking I support the labor bill, the amendments here. I do think we have to get tougher in our labor legislation in the interests of, not the labor unions, but the people as a whole in this province.

MR. COOKSON: Mr. Speaker, I'd just like to say a word or two about one particular clause in Bill 71. It won't take very long. I'd like to say, though, I concur pretty well in everything the Member for Drumheller has said, and I'll simply say, ditto, because that will save the Legislature quite a bit of time this afternoon, and it will save me a lot of energy.

I think he made some excellent points. I sometimes wonder, though, whether anybody is listening, because I have this problem, that when we talk about these issues people are either looking up at the lights or down at the floor. The message never seems to get across in government. I think we've reached some point in time where we no longer have equitability between labor and management, and until we take a position as government and show leadership in this area, we're going to continue to have these problems.

Bill 71, The Alberta Labour Amendment Act, deals with a clause on pregnancy, Section 33.1(1). It's a new section in the act, Mr. Speaker. I think it is an important section to be included under The Labour Act, but I wonder sometimes whether we don't tend to write legislation for the employee rather than for the employer. I might suggest to the Member for Drumheller that he might draft some legislation that would deal with the employer. He might call it the employers' act, write in some individual rights for employers, and leave The Labour Act to deal with the employee. I suggest that as a thought. It might rectify some of the problems.

I talked to some employers in my constituency. In our constituency we have small operations, involving only a few people. I remember one I discussed this section with had three young ladies working for him. He said, "What happens if the moon changes and an event occurs on behalf of all three at the same time? I'm going to be left without a staff." I said, "Well, that's the employer's problem." I hope it isn't in this case, but this was the suggestion.

The section makes provision that the board may make an order. I agree with that part of it, because it doesn't make it mandatory. Mr. Speaker, I think any time we can make provision for settlement between an employer and an employee without interference of a third party, government in particular, we should encourage that kind of thing. Every time we write a section into one of the acts, we tend to detract from the responsibility of an employer and employee to come to an agreement. I think the Member for Drumheller touched on this very problem. You know, you belong to an association or a union and you're locked into it.

I wonder sometimes where the individual's rights are in the first place. The individual has the right to quit if he doesn't like the circumstances under which he works. That seems like a reasonable right. The provision in this section, however, tends to concern me in that one part of it says, "subject to such conditions as are considered necessary". In other words, it gives the board the right to write out some order subject to such conditions as are necessary. Now, this may indicate to the minister that a board may write out a condition guaranteeing reinstatement of that person at an equivalent salary, and certainly no less a position. I would hate to think that a board might enter into that kind of agreement with an employee. It really frightens me because, in a situation like this, it becomes very difficult to follow through. There is a period of some four and a half months when that employer is without one or more employees. During this period of time, someone has to replace that employee. If you guarantee that employee reinstatement and a job no less favorable -- I think the Member for Edmonton Jasper Place touched on this with teacher agreements -- you put yourself in an almost intolerable position. I quote Section 33.1(1)(d), that the board may issue an order "governing the manner in which an employee who has commenced maternity leave is to be reinstated by an employer". That again puts the employer in a very difficult position.

My suggestion to the minister is that he might consider some wording to the effect, subject to concurrence by the em-

ployer and/or the new employee. If that employer must employ someone else to replace this particular employee for a four and a half month period, he's going to find it very difficult to find anyone to take the job for that length of time. I think this should be carefully weighed and balanced.

What I'm basically concerned about, Mr. Speaker and to the minister, is that because of individual rights, in writing this we may in fact take away individual rights. In other words, the employer is going to say, projecting ahead, I have to employ someone for this job. If there's a chance that somewhere along the way she may need maternity leave, maybe I'd better have a look at someone else. So it has the reverse effect of making provision for young people, for girls, to obtain employment. It's a worry that I have and perhaps, in summation, the minister might make a comment on it.

MR. SPEAKER: May the hon. minister conclude the debate?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, I won't refer to this as an unexpected opportunity to conclude the debate, but it did take me a little by surprise being called on, what I consider to be suddenly. I do want to say that I enjoyed -- I mean this very sincerely of course -- the various comments made. Hon. members who didn't comment in the House certainly gave me a number of notes to read while others were speaking. So I hope I will not fail to remark on the most important points made by other hon. members.

Just before doing so, one can't believe everything one reads in the press, but it occurred to me that, if my understanding of recent news articles is correct, I might have chosen the occasion now, in speaking for the first time I've had the opportunity since the hon. Leader of the Opposition spoke, to congratulate him on being the fifth leader of his party.

[applause]

The fourth one to sit in the House. And I mean those congratulations very sincerely, Mr. Speaker.

One or two points raised by the hon. Leader of the Opposition were touched upon by others as well. One was the question of whether there was previous discussion with some interested parties before bringing in the amendment. On the whole, the answer was, there was not. The reason is that the views opposed to the section in any form are fairly well known to the government and, I'm sure, to many other members of the House as well.

It seemed to me, as consideration was being given to what I felt to be not an extensive change in the section -- and I'll say a little bit more about that -- that what we had was a simple, frank, open disagreement in a matter of judgment as to what the law should be. The possibility of gaining concurrence by discussion was so small that it was something I would just as soon explain after the event as before. That's the position we're in.

The real reason it should be broadened is that we had had occasions when we looked at that section to see whether it should be used, and one, possibly two occasions -- I didn't check that to be precise -- when it was used. I think it would be easily understood, though, that there were cases where some consideration had to be given to it. We were very happy that on those occasions where consideration had to be given, it wasn't necessary to use the section. However, in the course of considering it, the legal people indicated to us that there were some doubts about whether the section, if it was used, would stand up to challenge in court. Yet these were not extraordinary cases at all. They were cases where one might have expected the section would be brought forward, and some suggestion of using it would arise. It was to get over what are not, perhaps, so much matters of any dispute over principle as difficulties that might arise from the point of view of technical and evidential matters in subsequent court proceedings. We thought what we should have is a section that said what we intended it to say, and there should be no unnecessary difficulty over what it in fact said.

Going on to another point, I just don't agree with the view that the best way is always to call back the Legislature in these situations. I know that some people who are, I think, careful observers of the labor relations scene, and have watched this type of situation dealt with over the years in Canada, have observed that the right to strike in a case where there simply must not be and cannot be a strike isn't a right in any event. It is a sudden, short, sharp disruption which is then made the subject of legislation. Everybody expects that: the parties conduct themselves as if that will be the upshot of it all. So the question of the actual right is not a simple, black and white situation. It's a complex situation. The hon. Member for Drumheller used a number of examples, and others have too, in which it was pointed out that third parties are involved. The complexities of the relationship between the two parties who may appear to be the antagonists maybe aren't the really substantial social issues involved at all. I think that is the important observation to make there.

Now, I want to thank the hon. Member for Edmonton Jasper Place with respect to suggestions he made regarding [Section] 13, and I might say that I think his remarks are interesting and bear further examination. I'm sure that he and I will discuss the generalities of it, having had the opportunity, over some period of the spring, to discuss the specific case that caused him to make the remarks.

I will conclude, Mr. Speaker, by observing that as hon. members indicated, as each spoke, some of the matters they raised were ones that might come up in committee. At that time the opportunity will be there to deal with matters more specifically.

[Motion carried; Bill 71 read a second time]

Bill 69
The Water Resources Amendment Act, 1975

MR. RUSSELL: Mr. Speaker, I think I can be very brief. I'm tempted to say that after having been in labor so long, we could all use a little shot of water.

[laughter]

MISS HUNLEY: Maternity leave.

MR. RUSSELL: In moving second reading of Bill 69, Mr. Speaker, I want to refer to the throne speech of the spring session of 1974. The throne speech contained this statement:

> The Water Resources Act will be revised to upgrade irrigation and management techniques, and initiatives in the management of Alberta's rural fresh water resources will be intensified.

As hon. members know, considerable progress has been made since that time, a considerable amount of work has been put into the bill, and as a result we have these amendments before you.

I think it's safe to say, in speaking at second reading, that the bill deals with two main groups of issues or topics. The first would be with respect to the importance of irrigation in the long-range planning and development of the province, and the second is the importance of the management of our water resources per se.

With respect to the first one, that is irrigation, I think our commitments with respect to substantial upgrading of irrigation facilities and lands in the southern regions of the province are well known. We went through the election campaign this spring with the proposal that we spend $200 million of the Alberta heritage trust savings funds as an investment in irrigation matters.

That proposal seems to have had a good response, and we're going to proceed with that program. As a result, an information bulletin was prepared by the Departments of Agriculture and Environment and was given fairly wide distribution. Discussions have been held with the irrigation boards throughout southern Alberta, and we're now into the phase of preliminary planning and meaningful discussions with those boards. I mention that specific program, because Bill 69 contains some direct references to the upgrading of irrigation and the management of irrigation facilities.

As to the second major topic dealt with in the bill, the overall management of water resources, I want to draw to the members' attention two things that are not contained in the bill, but which we intend to proceed with in any event under other legislation. If hon. members can refer to the xeroxed amendment of The Department of the Environment Act, they'll see a very simple amendment which will permit us to call restricted development areas, water conservation areas, if we want to.

That amendment was carried out in The Department of the Environment Act because all the clauses and procedures that follow with respect to setting up restricted development areas are identical to the ones we would intend to use in setting up water conservation areas. The water conservation area would be used as a unit of management for a particular water resource, whether it's a river or a stream basin, or a particular lake. With that, we would also want to set up water management commissions. The management commissions would have advisory and administrative responsibilities and capabilities, and that concept is also not contained in the amendments to The Water Resources Act. Again, it's fair to say we're able to do that under other existing legislation, primarily The Department of the Environment Act. I did want to bring those two principles to hon. members' attention.

The bill before the members, Mr. Speaker, deals with some other matters. There's a variety of what we call housekeeping amendments. A very important matter that is dealt with is the matter of expropriation rights by licensees of water project facilities. Another important series of amendments deals with powers of the Executive Council and powers of the minister, with respect to such matters as removing illegally constructed works on water courses, or ordering their removal by someone else, by suspending licences, or by taking over and operating works. It also deals with the suspension of licences in times of emergency, as deemed by the Executive Council, and compensation as a result of losses that might accrue from that kind of action.

There's a section in the bill before the members dealing with the ability of the Executive Council to pass regulations, primarily dealing with the classification of water bodies. That's an important part of the legislation that should be read with what I talked about, insofar as water conservation areas or water management commissions are concerned.

Another item I'd like to draw to members' attention is the legislation which is written very much like Department of Municipal Affairs legislation, insofar as the levying of local benefit assessments against landowners who directly benefit as a result of works undertaken.

So that, in capsule form, Mr. Speaker, is the consensus of what appears in the bill. I expect we will go into it in greater detail at the time it's dealt with in committee. In conclusion, it carries out our pre-stated intentions with respect to upgrading the importance of irrigation in the Province of Alberta, and getting a better managerial system applied insofar as the development and conservation of Alberta water resources are concerned.

I commend the bill to the hon. members for their support.

MR. THOMPSON: Mr. Speaker, I would like to commend the government for introducing this bill. I'm sure from this bill that the government realizes the importance of our water resources, and that we must conserve them by careful management.

Our water resources are renewable; but a limited natural resource. Plants, such as ammonia plants and plants for the production of synthetic natural gas, use a large amount of water; and our government must look after the water in the southern part of the province.

Mr. Speaker, every member of this Assembly whose constituency is south of Calgary understands the impact irrigation has on the agricultural industry. It not only increases the yield per acre two or three times, but many specialty crops such as sugar beets, corn, and canning crops could not be grown without it. Irrigation not only helps agriculture directly, but is a very stable base for the whole community.

Four per cent of the land in our province is under irrigation. This 4 per cent produces over 20 per cent of the agricultural produce of the province. It also stimulates secondary industry in an area. For each million dollars spent in the oil industry, one subsidiary industry is started. But in irrigation, for each million dollars expended, four subsidiary industries are formed.

In Section 11 of this bill the provincial government has moved irrigation to third place on the priority list, immediately after domestic and municipal purposes. This shows the importance the government places on the irrigation sector of our economy. With increased use in these areas, along with many more demands, our government must control and manage the water of our province for the benefit of all Albertans.

Mr. Speaker, I thank you for your attention.

[Motion carried; Bill 69 read a second time]

MR. HYNDMAN: Mr. Speaker, I move we call it 5:30.

MR. SPEAKER: I guess I won't have time to put that to a vote. The Assembly stands adjourned until tomorrow afternoon at 2:30.

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