

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: Friday, October 15, 1976 10:00 a.m.

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

MR. LOUGHEED: Mr. Speaker, on a point of privilege, on Wednesday afternoon in the course of describing our two recent cabinet tours, I am recorded by [unofficial] Hansard as having said that the citizens of smaller communities "much preferred dealing and grasping with the problems of growth, [or] declining populations, and fading communities". Such a statement is impossible on the face of it.

I would like it to be recorded at this time that the citizens of smaller communities much prefer dealing and grasping with the problems of growth rather than those of declining populations and fading communities.

head: INTRODUCTION OF BILLS**Bill 66****The Attorney General Statutes
Amendment Act, 1976 (No. 2)**

MR. FOSTER: Mr. Speaker, I beg leave to introduce a bill being The Attorney General Statutes Amendment Act, 1976 (No. 2). Mr. Speaker, this bill proposes to amend several acts of this Legislature, and they are as follows.

The Assignments of Book Debts Act: in this case the principles involved are the introduction of a postponement provision and a provision similar to that in The Bills of Sale Act and The Conditional Sales Act having to do with late filings of those documents.

The second act amended is The Bills of Sale Act, and this provides a postponement provision in that legislation.

The next is The Bulk Sales Act. The significant aspect of this amendment will require the consent to sales under this act only from unsecured trade creditors rather than all creditors.

The next is The Conditional Sales Act, and this again includes a postponement provision, and also amending Section 16 to comply with a similar provision in The Bills of Sale Act introduced at the spring sitting.

The next is The District Court Act. This will create a council of judges similar to the council created under The Judicature Act for the Supreme Court, requiring them to hold certain meetings and report to the Lieutenant Governor in Council.

The next is The Judicature Act. This will increase the number of judges in the appellate division of the

Supreme Court to a total of nine, including the Chief Justice, which will allow that court to sit in three panels of three. It will require that the Attorney General be given notice in other litigation where questions of provincial legislation or the supremacy of provincial legislation may be raised. The next significant aspect of The Judicature Act is that it will validate certain rules of court which may contain substantive law. I will go into that in more detail, of course, on second reading.

The next act is The Partnership Act. This will do away with obtaining of a fiat for late filing.

The Small Claims Act is being amended as well, Mr. Speaker. Essentially this has to do with the jurisdiction of the provincial court, small claims division, and includes increase in that jurisdiction to \$1,000 in actions for debt and damages.

Finally, The Trustee Act is being amended to add an investment provision which is contained in The Trust Companies Act.

Mr. Speaker, this bill is significant for those reasons and for one other: this is the first bill to be introduced to this House from the new computer system Legislative Counsel is now adopting. I would so advise the House, since the members of the House will find that the format and printing of this bill are somewhat different than they have been accustomed to.

I hope they will not be alarmed by a reference to the fact that this act appears to create a statue of the Attorney General. There is a typographical error on page 1. I assure you that this act is not intended to create a bronze image of me. The error was not due to the computer. It was a human error, and we will do what we can to correct that, sir.

MR. SPEAKER: No doubt there would be a shortage of brass for making a bronze image of the Attorney General.

[Leave granted; Bill 66 introduced and read a first time]

Bill 62**The Change of
Name Amendment Act, 1976**

MR. HYLAND: Mr. Speaker, I beg leave to introduce Bill 62, The Change of Name Amendment Act. The principle of this bill is to establish a consistency in family surnames.

[Leave granted; Bill 62 introduced and read a first time]

Bill 63**The Students Finance Act, 1976**

DR. HOHOL: Mr. Speaker, I beg leave to introduce Bill No. 63, The Students Finance Act, 1976. 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.

The two principles in the bill, Mr. Speaker, are the following: the bill proposes to increase the size and representation of the membership of the Students Finance Board. Secondly, it proposes to widen the

scope of services by the board, particularly in the co-ordination of student finance assistance by departments and agencies of government.

[Leave granted; Bill 63 introduced and read a first time]

Bill 65
The Lloydminster
Hospital Amendment Act, 1976

MR. MILLER: Mr. Speaker, I beg leave to introduce a bill, being The Lloydminster Hospital Amendment Act, 1976. The purpose of this bill is to permit the Lloydminster Hospital Board to borrow money through the issue of debentures at a rate approved by the minister. At present the act allows the hospital board to borrow at a rate of only 6 per cent, which at this time is inadequate.

[Leave granted; Bill 65 introduced and read a first time]

Bill 67
The Statutes Repeal
Act, 1976 (No. 2)

DR. WEBBER: Mr. Speaker, I beg leave to introduce Bill No. 67, being The Statutes Repeal Act, 1976 (No. 2). This bill will repeal a number of acts that are now obsolete.

[Leave granted; Bill 67 introduced and read a first time]

Bill 68
The Ombudsman Amendment Act, 1976

MR. HYNDMAN: Mr. Speaker, I beg leave to introduce Bill No. 68, The Ombudsman Amendment Act, 1976. 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 sole purpose of this bill is to provide an interim increase in the salary of the Ombudsman, pending the report of the select committee on The Ombudsman Act, expected next year.

[Leave granted; Bill 68 introduced and read a first time]

Bill 70
The Provincial Parks
Amendment Act, 1976

MR. ADAIR: Mr. Speaker, I beg leave to introduce Bill 70, The Provincial Parks Amendment Act, 1976. The principle of this bill, Mr. Speaker, is to clarify and to provide the ability for the Department of Recreation, Parks and Wildlife or the Department of Energy and Natural Resources to issue dispositions within provincial parks. I should add, Mr. Speaker, dispositions

would cover grazing leases, cottage site leases, and any other use of land within provincial parks.

[Leave granted; Bill 70 introduced and read a first time]

Bill 71
The Surface Rights
Amendment Act, 1976

MR. McCRAE: Mr. Speaker, I beg leave to introduce Bill 71, The Surface Rights Amendment Act, 1976.

The intention of this bill, Mr. Speaker, is to transfer the jurisdiction of the Surface Rights Board when handling expropriations for pipelines, power transmission lines, and telephone lines from The Expropriations Act to The Surface Rights Act. The bill will also enact other changes in The Surface Rights Act which will provide greater equity between landowners and persons desiring the right of entry order, and thereby hopefully improve relations between them.

[Leave granted; Bill 71 introduced and read a first time]

Bill 72
The Hospital Services
Commission Amendment Act, 1976

MR. MINIELY: Mr. Speaker, I beg leave to introduce a bill, being The Hospital Services Commission Amendment Act, 1976.

Mr. Speaker, the purpose of this bill is twofold. First, it will place all employees of the Hospital Services Commission under The Public Service Act and The Public Service Management Pension Act in order that they will have the same rights and responsibilities as the Public Service of Alberta generally. The second principle, Mr. Speaker, provides for the upgrading and strengthening of financial management in relationship to the planning process in the Hospital Services Commission, by providing for the designation of either the finance commissioner or the commissioner for hospital planning, or both, to serve in the capacity of vice-chairman in the absence of the chairman.

[Leave granted; Bill 72 introduced and read a first time]

MR. HYNDMAN: Mr. Speaker, I move that the following bills just introduced be placed on the Order Paper under Government Bills and Orders: Bill 62, The Change of Name Amendment Act, 1976; Bill 65, The Lloydminster Hospital Amendment Act, 1976; and Bill 67, The Statutes Repeal Act, 1976 (No. 2).

[Motion carried]

head: TABLING RETURNS AND REPORTS

MISS HUNLEY: Mr. Speaker, I wish to table the annual report for the year ending March 31, 1975.

MR. RUSSELL: Mr. Speaker, I'd like to file a number of reports with the Legislature. First, two reports prepared by the Environment Conservation Authority in response to a petition from citizens of Hinton: Hydrogen Sulfide: A Bibliography of its Health Effects, Formation, Distribution, and Control; secondly, Health Effects from Kraft Pulp Mill Operations.

I would like to file some other reports prepared by the department. The first is a special report on the GCOS dyke discharge water problem, which we experienced this summer; the Oldman River flow regulations, which have been distributed widely throughout southern Alberta for public comment; the Red Deer River Basin Preliminary Planning Report on Potential Damsites Upstream from Sundre, which was done in response to citizen concerns from that area; and the first annual report of the Oil Sands Environmental Research Program.

DR. WARRACK: I have the honor to table the Department of Utilities and Telephones annual report for the fiscal year 1975-76.

MR. HYNDMAN: Mr. Speaker, I wish to table a reply to Question No. 199 and to Motion for a Return No. 201.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. PURDY: Mr. Speaker, it's my pleasure today to introduce to you and the members of this Assembly some 30 Grade 8 students from the Spruce Grove school. They are accompanied by their teacher, Mr. Massing, and their bus driver Mr. Gary Breithaupt. I would ask that the students rise and receive the recognition of this House.

DR. WARRACK: Mr. Speaker, it is my very great pleasure today to introduce special guests of the Legislature to you and to my colleagues in the House. It's the social studies class, Grades 11 and 12, from Chestermere High School in my constituency near Calgary. They are 40 strong, and they tell me they got up a little earlier than usual this morning in order to be here. They are accompanied in the Legislature by their teacher, Mr. Donald Bryan, who arranged the trip. I'd ask you all to join me in welcoming them warmly to the House.

head: **ORAL QUESTION PERIOD**

Restricted Development Areas

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of the Environment. It concerns the arbitrary and dictatorial manner in which the government announced the [interjections] restricted development area in Calgary . . .

MR. SPEAKER: The hon. Leader of the Opposition will undoubtedly recognize that a preamble of that kind is more suitable during a period in which debate is permitted in the Assembly.

MR. CLARK: Mr. Speaker, my question deals with the manner in which the government imposed the restricted development area around Calgary. My question to the Minister of the Environment is: why were there no meaningful consultations with the city of Calgary prior to the arbitrary announcement?

MR. RUSSELL: Mr. Speaker, I am afraid the hon. Leader of the Opposition has fallen into the trap of believing what he reads in the newspapers and not attempting to find out the facts. As a matter of fact, there were very meaningful consultations with city officials over a number of weeks, involving the Department of Transportation and the Department of the Environment, concerning the element of the transportation corridor contained in the restricted development area. The government made a commitment that that transportation corridor would be protected, and that has been done.

In addition, there were a number of other very sensitive elements contained within the RDA that either directly conflicted or had a complementary problem associated with the transportation corridor. For that reason the decision was made to expand the restricted development area to a width of five miles.

This should come as no surprise to members of the Legislature or members of Calgary city council. The restricted development area had been a matter in the question period at least one year before it was announced. I don't think it was a particularly new idea that was announced at the time.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. With which elected officials from the city of Calgary did the minister meet prior to the announcement?

MR. RUSSELL: Mr. Speaker, I didn't meet with any elected officials of the city of Calgary prior to the announcement. I explained that there were consultations going on at the officials' level between the Department of Transportation, the Department of the Environment, and the city of Calgary administration. Now that was with respect to the transportation corridor element. Insofar as the broad issue of the entire RDA, of course there are reasons why that couldn't have prior public announcement or consultation.

MR. CLARK: Mr. Speaker, just so there's no misunderstanding about the minister's answer. Is it accurate to assume from the minister's answer that there were no discussions between the Minister of the Environment and any elected official in the city of Calgary prior to the government imposing the RDA on Calgary?

MR. RUSSELL: Mr. Speaker, over the period of the year . . .

MR. CLARK: Yes or no, yes or no.

MR. RUSSELL: Mr. Speaker, if the hon. member doesn't want to hear the answer, he shouldn't ask the question.

The city of Calgary elected city council, and the Calgary MLAs have had a series of continuing meetings ever since we were elected, in which a

number of matters of common interest were discussed. I have already commented on the special attention that was given to the transportation corridor. We had discussed our concerns about proposed massive annexations, the sour gas field problem, the expansion of the international airport at Calgary, plus a number of other items. Based on those discussions, the cabinet decision with respect to the five-mile RDA was taken. For obvious reasons that could not have had prior public discussions. So the answer is no.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Is the minister in a position to indicate whether there were discussions with any elected officials in the city of Edmonton prior to the announcement of the restricted development area, either the initial one in Edmonton or the recent one?

MR. RUSSELL: Mr. Speaker, the two situations are substantially different in that the Calgary RDA was put in place all at once, whereas the Edmonton RDA was put in place over a series of years.

With respect to consultation that occurred with the city of Edmonton, there was on the last leg — that is the southern boundary. The cabinet had made a decision, which was not made public. The city of Edmonton then requested us to put the RDA into position there. There were discussions by my colleague the Minister of Housing and Public Works with respect to the effect this would have on future land development and housing areas, and there was discussion to that extent.

MR. CLARK: Mr. Speaker, one last supplementary question to the minister. What led the government to the conclusion that in fact they could trust the city council in Edmonton to have input on the final decision of the restricted development area around Edmonton, yet the government couldn't trust one elected official in Calgary before that announcement was made?

MR. RUSSELL: Mr. Speaker, there was no inference of trust in any of our actions or statements. If that's the way the Leader of the Opposition wants to interpret the situation, I think he should explain that to the two cities involved.

MR. MANDEVILLE: Mr. Speaker, one supplementary question to the minister. Is it the intention of the government to purchase any of this land in the restricted area of Calgary or Edmonton?

MR. RUSSELL: I'm sorry, Mr. Speaker, I didn't catch every word. Was the question, is it our intention, or have we purchased land?

MR. MANDEVILLE: Is it the intention, Mr. Speaker, for the government to purchase some of the land in the restricted area?

MR. RUSSELL: Mr. Speaker, the situation with respect to each parcel of land is judged and based on its own particular conditions.

There have been substantial land purchases in the Edmonton RDA, to date approximating about \$17 million. This is for purposes of acquiring and protect-

ing the future transportation and utility corridor.

With respect to the city of Calgary, we said at the time of the announcement that it is not our intention to purchase land in large pieces throughout the restricted development area, but we would have the same concerns with respect to the transportation corridor element that forms a part of that RDA. So I'm assuming that under those conditions, there will be some purchases in a similar manner in the Calgary region as there have been in the Edmonton one.

MR. PURDY: Supplementary question, Mr. Speaker, to the minister. Have any of the lands in the Edmonton RDA been returned to the landowner or taken out of the restricted development area?

MR. RUSSELL: Yes, Mr. Speaker, there have been situations whereby, upon detailed analysis of the specific application for development, it has been possible to either alter or lift the RDA notice on the title or, in one or two cases, solve a problem by means of a land exchange.

Petrosar Feedstock

MR. CLARK: Mr. Speaker, I'd like to direct the second question to the Minister of Energy and Natural Resources, and ask him to relate to the House the sequence of events that took place once the province made the decision that the Petroleum Marketing Commission was not to deal with Petrosar. When did these events take place?

MR. LOUGHEED: Do you want him to deal with them, Bob?

MR. GETTY: Mr. Speaker, since the Premier announced that, maybe the question should have been directed to him.
[laughter]

Mr. Speaker, as all members know, the Government of Alberta has felt, as stated in the House by the Premier in 1974, that the development of the Petrosar project would present very dramatic problems for the development of the petrochemical industry in Alberta, and that we did not like the idea of shipping subsidized low-cost oil to Sarnia for a development with which, in fact, we would then have to compete. With that knowledge, Mr. Speaker, I think it should be clear that the Government of Alberta is not then going to do anything that would make it particularly easy for Petrosar to compete with us. Therefore we have told them that they will not be approved as a purchaser of Alberta crude oil from the Alberta Petroleum Marketing Commission.

MR. CLARK: Mr. Speaker, we agree with what the minister says. We would just like to know when it was done. Was it done this Wednesday in the House when the Premier announced it here?

AN HON. MEMBER: Right here.

MR. GETTY: Well, that's where it got most attention, Mr. Speaker. The decision was made some time ago, Mr. Speaker, in the cabinet committee and at

cabinet's briefing. Then, Mr. Speaker, the marketing commission advised Petrosar.

Foreign Purchase of Land

MR. NOTLEY: Mr. Speaker, I'd like to direct my question to the hon. Attorney General. This concerns the first report on foreign ownership monitoring in the province of Alberta. Mr. Speaker, my question to the Attorney General is: can he advise the House at this time how many exemptions were granted under that provision of The Land Titles Amendment Act of 1974 which allows the Attorney General to exempt corporations?

MR. SPEAKER: With great respect, the hon. minister will undoubtedly know how extensive the answer needs to be. It would appear that that kind of question seeking details should go on the Order Paper.

MR. NOTLEY: Mr. Speaker, perhaps I could rephrase the question. Does the minister have any statistics he could provide the Assembly with at this time?

MR. SPEAKER: The Order Paper is also eminently suited for seeking statistics.

MR. NOTLEY: Mr. Speaker, perhaps I could rephrase the question again. In light of that particular provision and the report the minister released over the summer, have any specific guidelines been developed by the Government of Alberta in granting exemptions under that particular provision of the act?

MR. FOSTER: Mr. Speaker, first of all I would be quite happy to provide the detail requested. I think it's important, and we can certainly do that.

The exemptions are not reflected as exemptions to the reporting system. You have all the statistics, and the presence or absence of those exemptions, Mr. Speaker, wouldn't have made any difference to the statistics that have already been made public. But I'd be happy to get that material and provide it for the member.

MR. NOTLEY: Mr. Speaker, a supplementary question to either the hon. Attorney General or the hon. Minister of Agriculture. Has there been any preliminary assessment on the impact of foreign land buyers on the values of land, prime agricultural land, in the province of Alberta?

MR. MOORE: Mr. Speaker, the only assessment we've been able to make is a comparison of land value increases between the province of Alberta and other provinces. I believe I indicated that at the time we released the monitoring results, increases in agricultural land prices in Alberta where we did not have legislation that prevented purchases by foreigners was less than the comparable type of increases in the province of Saskatchewan on agricultural land where in fact they did have some very strict controls with respect to purchases by foreigners and non-residents, leading to the conclusion from those kind of figures, Mr. Speaker, that indeed the largest impact on agricultural land prices comes from within

Canada or from within Alberta and neighboring provinces as well.

Our conclusion is, quite frankly, that foreign purchases of agricultural land have not to this point in time had any significant effect on land prices. One has to be concerned though, as was indicated by the Premier and others, that that could very well change.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. In light of Bill C-20 being given Royal Assent on July 16 — that's the change in the Canadian Citizenship Act — is the Premier in a position, Mr. Speaker, to advise the Assembly what the obstacles are, at this point in time, to the Government of Alberta proceeding with provincial legislation?

MR. LOUGHEED: Yes, Mr. Speaker. The situation is that I've received a communication from the Prime Minister on the subject, and it deals with some of the complexities that I referred to in the House last fall and during the course of the sittings last spring.

I haven't yet cleared the concurrence for making that letter public. I'd like to do so before commenting further upon the matter.

Payment of Grants

MR. TAYLOR: Mr. Speaker, my question is to the hon. Provincial Treasurer. A very short explanation is necessary first. Many municipalities and school boards have had to go to banks for short-term borrowings in order to finance their operations while waiting for grants to reach them.

Has the government found or is the government seeking a method whereby the grants can be in the hands of the school boards and municipalities at an earlier date in order to avoid these short-term borrowings?

MR. LEITCH: Mr. Speaker, I can call to mind some steps we have taken to speed up the payment of funds to various agencies, municipalities, and bodies that are funded substantially by the provincial government. But to give a complete answer to the question I would have to check on the detail. I'll do that and respond later in the House.

DR. BUCK: Mr. Speaker, a supplementary question to the Government House Leader. In light of the fact that there are some problems with financing because the grants arrived at the school boards in the municipalities a little late in the year, has the government given any consideration to moving the spring session up, a month or so to get the provincial budget passed sooner so the boards can receive the moneys earlier?

MR. HYNDMAN: Not at this time, Mr. Speaker. Over the last two or three decades the session in this province has started from roughly the end of January to the middle of March, and I would think that general time line would continue.

School Transportation Funding

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Education. Has the minister met with the parents of Calgary rural school division No. 41 to discuss some of their concerns, particularly the new busing fee of \$25?

MR. KOZIAK: Yes, Mr. Speaker. As a matter of fact, during the course of our southeastern Alberta cabinet tour I was able to meet with parents at a couple of schools within Calgary school division No. 41, at which time the matter of busing and the possible charge of a fee was raised by the parents.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Can the minister indicate what solution to the problem has been brought forward?

MR. KOZIAK: Mr. Speaker, as all hon. members are aware, a new rural transportation funding plan was brought into effect during the course of the 1976 year. School boards were given two options. During the course of the first part of the year, January to June, they were entitled to receive either the compensation under the new plan or 111 per cent of their previous entitlement. Some jurisdictions chose the option of receiving 111 per cent for the first six months. Others chose to be funded under the new plan.

With respect to the portion of the year commencing September 1, of course all school jurisdictions were required to come under the new plan for their funding of rural transportation. The rural transportation [plan] provides for a system of funding which is equal for all boards, not in terms of dollars but in terms of the application of the formula.

Certain jurisdictions are treated differently, it seems, as a result of individual circumstances, and Calgary school division No. 41 is one we're particularly interested in. It has been chosen for a special study. A special study is being developed for Calgary school division No. 41 to see how, in fact, the rural transportation plan affects that school division because of its peculiar circumstances.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Is the minister saying that after the study is completed there's a possibility that extra funds will be made available to this particular school division?

MR. KOZIAK: There'll be no adjustments nor extra funds available to any jurisdiction under the rural transportation plan during this fiscal year.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Is the minister then indicating that Albertans will be open to a selective type of taxation? If a child is going to school through a different means, we can have a new form of taxation in Alberta?

MR. KOZIAK: Not at all, Mr. Speaker. I think that what we appreciate here, and I'm sure that the hon. Leader of the Opposition appreciates, is that in the area of delivery of school services in this province, school boards have certain areas of jurisdiction

where they're autonomous. That autonomy extends . . .

MR. CLARK: Getting smaller all the time.

MR. KOZIAK: . . . to a decision as to which bus drivers will be hired, whether the services will be provided by contract, whether the services will be provided by school-owned buses. That autonomy extends to a decision as to what will be paid to school bus drivers, what will be paid on the purchase of school buses, what routes are assigned for the pick-up and delivery of students — many areas which in fact ultimately affect the cost of the rural transportation plan. On that basis, a jurisdiction is well entitled to provide a system of transportation which is more expensive in one area than another. That may well be one of the reasons the costs in one jurisdiction may be proportionally higher than in others.

MR. R. SPEAKER: Mr. Speaker, supplementary to the minister. Can we as citizens of Alberta expect that when the school boards can't pay their bills, we'll receive a note home with our students saying, send \$25 or you can't go on the school bus? Is that the new form of taxation?

DR. BUCK: That's what's happening.

MR. KOZIAK: Mr. Speaker, you can't have it both ways. Either we are or are not in agreement with the system which now exists, in which school boards throughout the province have a great deal of local autonomy. If the hon. member is suggesting, as his remarks tend to lead me, that we should be taking away from school boards certain areas in which they are now autonomous and provide for a provincial level of control, then perhaps I don't feel I can agree with him.

However, the important thing to remember is that school boards, in addition to having certain areas of responsibility, are also given certain rights of taxation. They are entitled to approach their electors and impose a supplementary requisition to pay for the services they perceive the electors want. Now it seems that in the . . .

MR. SPEAKER: With great respect to the hon. minister, the discussion, as I may describe it, of the last few moments very much resembles what goes on on a Tuesday or Thursday afternoon with a resolution on the Order Paper. Perhaps we could eliminate any possibility of a rebuttal by going on to the next question.

School Funding

MR. NOTLEY: Mr. Speaker, I wonder if I could ask one supplementary question, in view of the minister's flowing eloquence on local autonomy. Mr. Speaker, in the light of the minister's answer about local autonomy, is the government now prepared to do away with the provision or the opportunity for a referendum if the increase in a supplementary requisition is above the prescribed amount?

MR. KOZIAK: Mr. Speaker, of course, that has no bearing on local autonomy. Under the present circumstances, really what happens is that a school board, if it wishes to exceed the 11 per cent increase in the supplementary requisition, passes a by-law. That by-law is then advertised. It's the people in the jurisdiction who decide whether or not the excess will be provided. That's local autonomy in its greatest form.

MR. FARRAN: How much more local can you get?

MR. SPEAKER: Might this be the final supplementary on this subject. We have a number of members waiting to ask their first question.

DR. BUCK: Mr. Speaker, may I ask a supplementary question to the hon. Minister of Education. Has the minister received any representation from some of the school boards that are in financial difficulty — if the school boards, under The School Act, are in fact able to assess a fee above and beyond the taxation fee, and as the hon. Member for Little Bow said, if a note comes home saying, you will bring \$25 with your next lunch to give to the teacher, otherwise you can't come to school — have representations on this matter been made directly to the minister?

MR. KOZIAK: Mr. Speaker, I am not clear as to the question. Has there been representation from school boards asking whether or not they have the authority to impose an additional fee?

Mr. Speaker, I've had isolated inquiries from parents and individual trustees, but I don't recall inquiries by boards themselves. The boards, of course, are aware of the contents of The School Act, which permits boards to charge fees in the areas of tuition, the provision of supplies, books, materials, and transportation.

Native Housing — Faust

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Housing and Public Works. Has the final purchase agreement been signed by the residents of the community of Faust who are going to purchase rural native housing?

MR. YURKO: Mr. Speaker, negotiations have been going on for the last several weeks in this area. I do know some are rented. I am not sure any have been purchased in the Faust area. I would have to check and provide the most up-to-date information to the hon. member on this matter.

Heavy Crude Oil Market

MR. MILLER: Mr. Speaker, I would direct my question to the Minister of Energy and Natural Resources. In view of the lack of markets within Canada for Lloydminster heavy crude, will this government or any of its agencies be presenting a brief next week to the National Energy Board stressing the need for extra export permits specifically for this type of heavy crude? I might add, Mr. Speaker, that the lack of

markets has resulted in the shutting down of over 500 oil wells in the Lloydminster area.

MR. GETTY: Mr. Speaker, the government and the Department of Energy and Natural Resources follow the general guidelines established by the Department of Federal and Intergovernmental Affairs in that we don't deal with a federal board but rather present our views as a department and as a government directly to the federal government. This is the case with this energy matter as well.

However, the Alberta Energy Resources Conservation Board, being one of the most respected, knowledgeable organizations in the energy business, will be providing facts to the National Energy Board regarding the Lloydminster crude oil marketing problem and will also be suggesting some solutions to the National Energy Board.

Home Improvement Program

MR. GOGO: Mr. Speaker, my question is to the Minister of Housing. The other day the Premier reported on the tremendous increase in available new housing for Albertans.

My question to the minister is: does the government have a policy or program whereby Albertans who now have their own housing but find it necessary to make alterations, repairs, or to modernize and can't do so at the prevailing or conventional interest rates can borrow?

MR. YURKO: Mr. Speaker, the government has a number of programs which involve grants for home improvement. It also has a fairly substantial program in terms of providing loans for home repair at somewhat reduced interest rates. It's called the home improvement loan service, provided by the treasury branches of Alberta. The treasury branches provide home repair loans up to \$6,000 per person. The interest rate is 10 per cent for loans up to two years and 10.5 per cent for loans between two and five years.

Auto Inspection

DR. BUCK: Mr. Speaker, I'd like to address my question to the hon. Deputy Premier. This arises out of the meeting of the Alberta automotive dealers' association with members of government. I'd like to know, Mr. Speaker, if the minister can indicate whether the government is contemplating or has done any study into reinstituting vehicle testing.

DR. HORNER: Mr. Speaker, it's not our intention to reintroduce total compulsory vehicle inspection. However, we are looking at the question of mandatory vehicle inspection on the sale of used cars.

Petrosar Feedstock (continued)

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Energy and Natural Resources. It flows from his answers today with

respect to the question of Petrosar, posed by the hon. Leader of the Opposition.

Is the minister in a position to advise the Assembly whether PART 3 of The Petroleum Marketing Act has in fact been proclaimed, in view of the fact that this would constitute inter-provincial trade in oil?

MR. GETTY: No, Mr. Speaker, PART 3 has not been proclaimed.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is the minister in a position to advise the Assembly what the approach will be of enforcing the decision of the Alberta government not to supply Petrosar with oil? Is there any way, in fact, of doing that?

MR. GETTY: Well, I'm not sure whose position he's referring to, Mr. Speaker. The position of Petrosar now is that they will have to find someone other than the Alberta Petroleum Marketing Commission to buy their oil from.

ORDERS OF THE DAY

head: GOVERNMENT MOTIONS

2. Mr. Lougheed proposed the following motion to the Assembly:

Be it resolved that this Assembly approve in general the operations of the government since the adjournment of the spring sittings.

[Adjourned debate: Mr. Clark]

MR. CLARK: Mr. Speaker, I welcome the opportunity to take part in what has been referred to as the state of the province debate. I think it provides an excellent opportunity for a number of members to discuss government action or government inaction, depending upon your point of view, in the course of the period of time since the Assembly adjourned.

It's not my intention today to spend a great deal of time in the course of these remarks being critical of things the government has or has not done. Moreover, it's my intention, Mr. Speaker, to present what I would refer to as an opposition viewpoint on behalf of my colleagues the Member for Little Bow, Mr. [R.] Speaker; the Member for Bow Valley, Mr. Manderville; and the Member for Clover Bar, Dr. Buck, looking at what has taken place in this province since the last session of the Legislature adjourned in the spring. We want to go at it from the standpoint of checking up, of looking into the thinking processes, the thoughts and, more important, the general attitude of this government as they relate to a number of areas of provincial importance.

I think it is fair to say that we have done some checking up since the Legislature adjourned in the spring. We have done some checking up in the area of ministerial accountability and ministerial responsibility. We have done some checking up on the non-accessibility of this government to local governments in this province, and to groups which logically

should be able to meet with the government on a reasonable basis. We have done some checking into the area of government secrecy and government availability of information.

I should say to members on the government side that we also have done some checking up in the area of government growth, and I plan to deal with that area further on in my remarks today. And we have done, and will continue to do, more checking up in the area of the government's attitude towards local governments in this province. In fact, later on in my remarks I plan to spend a few minutes on the very important matter of the state of local government in this province as we see it here in the fall of 1976, five years into the reign of the Tory administration.

It is fair to say that we have done some checking up in the course of the last number of months. I say to the members in the cabinet that we are going to be doing a great deal more checking up in preparation for the spring session, and there will be a great deal more to come in the course of this session.

My remarks today can be broken into basically four areas. First of all, some general comments with regard to the Premier's state of the province [address]: secondly, some remarks with regard to where do we go after March 31, 1977, as far as Alberta's participation in the anti-inflation program is concerned; thirdly, the area of the status of Alberta's local governments; fourthly and finally, the area of the big provincial government in the province of Alberta. But I emphasize that we will try to do this from the standpoint of the attitude of the government; what must the government be thinking to be moving in some of the directions that we see them moving?

Mr. Speaker, I say at the outset to the members of the government, our job isn't to come to the Assembly and pat you on the back. It may surprise you, but there are some areas where I think the government has done a reasonable job in the course of the last number of months. It's not really our job to come here and tell you what fine people you are, because I think you are overtrained in that area.

So we now move into the area of the Premier's report. I left the Legislature Wednesday afternoon, after the Premier was finished, with the feeling that the Premier and at least some members of his government perhaps were somewhat down in the mouth, if I may use that term: down in the mouth from the standpoint of a recognition of some of the world problems that have an impact on this province; down in the mouth also recognizing that dealing with the federal government is a hard, slow, sometimes no-progress situation.

Towards the end of his remarks the Premier talked about Alberta having a period of prosperity for the next 10 years and that during the next 10 years it was important that we broaden the base within this province. We certainly can agree with that, but it seems to me that an ingredient that is so very vital in this next 10 years is the ingredient of the politicians of the government of the day levelling with the people of this province. You know, let's not tell Albertans how we should be able to get money from the federal government and get out of these beastly cost-sharing programs, and expect the federal government to transfer lump sum money to the province of Alberta. That's a great argument, and a position that this government inherited from the former administration.

We agree with you there. But isn't this the time when we should be looking at applying the same argument to the problems of Alberta's local governments?

DR. BUCK: Hear, hear.

MR. CLARK: If the argument is now as valid as it appears in the 1970s, given the development of municipal governments in this province, isn't this the time — when we're trying to convince Ottawa that they should move in that direction, wouldn't we have a much stronger argument with Ottawa if we were to say, in Alberta we're prepared to move in this direction as far as local government is concerned.

MR. NOTLEY: Agreed.

MR. CLARK: So when we talk about the future of this province and look a number of years down the road, I say to the members of the government side that if we're prepared to level with Albertans, if we as members of the Legislature are prepared to take them into our confidence, if we as MLAs are prepared to really level with Albertans about the challenges, the difficulties, and the aspirations we have for the future, this province can be a great province well past 10 years from now. Indeed, it's got a great future.

In the course of the Premier's comments, he talked about special interest groups. I don't have the exact terminology with me, but he referred to special interest groups who, he implied, expressed their own point of view. We've had special interest groups in this province for years. We're going to have special interest groups in this province for years to come, hopefully. It shouldn't surprise any government that special interest groups are going to present a particular point of view. But the important thing is, Mr. Speaker, they should have that opportunity to present that point of view, and that point of view should be part of the overall decision-making process which the government uses.

In the course of the Premier's comments when he referred to special interest groups presenting just their particular point of view, I got the feeling that a little bit of the 'nixonian' attitude was creeping back into this government. I guess it was Spiro Agnew who implied that anyone who didn't agree with the president was against America. Surely we're not trying to develop the attitude here that anyone who doesn't agree with the government is against Alberta or what's good for Albertans.

Thirdly, as a result of the Premier's comments I'd say to the government that it's high time we started getting some straight answers in this Assembly and outside. We go through the question period every day. It isn't very difficult for a minister who really doesn't want to answer a question to beat around the bush. We saw that today with the restricted development thing in Calgary. We saw that the first day the House opened with the very important question of revenue sharing.

It seems that now is the time for some straight talk, some straight answers, and some straight indications of where we are really going. We in the opposition remember rather well the government's attempt last year to stonewall our investigation into the Alberta Export Agency. We recall well the hassle here in the

House on April 6, I believe, when the member from Brooks tried to get some information, a list of the companies that had dealt with the Alberta Export Agency last year. After a wrangle in the House and the Minister of Government Services becoming quite excited, the motion was batted down, stonewalled by the government . . .

DR. BUCK: They didn't have any money to give away.

MR. CLARK: . . . on a standing vote. Certainly now is the time for some straight answers. Even with the Export Agency, after the problems the government has had in that area, it wasn't long ago that the write-off for Canadian Cane came out through orders in council. It was extremely difficult to find out how much interest was involved in that little portion of the order in council that said "accrued interest". It was almost like shaking the Treasury Department to find what accrued interest was.

Mr. Speaker, then we move on to the Export Agency itself. We will certainly have more to say about that in the course of this session, especially in Public Accounts. But it was amusing, to say the least, when the Premier talked about overall government reorganization. We talked about the appointment of the Member for Wetaskiwin-Leduc as an associate minister. We talked about the movement of the 4-H program back to the Department of Agriculture. But likely the biggest flurry of reorganization in the government during the summer was an attempt to hide the Export Agency. We never heard a word about that. The Premier made some references to some losses . . .

MR. NOTLEY: And set us up for some more.

MR. CLARK: . . . and indicated to us that, yes, we could expect some more. And if you dare question these losses, you're against Alberta.

That's our job over here. It's our job to see that the people of this province know what's happening to their money. I hope we've heard for the last time in this Assembly that because we question what the Export Agency is doing, we're against foreign markets; and because we question investments in agricultural processing plants, we're against agriculture in rural Alberta. That kind of stuff we can do without. It's pretty cheap and superficial.

Mr. Speaker, we move on to the situation with regard to housing in the province. The Premier was very generous in his praise of the Minister of Housing and Public Works. I think in one of my perhaps weaker moments in the Assembly, I've done the same thing. The Premier mentioned there have been many more starts in Alberta than in previous years, many more starts than in other areas in Canada. I simply say to the members of the Assembly: why shouldn't there be? It's well recognized that the economy in this province is the strongest in Canada.

But when we look at housing starts we also have to think in terms of affordability. What portion of our population can afford the houses being built today, and what portion of our population can't.

In trying to understand how the government thinks, what their overall attitude is, I come to the reluctant conclusion, the very reluctant conclusion, that the government has quietly adopted that portion of the

Land Use Forum's report that really says the days of individual home ownership are over, that that's no longer a viable approach. That's basically what the Land Use Forum talked about in a part of its report.

I had hoped that in the course of the Premier's comments we would have heard an unequivocal statement from the government, that that's another one of the recommendations we don't buy in the Land Use Forum's overall scheme of things.

Today my colleague the member from Brooks raised the question of the housing situation at Faust. One of the staff from my office was up to that area this summer. Perhaps we can best summarize the situation by saying this — and I would encourage any member of the Assembly who's in the area between Slave Lake and High Prairie to stop in at Faust, to have a look at the situation.

MR. YURKO: Or McLennan.

MR. CLARK: Or McLennan too, you're right. It is a very, very sad commentary.

Just for the benefit of hon. members, you find a situation where you have cement pillars in the ground and houses put on top of those cement pillars with one piece of plywood as the floor on top of the beams. In one or two cases the pillars are even put in areas that flood. There likely isn't a member in this Assembly who would expect any member of his family or any person who worked for him or associated with him to live in those kinds of houses. You know, some people in this Assembly have the idea that the people at Faust should be thankful they're getting these houses. They're not getting them; it's no gift. They're buying them for \$30,000.

Between the federal and provincial governments, \$6.6 million was allocated for rural and native housing programs in Alberta in 1975. Only \$800,000 of that was expended. Yet how often in this Assembly have we heard the priority this government was going to place on the problems of the native people.

I wasn't going to get involved in this question of our tours across the province for a few minutes, but just let me say this to the Minister of Housing and Public Works: the message we get in talking to rural governments — and it's a regrettable message in northern Alberta, eastern Alberta, and northwestern Alberta — is that if you can possibly stay away from the bureaucratic nightmares in the Alberta Housing Corporation from the standpoint of land development, you'd be very, very wise to do it. That's a sad commentary. I simply say to the minister [that he] ask a number of his MLAs to go and talk very bluntly and very straightforwardly to their town councils, and they'll tell you some of the problems.

Back to the situation at Faust, I think we can best summarize it by saying the people were not provided with enough information, their wishes were not listened to, their advice was not heeded, and they were generally made to feel as though they did not matter in the whole process of building the houses for them. For the most part these houses were built on land these people own or lease, supposedly houses for them. These people were not provided with enough information, their wishes were not listened to, their advice was not heeded, and they were generally made to feel as though they did not matter in the

whole process.

Now I ask you: what can be the reason for this kind of attitude, this kind of overall government thinking? Yes, it's time for some straight answers to Albertans. It's time for some straight answers as far as special interest groups in this province are concerned. It's time to remove the stone wall around the remnants of the Alberta Export Agency.

It's time to get out of the ridiculous kind of situation that's happened in Calgary with a restricted development area. I don't quarrel with the possible need for some government action in and around the city of Calgary. But after five years of Tory administration, Mr. Speaker, the imposition of a restricted development area around Calgary without one iota of consultation with the elected representatives is a complete admission of failure of this government's urban policy. There's just no other way you can look at it.

When we talk about housing, it's time for some straight answers about where we stand on the recommendation of the Land Use Forum, that individual housing isn't going to be an obtainable objective in Alberta in the future. Where do we stand about straightening up the mess at Faust and McLennan. Far more important, what are we going to do about those kinds of situations in the future?

Just to conclude my comments about the general tenor of the Premier's speech, I rather have the feeling that what we're doing now in this Legislature is kind of drawing the chuckwagons a little bit closer around the campfire. Only it isn't the people who are supposed to be shooting arrows who are out there. It's the people of Alberta trying to get information, trying to know what's going on. The general trend across this continent is to move in the direction of more openness, more freedom of information, more an attitude of having the public informed as to what's really going on.

Talking about the public being informed as to what's really going on, I was amused at the Premier's comment about how this was the most accessible government in Canada.

SOME HON. MEMBERS: Agreed.

MR. CLARK: A number of the front-bench members say, "Agreed". I would suggest they go and talk to a number of school boards across this province and ask them how accessible the Minister of Education is. I would suggest they go and ask the AUMA how successful they've been in trying to get an emergency meeting with this very accessible outfit.

If what this government means by accessibility is having cabinet tours across the province, this province has had cabinet tours for years — before there was one of the present Tories in this administration. The only difference was that they weren't highly staged ventures where people come in for an hour and listen, and when people ask questions about school buses, rather than answer the question read a poem and then trundle off to the next place. No closed doors either.

I can tell you what happened, and some of the members know. I recall very well the approach that was used when I was a member of the cabinet, the Member for Drumheller will readily recall also. In Brooks, and Brooks is just one example that I remember quickly, the cabinet committee got there in

the afternoon, met individually with a number of delegations from all over the area, came back after supper, and continued to meet until some time late in the evening.

Now there were some problems with that kind of approach too. But I'll tell you one thing you at least got in that kind of approach: you had some eyeball to eyeball discussion with people who were directly involved. You had eyeball to eyeball discussion with the town councillors and the chambers of commerce and the other people in the community who had very serious problems, who quite frankly aren't going to say to the Premier when he flies into their town, Mr. Premier, you're doing a bloody poor job in this area and you should straighten that up. That isn't the nature of Albertans. Albertans are very decent people. They're not going to tell their Premier when he comes to their town what an awful job they have getting in to see this minister, how they can't get something through the Alberta Housing Corporation, or a variety of other areas.

DR. BUCK: They might get their grants cut off.

MR. CLARK: So when the Premier says in the course of his remarks that he's amazed he doesn't hear from people at the local level the same kinds of concerns raised in the Legislature by the opposition, I have to conclude that the Premier hasn't heard concerns about revenue sharing, about the way the school busing formula is operating, that municipalities and towns are having with the Alberta Housing Corporation. And I can go on and on.

I simply say that one of two things is happening. Either the Premier's cabinet ministers aren't telling him what they're hearing out there or, on the other hand, when the Premier comes in people are very reluctant to tell him in the short time they have exactly the way they see it. Either way it's a regrettable situation, because I think the Premier is genuinely trying to get the views of people. In the course of the process this government is presently using, in some way it just isn't getting the message that's out there at the grass roots level when it comes to problems.

When it comes to problems of hospitalization, if one listened to the Premier's remarks earlier in the session one would get the feeling that there really are no problems in Alberta. The Premier is absolutely right when he says we spend more money on hospitalization and health care than any other province in Canada. But why shouldn't we? We're the heaviest spending government in Canada. Aren't health services and education laudable priorities? They are to us.

It wasn't long ago that I met with some folks in Edmonton who are on the waiting list to get into some of the auxiliary hospitals and nursing homes. They told me — and I haven't taken the time to check it, but I suspect it's basically right — that only one auxiliary hospital and nursing home contract award has been announced by this administration; that there were auxiliary hospitals and nursing homes announced by the former minister, Mr. Henderson, prior to the election in 1971, and there has been precious little built as far as extended patient care in this city is concerned since that time.

I say to members on the government side, sit down

and talk to some of the people who have relatives on the waiting list to get into nursing homes or auxiliary hospitals in Edmonton. Go and visit some of the hospitals in Edmonton or Calgary, and take the time to find out how many people there should be in nursing homes or auxiliary hospitals, if we hadn't twiddled our thumbs.

I also say to the members, take the time to talk to some group like the Victorian Order of Nurses, and become familiar with what could be done in this province with a day care program.

You see, some people tend to feel that because we're in a period of restraint that means we can't possibly alter the priorities. We can, and we should. It will mean making some tough, unpopular decisions. But to give us the impression that when the cabinet and the MLAs go out they don't hear about problems of hospitalization, extended care, home care, somebody's not listening. Because the people are telling this government that those are very real and very, very meaningful concerns.

Mr. Speaker, I'd like to move on quickly to the second area of my comments; that is, basically where do we go from March 1977 as far as the anti-inflation program is concerned? We have the choice as a province either to opt out of the program at the end of March or to come forward with more legislation that will enable us to continue in the program.

We make the suggestion very earnestly that the Legislature would be very wise to set aside a period of time, and make it possible for groups and organizations to come before the members of the Assembly not only to tell us their complaints about the anti-inflation program but to say to those kinds of groups, what kind of commitments are you prepared to make in Alberta after March '77; to ask local governments to come in and do the same kind of thing, and frankly to say to the provincial government, what commitments are you prepared to make after the end of March 1977?

Now the government members take the approach that, well, the MLAs should talk to their constituents and talk to groups, then we can come here and make the decisions. The problem with that is that the decision will likely be made before there has been the opportunity for groups such as I outlined, people in the working force, the business community, people on fixed incomes, farmers, professional people, local government people . . . One of the greatest things that could be done would be to provide the opportunity or the forum for those people to exchange ideas so they would better appreciate the problems of the province and the other groups involved. It's this kind of, for lack of a better term, what I'd call cross-pollination of ideas that I think can move us in the direction of developing some form of provincial consensus. I think it would be helpful to have that sort of provincial consensus before the end of March.

Many members in this Assembly, I am sure, have met with people in the business community who have expressed real concerns about where Alberta and Canada are going from the standpoint of productivity. Not long ago we met with some people concerned with the petrochemical area. Their indication to us was, very candidly, look, productivity in Canada is at least 10 per cent behind in the United States. It costs 20 per cent more to construct facilities in Canada than it does in the United States, not to mention our

problems with transportation, tariffs, and distance from available markets.

The Premier himself, and other members of the government, have talked in terms of some degree of investor uncertainty. The bulk of that investor uncertainty is the responsibility of the federal government, because they don't seem to know where they're going as far as the anti-inflation program is concerned. But any steps we can take in this province to develop some sort of provincial consensus I think can help strengthen the Alberta commitment. It can also help strengthen investor confidence as it applies to the province of Alberta.

Mr. Speaker, I'd like to move on to the third area, and that really deals with the position local governments find themselves in today. I would start by saying that on one of our recent trips to the northern part of the province, a farmer who was on one of the local councils up there said to us, you know we look at northern Alberta as a very large pipeline going down to Edmonton. In that pipeline there's an awful lot of oil and gas, a lot of agricultural products, an awful lot of our finest people. And there's a very small garden hose coming back from Edmonton, and sometimes that garden hose gets plugged. He went on to say, as Albertans we feel somewhat the same way about our relations with Ottawa.

I got the feeling that this farmer in northern Alberta was really saying, it's great for you provincial politicians to talk in terms of the time of Alberta to come of age in dealing with Ottawa, and we agree with you. What he was really saying to us too, the time for northern Alberta to come of age is also ripe. Many of the same arguments we use in our dealings with Ottawa can be very, very eloquently used by people in the northern portion of the province.

That doesn't mean there aren't a lot of legitimate concerns in other areas of the province. There are. The fact is that when we look at the state of local government, all MLAs I am sure have heard from their own areas about the changes in the municipal waterworks program. Communities passed by-laws, thought they were going to get the money from the Department of the Environment, and in fact had started programs, then were advised that no, you're not going to get nearly as much money as you thought you were; the whole thing has been revised. It caught a number of growing municipalities right in the middle of their construction period, right in the middle of the only time of the year when they can get involved in water and sewage construction. So you can't blame municipalities for feeling that they're somewhat short-shrifted.

In his comments, the Premier indicated that Alberta municipalities have the highest level of expenditure of any municipalities in Canada. That's right. They receive proportionally more support from the provincial government than the Canadian average. I want to read that again: municipalities receive proportionally more support from the provincial government than the Canadian average. Some provinces would be satisfied with that. But we're the 'spendingest' province in Canada. Yet our municipalities have problems. They are always going to have problems regardless of what kind of system is developed.

But the problem isn't really how much money the municipalities are getting. The fact is that 93 per cent of the money this province makes available to

local governments in Alberta — 93 per cent of it — has strings tied to it by the government.

AN HON. MEMBER: The Socreds had 100.

MR. CLARK: That means we can say that 7 per cent of all the revenue that goes to municipalities in Alberta is truly unconditional.

AN HON. MEMBER: That's local autonomy for schools.

MR. CLARK: About the only local autonomy that's left in some areas is to charge kids to ride school buses.

One of the rather soul-searching experiences that we as a caucus have had to go through was to rethink our whole situation on the question of revenue sharing. Members of the Assembly will recall that in the budget debate following the 1975 provincial election, my colleague Dr. Buck in the course of his comments indicated a major shift in position on the revenue sharing question — that as a party and as a caucus we were prepared to share income tax revenue with the municipalities.

One of the members of the government side, whom I respect very much, pointed out to me that it's easy to take that kind of position when you are in the opposition. That may be so, if you had not been in the government before and had to think very seriously about the kind of comments that would be made as to why you are shifting your position, is it politically expedient, and all the things that go along with that.

The most convincing argument to me as to why we should adopt this position was set out very eloquently by the Premier when he talked about revenue sharing. I was impressed, Mr. Speaker, by the Premier's really impassioned defence of the provincial position that the federal government must transfer tax points, not conditional grants, to the provinces. Because the conditions often do not meet local or provincial needs. We agree one hundred per cent. But hardly two breaths later, in the course of the state of the province address, the same man was saying he could not be so convinced by the very same argument when it came to dealing with our municipalities. That's the basic argument that convinces us that revenue sharing is viable, is needed at this time in Alberta — the very argument that we all make with the federal government. Surely that argument is persuasive enough when we come to deal with the municipalities in this province.

I think Members of the Legislative Assembly should well be reminded that most of us — I guess all members — are proud of the results of the last election, at least proud of the results within our own constituencies. We think the people made some pretty wise choices. At least I get that feeling when I listen to members of the House.

SOME HON. MEMBERS: Hear, hear.

MR. CLARK: I hear some members on the government side saying "Hear, hear". Even the Member for Drayton Valley. [interjections] But the very people who are so wise when they elect us, Mr. Speaker, we don't trust in their decisions when they elect local councils. Apparently we don't trust them when they're electing people other than us. That's the

paradoxical kind of situation that municipal governments find themselves in today, with 93 per cent of the money they get from the province tied up.

So I say to the government: in the course of thinking of where you are going in the future, think again about your decision not to move on revenue sharing with the municipalities.

The best way I can sum up is to say, trust them. They'll make mistakes.

AN HON. MEMBER: So did we.

MR. CLARK: But we make our share of them here too. Sometimes more than our share.

On our tour, meeting with local governments and other local organizations, we were persuaded by the argument made by rural municipalities and other groups that it's becoming almost impossible for a rural government to keep track of the variety of government departments. It seems there has been a concerted effort. Rather than to have Municipal Affairs the funnelling point, the chief point of contact, rather than have the Department of Municipal Affairs assume that kind of priority in this government, it seems that more and more of its responsibilities are being eroded by other departments, and that the Department of Municipal Affairs is really becoming not nearly as important as it has been in the past.

It has been suggested to us — and I must say I can see the possibility, unfortunately — that if this erosion continues, we won't have a Department of Municipal Affairs in this province before too long. Municipalities will have to deal with a myriad of government departments.

Maybe the large urban areas can afford to have people who do nothing more than keep on top of what's happening as far as grant programs are concerned. But if we really want to stifle and stymie government in rural portions of the province outside of the two large urban centres, then to continue the move away from the Department of Municipal Affairs is exactly what we're going to do. If the government's goal is to make all the money that goes to municipalities conditional upon the government's whims, that's certainly what's going to happen if the procedure continues with the Department of Municipal Affairs. I simply say we are extremely concerned and alarmed at what appears to be happening to the Department of Municipal Affairs.

Mr. Speaker, the fourth area I want to touch upon is this question of a big and ever increasing provincial bureaucracy. My colleague the hon. Member for Little Bow asked the question the first day in the House about what kind of commitment the province has to putting some sort of limit or freeze on the public service. The Premier indicated you couldn't have it both ways. You can't be in favor of decentralization and at the same time want to put a limit on the growth of government. It isn't a matter of wanting it both ways. It's simply a matter of what's really happening.

Some time ago, we came across a progress report dated April 5, 1976 — I would be pleased to make copies available to any member who wants one — with regard to office areas, population, traffic, and parking in the city of Edmonton as it relates to the need for future buildings and space. I'd like to quote three or four portions from this report for the

members of the Assembly. First of all, "the subjects of office areas, populations, traffic and parking have been presented in this first progress report because they have been the topics of recent meetings with APW", that's Alberta Public Works.

Secondly, I'd like to draw to the attention of the members of the Assembly a statement that's included in this report, which the taxpayers of Alberta are paying for: "Alberta's Civil Service is growing at 3 times the rate of Ontario's." Mr. Speaker, then we go on to the very frightening portion of this report. It says that 50 per cent of Alberta's civil service population — projections again by APW — is being housed in offices in Edmonton. The figure for 1976 was some 13,000, and for 1980, 26,000.

This report isn't done by the former administration or by some other group. It was commissioned by this government. We had the Provincial Treasurer come out and say the public service wasn't going to double in Alberta, and the Minister of Housing and Public Works come out and say it depends on what the people want.

My message to the government is: what the people today want, not just in Alberta but right across this continent, is a tightening down of the proliferation of public institutions, a tightening down, especially in the area of middle management, in the growth of the public service. We're just growing out all over the place.

I just happened to come across some planning documents used by the personnel administration office and the public affairs bureau with regard to advertisements in newspapers across Canada to hire people for this government. It talks about the average work flow, meaning the number of positions they desire to fill each month in 1976. Let's look at October for just a moment. October: number of working days, 20; number of positions to fill in Edmonton in the month of October, 200. That's the government's own aim: to fill 200 positions in October. In Calgary they're going to fill 22, and in Lethbridge 7. That's not much for decentralization either, if that's the justification the government's using. What this really means is that for every one of the 20 working days the government plans to hire 10 new people in Edmonton.

This is a planning document used by the personnel administration office and the public affairs bureau. It's my information that we're going to be paying the firm which got the contract to do the advertising something more than half a million dollars in the course of this year just to do the advertising which can't be looked after by the personnel administration office. I say to some of the members on the government side, you'd do well to look at the daily papers on the weekend. I just happened to pick up a usually reliable source, the *Edmonton Journal*, Saturday, October 2, 1976: Your Future is Here, Government of Alberta. A quick assessment of this is that they're advertising 25 jobs; 14 are over twenty thousand bucks a year. If all these jobs were filled, it would call for an expenditure of \$481,000. That's the advertising on October 2 in the *Edmonton Journal*.

If you think I'm being a little unfair, we can get one more recent week. The same usually reliable source, October 9. Look at the advertisements here: 21 jobs altogether, 13 over \$20,000, three over \$30,000. If

we fill all we advertised last weekend in the *Journal*, that's an expenditure of \$600,000.

DR. BUCK: Way to cut out the fat, Peter.

MR. CLARK: If there's one message that governments across this continent should be getting right now, it should be that the public is prepared to sit back and reassess some priorities. The public is prepared to think pretty seriously in areas of, how far are we going, how much bigger does big have to get.

In this session we expect to hear a definitive statement from the Provincial Treasurer as to what he has in mind for the increase of the public establishment in this province in the next four years. I serve fair warning on the cabinet that in the next session we'll be expecting each minister to give us a concrete figure as to the number of civil servants you had on staff on April 1, 1976, the number of people on staff on April 1, 1977, and an explanation for every additional place provided for in the budget, and the contracts and wages too.

If you don't have the information available, don't come whining back to us and say we're slowing down the affairs of the House. We've given you fair warning. This isn't the first year of program budgeting. You have all sorts of time to have the information readily available for us. Let's have it straightforward.

AN HON. MEMBER: Read your budget.

MR. CLARK: Yes, one of the silent majority back here says, read the budget. I hope he does.

MR. NOTLEY: It would be the first time.

MR. CLARK: In conclusion, let me say this. Perhaps the Library Association of Alberta put it best when they said in their brief to the cabinet: "We have difficulty accepting the proposition that austerity implies a freezing of priorities." It calls for some difficult decisions. It calls for some unpopular decisions. But let's admit a few things. Let's admit we do have problems in this province. Yes, we spend more money on health than any other province in Canada, more money on education. But at the same time, we've got problems in those areas. For us to hear in the state of the province address that, no, we don't hear these things, just isn't good enough.

As far as the growth of the public service is concerned, the present administration has parlayed provincial government growth into an all-time high in this province, likely an all-time high per capita for any province in Canada. That's not the kind of thing I want to be able to brag about to Albertans or to people in other areas of Canada.

On the question of special interest groups and their accessibility in being able to meet various ministers and the government itself, I was frankly disappointed that the Premier and some members of the cabinet couldn't meet the AUMA on an emergency basis when they wanted to, but simply told them, so I'm informed, you can wait till your annual meeting with the cabinet.

Non-accessibility is becoming the hallmark of this government, because day to day accessibility with this government really doesn't exist. It's great to go

out to see groups on prearranged schedules when it's convenient for the cabinet and certain government officials. But one of the things cabinet ministers should be doing is making themselves available on a short-term basis to local and provincial groups when they've got problems. When I say short-term basis, I mean quite readily. It isn't good enough when a cabinet minister is asked in Airdrie, why doesn't the minister keep appointments. And he says, well I keep my appointments. The fact is that the Calgary rural school board wasn't able to get in to see the minister. That's why they hadn't discussed the question of school busing with him.

So when we talk about accessibility, it's really a matter of non-accessibility. When we talk about shifting priorities, it's really a matter of priorities being frozen during this period of time. When we talk about growth of public service, the government has really parlayed itself into a situation of an all-time high across Canada. I simply say in conclusion, Mr. Speaker, that for the spring session we expect the kind of information I have asked for with regard to increase of the establishment within the departments. We are going to continue to be checking in with municipal governments and other groups across this province. We are going to continue our checking up when it comes to agencies like the Export Agency. And various ministers shouldn't be alarmed, surprised, mortified, or anything else if we turn up at a variety of government agencies and offices and ask to sit down and talk over various matters with officials of departments. Because this checking up and checking in as to what is really going on in the province of Alberta is part of our responsibility.

MR. MUSGREAVE: Mr. Speaker, I move we adjourn debate on this motion.

MR. SPEAKER: May the hon. member adjourn the debate?

HON. MEMBERS: Agreed.

head: **GOVERNMENT BILLS AND ORDERS** (Second Reading)

Bill 59 **The Dependent Adults Act**

MISS HUNLEY: Mr. Speaker, I move second reading of Bill 59. I welcome the opportunity to share with hon. members of this Assembly some of my thoughts and feelings on this bill, The Dependent Adults Act, as well as to outline some of its features.

It was with some pride, Mr. Speaker, that I introduced the bill last spring, because it is unique in Canada. It is still unique in Canada and is being studied by many other provinces, even this very day, Mr. Speaker, because of their interest in it. But it was also with some trepidation that I introduced the bill, because we're breaking new ground. But it's exciting to be part of a legislature and a government that is not afraid to break new ground when it's in an

area as important as this.

To me the concept inherent in this important piece of legislation marks a significant step forward in the arena of human concern. The legislation which this act repeals and replaces was undoubtedly considered enlightened and adequate at the time it was introduced. It allows mental competence to be assessed in one of two ways: a person is judged to be competent or incompetent. It deals with absolutes.

If a person is legally declared to be incompetent, a trustee is appointed to look after that person's property. There has been an assumption that a person's creature comforts will be provided at home or in an institution by someone who cares. Under that legislation we are showing a concern for the need to protect property while making no legal provision for actually protecting the human needs of the person. Bill 59 introduces some new concepts. It recognizes the wide spectrum of abilities that lie between what is judged to be absolute competence and absolute incompetence.

Under this legislation it will be possible to allow persons the freedom to function independently where they have the competence. It will encourage them, wherever possible, to develop skills for self-management and will provide guardianship only in those areas where they are unable to look after themselves. In other words, Mr. Speaker, The Dependent Adults Act replaces absolutism with individualism. It recognizes personal needs as well as property needs. By endorsing this new concept, we as Albertans once again will be leading the way in passing enlightened human legislation.

I would like to point out the very important fact that in Bill 59 trusteeship of the person's property is distinctly separated from guardianship of the person. The intent is that personal affairs of the dependent adult should be handled by a person other than the one responsible for the estate of the dependent adult. It is also important to note that the act provides a mechanism for discharging a guardian if he is perceived as unfit or declares himself unwilling to act in the best interests of the dependent adult. With this legislation, for the first time we will have the means of providing some help to persons suffering from any form of mental incapacity. Elderly or infirm people will have available the assistance of either plenary or partial guardianship.

Mr. Speaker, we cannot measure the relief from mental anguish that the passing of this bill will afford Albertans as they come to understand its implications. Many parents have lived in dread of the day when by virtue of death or infirmity they no longer will be able to give personal care to handicapped dependent adult offspring. The provisions of Bill 59 will now ensure that care for personal needs of such dependents can and will be provided and that the focus for the guardian's attention must be in the dependent's best interest. The legislation will permit quick action to provide back-up or alternate guardianship in the event that the present guardian is unable to continue to serve the need of the dependent adult.

Mr. Speaker, as a result of response to the introduction of Bill 59 at the spring session, we will be presenting some amendments. They will be distributed prior to clause-by-clause study of the bill. They were a result of consultation and circulation of Bill 59 and the reaction of many interested individuals. I

might say, Mr. Speaker, that they are not numerous. But they are important, and they will be circulated in adequate time prior to clause-by-clause study of the bill. I believe the amendments will improve and expand the benefits which accrue to our citizens under The Dependent Adults Act.

In addition, the introduction of this legislation has generated wide national interest. The legislative planner from my department is now in Toronto participating in a national conference on the mentally retarded. As a panel member, she has already explained the ramifications of our Dependent Adults Act. She has advised that the legislation was very favorably received by the conference, and most of the concerns expressed there are also our concerns. We believe they will be met by the amendments to which I have already referred.

In summary, I would like to highlight some of the important new benefits implicit in The Dependent Adults Act. To those members who have known the anxiety of being responsible for a mentally handicapped person, whether you're a parent, a sibling, or an offspring, I extend the invitation to share with me the feeling of relief as well as pride in this legislation. To those members who have never known that responsibility, Mr. Speaker, I extend the invitation to empathize with their colleagues and other Albertans as we review these important points.

The care of the person has now assumed at least the same importance as the care of the property. Various degrees of incompetence are acknowledged. Some personal and individual liberty will not only be allowed, but encouraged in those who suffer from a mental handicap. Partial as well as plenary guardianship can be invoked. A public guardian will be appointed to exercise a function with respect to dependent adults. This official may act as a guardian in the event that no parent, next of kin, or other suitable person is willing to do so. And we would anticipate that the public guardian will have a philosophy — does not wish to gather unto himself a good deal of responsibility and authority but will actively recruit interested individuals who are competent to serve and are so judged by the court.

The court may appoint an alternate guardian in the event of death of the original guardian. This will provide great relief from anxiety suffered by responsible parents and expressed to me and probably to many hon. members by those parents. An unwilling or unfit guardian may be discharged and replaced. Responsibility for personal affairs of the dependent adult will not be assigned to the person designated to look after the estate of the dependent adult. The public guardian will be empowered to initiate applications for guardians where it appears no one else is willing to do so. The guardian is committed to act in the best interests of the dependent adult and can request direction from the court to enable these goals to be received.

Mr. Speaker, it's an important piece of legislation. I recommend it to all hon. members, and I anticipate their support. I welcome their comments on this enlightened piece of legislation. In closing could I say, as we think about it, and those for whom it's intended, we should ask ourselves:

Who is my neighbor? It is he

Who needs a gift my hands can give.

Whose human misery pleads to me,

His claim to help, his right to live.
Thank you, Mr. Speaker

MR. HORSMAN: I welcome the opportunity to take part in the debate on second reading of this important piece of legislation, and I'd like to compliment the minister for having introduced this act in Alberta, making Alberta once again a leader in a field of social concern.

I'd like to comment for a few moments, if I may, on the state of the law as it now exists, and point out to the members that this new act will improve the situation considerably.

One of the most difficult things any parent or child of a mentally incapacitated person has to do — one of the most difficult decisions at the present time — is to go to court to have a person declared mentally incapacitated. The difficulties, of course, are compounded by the fact that the procedure now required is both costly and time consuming. In particular, I wish to draw to the attention of the members of this House that it is now necessary to commence proceedings under The Mentally Incapacitated Persons Act in the Supreme Court of Alberta. I think it's useful to point out the distinction between that court and the surrogate court which, under the new bill, will now be the court of jurisdiction.

In most smaller centres in Alberta, there are no hearings of the Supreme Court of Alberta. In centres in the judicial districts of Medicine Hat, Lethbridge, Red Deer, and so on, the Supreme Court sits on a limited basis, perhaps as few times as once or twice a year, whereas the surrogate jurisdiction is extended into those areas on a much more frequent basis. That the surrogate court of Alberta will now have the jurisdiction is, I think, an important aspect of this legislation. That, of course, is one of the most important changes proposed in the law as it presently exists, and I most heartily recommend that to the members of the Legislature.

One has to deal with this question of cost. I'm pleased to note that in the new legislation, costs of making application to the court will now be borne by the Crown under certain circumstances. As is quite correctly pointed out, in many cases people requiring the assistance of the court are not in the financial position to make the application, and there is really no financial estate available to pay the costs of the application to the court. So in cases where individuals require assistance under this legislation, it will now be possible to have the costs borne by the Crown, either fully or in part, and that is a worthwhile change in the law as it presently exists.

The other part of the difficulty, as I have indicated, is that the time-consuming aspect, if not eliminated, at least will be seriously lessened. That is important as well, particularly in those cases where the individuals may be residents of institutions which do not presently obtain quick attention to the problems. That is an important aspect of the act, and a worthwhile change.

I think too, Mr. Speaker, that the question of procedures outlined in the proposed legislation are important. In going through the act in detail, I think it will be evident to the members that it will be easier and less a strain on individuals who have to make use of this legislation than is presently the case. In introducing this legislation, the minister was quite

right in pointing out that people who have to come under the jurisdiction of the act, and those associated with them, have a great number of heart-rending decisions to make before approaching the courts for the present relief offered.

I think a different attitude will develop in the name of the act alone. It's now to be called The Dependent Adults Act. It was previously necessary for members of the family to come to a decision that they had to go to a court of law and ask that court of law to have an individual closely associated with them declared mentally incapacitated. That itself stopped many people who really should have gone to court from even considering it. As a practising lawyer, I've had to outline to members of the family on many occasions the steps which would have to be taken and the act under which the individual would have to apply to the court. The name of the act alone was sufficient to prevent them from taking that procedure. They just could not bring themselves to apply to a court under an act with that name. While you may not consider that a matter of great concern, in fact the name has a psychological effect upon the members of the family. I think this in itself will be a major factor.

In addition this act will remove some of the stigma involved, in that it is not now necessary to do the whole thing; that is to say, to place both the person and the estate of the individual under the care and jurisdiction of the court. That in itself will allow much more flexibility. In fact some of the supporting material I've seen in regard to this bill sets out that it will allow the court to take into consideration all factors involved in each case, and by the powers to be vested in the court it will allow a tailor-made order to suit the particular facts of the individual's case. Perhaps it will not be necessary, and it should not be necessary, to place all the assets of the individual under the control of the committee as is presently the case.

For that and many other reasons which I believe will bring about a flexibility for the court, I support this legislation. I certainly feel I can recommend to the members of this Legislature, from my own personal experience of practising law, that it will alleviate those very real concerns to family members who right now are forestalled and in many cases prevented by their personal feelings from taking the steps which should really be taken to protect the interests of the individuals; their persons and their assets. I certainly recommend the passage of this act to the members of this Legislature.

MR. TESOLIN: I wish whole-heartedly to endorse the principles in The Dependent Adults Act. I can only agree with those who have called it a piece of truly enlightened legislation which provides a model that could have very significant effects on a national and international scale.

Mr. Speaker, the handicapped of our society are in need. That they have unusual difficulty functioning in society does not mean they are less human. It does not mean they are any less possessed of citizens' rights. It does mean they have unusual need for friendship, guidance, and assistance. It does mean others must often guard their rights, for they cannot always guard them themselves.

A strong plank in this government's 1971 platform was the call for mental health reform. The two points

just mentioned, assistance and protection of rights, have received priority consideration during the past five years. I would like to draw attention to the place this bill has in that consideration. Mr. Speaker, in the past the handicapped adult has been more often treated as an unnecessary appendage of society than a disadvantaged human being.

It was only some 60 years ago that leading medical authorities blamed almost all social problems on those with less ability — responsible to a large degree for many if not all our social problems. The ignorance and fear shown by such remarks reflected that of the populace. The handicapped were viewed at worst with ridicule and suspicion, at best with pity.

As the extended family broke down, the government had to assume responsibility for the care of those who could not meet the demand for the increased decision-making of a complex industrial society. The government's response reflected the ignorance of the time. The handicapped were warehoused, thrown together in institutions where the lowest common denominator established norms. They received little or no habilitation. They were kept out of sight.

Mr. Speaker, the quality of institutional treatment has improved, [and] will continue to improve. The handicapped, like any human, responds to his surroundings and emulates those with whom he lives. The dependent adult living in an institution has had an opportunity to learn, and has. He has learned to live like a handicapped human. He has not been stimulated by the challenge of normal day to day life. A human develops and thrives when encouraged to look after his own needs, to fulfil his own ambitions. This is no less true when those needs and ambitions are relatively simple. Unless simple challenges are met, the more difficult will never appear.

Mr. Speaker, The Dependent Adults Act will allow increasing numbers of handicapped adults to move from institutions into smaller residential and private homes where they can lead a more normal life. This bill is based on the sound principle of normalization. Normalization meaning making available to the dependant patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society. It is not a fad. Fads emphasize superficial differences between persons. Normalization emphasizes that which is common to all humanity: the desire to learn and grow. Normalization emphasizes a return to society, a return to the community.

Mr. Speaker, The Dependent Adults Act will ensure that this return is to the best advantage of the handicapped adult. It will ensure that growth will take place gradually, under the responsible protection of a guardian. But the return to a more normal life requires more than the personal guidance of a guardian. It also requires the assistance of well-organized programs run by skilled personnel.

Mr. Speaker, I'd like to draw attention to the extensive commitment made towards assisting the handicapped. In April of '72 the Services for the Handicapped Division was created in order that their needs be met through specialized attention. The funds provided for this division have increased from \$14 million to over \$36 million. Since '72 expenditures on ASH/Deerhome have roughly doubled. Expenditures for community services for the handi-

capped have increased by some 450 per cent. Residential facilities at ASH/Deerhome have been renovated. Twenty-one duplex cottage-style units have been built, as has a new recreation facility. Eight million dollars in grants have been provided to over 50 societies concerned with assisting the handicapped. Grants for the development of facilities in 13 different municipalities have more than doubled, from \$1.3 million to \$2.877 million. Residential accommodation has increased more than 170 per cent.

Numerous programs have been made available to the handicapped. Some of these are: financial support for handicapped living with relatives, vocational training, employment opportunity programs, counselling and guidance through behavior modification clinics, activity centres where social assurance may be learned, and sheltered workshops which provide employment. These programs are not charged to the handicapped. They do not discriminate against the poor.

Mr. Speaker, I emphasize these supportive services, for their basic principle is one and the same as that of this bill: the principle of normalization. Without them, this bill would be impotent. With them it can be a very powerful instrument of good. It has been said, Mr. Speaker, that great good can easily become great evil. The strength of this bill lies in providing, through guardianship, a legal mechanism for substitute decision-making. The dependent adult will be losing the right to make those personal or financial decisions which are deemed beyond his intellectual means. He will be losing only those rights he cannot exercise.

None the less, Mr. Speaker, he will be losing fundamental rights. Any time legislation removes a citizen's right, it must provide extensive safeguards to ensure that the loss is minimal and that the resultant vulnerability is not abused. The dependent adult has the right to the least restrictive alternative. As David Chambers wrote:

When government does have a legitimate communal interest to serve by regulating human conduct, it should use methods that curtail individual freedom to no greater extent than is essential for securing that interest.

In this act, Mr. Speaker, the agent of government interest, the guardian, is legally bound by Section 7 to act in the best interests of the ward. The court itself is similarly bound by Sections 4, 6, and 25. The clause is not an empty one. The guardian or trustee to whom the court has transferred the right of decision is fully responsible and accountable to that court. The court thus takes full responsibility for its action. If the right to make personal or financial decisions is at stake, the right to due process is not. As Section 66 makes clear, the granting of a guardian or trustee order, its renewal, and appeal decisions may all be appealed to the Supreme Court by any interested party.

Furthermore, [similar] to criminal law a principle of this bill is that the adult in question is assumed to be competent and independent. The applicant for the guardianship order must prove beyond reasonable doubt that this is not so. It must be clearly shown that the adult is incapable of managing his or her own affairs. The act, through Sections 7, 11, and 26, is also very careful to see that the dependent adult will not be harmed through conflict of interest.

Prospective guardians and trustees must satisfy the court that there is no conflict of interest and that their only concern is the best interest of their charge.

I wish to draw particular attention to Section 60 of the bill, where special protection from conflict of interest is provided. This section prohibits staff of a facility, relatives, persons treating the adult, and lawyers connected with the adult from sitting on appeal panels. These vital provisions ensure that appeals will be heard with absolute impartiality.

Mr. Speaker, a public guardian's office would be established by this bill. That office will act in the best interests of the dependent adult. The commission on mental retardation recommended that no person rendering direct services to the mentally retarded should also serve as his guardian. The public guardian's office will meet this suggestion, for it will be separate from the service groups. Its interests will only be those of its clients. Thus, though the dependent adult will lose rights, he is ensured the fundamental right of protection under the law. His loss will be more than compensated.

But to address those concerns and fears is to be somewhat misleading, Mr. Speaker, for such talk implies that the loss of rights is either total or non-existent. The strongest and most innovative principle in this bill is that there are degrees of competence. Only the severely and profoundly retarded may entirely lose the right to make decisions. The vast majority will be allowed as much freedom as they can exercise. As suggested by the San Sebastian conference on retardation, the guardianship order will extend no further than is supported by evidence or disfunction. The act makes the necessary presumption against plenary guardianship. It recognizes and encourages facilitative guardianship which sees the guardian assist and advise rather than stifle through overcontrol.

Extreme protection can be more onerous than none. This act stands opposed to such restriction. It affirms the dignity of risk. It is flexible enough to allow the dependent adult to succeed or fail. It is strong enough to see that any failure would not be disastrous.

Mr. Speaker, this act recognizes that a black and white distinction between mental competence and incompetence is excessively simplistic. By promoting partial guardianship and trusteeship, it affirms the individuality and unique needs of each dependent adult and is able to offer protective assistance to those who formerly needed it but were frightened by the implications of plenary control.

By separating trustee and guardian functions, the bill shows further flexibility. With this act, it will be possible for the first time to tailor treatment and assistance to the individual adult. By requiring frequent reviews of orders, it ensures that freedom will be returned to the adult as he becomes capable of caring for himself. He will be given every encouragement to grow and develop. In fact, Mr. Speaker, Section 11 explicitly requires that such development be encouraged.

In conclusion, Mr. Speaker, I wish to point out that no legislation on this continent offers such subtle flexibility and assistance as does this act. No legislation on this continent so strongly asserts the handicapped's rights to self-fulfilment, personal dignity, and opportunity to participate in and contribute to

society. Mr. Speaker, this province has the supporting social services necessary to assist the handicapped. This act will see that they are properly utilized. The attention of the legislators of this country is focused on this province. With this innovative bill, Alberta has the opportunity to stand at the forefront of social legislation. It must seize this opportunity. The Dependent Adults Act is an important one. It would be foolish to pretend it will be easy to put the principles of this act into practice, but more so it would be cowardly not to do it.

Thank you, Mr. Speaker.

[Motion carried; Bill 59 read a second time]

Bill 60 The Fatality Inquiries Act

MR. FOSTER: Mr. Speaker, I'm very pleased to move second reading of Bill 60, The Fatality Inquiries Act. As I indicated at first reading, this bill is really a response to the Alberta board of review, otherwise known as the Kirby Board of Review, in their Report No. 1 with respect to coroners' legislation.

This is a fundamental and distinct change in law and procedure in this province in shifting from a coroner's inquiry system to a medical examiner system. However, the primary function of both systems is the same: essentially the proper certification of sudden death.

There are three components of the inquiry system or medical examiner system, as there were with the coroner system: the aspect of investigation, the aspect of administration, and the judicial aspect. One of the primary distinctions between the coroner system and the medical examiner system is that under the coroner system, the coroners carried out all functions — investigative, administrative, and judicial. Sometimes, Mr. Speaker, that found us in a situation where a coroner would conduct an investigation into a death, then sit in a court reviewing the evidence both of police and of his own efforts, and make a decision as to when, how, where, and why an individual came to his or her death and under what circumstances.

The fundamental shift in this legislation is to separate completely the judicial aspect from the investigative and administrative functions, and to ensure that the medical examiners, in this case the doctors, carry out their investigative and administrative functions but do not carry out a judicial function.

As previously announced in this House by my predecessor and myself, we have moved away from having medical doctors operating as coroners in courts. Now those courts are conducted by provincial judges. An order in council was recently passed enabling all provincial judges to sit on the bench conducting such inquiries. When this legislation passes, that OC will no longer be necessary since all provincial judges will have the capacity, as they now do, to hear inquiries under this legislation.

I should point out that under the previous proceedings, these were often conducted by police officers following their investigations. The judicial function is now quite properly in the hands of an agent of myself. All such inquiries will proceed in a court atmosphere with a provincial judge sitting, and the conduct of the

proceedings will be with an agent of my office.

For those who may be concerned, and I will come to this a little later on with respect to the role of the police, the agent is empowered and authorized by this bill to stay or adjourn proceedings before any such inquiry if any matters of criminal or quasi-criminal offences or offences against provincial legislation arise.

I should say that there are a number of problems in the existing system of investigating sudden death, and this has to do with what you might describe as inadequate medical investigation at the scene of the death. That's clearly due to the fact that no medical investigators trained in the medical aspects of investigation are on the scene and no medical examiner is in attendance. We're hoping to upgrade the system and require specially trained personnel who we have described in this act as medical investigators — I think they should more properly be described as fatality investigators. Obviously we'll be involving as medical examiners medical practitioners who will attend these scenes.

There has been no rapid involvement of the pathologist or other expertise to meet the requirements of death certification, and there hasn't been a prompt follow-up of investigation as may be required. Death certification has often been inadequate, inaccurate, and quite frankly there has been a considerable delay in registration of these deaths. Regrettably as well, there has been no automatic feedback to families to alleviate quickly their concerns and anxieties. We're very hopeful that many of the principles of this bill and the specific wording of this bill will help to reduce some of these inadequacies.

Currently, there is inadequate definition in the law as to who is required to report cases of sudden death, when, and under what circumstances. In some circumstances there is a delay in holding inquests. We're hoping all these defects and others will be cured as we proceed with this legislation.

I might say that we have conducted two pilot projects essentially using the principles of this legislation and have found it to be quite successful.

The new medical examiner system, which is designed for accurate certification of death and hopefully the prevention of future death, will be using several investigative techniques. One of course is to investigate at the scene of the death, one is to be sure we make complete inquiries into the medical history of the deceased, of course to conduct appropriate post-mortems if that's necessary and, as the act points out, autopsies will be conducted only by pathologists. No doubt it will be appropriate for the investigating people, including the police, to work closely with others, including fire officials, Workers' Compensation, et cetera.

We are hoping we can shorten the documentation process from the time of death to the proper certification of that death, and improve service and information to the next of kin. As I have already indicated, that's a major problem in existing legislation.

The board of review established by this legislation, Mr. Speaker, is not completely independent of the Crown, nor is it completely independent of my office. I realize there is an argument that that should in fact be the case, and I do not agree with that argument. I feel that in view of the fact this is the investigation and certification of sudden death, we must have a

very, very close relationship with the other investigative agencies of the Crown, which include, of course, the police officers of our society. For that reason, the board of review in this legislation is housed with the office of Attorney General. Those who examine this legislation will note that while I as Attorney General am obliged to call certain inquiries in the event the board of review recommends them, I still have the discretion of ordering certain inquiries if, upon review, my judgment is that such inquiries would be in the public interest, notwithstanding the decision of the board.

I know that many coroners in this province are concerned that there will be a delay in the recommendation that proceeds from a small community for an inquiry until the board of review meets and an inquiry is held. I would say that that concern is very real and one we must be very aware of, and we are. We have been functioning essentially with the board of review for about the last year, and have found it relatively successful, although we are indeed in need of some speeding up of the process.

I am critically aware, Mr. Speaker, of the concerns of coroners across this province. They find themselves functioning in a much different capacity under this legislation than they have under the coroners' legislation, and that principally is to take them out of the role of judge and put them into that inquiry in the role of investigator and evidence gatherer.

My colleagues in the medical profession approach this legislation with some trepidation, because they now find themselves subject to cross-examination in the stand. I am confident, however, that the members of the provincial court and my agents who will be in these inquiries will be able to ensure that the evidence is relevant and that counsel do not go on fishing expeditions in an attempt to harass the medical profession, although I recognize it is a serious concern for them.

I should comment briefly, perhaps, on the role of the police in this legislation, because some concern has been expressed by police forces in the province with respect to this role. I would suggest, with respect Mr. Speaker, that the impressions some police officers have about this legislation are not accurate. In my judgment, the relationship established in Bill 60 is essentially the same relationship established under the existing coroners' legislation; that is, the police officer is to act in assistance to the medical examiner and conduct his duties in assistance to the examiner. There is no hint or suggestion whatever that this will drive a wedge between the constable and the chief of police, or anything of that kind. We are simply declaring that in this legislation all police officers are medical investigators and will be obliged to assist the medical examiner at his call.

I think the concern of the police may indeed be that there is an apparent conflict between the police responsibility to conduct investigations under the Criminal Code versus the responsibility under this legislation to assist the medical examiner. I have absolutely no doubt that there will be cases of homicide and like circumstances where the investigative activities of the police are both of a criminal nature and in support of the medical examiner. I suggest that the good will and common sense of both individuals is the key ingredient to a successful relationship. I personally do not see any real difficulty

in this relationship. And since this office is essentially responsible for criminal investigations, and medical examiners are in that sense responsible to me, as are the police, I am sure we can work something out.

For the benefit of my friend Bruce Hogle of CFRN, who had something to say about this subject in the last little while, I should comment that a fatality inquiry or coroner's inquest, as the case may be, is intended to certify who, how, where, why, and under what circumstances an individual came to his death, and to certify the cause of death. An inquiry is not an instrument of criminal investigation to be used by the police, the Crown, or by anyone else as a fishing expedition in pursuit of criminal intelligence. That, in my judgment, is an abuse of process, and public inquiries should not be called solely for that purpose.

I recognize that that might have been the case in some instances in the past. That will not be the case in the future, nor will it be my practice. I recognize as well that on some occasions criminal intelligence and information will indeed flow out of such an inquiry. That will be as it is. But that is not the sole reason for conducting an inquiry, and I appreciate this opportunity to respond to that public comment on the subject. I could go into that in much more detail, and it may indeed be in committee stage.

Mr. Speaker, this is a very significant piece of legislation, although not perhaps as significant as the most recent piece of legislation introduced by my colleague the Minister of Community Health and Social Services. I congratulate her for The Dependent Adults Act, which I think is an outstanding piece of legislation. This is not quite a significant change in the body of law of this province, but it is substantial and will require working with by many organizations that have been accustomed to dealing with the coroners' legislation.

I have had the opportunity in the last two or three weeks to meet with several of the interested groups involved in this, principally the medical and hospital communities, who have expressed a number of concerns. It will be my intention, Mr. Speaker, to bring forward amendments to this bill, in some respects perhaps significant amendments. Of course, I will go into detail on that at a later date. But perhaps I should say that the amendments will deal generally with the types of death that require certification, some aspects in the definition section relating to autopsy. I have already pointed out the difficulty in the word "medical investigator", and that will no doubt be changed.

There are aspects of this legislation, Mr. Speaker, dealing with the conduct of pathologists that perhaps this legislation ought not to deal with. I will accordingly bring forward amendments on that subject, and others having to do with how bodies are handled in medical facilities, how they may be moved or cleansed. I will deal with those by way of amendment at committee stage. I thought I should mention at this stage though, Mr. Speaker, that significant amendments are necessary in case anyone speaking to second reading wanted to dwell on some areas of concern expressed by the many authorities who have reviewed this in the last couple of weeks.

One of the recommendations of Mr. Justice Kirby in his report was that juries should no longer be considered necessary for such inquiries. You will note in this legislation that the discretion as to

whether or not a jury is empanelled rests with me. I should say that as a matter of public policy, juries will be empanelled for such inquiries in all instances where a death occurs in a public facility or where public personnel are involved in the circumstances that give rise to the death.

The reason for that is that when you examine an inquiry you find police officers, who are agents of the Crown; an agent of the Attorney General, obviously an agent of the Crown; and judges appointed by the Crown. Sometimes the public might get the impression that the cards are stacked against them in the course of the inquiry when all these agencies of the Crown are conducting an investigation or inquiry into a death which occurred in a Crown institution or involving other Crown personnel. I think it would be in the public interest to ensure that men and women of this province are empanelled in a jury in circumstances where death arises in public facilities or involving public personnel, and it will be my policy to do so.

DR. WALKER: Mr. Speaker, I request permission to adjourn debate on Bill 60.

MR. SPEAKER: May the hon. member adjourn the debate?

HON. MEMBERS: Agreed.

Bill 61
The Vital Statistics
Amendment Act, 1976

MR. WOLSTENHOLME: Mr. Speaker, I move second reading of

Bill No. 61, The Vital Statistics Amendment Act, 1976. Mr. Speaker, this act is consequential to The Fatality Inquiries Act. In order to relate fully to The Fatality Inquiries Act, some definitions of titles and names are necessary, particularly for the issuing of death certificates and burial permits. One of the major changes is that the medical certificate for cause of death must state the cause in accordance with the international statistical classification of disease, injuries, and causes of death. Another change is that by application the next of kin may obtain a copy of the cause of death certificate.

This act also provides for the issuing of an interim medical certificate, so that the district registrar may issue a burial permit so a body may be buried or otherwise disposed of. There may be some amendments during clause-by-clause study.

Basically the intent of this proposed amendment to The Vital Statistics Act is to update some of the terms of reference to make the act consistent with the proposed Fatalities Inquiries Act, to clarify and streamline the provisions under certain sections, to attach definite time schedules to the submission of the particulars of death and the completion of the medical certificate, and to formalize the procedure for issuing burial permits before completion of the medical certificate by providing for this interim medical certificate. Some of the proposed changes are supported by similar provisions in other provinces, while others appear to be innovations not yet adopted anywhere in Canada.

Mr. Speaker, as a former district registrar I would certainly endorse and recommend that all members support The Vital Statistics Amendment Act, 1976.

[Motion carried; Bill 61 read a second time]

MR. HYNDMAN: Mr. Speaker, I move we call it 1 o'clock.

MR. SPEAKER: Having heard the motion proposed by the hon. Government House Leader, do you all agree?

HON. MEMBERS: Agreed.

MR. SPEAKER: The Assembly stands adjourned until Monday afternoon at half past 2.

[The House rose at 12:37 p.m.]

