

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: Thursday, March 31, 1977 2:30 p.m.

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

PRAYERS

[Mr. Speaker in the Chair]

MR. MANDEVILLE: Mr. Speaker, I rise on a point of privilege to straighten out the record on behalf of myself and my colleagues. It relates to remarks by the Member for Calgary Buffalo yesterday afternoon in this House, also to some remarks made outside the House. It's in regard to the position the official opposition has taken as far as rent controls are concerned. It totally misrepresents our position, Mr. Speaker. I think it's important for the record that we straighten this out.

I would like to quote from the member's remarks yesterday, Mr. Speaker:

It's strange to me, Mr. Speaker, how quickly the worm turns in the course of a year. When rent controls were being discussed, I well remember my learned colleagues on the other side of the House leaping to their feet and pleading the dangers of rent controls, all of which is true . . .

I certainly can't say that, Mr. Speaker. I'm going to quote from my remarks in *Hansard*, and our position hasn't changed from the time we introduced the bill in December 1975. I would just like to quote the remarks I made at the time I was piloting the bill through the House on behalf of the official opposition.

DR. HORNER: Mr. Speaker, on a point of order. Surely what we're hearing now is debate, and this should be done at the proper time.

SOME HON. MEMBERS: Agreed.

MR. CLARK: Clearly not.

MR. SPEAKER: As I understand the situation — and the hon. Member for Bow Valley has given the required notice under the Standing Orders — the hon. member is saying that something which he and his colleagues have said in this Assembly has been misrepresented by another hon. member. That is a question which may or may not constitute a matter of privilege. If it were a willful misrepresentation, it would undoubtedly constitute a matter of privilege. There is authority for that, I might say, in *Beauchesne*.

DR. HORNER: With respect, Mr. Speaker, if we're going to talk about political misrepresentation, every one of us could be up here every day on a point of privilege.

AN HON. MEMBER: The Deputy Premier would.

MR. MANDEVILLE: Mr. Speaker, these are my comments during second reading of the bill on December

12, 1975:

Mr. Speaker, in making a few comments on Bill 80, I would like to say that I do welcome the legislation. I want to be quick to say that I'm not in favor of this type of legislation; however, with federal price and wage control, I think this is something we have to go along with. . . . co-operating with Ottawa and getting into a situation such as this, because I think we need a joint effort by all governments if we're going to control inflation.

I went on to say the reasons.

That's why I'm saying we haven't changed our position, Mr. Speaker. I think the remarks made are unjustified, and don't represent the feeling of the official opposition as far as rent controls are concerned.

MR. GHITTER: Mr. Speaker, on the point of privilege. I recognize the statements made by my honorable colleague. If I misunderstood their approach, I probably would fall into the same category as many Albertans, from the point of view I've always stated. I'm pleased to hear the learned opposition is coming to the point of recognizing the dangers of rent controls. I hope they will show that to be the case in future debate.

MR. SPEAKER: I would not like to say at the moment whether there is or is not a prima facie case of privilege. I would like to have an opportunity to check the record, which I have not yet had, and possibly we might deal further with the matter tomorrow.

MR. KING: Mr. Speaker, could I speak to this for just a moment. [interjections] Mr. Speaker, on a point of order. When matters of privilege are raised, members have an opportunity to make a case on one side or the other as to whether or not there is a prima facie case of privilege. By your own comment a moment ago, a prima facie case of privilege in this case would depend on whether or not the member were prepared to argue that there had been deliberate misrepresentation. I didn't hear the hon. member argue deliberate misrepresentation, and I was wondering if he had forgotten to say something before he sat down.

MR. SPEAKER: I trust we will not be compounding misunderstandings. What I intended to say, and I think said, was that it would clearly be a prima facie case of privilege if the misrepresentation were deliberate. I did not, however, say whether it would be a prima facie case of privilege if the misrepresentation was inadvertent. As I say, I would like to consider the matter further, and we might come back to it tomorrow.

head: INTRODUCTION OF VISITORS

DR. PAPROSKI: Mr. Speaker, I would like to introduce to you and to the House two well-recognized Canadians, well known in the Canadian community and particularly in the Alberta Polish community. Mr. Ted Walkowski is a retired colonel of the Canadian Army and president of the Polish Congress of Alberta for the past seven years. Mr. Richard Makowski is an agriculturist in the province of Alberta and first vice-

president of the Canadian Polish Society. Mr. Speaker, these individuals have also contributed in many ways to the Canadian way of life. I would ask them to rise and be recognized by the House.

head: **INTRODUCTION OF BILLS**

Bill 28

The Alberta Uniform Building Standards Amendment Act, 1977

MR. ZANDER: Mr. Speaker, I beg leave to introduce Bill 28, The Alberta Uniform Building Standards Amendment Act, 1977. The purpose of this bill is (a) to outline clearly that this act for a provincial building code covers all the subject matters of the national building code used as our base document, (b) to give municipal by-laws and building permits proper status under the act, (c) to clarify the sections regarding orders of inspectors, and (d) to edit some of the legal terms.

[Leave granted; Bill 28 read a first time]

MR. HYNDMAN: Mr. Speaker, I move that Bill 28, The Alberta Uniform Building Standards Amendment Act, 1977, be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 31

The Companies Amendment Act, 1977

MR. HARLE: Mr. Speaker, I beg leave to introduce Bill 31, The Companies Amendment Act, 1977. The bill incorporates the recommendations contained in report No. 21 of the institute of Law Research and Reform. This report was released by the institute in mid-February, and all hon. members have received a copy. The bill permits a company to buy back its own shares, a provision necessary for flexibility in certain situations. I might say the institute obtained guidance from a wide range of sources before it advised the government on this amendment.

MR. SPEAKER: The hon. Minister of Consumer and Corporate Affairs moves that Bill No. 28, The Alberta Uniform Building Standards Amendment Act, 1977, be read a first time. Do you all agree?

HON. MEMBERS: Agreed.

MR. SPEAKER: The motion is carried.

head: **INTRODUCTION OF SPECIAL GUESTS**

MISS HUNLEY: Mr. Speaker, I wish to introduce to you, and through you to the members of this Assembly, the members of the Girls' Parliament. The contingent is made of up 43 girl guides, two 4-H members, and two members of the CGIT. They are accompanied by their leaders, Phyllis Davis and Bunnie McMillan. I wish to congratulate them on their interest in parliamentary procedure, wish them well

in their endeavors, and ask if they will stand in the members gallery and be recognized by the Assembly.

MR. DOAN: Mr. Speaker, I would like to introduce to you, and through you to the members of this Assembly, the grades 7, 8, and 9 debating options class from Delburne school in my constituency. There are 28 of them, and they are accompanied by their teacher Mr. Reckseidler. There are also two parents with them, Mrs. McClelland and Mrs. Buckland, and their bus driver Mr. Deuchar. I would hope that they might see an example of some good debating here this afternoon. They are seated in the public gallery, and I would ask them to stand and be welcomed by this Assembly.

MR. LYSONS: Mr. Speaker, I would like to introduce to you, and through you to the members of this Assembly, a grade 8 class from St. Jerome's school in Vermilion. There are approximately 42 students. They are accompanied by their teachers, Mr. Jim McGuigan and Blanche Landry, and also their bus driver Frank Ewing. I would like the Assembly to welcome them to the House, if they would rise.

MR. BATIUK: Mr. Speaker, it gives me pleasure today to introduce to you, and through you to the members of the Legislative Assembly, a grade 11 exchange student from Dorion, Quebec, attending the Vegreville Composite High School. The student, Allison Sales, is seated in the public gallery accompanied by Mr. and Mrs. Carter and Cathy. I would ask that Allison, Mr. and Mrs. Carter, and Cathy rise and be recognized.

head: **MINISTERIAL STATEMENTS**

Department of Education

MR. KOZIAK: Mr. Speaker, the announcement by the Hon. Merv Leitch, Provincial Treasurer in his Budget Address on March 11 indicated substantial additions to the grants for small schools. I am pleased to announce the details today.

In 1975, in addition to regular grants into the school foundation program fund, over \$600,000 was provided to qualifying school systems in recognition of the higher costs associated with the operation of small schools in Alberta communities. Our forecasts for 1976 are for approximately \$708,000. For 1977 the new level of support is being increased by 124.5 per cent to nearly \$1.6 million. The revised grant formulas, based on recommendations of the 1975 report of the Minister's Advisory Committee on School Finance, will extend support to a larger number of small schools and generally increase the amount on behalf of each school as well.

If a school has an average enrolment of 10 or fewer children per grade at the elementary, junior, or senior high level, under the new plan the grant will be \$1,500 for each qualifying level plus \$50 per pupil at that level. For example, if a school has 60 pupils in grades 1 to 6, it will qualify for the \$1,500 basic grant plus an additional \$3,000 dollars based on 60 pupils at \$50 each, for a total of \$4,500.

Similarly, if it has 30 pupils in grades 7 to 9, it will qualify for \$1,500 basic, plus an additional \$1,500 —

\$50 times 30 pupils — for a further \$3,000. Thirty pupils in grades 10 to 12 will allow it to qualify for a similar \$3,000. In total, a single school could qualify for a maximum of \$10,500.

If a school has an average of more than 10 but fewer than 20 pupils at any of the elementary, junior, or senior high school levels, the amount of grant is reduced proportionately. Schools with an average enrolment of 20 pupils per grade, which is above the provincial pupil/teacher ratio of approximately 18 to 1, do not qualify for any support under this section of the grants.

Our preliminary calculations based on September 1976 enrolments suggest that support will be provided to most divisions and counties, to a large number of town, village, and rural districts, and to a few of the smaller city districts. Precise support will not be known until claim forms have been submitted by the school systems. As in previous years, only systems with gross enrolments under 6,000 will be eligible for such support.

Mr. Speaker, the expansion of support under this program is evidence of the firm commitment of this government for support of quality education in Alberta's smaller communities. The result of such an expanded program should strengthen the viability of dozens of small schools throughout rural Alberta, thereby assuring the continued stability of many smaller rural centres. The magnitude of the funds should assure that quality education is maintained.

head: ORAL QUESTION PERIOD

Quebec/Alberta Relations

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Premier. Has the government of Quebec approached the Alberta government with the view to arranging any discussions regarding possible new relationships since the new government has come to power in the province of Quebec?

MR. LOUGHEED: Mr. Speaker, no, not to my knowledge.

MR. CLARK: Mr. Speaker, I'd like to ask a supplementary question to the Premier. It flows from the announcement from Quebec City that the government has decided to have weekends in Winnipeg, Toronto, Vancouver, and other major cities in Canada and that Mr. Morin, the Minister of Intergovernmental Affairs, will be meeting with Premier Schreyer in Manitoba.

My question to either the Premier or the Minister of Federal and Intergovernmental Affairs is: what is the position of the government of Alberta with regard to sitting down with the new government of the province of Quebec and frankly discussing new arrangements within the existing constitution of Canada?

MR. LOUGHEED: Mr. Speaker, as I've said on a

number of different occasions, the government of Alberta has accepted at face value the expressions by the new government of Quebec that it proposes to conduct itself as an appropriate provincial government. We have undertaken normal working relationships between the government of Alberta and the government of Quebec as we would with any new government. As far as any initiatives being taken by the new government of Quebec, we would certainly be open to them. But we take the view that we will have normal and ongoing relations with that government as we do with all the provincial governments in Canada.

MR. CLARK: Mr. Speaker, is it the intention of the government of Alberta to take the initiative in arranging eyeball-to-eyeball discussions, shall I say, between the government of Alberta and the new government of Quebec?

MR. LOUGHEED: Mr. Speaker, I thought I appropriately answered that question in my response to the second question by the hon. leader. We are accepting the view that on November 15 the people of Quebec elected a new provincial government, and we will have normal and I'm sure effective working relationships with that government, as we've had in the past with the government of Quebec.

MR. CLARK: Mr. Speaker, a further supplementary question to the Premier. In light of the decision of the province of Quebec not to take part in the communication ministers' conference recently held in Alberta, did the government of Alberta have discussions specifically with Quebec from the standpoint of encouraging them to take part in that conference?

MR. LOUGHEED: Mr. Speaker, I'd have to refer that question to the Minister of Utilities and Telephones, who was involved with that conference.

DR. WARRACK: Mr. Speaker, the answer is yes. I visited with the hon. Minister of Communications in Quebec, the Hon. Louis O'Neill, in his office in Quebec City and discussed that very matter.

MR. CLARK: Mr. Speaker, then a supplementary question to the Premier. Is it the intention of the government of Alberta to have the question of relations with the new government in Quebec on the agenda for the next meeting of the four western premiers?

MR. LOUGHEED: Mr. Speaker, I think it would be premature to respond to that question.

As I said, we certainly believe that what's important for provincial governments in Canada is to accept at face value the position of the government of Quebec that they want to conduct themselves as a provincial government in all respects. We will therefore have our normal working relationships with them. Discussions may be undertaken at the western premiers'

conference scheduled for May in Brandon, Manitoba. But we haven't finalized the agenda to this point.

MR. CLARK: Mr. Speaker, is it the position of the government of Alberta that that question of relations with the province of Quebec should be on the agenda for that meeting?

MR. LOUGHEED: Well, Mr. Speaker, I repeat again that we feel it's extremely important that the government of Alberta have a good working relationship, as we always have had in the past, with the government of the province of Quebec. It's our intention to continue to do so.

We've said in a number of cases, despite some criticism within this province, that we feel it's important that the government of Quebec not feel isolated in Confederation. I think in many cases over the past five and a half years, the government of the province of Alberta has taken some important Canadian initiatives in assuring that the government and the people of Quebec do not feel isolated at any of these federal/provincial or interprovincial conferences.

MR. CLARK: Mr. Speaker, just one last supplementary question to the Premier. Has the Premier had, or does he plan to have, discussions with Premier Schreyer prior to the Premier's meeting with Mr. Morin in the middle of April?

MR. LOUGHEED: Mr. Speaker, if I have discussions with Premier Schreyer they will relate to general matters, probably leading up to an agenda at the western premiers' conference that I've mentioned.

Communications Meeting

MR. DIACHUK: Mr. Speaker, I'd like to ask a question of the minister responsible for telephones. In the conference just finished yesterday, were there any results important to Albertans that some of us in this Assembly would like to hear about?

DR. WARRACK: Mr. Speaker, I'm very happy to say that I at least believe the answer to be clearly yes.

In the area of communications, where there has been a rather long-standing and antagonistic relationship between the federal government and many provinces across Canada, I think it's fair to say that the federal government minister Mme. Jeanne Sauve, here in Edmonton yesterday and the day before, has made a major initiative to dispel those kinds of antagonisms and offer a decentralized and flexible kind of communications policy that can be practically implemented across Canada. That is a major shift in that area of communications policy. For my part, Mr. Speaker, I hope it's indicative of a major shift in attitude by the federal government at large.

MR. DIACHUK: One supplementary question, Mr. Speaker. In the fact that one of the provinces was not represented, what is going to be done about providing communication and rapport with that province on the issues discussed?

DR. WARRACK: Mr. Speaker, two ministers were not able to be present, although officials from British Columbia were present. Part of the answer to the

question relates to that posed by the Leader of the Opposition with respect to my January 13 meeting in Quebec City with the Quebec communications minister. I think at all times it's essential to think in terms of Quebec being part of Canada, since it in fact is, and to handle all the relationships, invitations, and extensions of hospitality in exactly the same manner as any other province.

Driver Licence Photos

MR. GOGO: Mr. Speaker, my question is to the Solicitor General. It arises from a question asked last week by the Member for Lacombe about Hutterites objecting on religious grounds to having photographs on drivers' licences. My question, Mr. Speaker, is: would the minister allow a special dispensation to allow Hutterites to have drivers' licences without photographs?

MR. FARRAN: No, Mr. Speaker. This suggestion was made in the media within the last few days, but it isn't possible. The law is equal for everyone and therefore does not discriminate.

I might point out to members of the House that the Hutterian Brethren are not the only religious group that has misgivings over the graven image wording in the Bible. In fact some Muslim groups have the same sort of reservations about graven images. Perhaps I could propose to the Hutterite Albertans that in fact I am the sinner who makes the graven image and they're merely the innocent victims.

MR. NOTLEY: That certainly put a stop to supplementary questions anyway.

Parkland Nursing Home

MR. NOTLEY: Mr. Speaker, I'd like to put this question to the hon. Minister of Labour concerning the Parkland Nursing Home dispute, and ask the minister whether he's in a position to report to the Assembly pertaining to the question I raised Monday concerning the use of minors as strike breakers at the Parkland Nursing Home.

MR. CRAWFORD: Mr. Speaker, minors were involved in some work at the nursing home, according to the information the Department of Labour has had over the past several days. I suppose the purpose for which they were brought there was one that hon. members and others will have their own views about. As far as the youngsters were concerned, I think of course they went there in perfectly good faith and I have no criticism of them.

Legally the situation in the province is that if the work being done would normally be done by volunteers, there is no objection. However, if the work being done would normally be done by an employee of the nursing home, then it is objectionable at the age the youngsters were. For that reason Department of Labour officials asked the employers to cease using them in that way.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Were officials of the department able to ascertain whether any of the minors were in fact paid for performing their duties?

MR. CRAWFORD: Mr. Speaker, that's certainly central to the issue because the indications were that they were not. Because of that, since the payroll record doesn't disclose them, it did become a matter of using other evidence to ascertain that they were in fact working there.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. minister. Could the minister outline to the Assembly the nature of the investigation, beyond obviously checking with officials of the Parkland Nursing Home? What other steps were taken to ascertain whether payments in fact were made?

MR. CRAWFORD: Mr. Speaker, I haven't personally spoken to the officials who did the on-the-spot investigation. A report of course has come to me through the senior officials of the department. But the normal procedure is that the labor standards officers attend at the site and do what checking they can, based on the records and on discussions with the person who is apparently in charge. If I had to hazard a guess I would say that other oral evidence was available to them at the time of their visit. The indication was strong that four young underage people were doing some work there that would normally be done by employees.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. minister. In light of the breach of the act, is the government considering laying any charges not against the minors but against the officials of Parkland who, rightly or wrongly — quite wrongly in my opinion, but that's a matter of judgment — were using minors in this way?

MR. CRAWFORD: No, Mr. Speaker. The labor standards officers — this is certainly a policy that I recommend to them and support — are normally satisfied when a violation of a standard is found in its early stages, you might say, to require that that practice be stopped. The contemplation of laying charges is something that we hope in most cases doesn't arise too often.

MR. NOTLEY: Mr. Speaker, one final supplementary question to the hon. minister. In view of the fact that the government is indirectly, and I underline indirectly, a party to the dispute pursuant to its responsibilities under The Nursing Home Act, is the minister prepared to appoint a mediator from outside the ranks of the Department of Labour in an attempt to get the stalled negotiations going again?

MR. CRAWFORD: Mr. Speaker, the government is certainly prepared to take any reasonable step that will assist the parties in coming to a conclusion. Two days ago I had a discussion with the business agent for the union and the president of the Alberta Federation of Labour, who made that suggestion. It's under consideration at the present time. We hope the parties would benefit from the appointment of a mediator and certainly consider at that time whether the specific individual involved would be a departmental employee or someone else.

MR. TAYLOR: Supplementary to the hon. minister. Are the guests being adequately cared for?

MR. MINIELY: Mr. Speaker, I had an up-to-date report as of yesterday with respect to the situation in the Parkland Nursing Home which I would like to provide to hon. members, in view of the question from the hon. Member for Drumheller.

In a situation such as this, my overriding concern is the interest and care of the patients. Basically the Parkland Nursing Home is a 120-bed nursing home. To date, seven patients who were well enough have gone home, 15 patients have been transferred to the Charles Camshell Hospital, and 15 more can be transferred if it is necessary during the course of the employer/employee negotiation. The replacement — some of the hiring is from a private company, Upjohn Company, that provides nursing services. I'm advised that the nursing staff is up to level and that basically the quality and care of patients who remain in Parkland Nursing Home is up to standard and adequate. The patients are being well cared for.

MR. TAYLOR: Supplementary to the hon. Minister of Labour. Are the boys and girls who were involved going to be commended for their dedication and desire to help the senior citizens?

MR. CRAWFORD: Mr. Speaker, I don't know the response that those involved would make. I've made my response in the sense that I indicated I have no criticism of them. It's the sort of thing that would be routinely done if circumstances were not that a strike is on. People generally applaud that sort of volunteer effort; there is no doubt about that.

DR. PAPROSKI: Supplementary, Mr. Speaker, to the Minister of Hospitals and Medical Care. I wonder if the minister would indicate to the House whether the health of the patients has in any way been jeopardized by transferring them to their homes.

MR. MINIELY: Mr. Speaker, the assessment was that home care would be provided from the nursing home if that was necessary. But the patients who were transferred to their own homes were assessed to be in excellent condition to stay in their own homes. So there's no problem there.

Weather Modification

MR. TRYNCHY: Mr. Speaker, my question is to the Minister of Business Development and Tourism. It arises from attempts to alleviate southern Alberta drought conditions by rainmaking with cloud seeding. Has the minister or his department commenced any studies as to potential conflict between the United States and Alberta in this regard?

MR. DOWLING: Mr. Speaker, the Alberta hail project is being undertaken under the Research Council. It's sponsored and funded by the Department of Agriculture under the Alberta weather modification study. A federal government organization called the Atmospheric Environment Service monitors all seeding of clouds all over Canada to determine whether there is any conflict between our government or our weather modification plan and any plan in the United States. If there is, the conflict is rationalized through the federal government.

MR. TRYNCHY: Supplementary, Mr. Speaker. In the case that the United States were to go ahead with cloud seeding and there was a conflict, could they be charged with stealing our clouds?

MR. SPEAKER: The hon. member is putting forth a delightful proposition in international law, which he might research elsewhere.

Culture Grants

MR. MUSGREAVE: Mr. Speaker, I'd like to address this question to the Minister Without Portfolio responsible for Calgary affairs. Is the minister aware that several millions of dollars are available to the city of Calgary for the construction of a performing arts centre?

MR. SPEAKER: Possibly the awareness of the city of Calgary might be more relevant, in this case, than that of the minister.

MR. MUSGREAVE: Mr. Speaker, I'll try once more. Would the minister responsible for Calgary affairs advise what action the government is taking to ensure that this facility is built in the city of Calgary?

MR. McCRAE: Mr. Speaker, if I might attempt to answer both questions, I think the answer to the first one is probably yes. The answer to the second, Mr. Speaker, is that we are awaiting the initiatives of the local people to see what they might propose to us. The government would assess it at that time.

House Construction

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Housing and Public Works. Could the minister indicate whether projects such as the six houses in Mill Woods, at an average of \$44 per square foot, will be taken?

MR. YURKO: Mr. Speaker, we are going to undertake a similar experimental program in Calgary, where I think we're going to attempt to build six units — but they're going to be row housing and possibly some duplexes and three-plexes to determine what costs can be arrived at. The board of directors of the Housing Corporation requested these two experiments be conducted some months ago.

MR. MANDEVILLE: Supplementary question, Mr. Speaker. Could the minister indicate what steps will be taken to make available to contractors in Alberta information from the project in Mill Woods?

MR. YURKO: Well, Mr. Speaker, the reason for the publicity given to the projects by the Alberta Housing Corporation is to make as many contractors as possible aware of the fact this can be done for the price indicated in the news releases. The contractors of course have it within their capacity to approach the department, or the Alberta Housing Corporation directly, to get as much information as they can. The information will readily be made available.

Hospital Waiting Lists

MR. KUSHNER: Mr. Speaker, I wish to direct this question to the Minister of Hospitals and Medical Care. Would the minister inform this Assembly if the waiting list for beds in hospitals is increasing or decreasing this year? In the last while I've had some complaints and enquiries, people waiting as long as three to four months.

MR. MINIELY: Mr. Speaker, I have a report as of February 28 on the hospital system in Alberta, but I would require some latitude from the House to fully answer the question.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: It's difficult to judge just how much latitude the hon. member is asking for. I take it that the apparent consent of the House is not *carte blanche*. As far as the Chair is concerned if the latitude required isn't too wide, perhaps we might hear the minister's answer.

MR. MINIELY: Mr. Speaker, I would respect your wishes; not a great degree of latitude, just enough to give a full report. But I'm also happy to provide the detail during the course of estimates examination this evening in subcommittee, if that would be preferable.

Prisoners' Training — Nordegg

MR. TAYLOR: Mr. Speaker, my question is to the hon. Solicitor General on the progress report of the Nordegg Forestry Camp for inmates. I notice that one of the subjects taught is bush survival. I'm wondering if the hon. minister thinks this a suitable subject for prisoners.

MR. SPEAKER: The hon. member is perhaps raising an interesting point for consideration, but he does seem to be asking outright for the hon. minister's opinion. Perhaps he might seek that outside the question period.

MR. TAYLOR: Mr. Speaker, could I rephrase the question. Does the department consider bush survival a suitable subject for prisoners?

MR. SPEAKER: With great respect to the hon. member, the opinion of the department would be under the same strictures in the question period as that of the minister.

Rental Accommodation

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Consumer and Corporate Affairs. Could the minister inform whether the government has made a decision with regard to continuing the moratorium on condominium conversion?

MR. HARLE: Not yet, Mr. Speaker. I believe the matter relates to The Temporary Rent Regulation Measures Act. That decision will be made in April, as has been said on numerous occasions.

MR. R. SPEAKER: Mr. Speaker, to the minister for clarification. Am I to understand that the announcement on condominium conversion will be made at the same time as the announcement on the government's direction with regard to rent control regulation?

MR. HARLE: Mr. Speaker, it's my recollection that that is contained in The Temporary Rent Regulation Measures Act.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Does the minister have information to support the announcement by his colleague from Calgary Buffalo that there is an adequate supply of rental accommodation in buildings having four suites or less? Is there a study to that effect? If so, could the minister table it or make it available to the Assembly?

MR. HARLE: Mr. Speaker, I would have to take that matter as notice and respond on another occasion.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Does the minister or his department or any other department have information supporting the statement from the same member that Lethbridge has an adequate vacancy rate and therefore does not need rent controls at this point in time?

MR. HARLE: Mr. Speaker, I would make the same comment. I'll take that matter as notice.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Has the minister made a decision with regard to the possibility of having regional rent controls which are dependent upon vacancy rates? Is that going to be one of the considerations in the minister's considerations for April?

MR. SPEAKER: It would appear that the hon. member is now trying to get a piece of the answer he was previously trying to get, which the hon. minister on a number of occasions has said will come sometime during the month of April.

MR. R. SPEAKER: Mr. Speaker, rewording the question, could the minister advise whether one of the ground rules under consideration for the April decision is with regard to regional rent controls?

SOME HON. MEMBERS: Order.

MR. SPEAKER: It does seem that the hon. member is now trying to achieve indirectly what he did not succeed in achieving directly.

Grants to Small Schools

MR. CLARK: Mr. Speaker, I would like to direct the question to the Minister of Education. It flows from the announcement the minister made today with regard to assistance to small school jurisdictions. Has the minister had discussions with representatives of the Alberta School Trustees regarding the desirability of the government to see that these additional funds actually are spent in the particular small schools as opposed to becoming part of the overall budget for a school jurisdiction?

MR. KOZIAK: Mr. Speaker, as the statement indicates, the grant was developed from recommendations which were discussed quite thoroughly about a year and a half ago, provided to me by the Minister's Advisory Committee on School Finance, on which committee the Alberta School Trustees' Association had representation. Now the basis upon which those recommendations were developed was that in fact it costs more money to operate a small school than it does to operate a school with enrolments in the vicinity of 20 per grade. What we are doing by this grant is recognizing that fact, recognizing the fact that school boards now are spending more money to maintain these schools open and hoping that with the assistance of this grant they will be able to continue to do so in the future.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Has the department or the minister done an assessment of the \$708,000 that was in the program last year to determine what portion of that money actually ended up being spent as additional money in small schools across the province?

MR. KOZIAK: Mr. Speaker, as I indicated earlier, the fact that the school is operational and open is an indication that the money was spent in that school. The only way in which a jurisdiction is able to claim these funds is if in fact it maintains such a school and maintains it open. So the funds are spent just by nature of the fact that the schools are open. I indicated earlier our studies show that maintaining such a small school open is more expensive than operating a school with normal capacity.

MR. CLARK: Mr. Speaker, just one further supplementary question to the minister. What kind of discussions has the department held with the Alberta School Trustees with regard to encouraging school boards to see that the over 100 per cent increase in the budget this year is actually spent in increasing the educational opportunities in the small schools? What kind of discussions have there been between the minister or his officials and the ASTA to see that in fact the quality of education is going to substantially increase, in light of the over 100 per cent increase in the grants available for small schools?

MR. KOZIAK: Well I guess I have to repeat again, Mr. Speaker, that the primary purpose of this grant is a recognition of the expenditures school boards are now making in these schools that are higher than they would make under normal circumstances . . .

MR. SPEAKER: With respect to the hon. minister, as the Chair understood the question it was an inquiry as to certain discussions rather than directly as to the nature of the grant. While the summary of a series of discussions might be too lengthy a matter for the question period, the hon. minister might know from his knowledge of the discussions whether it could be briefly capsulated in a short answer.

MR. KOZIAK: Well, Mr. Speaker, with all due respect, the discussions would only be necessary if the grant took a different turn. I'm trying to explain to the hon. Leader of the Opposition that the grant is in fact a

reimbursement to school boards for providing that service, rather than as he suggests.

Pacific Western Airlines

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Deputy Premier. In view of the gentle controversy we had last year about the moving of PWA headquarters from B.C. to Alberta, is the Deputy Premier in a position to advise the Assembly whether or not he has made any protest to the officials of PWA about having the annual meeting of PWA this year in Vancouver as opposed to Alberta?

DR. HORNER: Mr. Speaker, that matter is a question of legality or legal law, because the company is still incorporated under the laws of the province of British Columbia.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Deputy Premier. Is the hon. minister in a position to advise the Assembly who will have the government proxy at the annual meeting, and whether any instructions have been issued as to its use?

DR. HORNER: As I understand the situation, Mr. Speaker, the hon. Provincial Treasurer is in fact the holder of the shares for the province of Alberta; and again, because of the nature of company law in the province of British Columbia, the Provincial Treasurer will be attending that annual meeting.

MR. NOTLEY: Mr. Speaker, a supplementary question to either the hon. Deputy Premier or the Provincial Treasurer. Is it true that the PWA operating profit for last year was \$113,000 and that most of the balance . . .

MR. SPEAKER: Order please. The hon. member — and I must say that perhaps this custom has become too common or has occurred too often in the Assembly — is asking the hon. minister in effect to confirm a news report, or whatever other report it is the hon. member got his information from.

MR. NOTLEY: Well, Mr. Speaker, perhaps I could rephrase the question to the hon. Provincial Treasurer. Is the Provincial Treasurer in a position to outline to the Assembly whether or not the \$2.3 million net earnings of the company largely come from the insurance money collected as a result of the ill-fated Hercules crash in Africa?

DR. HORNER: Mr. Speaker, the short answer is no. I might also say that in due course, within a matter of days, the detailed financial statement of Pacific Western Airlines will be available for distribution. It will show, amongst other things, a doubling of the per share earnings in the past year on behalf of the very effective management of Pacific Western Airlines.

I should also add, Mr. Speaker, that the move is now complete and is working very effectively in the city of Calgary.

Livestock Insurance

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Agriculture. Could the minister indi-

cate whether the livestock insurance plan that was to replace the disaster indemnity program is now in operation?

MR. MOORE: Yes, Mr. Speaker, it is.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Could the minister indicate what response to the program he's had from livestock producers?

MR. MOORE: No, Mr. Speaker. I don't have up-to-date figures with respect to the number of insurance premiums that were sold, but I expect that I would be able to get them.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Can applications still be sent to the disaster indemnity program, or has that been abandoned now that the insurance plan is in operation?

MR. MOORE: Mr. Speaker, while we're encouraging people to apply for the disaster insurance coverage, we have not yet completely done away with the disaster coverage that was available previously through the Department of Agriculture.

Social Assistance Applications

MR. TAYLOR: Mr. Speaker, my question is to the hon. Minister of Social Services and Community Health. When applications for social assistance are taken, is there a clause that indicates the length of residence of the applicant in the province of Alberta?

MISS HUNLEY: Mr. Speaker, I'm not sure. I've never applied or reviewed an application form, but I'd be pleased to obtain one and take a look. I would be surprised if there is such a requirement, though, because of the reciprocal arrangements we have.

MR. TAYLOR: A supplementary. Is any note made on the applications of how many have just or very recently arrived in the province and are applying for assistance?

MISS HUNLEY: Not to my knowledge, Mr. Speaker. During the course of the summer we were doing an analysis which we don't usually do. We examined the applications in the city of Calgary, because that's on rather the main thoroughfare. We were able to gather some statistics that gave us an indication, but it hasn't been our habit to gather that specific information. Consequently it's not readily available.

Physical Education

DR. PAPROSKI: Mr. Speaker, a question to the Minister of Education. I wonder if the minister would indicate to the House whether he's received the national report which highly recommends the need for increased time and improved quality of physical education in elementary schools to improve physical fitness and performance of students, which I raised last year.

MR. SPEAKER: Is the hon. member inquiring whether the minister has seen a report?

DR. PAPROSKI: Received a report, Mr. Speaker.

MR. KOZIAK: The hon. member who posed the question, Mr. Speaker, hasn't identified the report, but I have received submissions in this respect. Perhaps if he would care to identify the specific report that might be useful.

DR. PAPROSKI: Mr. Speaker, the report is *The National Report on New Perspectives for Elementary School Physical Education Programs in Canada*.

A supplementary, Mr. Speaker. Is the minister considering implementing more physical education in schools in view of this very positive report dealing with this matter?

MISS HUNLEY: Back to the basics.

MR. KOZIAK: Mr. Speaker, physical education is one of the core subjects in our basic education system throughout elementary and secondary education. Whether greater emphasis should be placed on this particular core subject as opposed to others I would hope would be brought out during the course of the debate on the goals and objectives of education which will be taking place in this Assembly later on.

DR. PAPROSKI: One final supplementary, Mr. Speaker. I wonder if the minister would indicate to the House whether he considers the central point of the report, that is more quality and quantity of physical education in elementary schools, merits a high degree of consideration?

MR. SPEAKER: The hon. member is clearly asking for an expression of opinion which possibly he may get in that debate which has been referred to by the hon. minister.

Planning Act Regulations

MR. CLARK: Mr. Speaker, I'd like to direct a question to the Minister of Municipal Affairs. It deals with Bill 15, The Planning Act, 1977. Is the minister in a position to indicate whether we're going to be able to have copies of the proposed regulations prior to the Easter recess?

MR. JOHNSTON: I can't answer that directly, Mr. Speaker, but I'll check and advise the House.

ORDERS OF THE DAY

head: MOTIONS FOR RETURNS

MR. FOSTER: Mr. Speaker, I move the following motions for returns stand and retain their place on the Order Paper: 101, 115, 127, and 128.

[Motion carried]

134. Mr. Notley moved that an order of the Assembly do issue for a return showing:

Copies of all studies or evaluation reports received by the Department of Social Services and Community Health since April 1, 1976, on social service delivery

systems in Medicine Hat and/or the southeastern Alberta region.

[Motion carried]

head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

CLERK: Motion No. 1, Mr. Cookson.

MR. COOKSON: Mr. Speaker, I wonder if I could have permission, because of some pending information, to [have] that resolution go to the bottom of the Order Paper.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: I understand it goes there pretty automatically without permission of the Assembly.

2. Moved by Mr. Diachuk:

Be it resolved that the provincial government give consideration to introduction of legislation amending The School Act to provide for the distribution of corporate assessments on a per pupil basis for those corporations that are unable to determine the religious faith of their shareholders.

To which the following amendment was moved by Mr. Taylor:

That the motion be amended by adding the words "based on the percentage of the total assessment that is in doubt" at the end thereof.

[Adjourned debate: Mr. Stewart]

MR. STEWART: Mr. Speaker, in the days that have passed since this resolution was moved, and the amendment was moved which I will be speaking to now, I've had time to reflect on the wording of the amendment. I felt it restricted the intent of the resolution and posed certain problems that would make it difficult for the full intent of the resolution to proceed.

In the resolution it has been asked that the "government give consideration to introduction of legislation". As I read this amendment, Mr. Speaker, it poses a problem of establishing the exact percentage of assessment that an individual company would be obliged to have placed at the disposal of the different school systems. I am thinking of the situation, Mr. Speaker, of companies like the Alberta Energy Company, which has a large portion of its shareholders — the province of Alberta, for instance — moving into an area where they would be creating a large load on the particular school district. The money would not be apportioned relative to the number of students who would be moving into and taking their education from the different school systems.

For this reason, Mr. Speaker, I feel the amendment restricts the motion, and I would not want to support it at this time. I would look forward to the opportunity to debate the resolution after the amendment has been dealt with.

MR. YOUNG: Mr. Speaker, if I may enter the debate on the amendment. I think it is worth while to review what the motion does, as I understand it, and then what the amendment does to the sense of that origi-

nal concept.

The original motion asks:

that the provincial government give consideration to the introduction of legislation . . . to provide for the distribution of corporate assessments on a per pupil basis [in the case of] those corporations that are unable to determine the religious faith of their shareholders.

Now the amendment proposed by the hon. Member for Drumheller would seem to ask that the legislation the original motion speaks of should deal only with "the percentage of the total assessment [of a corporation] that is in doubt". I'm not sure I understand, but I think I do.

I'd like to advance this proposition of what I would see happening in the city of Edmonton. If we have corporations in the city of Edmonton which would be caught by this proposed legislation, as surely we do, we would have some corporations which would be strictly public school supporters. We would have some which would be strictly separate school supporters. We would have a C-class corporation which would have part of their assessment specified as Roman Catholic or separate school because the religious affiliation of the shareholders is known. We would have a portion of the assessment of that corporation going to some division between the public and separate school boards because a proportion of the shareholders were unknown.

We would have D-class corporations — a fourth class if you will — for which the shareholders could be identified as supporters of the public system, but with some inability to identify the balance of the shareholders. Therefore a proportion of that assessment would go to both school systems. I think I'm now into an E class, a fifth group of corporations which would be able to identify part of their shareholders as separate school supporters, part as public school supporters, and a third group of unknown religious affiliation or commitment. It seems to me, Mr. Speaker, we would have a very complicated system evolving if this amendment were to go through and the government directed its attention only to the rather narrow focus the amendment proposes.

Mr. Speaker, I am concerned with the amendment, because I think it narrows the options unduly. It seems to me that the goal in the original resolution, and a goal which I think the amendment may preclude to some degree, is to deal fairly with both school systems in terms of determining their tax base for supplemental requisitions, as is now the case.

When the hon. Member for Lacombe was speaking on the last occasion this resolution was before us, he reflected on the ideal of equality of education. He identified it as a lofty objective, which he characterized as unattainable but worthy of our continued striving toward. My view is that we could strive toward that goal of equality of opportunity much more readily if we were not constrained by the narrow terms of this amendment as I see it.

I would like to advance another consideration for hon. members. If we were to adopt the amendment — and if it has the effect, which I interpret it to have, of trying to identify within a given corporation the precise number of shareholders of one religious faith, the precise number of another religious faith, and the number of unknown religious faiths — given the atti-

tude which seems to have been expressed by the controversy between the two school boards in Edmonton, I would foresee no end of legal challenge.

I don't think our objective in the Assembly should be to arrive at legislation so complex as to provide a high degree of uncertainty, and undue opportunities for the legal profession to engage in uncovering minor discrepancies in statements by corporations as to the religious affiliation of their shareholders. I foresee that would occur with this amendment. I can foresee that somebody would challenge the classification of the assessment of a corporation simply because they looked at the corporation's statement and decided somebody had mistakenly arrived at the religious affiliation of a shareholder. That could throw into question the total assessment for that corporation.

Mr. Speaker, it seems to me that if the proponents of the respective sides of this issue between the public and separate school boards insist on putting the resolution of the distribution of corporate assessment to this Assembly, then the Assembly and the government ought to step far enough back to evaluate from a distance, and to look at it in terms of what is most likely to provide equality of opportunity and a fair distribution of the corporate assessment.

There are many criteria to determine what is fair. It could be the religious affiliation of the shareholders of the corporation. It seems to me that's what the amendment of the hon. Member for Drumheller really speaks to. It could be that it should be based on the religious affiliation of the employees of a corporation, which would be an interesting debate in itself and an interesting facet of this particular question. It could be that we simply take assessments of all corporations and divvy them on the ratio of pupil attendance in the respective school systems.

Mr. Speaker, my final comment on this — and I think I expressed it when the resolution was last before us — is that this is an evolving situation. I wasn't sure then that the Assembly needed to act. I'm even less sure now. My understanding is that a court has in fact overturned a decision which gave rise to the urgency of this resolution, and that we know less now than we knew when the debate started.

As a matter of fact, I think the hon. Member for Edmonton Ottewell made some statements about the legal position in his speech before the Assembly last day. My understanding is that the effect of a recent court decision is that those statements are no longer correct, at least in the immediate and current sense of the status of the issue.

I would urge members to approach this issue on the broadest base. My interpretation of that means we would need to defeat the resolution before us in that instance.

Mr. Speaker, in the event I have misinterpreted the hon. member's amendment, it stand to be corrected and would like him to correct me if he has the opportunity. I would also entertain comments from the opposition, who have not indicated their evaluation of this particular amendment. Perhaps they would do so before debate closes.

[Motion lost]

MR. HORSMAN: Mr. Speaker, in speaking on the orig-

inal motion, may I make some preliminary comments on this problem. May I say at the outset that I very much regret that this has become a problem in this province.

I think Albertans have been very fortunate indeed that over the years there has been a lack of religious conflict among the people of Alberta, no matter what religious faith they may have espoused. Now it is quite true that in Canada the problems of religious conflict have existed, so much so in fact that in the province of Manitoba the school issue became a matter of very real political concern and, it is alleged, has lingered on in parts of this country to the detriment of the feelings among Canadians on this issue. I would very much hate to see the same type of religious conflict develop in this province on this issue, or any other issue for that matter, Mr. Speaker. As I say, we have been fortunate that this same type of difficulty has been absent from Alberta. So I think we must approach this question with a good deal of serious consideration.

It is important to note that under the legislation in effect in this province, and arising from The Alberta Act of 1905, provision is made for the establishment of public or separate school systems, depending upon the majority and minority religious beliefs of people in particular areas. So it has come about that in some areas the public schools are described as Protestant schools and the separate schools are described as Roman Catholic. On the other hand, in other areas of the province where the majority of people support the Roman Catholic faith, the separate schools have been organized by people who are described as Protestants. Of course the Protestant description encompasses people who profess many other religious faiths or those who profess no religious faith at all.

At any rate, it is important to point out that when we are talking about separate school boards in Alberta, we are not talking solely of separate Roman Catholic school boards. I think that is perhaps fortunate, because it does assist in preventing some acrimony on this issue.

Not so long ago, Mr. Speaker, I had occasion to speak to a person who recently arrived in Canada from that troubled island and country of Ireland. In discussing the troubles in that part of the world — I think that is how these religious problems are described, as troubles — it became evident that the Irish, be they from Northern Ireland or southern Ireland, be they Protestant or Roman Catholic, once they leave their country and come to this country or go to the United States or elsewhere, seem to forget their differences when it becomes obvious to them in meeting and working together that they have many things in common.

As I said at the outset of my remarks, I think it is very important that we as legislators in this province avoid doing anything which would bring about the type of religious conflict that is evident elsewhere in the world. Therefore I really want the members of this Assembly to approach this matter with concern.

I do think it important as well at this stage to return, if I may, for a brief moment to compliment the administration for having introduced *Hansard*. As this debate is now in its third day — having commenced on March 3 and having continued on March 8 — it is so important that people wishing to participate on this occasion have the opportunity of returning to pre-

vious speakers' remarks to refresh their memories with exactness as to what had been said on those occasions and to see whether anything had been missed or misinterpreted. I had the opportunity today of reviewing the remarks of the sponsor of this resolution, the hon. Member for Edmonton Beverly, and the following remarks of those who spoke in the debate on March 8. That I think is very significant and demonstrates once again the importance of *Alberta Hansard*.

One phrase used by my colleague the hon. Member for Edmonton Jasper Place on March [8] caught my eye, in that he referred to leading him "through the maze of legal argument". I think he was inviting participation in this debate from a member of the legal profession.

AN HON. MEMBER: A maze leader.

MR. HORSMAN: A maze leader. Well I regret I'm going to have to disappoint him, because I do not think it to be a matter that should be stretched into the details of a fine legal argument. I don't think that is what we should be doing on this resolution. Indeed it would be unfortunate if the members of this Assembly got themselves so tied up in this maze of legal arguments referred to by the hon. member that we lost sight of the principle of the resolution. In fact that is one of the faults that has been laid at the doorsteps of most lawyers; and that is, all they succeed in doing is confusing the issue. I will try to avoid doing that today.

AN HON. MEMBER: Takes a lot of practice.

MR. HORSMAN: If I may be somewhat critical, I think the resolution is perhaps worded very narrowly. I trust it will be possible for me to add some additional suggestions on this question of assessment.

Mr. Speaker, I think it really refers to corporations which are basically public corporations; that is, corporations which have offered their shares to the general public, which have been taken up by people throughout Canada or throughout the province of Alberta in such large numbers that it is difficult to ascertain what proportions of the shareholders are supporters of the public and separate school systems. Indeed it is quite possible, for example, that in my particular constituency there is a large plant manufacturing rubber products which is a multinational corporation; that is, its plants are located in many parts of the world and in fact its shareholders are spread throughout many parts of the world. It would be very difficult in that case for anyone to ascertain with any degree of certainty what the religious persuasion of the shareholders might be. Therefore I think the resolution really refers to that particular type of company, although it is possible as well that it could refer to the type of company where the shareholders are other corporations and the company itself in the nature of a holding or investment company.

I'd just like to point out to members of the Assembly the situation in which I find myself as the Member for Medicine Hat-Redcliff. In my constituency there are three school boards. The town of Redcliff has a school board, but because of the nature of that community there is no separate board. The town of Redcliff is approximately 3,000 people. I really don't

think there are that many places in Alberta where separate school boards are located within smaller communities. In any event, in the town of Redcliff there is one public school board.

In the city of Medicine Hat, however, there are two school boards. Medicine Hat school district No. 76 and the Medicine Hat Roman Catholic separate school district No. 21. I wish to point out the difference in the pupil ratio as compared to the assessment ratio. The public school board, which is the Protestant school board, educates approximately 76 per cent of the students educated in the city and, on the other hand, has approximately 82 per cent of the assessment in the community. The separate school district educates approximately 24 per cent of the students educated in the city but has only the assessment of 18 per cent of the property available to that board for the purposes of the tax levy. I therefore have a situation where the separate board is anxious indeed to obtain more assessment allocated to it for the purposes of taxation.

I would like to point out to the members of the Assembly how much I appreciated the fact that last year during his visit to Medicine Hat on a Saturday, the hon. Minister of Education, who was there to speak to the retirement night of The Alberta Teachers' Association, drove from a meeting of The Alberta School Trustees' Association in Banff to the city of Medicine Hat and spent the entire afternoon meeting with the school boards in Medicine Hat. During those meetings of course this matter arose.

I just point this out to members of the Assembly to demonstrate how much attention and how much consideration the minister is prepared to give to these problems in order to meet with school boards at the local level. In any event this question has arisen and has been discussed with him and with me. Prior to the commencement of this session I met with representatives of the public and separate boards, and of course discussed this matter with them as well.

At the present time a number of applications have been heard by the Court of Revision in the city of Medicine Hat, and this has resulted in a good deal of publicity in Medicine Hat. I realize it is very seldom that matters of concern of this nature are heard by people who live in Edmonton, but I was interested to note that the hon. Member for Edmonton Beverly in referring to the Edmonton situation referred to Medicine Hat. So I'm rather pleased to hear that somebody in Edmonton has heard about Medicine Hat and the situation we are faced with there.

I think one of the problems I referred to briefly has been somewhat alleviated by a recent decision in the trial division of the Supreme Court of Alberta just this week by Mr. Justice Tevie H. Miller in the case of the board of trustees of Edmonton Catholic school district No. 7. The Court of Revision of the city of Edmonton and Lloyd Neville Jones. This 28 page decision has just come into my hands today. I had an opportunity of reading it through and I think something of very great importance for the understanding of this problem is contained within that judgment.

That judgment is by way of a declaratory judgment and is really based upon legal arguments to consider not so much the actual facts of a case but the effect of the law. The real question before the court related to the matter of whether a company, where the shareholders are other corporations, can allocate its

taxes according to the wishes of the shareholders of the holding companies, in other words, the religious affiliation of the shareholders once removed — let's put it that way, Mr. Speaker.

I should like to quote if I could from the judgment at page 14 where the trial judge says:

As section 60 (2) only refers to shareholders who are separate school supporters and as a corporation can be a separate school supporter there can be no doubt that the Court of Revision must, when a complaint is filed, consider the ratio of share value amongst the filing corporation's shareholders to determine if it has made a correct calculation in its notice. It would seem to me to be incongruous to preclude, for calculation purposes, a corporation holding shares in the filing corporation just because it is a corporation, when the Supreme Court of Canada has specifically ruled that corporations can be separate school supporters. One must also consider what the School Act is trying to accomplish in this area of education financing. These sections of the act are an obvious and long standing attempt to provide some equitable way for a separate school board to obtain financing for its operation from those adherents of the religious persuasion which support the separate school system.

Now it is quite true, Mr. Speaker, that this decision of the trial division of the Supreme Court of Alberta may be appealed to higher courts, to the appellate division of the Supreme Court and perhaps thence to the Supreme Court of Canada. But I believe that this decision will be of great assistance to school boards of whatever religious persuasion, separate or public, in helping to decide this matter of real and outstanding concern. I say outstanding in that it hasn't been decided until now that the matter could be dealt with in this way.

I would suggest that this decision, which was not available to the members who spoke previously in the debate, should now be carefully considered by them in view of their remarks and in view of the fact that they had alluded to the legal problems in their earlier discussion of this problem.

I should like to carry on, if I may, to quote further:

In Alberta the separate school system can belong to either the Protestant or Catholic minority in a specific area and so the protection is provided to the minority group and not just one particular minority.

If I might just say, that is just what I said earlier. And I think that really helps to alleviate the problem insofar as discussing this matter with members of the general public.

Carrying on:

If the principle followed by the Court of Revision was a correct statement of the law one can easily envisage a situation where the filing corporation is owned by two or more private corporations whose shareholders are 100 per cent adherents of the Catholic faith and, under the interpretation propounded by the Court of Revision, not one penny of the filing corporation's assessment would be available to the separate school board.

Surely this goes against the pith and substance of these sections of The School Act. If the practical problems that may result from having to examine the corporate shareholders' status from several levels

becomes too cumbersome from an administrative point of view, that is a matter for the Legislature to remedy. I think the principle has been clearly laid down by the Supreme Court of Canada and should be followed by the Court of Revision and the Assessment Appeal Board.

MR. SPEAKER: With great respect to the hon. member, he is quoting at some length from the reasons for a judgment recently given in the trial division of the Supreme Court of Alberta. As the hon. member has already pointed out, if that litigation might be continued by means of an appeal, and if it in fact dealt exactly with the subject matter, the essential substance of this motion, then there would be a serious question as to whether the motion might be debated in this Assembly because of the well-known parliamentary rule sometimes referred to as the sub judice rule.

As I understand the motion, its essential substance deals with a per pupil basis for sharing taxation revenues for schools. Especially in view of the fact that the matter is before the courts, it would seem to me that it might be necessary to narrow the debate to the essentials of the motion so as to avoid getting too far afield and going contrary to what I have mentioned as being the sub judice rule, which precludes debate in a parliament or assembly of a matter which is before the courts.

MR. HORSMAN: Mr. Speaker, I certainly respect your comments in this area. I had finished my quotation, but I did approach this area with some concern in view of the fact that this matter is under consideration or might be appealed. I think I referred to that earlier in my remarks.

However, I do think it is useful to continue my remarks without further reference to this case, except to say I think it is important that what The School Act has really tried to do is provide an equitable and fair method of allocation of the corporate assessment. I would then hope we could refer to the more specific nature of the resolution, and I propose to do that.

Where it is impossible because of the nature of the company, or the impossibility, as I have indicated earlier, in large corporations whose shareholders are resident in many other parts of the world than just Alberta, I don't know how else, Mr. Speaker, we could fairly support the two types of school systems — separate and public, be they Protestant or Catholic — [other] than to apply the type of rule or suggestion contained in the resolution.

I would think it is important — as was already stated in this debate by the hon. Member for Edmonton Jasper Place, other members who spoke following him, and the mover of the motion — that we provide in our school system equality of opportunity of education for students, be they enrolled in either the public or separate school system. I certainly support that principle. I don't know how else — than by the method suggested in the motion — we could reach that goal, other than to have the Legislature impose some type of artificial across-the-board ruling based upon the percentage in the entire province of Catholic supporters or Protestant — using that in the broadest sense as it is used in the education act. If we were to follow that course, I suggest to the members of the Assembly that we would end up with

a clear invasion of local autonomy. So the interests of the local students in the various school boards would not be served as well as by adopting the principle of this motion.

I'd like to suggest as well, Mr. Speaker — and I hope I'm not going too far from the motion — that we give some consideration in this Assembly to the idea that when the government of Alberta — and perhaps the government of Canada could be persuaded to go along with this as well — provides grants in lieu of taxes to municipalities, the municipalities in receipt of those grants be required to allocate a portion of those taxes to the various school districts within the municipal governments, and to divide those grants in lieu of taxes which would go for education purposes to the school systems on a per pupil basis. So in Medicine Hat, for example, where approximately \$75,000 per year is paid by the governments by way of grants in lieu of taxes, the education portion would be shared between the school divisions on a basis of 76 per cent, 24 per cent, based upon the student enrolment.

Mr. Speaker, in conclusion may I point out that I support the principle of the motion before the House today. I support it on the basis that it is important that we provide support — because it is a fact in this province — to the public and the separate school systems that have been in existence, available to either Protestants or Catholics depending on the majority/minority position within the local areas; and that we do so to avoid any development in this province which would lead to religious conflict between the people of Alberta when no religious conflict has existed, and to ensure that this will never come about to polarize and divide the people of this province along religious lines.

Thank you, Mr. Speaker.

MR. SHABEN: Mr. Speaker, I would like to make a few brief comments on the resolution before us. In studying the resolution, I was attempting to determine in my mind the effect [that] passing or implementing such a resolution would have on my own constituency.

I'm really not certain. In my constituency of Lesser Slave Lake there are some four different school boards. Throughout the years these school boards or school divisions have co-operated very, very well. For example, in one of the towns in my constituency, High Prairie, they have co-operated by entering tuition agreements in order to accommodate the students, supplying them with a modern, up-to-date composite high school. This measure has been accomplished by discussions between the boards. To my knowledge there have been no differences over difficulties in determining assessments. They've also entered agreements on busing of pupils between the divisions.

The sound relationship and friendly discussions between the boards, at least in this particular rural part of Alberta, have been most useful. The difficulties that have arisen in the urban centres, particularly Edmonton, have not reached us. I suppose that as the discussion on this subject and the difficulties encountered by the boards affected by the problems are more clearly understood, a decision can be made. But at this time I think it would be too narrow for the Assembly to approve this resolution.

It may be useful for the Department of Education to

invite submissions from all the boards and divisions within the province, at the same time providing them with the various court rulings that have come down recently, and allow our school boards — who over the years have established local autonomy in matters related to education — to make representation to the government on the appropriate steps that might be taken.

So, Mr. Speaker, before casting my vote I would like to hear further debate and discussion on this well-intentioned resolution.

Thank you.

MR. STEWART: Mr. Speaker, as I spoke on the amendment, I would like to take the opportunity this afternoon to give you my few thoughts on the resolution itself.

Particularly, Mr. Speaker, I'm thinking of the situation in rural Alberta today, which I'm more familiar with, where in many areas we have expansion by the oil industry of a nature that will bring a considerable number of people to a specific area in a fairly short period of time. That causes the school boards to have to accommodate a considerable increase in the number of students.

I'm quite sure the situation will arise where a lot of students will enter one school system or the other, who will be on a different relationship to the assessment of the corporation that is developing in the area. When we realize that about 70 per cent of provincial funding of the school system is done on a per pupil basis, it would appear a more practical solution that where corporations do not specify or determine the school of their choice, the assessment of those corporations be allocated on a per pupil basis. This way hopefully both school systems will benefit from the increased assessment, as they will be obliged to give education to the increased population in those areas.

I think it's been reflected by other members here today that since the two school systems came into being, in most areas there have been very harmonious working relationships between the two where busing is concerned. In my area, the primary grades are being taught in the two systems, and they're finishing their education at the high school level in the one system. I would like to see the funding for our systems on an equitable basis, so there would not be hardship on one system as a result of assessment differentials.

I believe Alberta has a history [of] being a province that was prepared to take the lead in having a harmonious place for all nationalities to come and work together, regardless of religious faith or creed. This would be one more way this could be ensured and improved upon.

I think the history of the two systems is something that [shows] we can be tolerant of other people's religious faith in a genuine manner [and] proves, I think significantly, that we are people of many races and religious origins. Possibly this is the opportunity to make it a little simpler to establish the proper amount of assessment these jurisdictions will receive, and minimize any conflict over decisions that have to be reached when each corporation arrives in a jurisdiction.

I'm sure it must be quite a procedure, over the period of a year, to establish the religious faith of members of a corporation — whose shares are traded

on the market daily — what the proper division of assessment should be. The per pupil division of assessment is the fairest one I can see at the present time. For this reason, Mr. Speaker, I would like to support this resolution and the mover who brought it forward for discussion, and hope that other people will take part in the debate and possibly encourage this government to take another look at the existing legislation on this matter.

Thank you.

DR. BACKUS: Mr. Speaker, having spoken on the amendment I would now like to speak on the main motion.

I'd like to take a little look at the intent behind the motion. It would seem to me that in any community the main part of school expenses has been taken over by this government rather than being on the shoulders of the individual home-owner. The money provided by the provincial government is meted out to the respective schools primarily on a per pupil basis. Therefore both separate and public schools receive the same base grant according to their pupils.

Now if in the people of any community wish special educational opportunities for their pupils and wish to pay additional taxes in order to have these, it is certainly understandable that they would wish to pay them to the particular system they were sending their children to. This is certainly understandable.

On the other hand, I think when we come to any businesses or corporations that are paying taxes — and they are being asked to pay a fairly substantial tax, because in their case it isn't being supported by the provincial government — that really the individuals in that corporation have paid or supported their school system through their residents. The corporation itself is really supporting the total school system in that community in much the same way as the provincial government is supporting the school system in that community. Therefore it would seem to me that the very logical way of approaching this is to divide that fund arising from corporations on a per pupil basis between the different school systems within the community.

I think too that one can see the real problems of doing it in any other way, because very often the corporation is in a community, whereas individuals in that corporation are in a totally different community. In some cases, such as here in Edmonton, the people may be owners of a corporation in the city of Edmonton whereas they may be living in Sherwood Park, and this is where they're sending their children to school. Therefore any money that is collected from the corporation to support the school system is not really collected by them for the particular school system they wish to send their children to.

It becomes even more anomalous in a place like Grande Prairie where most of the people who work in Procter & Gamble live in Grande Prairie. They send their children to the different school systems in Grande Prairie. They actually work, and most of the income is created in the corporation of Procter & Gamble in the county. Therefore most of the taxes are collected by the county. But in fact, the owners, the shareholders of Procter & Gamble, probably live down in Virginia and the southern states. You can certainly understand if they were written to and [asked], now which school system do you want to sup-

port, you'd probably get a letter back saying, I didn't know they still hadn't integrated their schools in that part of the country.

Mr. Speaker, I'd like to make a number of other points, so may I adjourn debate?

MR. SPEAKER: Before proceeding to the next order of business, might I respectfully draw to the attention of the Assembly that earlier this afternoon in putting the questions on introduction of Bills, I put the question on Bill No. 28 twice. With the unanimous leave of the Assembly I would now like to put the question on first reading of Bill No. 31.

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF BILLS**
(reversion)

Bill 31
The Companies Amendment Act, 1977

MR. SPEAKER: Does the Assembly agree with the motion that Bill No. 31, The Companies Amendment Act, 1977, be read a first time?

HON. MEMBERS: Agreed.

[Leave granted; Bill 31 read a first time]

MR. SPEAKER: I might add that the Clerk did make the appropriate announcement at that time.

head: **PUBLIC BILLS AND ORDERS**
OTHER THAN
GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill 204
An Act Respecting
Consumer Accounts and Records

MR. TAYLOR: Mr. Speaker, I have great pleasure in moving the second reading of Bill 204, An Act Respecting Consumer Accounts and Records.

Before going into the subject of the principle of this bill, I would like to ask hon. members to make some corrections that occur on page 3. In sections 8, 9, and 10, whenever you see "section 8" it should read "section 7". It's an obvious printer's error.

The origin for this bill came about in a very unusual way. A letter came to our office from a lady in Calgary pointing out the difficulties she was having in getting errors in computerized accounting systems corrected. She became so frustrated that she came to the conclusion that consumers have no control over computers but are expected to bear the responsibility for getting the errors corrected at their own expense. She asked us if we would look into the possibility of getting some legislation on the books in connection with this particular item. If this was an isolated case I'm doubtful we would have proceeded, but in checking further into the matter I found that it was not an isolated case at all. So I asked the researcher in the office, Mr. Williams, to see what he could do about drawing up a bill to meet the needs of

those who were finding errors in their computerized statements.

In checking further into the matter I found a considerable number of complaints were registered with the supervisor of consumer credit pursuant to The Credit and Loan Agreements Act. Table 1 of the 1975 report indicates that there were 209 written complaints received by that office and 481 telephone complaints, making a total of 690 complaints. When 690 people go to the trouble of either writing a letter or telephoning the department you can rest assured that probably five or 10 times that number have had the same experience but have simply thrown up their hands and have done nothing about it.

So we prepared this bill. In dealing with the origin, I think we have to recognize that [with] today's rapid growth of automation many credit grantors have switched to using computers in filing and keeping track of accounts. All our large utility companies and many, many other companies have done this. However, computers are only as accurate as the information fed into them. Occasionally errors happen. I am not going into stories about errors, some of which are humorous and some sad. But I think we can recognize that computers do make mistakes. When they do, consumers are finding it increasingly difficult to have the mistakes corrected. The credit grantor wants his money for whatever service he has rendered. He wants it now, and he swears that computers do not lie. The debtor thinks the bill was paid or just can't understand why he's receiving a bill for something he never bought or a service he never used. And the debtor, or so-called debtor, becomes very frustrated.

The purpose of this bill is to attempt to realize that disputes do occur between debtors and creditors, and to lay out a simple course of action that may be taken by both in order to reach an agreement suitable to both parties. Up to now the debtor has had no course of action, laid out in a simple, detailed way, for disputes regarding amounts less than \$50, because The Credit and Loan Agreements Act does not come into effect until a bill is over \$50. To many people \$50 is a lot of money. It may not be that much to some, but to most working people \$50 is quite a large sum of money. No debtor should be expected to pay a bill for \$49.95, or any sum less than that, if he has not properly or rightfully received the service.

The bill would force computerized systems to correct their own mistakes. But it really has three main functions. The first is that it provides a channel through which consumers and creditors may handle errors in billing. Secondly, the bill is written to ensure the consumer a standard of privacy in regard to any information held by the creditor relating to him. The third section of the bill establishes a course of action which will allow the debtor to have any personal information relating to him removed from the creditor's possession. Those are the general principles, and I want to deal separately with each.

Before doing so, the bill does refer to a time sale agreement or memorandum or periodic statement issued pursuant to The Credit and Loan Agreements Act. With this exception, as I mentioned before, The Credit and Loan Agreement Act does not apply to a sale for an amount less than \$50. This act does.

The first purpose of the bill is to provide a channel through which consumers and creditors may handle

errors in billing. A debtor receives a statement which he believes is in error. Under the act he writes a letter, sends it by registered mail to the creditor, enclosing the amount of payment he deems proper and setting out why he believes the balance is not a proper bill he should pay. The creditor receives the letter and, under the act, would have to reply to it within five days, which I believe is a reasonable time.

Then the creditor checks and must reply within 14 days, either correcting the statement and sending a new statement, or informing the debtor that the original statement was correct. If the creditor fails to so reply within the 14 days, under the act the debtor would not have to pay the bill. It's assumed the creditor has agreed and not done anything about it. But if he carries out these things and considers the bill was proper, the creditor may then take other legal remedies.

There is no intention of having a proper bill not paid or of taking the side of a debtor who is trying to get out of a proper bill for services he has received. The procedure is reasonably simple, both for the debtor and the creditor, and provides a way of correcting an error that may be put on a computerized bill, or a handwritten bill for that matter. But it refers particularly to computerized statements.

The second principle of the bill is to ensure a standard of privacy to the consumer. Under this bill no creditor may release information relating to a debtor — his purchases, payment, credit rating, et cetera — which is stored in the computer, without the written consent of that person. Of course there are the exceptions of a law enforcement agency or a collection agency he may hire to collect the bill.

In our day and age, a great amount of information affecting the business and lives of citizens is being stored in computers. Many people are becoming concerned about the information the computer holds, particularly if the information gets into hands that have no business with it. Several times in the past we have heard people say they received telephone calls from this or that company in regard to buying their product or accepting their credit card. When the person asks, where did you get my name and number, he is told the number was supplied by one of his creditors.

This act is meant to prevent such information from being given out without written permission from the person the information relates to. There are of course some exceptions, as I mentioned. A law enforcing agency may have legal right to that. Certainly if the company is unable to collect and hires a collecting agency, that is accepted too. But under the act there's certainly no way for a creditor to give the name, the amount of money owed, the credit rating, et cetera, to anybody else without committing an offence. I think that is the way it should be, with the exceptions we have provided in the act.

The third principle of the bill deals with confidentiality relating to a debtor, closely allied to item two. A debtor who has paid a creditor in full may notify the creditor that he wants all records relating to the debt destroyed. If a [debtor] who has paid his bill so notifies a creditor, the creditor shall destroy the record. It must be destroyed within 30 days and the debtor must be notified that it has been destroyed, unless the creditor is subject to a court order forbidding him to do so. When the creditor receives this information,

if he agrees the bill is paid and consequently destroys the records, that puts the responsibility on him. He's not going to carry out destruction without thinking about it carefully, because once he destroys the records he is unable to enforce payment of a debt. By the destruction he declares the bill has been paid.

It's not an earth-shaking bill, Mr. Speaker. But it touches the everyday lives of ordinary people, people who are sometimes called the salt of the earth but who don't have very much money or very many worldly goods, and who have difficulty meeting their payments month by month. Many live from month to month. When they are faced with something of this nature, it certainly becomes most frustrating for them.

I believe there are appropriate penalties in the act. The exceptions to the act are of course the police, municipal, provincial, and federal governments, better business bureaus, and such agencies named in the regulations by the Lieutenant Governor in Council.

Mr. Speaker, in asking hon. members to support Bill 204, I would say the bill is a close deskmate of The Credit and Loan Agreements Act. It fills a gap in The Credit and Loan Agreements Act. It provides a simple, concise way for persons who receive bills for which they are not responsible [or] bills that contain some error, to have that error corrected without resorting to lawyers or the courts. I believe that in itself is a sound reason for passing this legislation.

MR. GOGO: Mr. Speaker, first of all I would like to commend the hon. Member for Drumheller for bringing in a bill of this nature and confirming a belief long held by his colleagues in this Assembly, that he indeed is very concerned, very attuned, very sympathetic and empathetic not only to his constituents but to most Albertans.

Mr. Speaker, although introduction of the bill was on the first of the month, I think there was some delay in the printing of the bill. I have only come into possession of the bill in the last week or so. Perhaps I have not given the bill the attention I should have, but I would like to make several comments.

I'm sure nobody except perhaps the legal profession might quarrel with the three principles of the bill: errors in billing, the right of the individual to privacy, and action on the request of the individual to destroy records. If they were implemented, Mr. Speaker, I'm sure that would drastically affect some members of the legal profession. Undoubtedly many cases end up in court as a result of those very things. However, I'm sure members of the legal profession could withstand those pressures and, if the bill were implemented, it wouldn't seriously affect them.

As to the principle of the bill, Mr. Speaker, I don't believe errors in billing are uncommon in this day and age of the computer. When we reach the point in our society where a constable in a police car on Highway 16 west can with a flick of a switch talk to the capital of this nation, the RCMP headquarters in Ottawa, and within 120 to 150 seconds get a response through the use of telecommunications and computer storage, it's a little frightening to think that any member would quarrel with the principle of a man asking for privacy in a thing like a retail billing.

It's a little frightening, Mr. Speaker, when you consider that the hospital commission in Alberta, I understand, rents space in a computer system in Bos-

ton. The information stored there is obviously confidential and has certain implications. Firms in Calgary, Alberta, are tied into terminals in both Houston and Dallas in the United States, with much information on individuals, resources, and business practices in Alberta. If that were misused, the results could be frightening. I think all this comes into one of the principles the hon. Member for Drumheller has introduced in Bill 204.

One must remember, Mr. Speaker, that a computer is not infallible. A couple of years ago I recall watching a demonstration of the latest computer produced by one of the major firms. The purpose of the demonstration was to prove how infallible the computer was. The fellow putting on the demonstration had two watches: one watch didn't work and the other lost eight seconds a day. Both watches were fed into the computer, and the computer was to give a logical answer. The answer was that the owner of the watches should keep the watch that didn't work, because it was correct twice a day. The one that lost eight seconds a day was only right once a month. So one shouldn't lose sight of the fact that computers are not infallible. Indeed a strong argument could be made that they're equivalent to the intelligence of the man who programs them.

One can't discuss Bill 204 without also looking at credit cards, Mr. Speaker, because we've entered an age of plastic. Sometimes, either by design or accident, one digit in a credit card results in a billing going to the wrong person. Because we're in the age of sophistication in computers, when you get a bill you assume the onus is one you to pay it.

I'm sure, Mr. Speaker, members of the Assembly are well aware that plastic credit cards today all come out of the same size die. Numbers and digits are impressed on the credit card. By applying a hot iron to the back, of course you can erase them.

For those who go on the PWA airbus daily or weekly, notice the speed at which people go through that line. They don't even look at the credit card imprint on the charge slip. It's a major business today with oil companies, air lines, and indeed with the banks of the nation: people have simply applied a hot iron to the back of a credit card and raised those digits back into the credit card. They're stealing millions and millions.

I'm sure some retailers — I should point out Bill 204 refers to retailers, because The Credit and Loan Agreements Act spells out under the definitions that it does not apply to manufacturers, jobbers, wholesalers, and so on.

When looking at the bill though, Mr. Speaker, I wonder if there are not or could not be inadvertent errors. I question a matter that came up recently in Edmonton, where a person had dental treatment to the tune of \$550 and specifically asked the dentist if she could have the bill so she could make provision to pay it on a monthly basis. An entire year went by. Although the person had made the provision of tucking away \$50 a month, still no bill arrived. That person moved to Vancouver. She couldn't locate the dentist before she moved, because the dentist had moved. Now that person is being served with notice by the estate to pay the bill. She's at a loss as to what to do, and she obviously doesn't have the money.

Nowhere in the bill does it state there is a time limit

[wherein] a creditor must serve the bill. I think that is probably an important item in Section 2. A person should indeed receive a bill within a certain period, in order to have Section 2 operative; that is, where the debtor has a time period to correct it. I think that's only reasonable.

A part that attracts me to the bill, Mr. Speaker, is the privacy section. Recently there was a case in Winnipeg, Manitoba, where a chap who had risen to the deputy minister level in government applied for a mortgage from a chartered bank and was turned down. Because the onus wasn't on the bank to give the reasons for turning the person down, the applicant for the mortgage really didn't have much argument. Upon investigation through the Ombudsman of that province, it turned out that this chap, who is in his 30s, had had a bit of a drinking problem, was unemployed, had acquired somewhat of a criminal record in that he had been picked up for drinking and locked away when he was in his 20s. This information was stored within a computer system. Although it didn't relate to payment or non-payment of a bill, that information was used against that person who at this time was a senior person in government, was married, and had a youngster. I think this fits in with the member's comments about that section of the bill in terms of privacy and the destroying of records. I don't think it's that simple, Mr. Speaker, [or] that it solves the problem at all to say that within a few days of receiving a bill and within 14 days of replying to the creditor, records have to be destroyed.

On the side of the creditor — and I think, Mr. Speaker, we should recognize that we're not talking about the traditional creditor in the sense of Woodward's, the Hudson's Bay, or the T. Eaton Company — many small creditors hire a bookkeeper on a once-a-week or bimonthly basis, and would look after this type of matter. I'm frightened to think what happens to the small businessman, such as the general insurance agent, who might take two weeks to go to Hawaii each year, and thereby his mail's not answered for a month. If a person receives a wrong billing, follows this act, responds, and within 14 days something's not done, then for sake of argument the only course open would be through the courts. I really don't think that's particularly meaningful. I think there has to be some alternative besides a person cancelling a trip to Hawaii.

Mr. Speaker, the sponsor of the bill makes a special reference in Section 13 to several interest groups. Law enforcement groups certainly should retain records in the public interest. Also mentioned is a government agency or a municipal agency. One wonders if that's entirely a good thing. I often wonder, Mr. Speaker, how government would get along without the records they have. It might shock us all to find out they do. The post office strike they had several years ago might have been solved much quicker if Members of Parliament had been mailed pay cheques in the normal mailing process instead of by courier.

The records kept by a better business bureau as to a credit rating: I'm sure what the hon. member had in mind was that if an individual applies to a merchant for credit, there should be an organization allowed to retain records whereby they could quote on that applicant's credit record. I'm sure that's the reason the member has Section 13(d) in there. However, Mr.

Speaker, there are many cases where the debtor or applicant should be allowed to examine and indeed destroy the records of better business bureaus and collection agencies. So I think one should look deeper into that section of the bill.

Let me conclude, Mr. Speaker, by saying I'm continually impressed with the manner in which the Member for Drumheller continues to bring before this Assembly legislation and concerns that touch the very lives of so many Albertans. I'm really surprised, after the number of years within this House, that he hasn't lost touch with the concerns of these citizens. Although I would be the first one in the Assembly to support the bill, Mr. Speaker, in fairness to the hon. member I have to say I have to look a little deeper because I think it could go much further. I don't think it would do justice either to the people of Alberta or the member to pass it at this point. I await with interest an amendment from somebody else within the Assembly. Mr. Speaker, again I commend the member for his introduction of the bill and his talk on it.

Thank you.

MR. LYSONS: Mr. Speaker, I beg leave to adjourn debate.

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

HON. MEMBERS: Agreed.

Bill 205 The Telephone Act

MR. TAYLOR: Mr. Speaker, I have great pleasure in moving second reading of Bill 205, The Telephone Act.

Section 31 of The Alberta Government Telephones Act reads as follows:

A person who uses profane, obscene or abusive language while talking on a telephone or over a telecommunication wire or by other means interferes with the use or enjoyment of the system is guilty of an offence and liable on summary conviction to a fine of not more than \$100 or to imprisonment for not more than six months.

The bill we have before us today adds to and supplements this section. Its purpose is to discourage unsolicited telephone calls during a person's free time. It sets out that unsolicited calls before 9 a.m. or after 5 p.m. on any day or at all times on Sundays and holidays become an offence. It sets a penalty for that offence: up to \$100 or imprisonment for less than six months. It includes all telephone systems in the province of Alberta. Previously we had two bills, one dealing with the city of Edmonton telephone system, the other with the Alberta Government Telephones system. This bill embodies both.

A letter from city hall in Edmonton asked us to include the city of Edmonton, because apparently they too have had complaints about unsolicited telephone calls. I'm not surprised at that, Mr. Speaker. Living in Edmonton, I too have had a number of calls over the years. Some calls ask if you will subscribe to a magazine. If it happens just when you've poured your soup into your plate and you have to talk for five or 10 minutes without being rude, your soup gets

cold and it leaves you in a frustrated position. Sometimes I wonder if these unsolicited telephone calls are not the reason for some of the separations of married couples in the city. I have known wives — not from personal experience — to become very irate because the husband is talking on the phone about a burial plot while she's fretting over the fact that the roast beef, potatoes, and peas are getting cold. After she's gone to the trouble of cooking a real nice meal, I can understand her frustration.

I've had such calls about cemetery plots. There are groups in the province who believe in getting you to pay now and die later. They try to persuade you over the telephone that you should pay so much for a cemetery plot now. This isn't quite as common today as it was just a few years ago. Carpets, rugs, and magazines are sold over the telephone. Approaches are made. One of the more interesting ones — I have to say I didn't object to it too much — was a very beautiful voice persuading me to take dancing lessons. I asked the girl if she'd ever danced with me, and she said, no, I don't even know you. So I felt a lot better. I didn't think my dancing was quite that bad, but maybe it is. Anyway that happened at a time when I was in the middle of a meal or half asleep in the early morning.

Some people may not object to this type of call, but in my book it's a nuisance. It takes time away from . . . You haven't asked for it. It's unsolicited. Then in some cases the phone calls are even worse, because the person you are talking to won't identify himself. Normally when that happens to me I say good-bye as politely as I can and hang up, because in my view you shouldn't be wasting your time on a person who doesn't identify himself.

What about present legislation? I remember when this section was brought into the Legislature a number of years ago. At that time I had received many representations from people, particularly married women, who were receiving obscene calls over the phone. They felt something had to be done to try to discourage this type of thing. So we brought this particular section into the Legislature and it was passed.

Now I think I and all members of the Legislature, and certainly the Alberta Government Telephones Commission, knew that this would be difficult to enforce — not impossible, but difficult. It hasn't stopped obscene calls, but it does discourage many who would make obscene calls when they know there's legislation that carries a fine if they're apprehended. Some of those inclined to make this type of call don't do so. So it has had a good effect.

I'm not sure how many prosecutions have been carried out. I understand, and understood when the bill was passed, that if a person receives an obscene or profane call from a person using abusive language, if you can keep them on the phone long enough and somebody else can contact the police it may be possible to apprehend them while they're still using abusive language and so on. But it is difficult to carry out enforcement.

I think you can say the same thing about the bill we are introducing. It is going to be difficult to enforce, and probably in many, many cases the people receiving the call wouldn't want to go that far. But I do know from correspondence, from speaking to people, and from listening to some radio telephone-line calls

that many people are irritated with this type of thing. This bill isn't going to stop it, but I think it will discourage it.

As I pointed out the last time we had the bill before the House, I received a number of letters about how they objected to this as wasting their time, as costing them money, et cetera. I'm not going to go into that detail today. I don't think it's necessary. I think the bill is straightforward; it's simply trying to discourage unsolicited calls that are an intrusion on the private individual's free time. At the very best it will discourage many of these calls, and it may also lead to some apprehensions where discouragement will be very, very definite indeed.

So I would ask the hon. members to consider the merits of the bill. Again I say it's not an earth-shaking bill, but I think it will be appreciated by many people who today are irritated over such calls.

MR. BATIUK: Mr. Speaker, I too would like to express a few opinions on this bill. First of all, when the hon. member introduced it, I thought quite favorably of the bill. I thought that he may have several areas of concern, and I thought that probably I would support the bill. However, thinking more and more about it, I just wonder whether this bill would be beneficial or detrimental to the people of the province. I looked at it two ways.

First of all, I would like to commend the hon. member for bringing this bill in another time. It was brought in last year, and I think last year I also spoke on it — although I think I will be shorter. Last year I talked about my sow and the wheelbarrow. Well I got rid of the sow and the wheelbarrow, so that's something I won't mention this year.

However, as the hon. member mentions, they would not want any soliciting before the hour of 9 and after the hour of 5. Sometimes I think it could be a hardship for many areas in society. Particularly as a farmer, I know that whenever I have to make any phone calls I will do them much quicker before 9 and after 5, because at that time a farmer would be out in the field and he wouldn't be any place near a phone.

In the over 20 years I was a public servant, the most calls I used to get when I was a county councillor and on the school board — I used to be on the seed cleaning plant board, on the senior citizens' lodge, the recreation board. While I was on the county council I used to get very many phone calls, sometimes even at 3 and 4 o'clock after midnight. Some irate farmer who probably heard on the air that there was a storm coming — it was in Grande Prairie — would phone and say, where is the snowplough, did the county sell them out or something? But as an elected official I think we should expect to be bothered occasionally and so forth. Otherwise if we don't want the phone to ring anytime after 5 o'clock until the next morning and over the weekend, maybe we shouldn't be thinking of holding these offices. Furthermore I wonder how many MLAs — most of them, I'm sure, do their calling after that time whether it's at election time or anything else.

However, being a farmer, I know that on numerous occasions and particularly during seeding time it comes to a point where you may have just finished and you're short of two or three bushels of wheat to finish up a little corner. Well you know it's very hard to start thinking of fanning grain again, treating it,

and so forth. But you can phone around to the neighbors, and very, very often somebody has some left over. I know there were times when the neighbor would phone me and say, John, you know I've got a few bushels of oats left over, would you make use of them? And as I see it now, how difficult it would be if a farmer found out at 6 o'clock that he needed another bushel or two of grain and it was Saturday evening. He wouldn't be able to phone his neighbor until Monday morning after 9 o'clock. I don't think this would ever work. It would be a real hardship on many of them.

Another area I know there has been a lot of discussion in this Legislature about is differential of fees to foreign students. But you know, there are students right in our own province, Albertans, who have difficulty seeing their way through school. Some of them have to go and make a few dollars to help pay their way. I just think of not too long ago — it was this last fall — when I had a phone call on a Sunday afternoon from a young chap. He said, I sell vacuum cleaners, and I would like to demonstrate one. And I said, well you know what, we have a fairly good vacuum cleaner and we weren't intending to buy one yet. He said, well the company has given me a deal that I must make so many demonstrations to be able to carry my job on. I guess he had to pay his way through university. Feeling sorry, I said sure, come up right away and you can have your demonstration. But do you know with his demonstration, he talked to me and convinced me, and I bought a vacuum cleaner. I'm sure the young chap must have made \$20 or \$30 on it. Now if this was not permissible, when would students be able to make themselves a dollar or two? So as I say, I think a bill such as this would probably be a real detriment to our young people.

The hon. member just mentioned the girls who phone in and would like to give him instruction in dancing. Well I think the hon. member didn't catch on. You know, there was just a hook to it. That was one way to get better acquainted with you, knowing that the hon. member is a bachelor. No girls ever phone me to come and teach me to dance, and I've been in this Legislature six years. As I say, other than somebody for business or somebody I know, no stranger ever phones me. When I think of the hon. member's Bill 201, the body-rub parlors bill, I wonder whether this — just think, if this bill was in force you'd never be able to get any calls in the evening.

So all in all, it may sound a little bit entertaining. I think this bill may be good to some extent, but I think of what a detriment it could be. I'm thinking of the young folks especially, those who have to make themselves a livelihood other than during the day [when they're] at school. So I really have decided to oppose this bill, unless the hon. member can convince me in committee that I should change my view.

Mr. Speaker, I want to express my view and thank you.

DR. WEBBER: Mr. Speaker, I too am pleased to speak to the second reading of Bill 205. I enjoyed listening to the stories the hon. Member for Drumheller told, not only this session but when the bill came up a year ago. I was expecting another long humorous story from the Member for Vegreville about the sow and the pig, but his stories were a little shorter this year. [interjections] Or the sow and the wheelbarrow. I'm

sorry. However, I will be a little more serious than the Member for Vegreville in my comments.

Mr. Speaker, as a member of the Legislature as well as a member of the Alberta Government Telephones Commission, I think I can supply some information pertaining to this bill. I think your first emotional reaction when you read the bill is that you may want to support it in order to get rid of such annoying calls as the hon. member described. However, on closer examination there are a number of weaknesses in the bill. I would like to point out some of those. However, before doing that I would like to describe several ways in which an unsolicited telephone call can actually be placed.

First of all, an individual could go to a telephone and dial numbers at random or in sequence. I believe *The Albertan* in Calgary uses the technique of dialing numbers in sequence in soliciting for subscriptions. Of course the obvious method of placing an unsolicited call would be to look name and number up in the regular telephone directory.

In Calgary there is a third method: the use of a *Calgary Numerical Directory*. AGT publishes this numerical directory twice a year. It's available on lease, with the minimum contract of 12 months. Charges for the directory are \$6.85 per month or \$82.20 per year. This directory has two sections: one listing the subscribers in numerical sequence by telephone number, and the other in sequence by address. The numerical directory contains the names, addresses, and phone numbers of non-listed subscribers as well as the subscribers' names in the regular telephone book. As I said, the non-listed subscribers are those customers not in the regular directory but whose numbers are available from directory assistance or the operator.

About 1,200 copies of the numerical directory are leased out each year in Calgary by AGT. The users of this directory include such fine organizations as the Salvation Army, Canadian Cancer Society, United Way of Calgary, and the Alberta Heart Foundation. These numerical directories are not printed for other areas of the province. There's only the one for Calgary. The reason is that the market doesn't warrant their production elsewhere.

A fourth method of placing an unsolicited call would be to phone the operator for the number. There are three kinds of numbers: the numbers listed in the telephone directory, the non-listed telephone numbers I just described, and the non-published telephone numbers.

Quite often, Mr. Speaker, I think there is confusion about the difference between a non-listed and a non-published telephone number. A non-listed number is not in the telephone book but is, in the case of Calgary, in the numerical directory. The directory assistance operators have the listing and provide it upon request. You get this by dialing 411 or 555-1212. At present there is no charge by AGT for non-listed numbers. If a person didn't want his name in the telephone directory, or wanted to reduce the probability of receiving an unsolicited call, he could simply ask for a non-listed telephone number.

I also mentioned the non-published number. Some 50,000 AGT subscribers have non-published numbers. For a non-published number, a subscriber pays 65 cents extra a month on his phone bill. His name and number do not appear in either the regular direc-

tory or, in the case of Calgary, in the numerical directory.

Directory assistance operators have the name and address of the unpublished subscriber. It's also indicated to the operator that that number is unpublished. But they do not have the number itself, and they will obviously not give that number. They won't even give the address of a person having a non-published number. The only way such numbers could be obtained would be in the case of an emergency, through the police going through AGT's security department.

So an unsolicited call may be placed in four ways, as I've mentioned: dialing without assistance; dialing numbers at random or in sequence; using the regular directory or, in the case of Calgary, the numerical directory; or phoning the operator for the number.

Another technique used to obtain numbers is firms holding a raffle or draw — you often see these at fairs or stampedes — so they can get your telephone number and follow it up for a sales contact.

The hon. Member for Drumheller indicated he had some complaints about the abuse of these calls. I've checked with Alberta Government Telephones personnel. In their view there is no general problem with respect to unsolicited calls as far as they can monitor, although no regular monitoring system is in place. However, from March 8 to March 29 this year there's a record of only about eight phone calls to AGT with respect to complaints about unsolicited calls. Several of these were from customers with unpublished numbers. They were worried that AGT had given out their number, when in fact they probably had received the telephone call by a random telephoning process.

One of the complaints in Calgary was from a customer on shift work who presumably sleeps during the day. He complained of receiving three calls from *The Albertan* trying to sell a subscription when he already had one. The time of the calls was not indicated, although they may have been received between 9 a.m. and 5 in the afternoon. Therefore even with this bill as law his problem wouldn't have been solved.

Another complaint came from a Leduc customer who received a call around 9 o'clock in the morning with a recorded sales promotion followed about 10 minutes later by someone representing a company and asking if the customer would like a set of stainless steel or a case of beans. I'm not sure of the connection between the two. Anyway this is what he was complaining about.

A Radway lady complained of repeated calls from someone representing an Edmonton company asking to give a free demonstration. A check later indicated there was no such company, or there appeared to be no such company, and it was probably a genuine nuisance caller.

The hon. Member for Vegreville was talking about having a vacuum cleaner demonstration and in fact purchasing it after the demonstration. There were several complaints regarding a vacuum cleaner firm in the Bonnyville area. This firm was using recorded calls as a sales technique or promotion device. On the recording, a number was given for the person to call if he was interested in a demonstration. He was to call collect if he wanted this demonstration. Apparently several people in the Cold Lake or Lac La

Biche area received these unsolicited calls and were interested. But they phoned a wrong number. They got the digits transposed and ended up phoning a home in Bonnyville, and the lady was quite upset that she should get these collect calls for a demonstration from the Lac La Biche/Cold Lake area. As a result they complained to AGT about receiving these collect calls. But I think it's interesting to note that in this situation there were people who were interested in actually responding to the unsolicited recorded message promotion.

As an MLA, Mr. Speaker, I haven't received any complaints from my constituents regarding unsolicited telephone calls, although at different times I've received annoying, bothersome calls at home, much along the same line already described. But personally I see no real, general problem. In cases where specific problems do arise, I think we already have legislation which could handle the situation. The hon. Member for Drumheller indicated Section 31 of The Alberta Government Telephones Act. He wanted to leave that part as it was and have the second part. However, I think the first part would cover situations where people feel harassed or bothered by unsolicited calls. As well, obscene or threatening calls are covered in the Criminal Code.

In addition, Mr. Speaker, Bill 205 is restrictive to businesses in Alberta. Telephone soliciting is and has been a recognized sales-survey and information-gathering system or technique. The bill would in fact violate the rights of those who would desire such soliciting. Obviously some customers want these calls, as I've already indicated. Also the firms that have these recorded devices must find it profitable to

have them, otherwise they wouldn't be doing it.

Mr. Speaker, I would like to go into some specific examples of legitimate uses. I see the clock is getting close to 5:30, so I'd like to adjourn debate.

MR. HYNDMAN: Mr. Speaker, as to business in the Assembly: tonight in Subcommittee A. Hospitals and Medical Care, Room 312 at 8 o'clock; in Subcommittee B, Transportation, Room 119 at 8 o'clock. Tomorrow we will call third reading and then proceed to Royal Assent on Bill 3, The Appropriation (Interim Supply) Act, following which we would then proceed to Committee of Supply to study the estimates of the Department of Advanced Education and Manpower.

At this time I would like to give the House information with respect to the adjournment at Easter. Our plans at this moment are that the Assembly would rise at 5:30 p.m. on Wednesday, April 6, and adjourn until 2:30 p.m. on the following Wednesday, April 13.

I move the Assembly adjourn until tomorrow at 10 a.m.

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

HON. MEMBERS: Agreed.

MR. SPEAKER: The Assembly stands adjourned until tomorrow morning at 10 o'clock.

[The House adjourned at 5:31 p.m.]

