

LEGISLATIVE ASSEMBLY OF ALBERTA**Bill 46
The Banff Centre Act**Title: **Tuesday, May 17, 1977 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF VISITORS**

MR. DOWLING: Mr. Speaker, I have the honor and privilege today of introducing to you a distinguished parliamentarian in your gallery. He is the Hon. Gilbert R. Clements, Minister of the Environment, of Municipal Affairs, and of Tourism, Parks and Conservation in the province of Prince Edward Island. I would ask him to rise and receive a traditional western welcome to Alberta and the Legislature.

head: **PRESENTING PETITIONS**

MR. CLARK: Mr. Speaker, I would like to present a petition opposing the passage of Bill 29 from the 60 delegates to the Alberta Conference of the United Church of Canada.

head: **INTRODUCTION OF BILLS****Bill 54
The Petroleum Marketing
Amendment Act, 1977**

MR. GETTY: Mr. Speaker, I beg leave to introduce Bill No. 54, The Petroleum Marketing Amendment Act, 1977. The main objective of the bill is to place the marketing of pentanes or condensates produced from Crown lands in Alberta under the control of the Alberta Petroleum Marketing Commission. This action would put the pricing and marketing of pentanes on the same basis as crude oil in Alberta. In particular, it would provide some assurance that an adequate supply of pentanes would be available as feedstock for a liquid-based petrochemical industry in the province.

On the matter of price, Mr. Speaker, producers may be assured that Bill 54 is not intended to be used as a mechanism to subsidize Alberta petrochemical feedstock costs. While it appears that pentanes, like crude oil, will continue to be regulated in Canada in the foreseeable future, industry should note that such regulation will not be used to distort the historical price relationship between these two commodities.

I might also say, Mr. Speaker, that the bill is intended to be left on the Order Paper over the summer break.

[Leave granted; Bill 54 read a first time]

MR. KIDD: Mr. Speaker, I beg leave to introduce a bill, being The Banff Centre Act. This act will remove the Banff Centre from the trusteeship of the University of Calgary, and make the institution independent and self-governing.

Mr. Speaker, this bill will be held over until fall for further legislative consideration.

[Leave granted; Bill 46 read a first time]

MR. HYNDMAN: Mr. Speaker, I move that Bill No. 46, The Banff Centre Act, be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

**Bill 243
An Act to Provide for Warranties
in the Sale of Consumer Products**

MRS. CHICHAK: Mr. Speaker, I beg leave to introduce Bill No. 243, An Act to Provide for Warranties in the Sale of Consumer Products. This bill is designed to eliminate many of the ambiguities and loopholes that are present in consumer product warranties. To ensure that the consumer is afforded some real protection under product warranties, this bill attempts to clarify the conditions that warranties must fulfil and provides the consumer with methods of governmental and legal recourse where warranties are not properly honored by sellers, retail sellers, and manufacturers. The bill allows as well sufficient flexibility for sellers and manufacturers not to be held unfairly responsible in claims for breach of warranty.

[Leave granted; Bill 243 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. MINIELY: Mr. Speaker, I wish to table a reply to Motion for a Return No. 155.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. MILLER: Mr. Speaker, it's my pleasure today to introduce to you, and through to this Legislature, 23 students with us today from Lloydminster. They are accompanied by their teacher Mr. Messmer. They're seated in the public gallery. I would ask that they stand and be recognized.

DR. HOHOL: Mr. Speaker, I should like to introduce 60 students from the grade 6 class in North Edmonton in my constituency of Edmonton Belmont. They're accompanied by their teacher Mrs. P. Bradley. They're in the public gallery. I should like to ask them to rise and receive the welcome of the Assembly.

MR. DIACHUK: Mr. Speaker, I wish to take this opportunity to introduce a class of grades 5 and 6 students, 24 in number, from the Rundle Elementary School in the constituency of Edmonton Beverly. They are accompanied by their teacher Mrs. Gouchee. They're

seated in the members gallery. I would ask that they rise and receive the usual welcome of the Assembly.

MR. APPLEBY: Mr. Speaker, on behalf of the Member for Barrhead, the Deputy Premier and Minister of Transportation, the Hon. Dr. Hugh Horner, I would like the privilege of introducing to you, and to the members of the Assembly, 21 grade 10 students from Fort Assiniboine. They are in my neighboring constituency to the west. The school is located in the northern part of the Barrhead constituency, on the Athabasca River. This afternoon the group is accompanied by teacher Mr. Parmider Basahti. They're seated in the members gallery. I would like them to stand and be recognized by the Assembly.

MR. ASHTON: Mr. Speaker, perhaps last but certainly not least it's my pleasure to introduce an important group of young people from Terrace Heights school. They're sitting in the members gallery accompanied by their teacher. I'll ask them to stand and be recognized.

MR. KROEGER: Mr. Speaker, in 1952 a very significant event occurred that affected not only Albertans but Canadians and probably people all over the world. Mr. Speaker, 1977 is the twenty-fifth anniversary of that event. I'm now going to invite all members of this House, and anyone else in the House, to rise and join me in acknowledging the twenty-fifth anniversary of Her Majesty the Queen by singing *God Save the Queen*.

[Members rose and sang *God Save the Queen*]

head: ORAL QUESTION PERIOD

Hospital Construction

MR. CLARK: Mr. Speaker, I would like to direct the first question to the Minister of Hospitals and Medical Care. In light of the announcement the minister made on Friday, will construction of the twice-announced Grande Prairie regional hospital be going ahead?

MR. MINIELY: Mr. Speaker, the announcement I made on Friday did not in any way cancel any projects. What it does, for this period, is slow projects down. I would estimate the project could be slowed down a maximum of six months and, more realistically, [for] projects not on the list attached to the ministerial announcement I tabled in the Legislature, probably an average of approximately three months.

In the case of Grande Prairie though, the MLA for Grande Prairie and the board of the hospital indicate to me that there is sufficient planning at the local level in Grande Prairie to keep them going, and it's likely that the Grande Prairie hospital will not be affected in time terms as long as it comes within reasonable cost to the province, of course, as with any other project in Alberta.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. In light of the fact that the hospital was announced once in 1975 and again in the 1977 throne speech, what is the target date now for the Grande Prairie hospital to go to tenders?

MR. MINIELY: Mr. Speaker, as I've said several times in the House, with respect to Grande Prairie or any hospital projects in Alberta there are different stages at which the board and the province have indicated agreement in principle. In the last two years I've stated that agreement in principle does not constitute final approval of a project. Final approval of a project — any project in this province and, again, considering financial responsibility to the taxpayers we mutually serve — is when we are satisfied with the detailed design of a project that has been submitted by the board, and we are satisfied that the pre-tender estimates are reasonable in relation to the design, and that the space requirements are reasonable in relationship to the programs and services that should be provided in the facility.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Can the minister assure the Assembly that it's his intention to live up to the commitment given in the throne speech, that construction of the hospital in Grande Prairie would commence during 1977?

MR. MINIELY: Mr. Speaker, I would simply repeat that the announcement I made on Friday is in no way cancellation of any commitments the province has made. On the other side of that, members of the Legislature would understand that when the province makes a commitment in principle to build any facility — not just hospitals but other facilities — that means that other factors such as design, architecture and engineering, and end cost have to be satisfactory at the stage of final approval. Certainly, in the throne speech and in the Budget Address we made commitments relative to these projects. I think those commitments remain, but they remain certainly subject to satisfactory end cost and space requirements, as I indicated in my earlier answer.

MR. NOTLEY: It'll be clearer at election time.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. What portion of the capital construction budget, which has been approved by the Assembly, has been allocated to new construction, or projects which are already under construction, for the fiscal year 1977?

MR. MINIELY: Mr. Speaker, I'm not sure what the hon. leader is saying in relation to. Obviously we're talking about a capital construction matter. The funding of hospitals in Alberta has never been part of the provincial budget. Hospital funding in Alberta has been related to borrowings by district boards and local municipal boards through the Alberta Municipal Financing Corporation. Ultimately the liquidation of that debt is through the operating budget of the province.

So it does not show, and historically never has shown, in the province's capital budget, as direct provincial public works would.

MR. CLARK: Mr. Speaker, let me rephrase the question to the minister. The minister will recall that during the subcommittee study of the minister's estimates we went over the list of hospitals, and the minister gave us a lump sum that would be used in the construction of hospitals, nursing homes, and auxiliaries for the year. My question to the minister is: what portion of those funds that were allocated for active treatment beds in the kind of regional hospitals I'm talking about — in Grande Prairie — has already been committed this year, either in new projects like the one at Brooks that has already gone to tender or the ones that are already under construction?

MR. MINIELY: Mr. Speaker, I think detail of that nature would be more appropriate on the Order Paper, but I would say one thing. I said in estimates subcommittee that we're working on a four-year plan, that no year is fixed, that amounts in any given year may roll over from one year to the next, and that our plan is related to a longer term plan over a four-year period, and within dollar capital budget expenditure — which we believe to be responsible to the citizens of Alberta — for total hospital construction.

At no time did I indicate that the annual amount was fixed in any given year. Things that may not be accomplished in 1977 may be accomplished early in 1978. It's a rolling budgetary factor.

MR. CLARK: Mr. Speaker, let me follow up with a supplementary question to the minister. I ask the question in light of some concern that's been expressed to us by hospital boards who frankly are saying that the reason for the nine-month holding pattern is that the capital budget has been overcommitted . . .

MR. SPEAKER: Order please. Would the hon. leader please come directly to the question?

MR. CLARK: Yes, Mr. Speaker. Can the minister assure the House that there hasn't already been an overcommitment of the funds allocated for active treatment beds this year? Did that overcommitment lead to the nine-month holding pattern?

MR. MINIELY: Mr. Speaker, to state the reason again, my announcement on Friday was related to three primary factors. One was that we were watching, and I was asking officials of the Alberta Hospital Services Commission to watch, hospital construction cost rises on a square foot basis comparable to the rise in general construction. Now all hon. members know that general construction costs commenced to level off in the latter part of 1976 and, in consultation with my colleague the Minister of Housing and Public Works, that is confirmed. My concern arose at the time when hospital construction costs did not appear to level off in any way consistent with the levelling off in general construction costs, doubled by the fact that we had an expanding space requirement in relationship to the beds in the other programs and services that were in projects which I think are indicated in the document tabled and require much more careful assessment.

In addition, we had the experience of the very large projects of Red Deer and Fort McMurray as examples where the cost and space requirements . . . in Fort

McMurray, we're in a definite situation of population growth where that need has to be met. Nevertheless I can express that I was not satisfied, and we did pare down costs to some degree. As an example, we had to make a judgment on that one — on one hand being very concerned about the cost at Fort McMurray, but on the other hand realizing that that's a unique situation in the province that must be met.

But adding all these factors together was the reason for my announcement on Friday: that it was time for an assessment of the underlying causes of the dramatic rise in hospital construction costs.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Since the Friday announcement, has the minister established a schedule of meetings with the respective 14 boards that I think are of immediate concern? Specifically my question would be: has the minister established a meeting date with the High River board to explain the announcement?

MR. MINIELY: Mr. Speaker, I would like to say two things with respect to that. One is that I would ask all Members of the Legislative Assembly — as well, we are going to communicate by letter directly with boards that are affected — for their co-operation on something that I think is in the longer term best interest of the province. Again I would say that there is no cancellation of projects. At most, it is a matter of, on average, maybe a three-month . . .

MR. SPEAKER: Order please. If I recall correctly, the hon. minister was specifically asked whether he had arranged a certain meeting.

MR. MINIELY: Mr. Speaker, I understood the question to be whether I was going to meet with all boards affected; then High River was stated. I was trying to answer or come to the answer to that question. Perhaps it could be repeated.

MR. R. SPEAKER: Mr. Speaker, my question to the minister is very specific. Will the minister meet with any boards concerned about the Friday announcement?

MR. MINIELY: Well, Mr. Speaker, what I was trying to say, very specifically is that I think it's important during this nine-month period that we . . .

MR. CLARK: Yes or no?

MR. R. SPEAKER: Order. My question very specifically: will the minister meet or will he not? If not, tell us.

MR. MINIELY: Mr. Speaker, I'm trying to answer the question for the hon. Member for Little Bow. But I'm also trying to indicate what I think is in the best interest of the province during this nine-month period, and that's part of . . .

MR. SPEAKER: I don't recall any part of the question having tried to elicit an answer concerning what might or might not be in the best interest of the province. The question appears to relate to a meeting. The hon. minister is not obliged to answer.

MR. MINIELY: Mr. Speaker, I've met with the High River hospital board once. I meet on a regular basis with boards throughout the province. Over the four-year period I intend covering the entire province. I do not believe we should meet with all hospital . . .

MR. SPEAKER: Order please.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister, to clarify Friday's announcement. Will the assessment with respect to the square footage per bed correlate the increased cost per square foot for that sort of thing against the savings in operational costs that that sort of approach will mean over a period of time?

MR. MINIELY: Mr. Speaker, I'm glad the hon. member raised that, because one of the other factors I should have stated in answer to this was the very fact that initially we were advised by boards that with some new projects in Alberta the operating cost component would be reduced as a result of expansion of outpatient services. The actual results indicate that has not been the experience. That's another factor I think we have to consider in this assessment.

MR. R. SPEAKER: Mr. Speaker, a supplementary for clarification of my earlier question. Will the minister give the Assembly assurance that he will meet with any hospital boards that make a formal request to have an explanation of the Friday announcement?

MR. MINIELY: Mr. Speaker, I always like and enjoy meeting with hospital boards. I think we'll have to place our priority during the eight- to nine-month period on assessing the hospital construction cost control system and bringing recommendations forward on the longer term solution. If we can direct our efforts to that and have sufficient time during this period to meet with all boards affected, that's a matter I'll consider.

MR. NOTLEY: A supplementary question to the hon. minister flowing from . . .

MR. SPEAKER: Might this be the last supplementary on this topic. We can return to it if there's time.

MR. NOTLEY: In light of his answer that the savings in operational costs had not been borne out, what time frame does the government have for making that preliminary assessment?

MR. MINIELY: I think the implication in the hon. member's question, Mr. Speaker, is probably what has been one of the dilemmas in health care planning. Too frequently decisions have been made by guess and by golly, that savings may be achieved 10, 15, or 20 years down the road. I think there's a need for a better evaluative mechanism on some of these things, particularly at a time when we're concerned about the dramatic rise in health care costs.

MR. R. SPEAKER: A supplementary . . .

MR. SPEAKER: Perhaps we could come back to this topic if there's time.

Environment Conservation Authority

MR. CLARK: Mr. Speaker, I'd like to direct my second question to the Minister of the Environment and ask if he has received the report from the Public Service Commissioner's office dealing with the affairs of the Environment Conservation Authority.

MR. RUSSELL: Yes I have, Mr. Speaker. I've also just recently received the report of the management consultant.

MR. CLARK: Mr. Speaker, so the minister doesn't keep us breathless for too long, when can we expect some announcements by the minister with regard to changes in the organization of the ECA and a permanent chairman being put in place?

MR. RUSSELL: I hope to deal with those matters just as quickly as time permits after the end of this session, Mr. Speaker. Naturally this is the kind of thing that must be discussed in cabinet committee and perhaps in cabinet as well. But it's at the top of my list.

Red Deer River

MR. CLARK: Mr. Speaker, another question dealing with the ECA. In the early portion of May, the minister responded to a question from the Member for Drumheller with regard to the hearings on the Red Deer River dam question. The minister used the expression that the government was looking at "a dam or a series of dams" on the Red Deer River.

My question to the minister is: has he ruled out the possibility of off-stream storage on the Red Deer River project? I ask that question in light of the terminology the minister used when he said "dam or a series of dams".

MR. RUSSELL: Yes, Mr. Speaker. Members will recall that was specifically one of the subjects the citizens of central Alberta wanted investigated for the final hearings on the Red Deer flow regulation. We provided a substantial amount of information relating to that possibility. None of those possibilities has yet been ruled out, as far as I'm aware.

MR. CLARK: Mr. Speaker, to the minister, just to clarify. In light of the minister's answer today, the possibility of off-stream storage is still under active consideration as far as the minister is concerned, until he receives some other type of advice from the ECA?

MR. RUSSELL: Mr. Speaker, the ECA said they would do everything they could to get their final report and recommendation to the government by the end of this month. I assume they're in the final stages of writing now but — with those qualifications — I have to say that as far as the government is concerned all alternatives are still being considered.

Oil Sands Research Program

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of the Environment with regard to the Alberta oil sands environmental research program. The

program is approximately into its third year. I wonder if the minister could very briefly give the objectives of the program at this point.

MR. RUSSELL: Mr. Speaker, we're now entering the third fiscal year of the program. During the total 10-year period, the objective of the program is to spend approximately \$40 million on a cost-sharing basis with the federal government in investigating all identifiable environmental problems in the oil sands region and come up with recommendations pertaining to them.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. I wonder if the minister could indicate what specific groups of people were originally charged [with] drawing up these objectives or are bringing the objectives forward to the minister?

MR. RUSSELL: Well, Mr. Speaker, very briefly the structure of the program is this. The basic program is defined through a provincial agreement with the government of Canada. The stewards, if I can put it that way, are the deputy minister for Alberta and I believe an assistant deputy for the federal department. We have a project manager, and the project itself is divided into eight specific areas of research. I could read those out; I believe I have them here. This will give members some idea of the nature of topics being researched: aquatic fauna, human environment, hydro-geology, hydrology, land use, meteorology and air quality, terrestrial fauna, and vegetation.

I think hon. members can see that pretty well covers everything there is to consider with respect to the environment. Each of those teams has a project leader, and has its own budget and list of proposed research projects it wants to undertake. They are co-ordinated through a central administrative system, a steering and an advisory committee.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Could the minister indicate the process of selecting the director of programs? Was the director appointed by the minister or was it a recommendation by other people?

MR. RUSSELL: Mr. Speaker, the director was in place when I came. I believe he was already in government service, but I'm not sure of that. The former Deputy Minister of the Environment Dr. Ballantyne had this as a special project. It was then handed to Walter Solodzuk, the present deputy.

I want to say at this time I am very pleased with the way Mr. Solodzuk has taken hold of this very difficult program, hasn't minded knocking a few academic and scientific noses in the process, and we've got the thing pretty well-organized.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Could the minister indicate — he said things are well-organized — what type of review procedure is in place at the present time to examine some of the research work that has been done?

MR. RUSSELL: Well, Mr. Speaker, I mentioned the advisory committee, or steering committee if you want to call it that. It's made up of the deputy ministers of the line departments who are most

affected by the research programs being undertaken, as well as the northeast commissioner and a representative from the northern development office.

There is probably one more change to make. We're still considering whether or not the managerial function should be split in two, that is, straight business administrative management kinds of things vis-a-vis the straight scientific things, because some of the debate this calendar year has revolved around that kind of issue.

But I can report good progress in that program, Mr. Speaker. So far we've committed or spent just under \$7 million in two years on some 80 projects involving researching the environment. I know some of the research teams aren't getting all the money they ask for. But I also say that some of their requests are unreasonable.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. The minister indicated a new role for some of the committees. Is there a specific reason for phasing out the responsibility of the scientific advisory committee?

MR. RUSSELL: Mr. Speaker, I could probably refer the program's May newsletter to all members, if they were interested in getting it, because that describes in written form the organizational structure of the program. Quite frankly, Mr. Speaker, it's a unique and very large program. I don't know another one like it in Canada, and I think the governments of Alberta and Canada should be . . .

MR. SPEAKER: With respect, it would appear that the minister is diverging more and more from the topic of the question.

MR. RUSSELL: Well, permit me to stray back to the topic of the question, Mr. Speaker.

Like any new program of this magnitude, I think it was important to review the success and the progress being made. Hon. members are aware that this year we cut the provincial share of the budget by \$500,000. I have asked Mr. Solodzuk to undertake a very careful reorganization of the managerial structure, and that is just about complete. I'm very pleased to date with the progress being made.

MR. R. SPEAKER: Mr. Speaker, a final supplementary to the minister with regard to the program in its third year. The minister has indicated that a number of programs or research projects are being phased out at the present time. I wonder if I could ask the minister the reason for that. What is the reason the phase-out is occurring without the review of these projects by persons with expertise or scientific background in the field?

MR. RUSSELL: Mr. Speaker, I hope I didn't leave the impression that programs were being phased out. Programs are being carefully assessed with respect to timing and overall management, and for budgetary reasons. For example, a group wanted somewhere in excess of \$300,000 to count moose. They got \$199,000, and I think that's not bad.

Hall Commission Report

MR. WOLSTENHOLME: Mr. Speaker, my question is to the hon. Premier. I wonder if the Premier has taken any steps to obtain the support of the other western premiers in the implementation of the Hall commission report.

MR. LOUGHEED: Mr. Speaker, we discussed the matter when we had the briefing with the other three western premiers. Before I came in the House, I tried to get an assessment of the responses made by the other three western premiers with regard to the Hall commission report.

But now the report has been made public, Mr. Speaker, I believe I can state to the Legislative Assembly that the response was positive, at least on the briefing we received from Mr. Justice Emmett Hall in Brandon. I would hope we would see a follow-up, as we're intending to do in this province, by the other three western provinces in terms of the implementation of the commission report.

Petroleum Industry Monitoring

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Energy and Natural Resources. Is it the intention of the government to make representation to the federal government concerning the provisions of the petroleum corporation monitoring act, under which oil companies will have to account for their use of revenues from higher oil prices?

MR. GETTY: Mr. Speaker, this new legislation was discussed briefly during the energy ministers' meeting last week. It was agreed that we would wait until it was introduced in the House, and the various governments had an opportunity to look at it and consider its implications, before making any judgments one way or another.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. In light of the statement expected by the federal minister on this matter and the fact that it is being introduced, is the minister in a position to advise members of the Assembly what time frame the government has at this point as to determining its position on this rather important federal measure?

MR. GETTY: No, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Has the minister had an opportunity to review the federal report on petroleum industry revenues and expenditures from 1971 to 1976, which notes an overall decline in the portion of revenues spent on production and exploration investment?

MR. GETTY: Mr. Speaker, we reviewed a summary at the energy ministers' conference last week. While there has been some decline in some areas of Canada, there has been a very dramatic increase in the province of Alberta.

MR. NOTLEY: A supplementary question to the hon. minister. Has the government issued the Alberta petroleum industry with any guidelines as to what the government considers an appropriate percentage of reinvestment? I say that, in light of the federal act which is now being proposed in Ottawa.

MR. GETTY: No, Mr. Speaker.

RITE System

DR. BUCK: Mr. Speaker, my question is to the hon. Minister of Government Services and has to do with monitoring the RITE number. Can the minister indicate if he has instructed RITE operators to monitor phone calls to the office of the Leader of the Official Opposition?

MR. SCHMID: Mr. Speaker, the phone calls are monitored to ensure that only private citizens of the province of Alberta are using the RITE system. No other monitoring is involved.

DR. BUCK: Mr. Speaker, a supplementary question. Are RITE operators instructed to ask the phone number of every person using the RITE system?

MR. SCHMID: Mr. Speaker, whatever information the RITE operators would gather is definitely under the oath of secrecy they have to take regarding any phone calls they would happen to be in on. Therefore no one is asking them for that information except, as I've stated before, it is only for the use of private citizens in the province of Alberta. Therefore the questions, who is calling and where are they calling from, are asked.

DR. BUCK: Mr. Speaker, a supplementary question. Mr. Minister, are RITE operators instructed not to place calls in cases where the person making the call refuses to divulge his or her phone number?

MR. SCHMID: Well again, Mr. Speaker, the RITE system is for the use of private citizens of the province only. If the person doesn't want to leave their phone number, more or less as a check whether this is a private person, I would have to check that out, Mr. Speaker. Most likely the operator may have been instructed not to complete the call unless the person wished to place a long distance call.

DR. BUCK: Mr. Speaker, can the minister indicate if callers to the Premier's offices are asked for their number?

MR. SCHMID: Mr. Speaker, I'm very sure that any callers from anywhere in Alberta to Edmonton, or for that matter any long distance calls through the RITE system, are being questioned whether this is a private call from a private line and/or a business call or any boards or commissions outside direct government involvement.

DR. BUCK: Mr. Speaker, a supplementary to the minister. In light of the fact that the minister indicated that RITE operators are instructed to take the calls if the number is given and they take an oath of secrecy.

can the minister indicate if RITE operators are asked their political affiliation? [interjections]

MR. SCHMID: Mr. Speaker, I can answer this question because I know for a fact — and the person is prepared to take an oath — that the minister in the former department of culture, youth, and recreation that I am now responsible for asked people directly whether or not they belonged to the Social Credit party, [interjections]

MR. CLARK: Really!

DR. BUCK: Mr. Speaker, the Provincial Treasurer has already indicated there are no guidelines about who was asked questions about political affiliation.

Mr. Speaker, to the Minister of Government Services. Can the minister assure this House that no tabulation of numbers is being kept; that when the RITE operator intercepts a call, there is no tabulation or monitoring of where these calls are coming from or to whom?

MR. SCHMID: Mr. Speaker, I can definitely assure the House that no tabulation is being kept of where the calls come from and to whom these calls are being placed. As I have said before, the only reason these calls are being intercepted is to assure that the person calling is a private citizen of the province of Alberta.

The operators who were hired have not been asked their political affiliation. They were hired strictly under the public administration act.

MR. TAYLOR: Mr. Speaker, a supplementary to the hon. minister. A very short explanation is required first. Some citizens from smaller centres must first phone long distance in order to reach the RITE operator. Is the government considering extending this very excellent system so all citizens of the province may have this privilege of phoning the government on their own business involving the government?

MR. SCHMID: Mr. Speaker, initially the RITE system was introduced only to help the civil service help the government reach different points without long-distance charges. It was then extended to private citizens. Right now the entire system is under review as to whether or not it should be contracted or expanded to serve an additional segment of our people in Alberta.

MR. CLARK: A supplementary question to the minister. In light of the review going on with regard to the RITE system, is the minister prepared to give serious consideration to the idea that no calls coming to any MLA would be monitored or their numbers asked? I raise the question in light of the fact that the problem has been raised with our office once again today.

If I could rephrase the question, Mr. Speaker. Mr. Minister, would you give a commitment to the Assembly that you will seriously consider the concept of not requesting or keeping the number when an individual phones the minister's office, the office of the Leader of the Opposition, or an MLA?

MR. SCHMID: Mr. Speaker, first of all I think that not having a person who places a call to an MLA or for

that matter to any official of the Legislature — for instance, Mr. Speaker himself — even asked where the call is coming from is probably very valuable. We will definitely take it under consideration and probably incorporate it into the considerations presently going on regarding the RITE system. I thank the hon. Leader of the Opposition for proposing that.

DR. PAPROSKI: A supplementary, Mr. Speaker. I wonder if the minister would indicate to the House whether it's true that the number is taken down by the RITE system so the individual could be reconnected if there was a disconnection during the process of discussion.

MR. SCHMID: No, Mr. Speaker. I really have to state again that it's only asked because of the background needed because of private citizens only being allowed to phone in. But again the idea of having open access to MLAs, and maybe to Legislative Assembly personnel, is most valuable.

Hall Commission Report

(continued)

MR. MILLER: Mr. Speaker, I would like to direct my question to the Premier. It's one of importance to all people in northern Alberta. Does the government of Alberta plan any response to the reaction of the federal Minister of Transport to the effect that the northwest rail network was beyond the terms of reference of the Hall commission?

MR. LOUGHEED: Mr. Speaker, yes we do. I, too, saw the statement made by Mr. Lang, the federal Minister of Transport, suggesting that the important recommendation with regard to the northwest rail network was beyond the terms of the Hall commission report. I can't exactly put my finger on the precise wording of the Hall commission that dealt with that matter, but it's clear to me that the Hall commission terms of reference dealt with the whole question of rail transportation and resource development in the western provinces. I think he's wrong in that assessment, and we intend to let him know that.

MR. NOTLEY: Supplementary question to the hon. Premier. Will there be any follow-up by the Alberta government with respect to one feature of the northwest rail network, that is, the rather important recommendation with respect to an Arctic railroad?

MR. LOUGHEED: Mr. Speaker, no there will not.

Hospital Beds

MR. TAYLOR: Mr. Speaker, my question is to the hon. Minister of Hospitals and Medical Care. Will the number of active treatment beds increase or decrease when the University Hospital is replaced by the new health sciences centre?

MR. MINIELY: Mr. Speaker, one of the fundamentals of the proposal of the health sciences centre was that the active treatment component would be reduced, I believe in the neighborhood of approximately 100 beds from its existing level of approximately 1,000 beds. The shift in emphasis would be toward

research, a combination of medical education and health professional education with patient care, also greater emphasis on outpatient and ambulatory care or general outpatient services of the hospital, recognizing the growth of the southern area of Edmonton.

MR. TAYLOR: A supplementary to the hon. minister. Has any study been made of the number of active beds in the province that will decrease due to the nine-month or year order made the other day?

MR. MINIELY: Mr. Speaker, I was very careful in my assessment and in the announcement that the nine-month holding pattern in hospital construction be consistent with our longer term objectives.

I would explain it this way. We have, and I have said in the Legislature that we continue to have, a higher number of active treatment beds for our population than is deemed necessary or desirable. In Alberta we continue to have approximately close to seven beds per thousand, whereas the desired objective is four general beds per thousand population, and a shift in emphasis from active treatment to longer term care, being auxiliary beds and nursing home beds.

Mr. Speaker, in reply to the hon. Member for Drumheller, that is the reason the holding pattern only applies to active treatment. We exempted the longer term care area.

MR. TAYLOR: One further supplementary. Is it not good to have more active beds per thousand than to have fewer than the average?

MR. SPEAKER: The hon. member has made a representation which is probably complete without an answer. If we're going to debate the ideal level of active treatment beds, that should be put on the Order Paper.

Summer Employment Program

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Advanced Education and Manpower. Could the minister indicate what elements of STEP are now in place?

DR. HOHÖL: Mr. Speaker, none of the elements is in place until June 1 this year. However, program detail and information has been made public in a press release, [which] information I am certain is provided in the mail of every member of the House. If any member [was] missed, if they let me know I'll make certain that information is provided.

I mention this, Mr. Speaker, so members can assist municipalities and students, and so members who are ministers can begin developing the programs for the STEP elements that begin on June 1. That's when the funding begins and when students can come in line for employment under STEP.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Will university students be eligible for employment under the STEP element that comes into effect July 1?

DR. HOHÖL: Yes, Mr. Speaker, they will.

MR. STROMBERG: Mr. Speaker, my question was to . . . Oh, I see my minister is missing. [laughter]

Consumer Warranties

MR. KUSHNER: Mr. Speaker, I wish to direct my question to the Minister of Consumer and Corporate Affairs. If the minister is monitoring the standards of material being sold that do not have true value or proper guarantees; for example, in the area of electrical kettles, vacuum cleaners, tires, toasters, furniture, I have been receiving quite a few calls . . . [interjections]

MR. SPEAKER: Order please. Possibly instead of adding a postscript to the question, the hon. member might clarify it. It seems to be a little vague.

MR. KUSHNER: Mr. Speaker, would you please repeat the question. I didn't hear you.

MR. SPEAKER: If the hon. member would refer to one of the captions under 171 of *Beauchesne*, it rules out questions which may appear to be vague. I was unable to understand the question. Possibly the minister may do better with it.

MR. KUSHNER: Mr. Speaker, I wish to direct my question to the Minister of Consumer and Corporate Affairs. Can the minister inform this Assembly if in fact materials that are substandard or probably haven't got true value, being sold to the citizens in Alberta, are being monitored — such materials as tires, vacuum cleaners, or furniture?

MR. HARLE: Mr. Speaker, there's an old expression that you can't make a silk purse out of a sow's ear. [laughter]

MR. SPEAKER: Perhaps the sow's ear should be under warranty. [laughter]

MR. HARLE: I think that was my point, Mr. Speaker.

Mr. Speaker, I think what the hon. member is trying to get at is the problem of warranties, but also of course the problem of CSA approval on such units. From the way I interpret the question, I think it applies to both. I would refer the hon. member to some comments I made in the question period on May 11, I believe, with regard to warranties.

MR. KUSHNER: Mr. Speaker, if I might, is the minister making any studies in these areas? I understand that in the province of Ontario at the University of Waterloo, such studies are under . . .

MR. SPEAKER: Order please. I believe the hon. minister has referred the hon. member to a source from which that information can be obtained. Perhaps that would make it unnecessary to deal with it further in the question period at this time.

The hon. Member for Camrose was previously recognized. If hon. members don't disagree, perhaps we could come back to him.

Waste Paper

MR. STROMBERG: Thank you, Mr. Speaker. My

question is to the disappearing Minister of Government Services. In order to set an example to our citizens of Alberta, has the minister given consideration to cutting government waste and contributing to a very worth-while charity? In view of the fact that the RITE directory is coming out almost several times a month, I wonder if he would consider doing the same as is being done now with the Edmonton city directories and contribute them to the Heart Fund.

MR. SCHMID: Mr. Speaker, to my knowledge we are presently recycling or selling about 300,000 pounds of waste paper. With the new shredding machine we now have, it's going to be increased to about 1 million pounds. We are presently negotiating to sell that waste paper to recycling companies, and of course the RITE directory would be part of that. It would be very difficult to extract the RITE directory, for instance, for making a donation to the Heart Fund.

MR. SPEAKER: We've gone slightly past the time for the question period. Not having anticipated the difficulty of the hon. Member for Camrose, I've already recognized the hon. Member for Little Bow. If the Assembly agrees, perhaps we could have one short question and one short answer.

HON. MEMBERS: Agreed.

Hospital Construction (continued)

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Hospitals and Medical Care, for clarification. Would the minister meet with hospital boards that make formal requests for (a) an explanation of the Friday agreement and (b) to outline a work plan for their proposed hospital that is to be built within the year or the next few years. I think there's an unknown out there that should be explained. Would the minister meet with them?

MR. MINIELY: Mr. Speaker, I think I had indicated we are going to communicate by letter with all boards relative to follow-up from the ministerial statement. I'll certainly consider meeting with hospital boards . . .

MR. CLARK: Consider?

MR. MINIELY: . . . that are affected.

MR. CLARK: Why not just say yes?

Benzene — Carcinogenic Effects

MR. CRAWFORD: Mr. Speaker, I wonder if I could give an answer to a question asked the other day by the hon. Member for Clover Bar.

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, the hon. member enquired the other day about benzene in regard to occupational health and safety concerns in the province of Alberta. I wanted to indicate to him that —

the best-known consequences from benzene of course being anemia and possibly leukemia — there are two types of standards in the province of Alberta at present. One is related to parts per million in the air. The other is related to the part in milligrams per litre based on urine tests of people who are exposed to this substance.

The airborne standard is 25 parts per million for an eight-hour day exposure for anyone working in that field. The other test that might be applied, as I indicated, is based on 200 milligrams per litre in the urine. In the event that either of these tests shows a risk in regard to particular workers, they are given, either through their own physician or otherwise, a full blood-chemistry test.

The other thing that might be said about it is that the department is attempting to make known to the industry — and in fact is making known — substitutes in lieu of benzene that might be used in all cases where possible.

ORDERS OF THE DAY

MR. SPEAKER: May the hon. Member for Edmonton Jasper Place revert to Introduction of Bills, followed by the hon. Member for Whitecourt reverting to Introduction of Special Guests?

HON. MEMBERS: Agreed.

head: INTRODUCTION OF BILLS (reversion)

Bill Pr. 5 **An Act to Amend An Act** **to Incorporate the Society of** **Industrial Accountants of Alberta**

MR. YOUNG: Mr. Speaker, I beg leave to introduce Bill Pr. 5, An Act to Amend An Act to Incorporate the Society of Industrial Accountants of Alberta.

[Leave granted; Bill Pr. 5 read a first time]

head: INTRODUCTION OF SPECIAL GUESTS (reversion)

MR. TRYNCHY: Mr. Speaker, on behalf of the Member for Barrhead, the hon. Dr. Horner, Deputy Premier and Minister of Transportation, I'd like to introduce some 27 grade 10 students from Lorne Jenken High School in Barrhead.

I might point out at this time, Mr. Speaker, that school has twice won the top honors of Reach for the Top provincially, and also gone on to win the national title.

They are accompanied by their teacher Mr. Boyle, bus driver Mr. Baker, and parents Mr. and Mrs. Peachey and Mrs. Devine. They are seated in the members gallery. I'd ask them to rise and receive the welcome of the House.

head: **WRITTEN QUESTIONS**

154. Mr. Clark asked the government the following question:

How many positions were filled in any government of Alberta department, board, agency, or commission during the period April 1, 1976, to March 31, 1977, in which job applicants were asked to state their political affiliation or the political affiliation of their spouse.

MR. FOSTER: Mr. Speaker, I move Question 156 stand.

[Motion carried]

head: **MOTIONS FOR RETURNS**

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

- (1) the total cost to the Alberta government of legal and related expenditures for the government intervention in the matter of the reference by a registrar of land titles of a caveat filed by Messrs. Whitehead *et al* on behalf of the isolated communities and showing the persons to whom funds are payable;
- (2) the total of funds spent or budgeted by the government for research on the history and anthropology of that area represented by the Isolated Communities Advisory Board during each of the fiscal years 1975-76, 1976-77, and 1977-78;
- (3) for each of the years 1975-76, 1976-77, and 1977-78, the total amount of funds granted and/or budgeted to be granted directly to the Isolated Communities Advisory Board for:
 - (a) administration,
 - (b) legal fees,
 - (c) research respecting their claim to aboriginal title.

MR. BOGLE: Mr. Speaker, I wish to amend Motion for a Return No. 147 as follows: strike paragraph (1), strike paragraph (2), add the words "and projects in the communities" to item (a) in paragraph (3).

MR. FOSTER: Mr. Speaker, speaking to the amendment to Motion for a Return 147, I would simply like to offer a couple of comments with respect to the amendment as it relates to (1) and (2); that is, those are matters which refer to the Crown's capacity to conduct certain legal proceedings in the courts at this time, and I would not be prepared to make that information public while the matter is before the courts. But I would be quite happy to reconsider it at a later date, when the matter is not in that forum.

[Motion as amended carried]

153. Mr. R. Speaker moved that an order of the Assembly do issue for a return showing:

A copy of the study, commissioned in 1975 by the Department of Advanced Education and Manpower, on the possible effects of a Mackenzie Valley pipeline on Alberta's manpower resources.

[Motion carried]

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

With respect to every policy-related study and feasibility study and all general purpose data collection, basic research, applied research, and experimental development contracted for by a government of Alberta department, board, agency, or commission during the period April 1, 1976, to March 31, 1977, whether resulting in a written or oral report or advice:

- (1) the title or other identification;
- (2) the name of the government of Alberta department, board, agency, or commission for which it was undertaken;
- (3) the name of the firm, group of individuals, or individual who undertook it;
- (4) the purpose;
- (5) the date on which the contract for its completion was executed;
- (6) if completed, the date of completion;
- (7) if completed, the total sum paid and, if incomplete, the projected cost.

MR. HYNDMAN: Mr. Speaker, after giving careful consideration to this motion, it's our view it is clearly damaging to the public interest, and inappropriate. While it may well be correct for the opposition to seek out in any way they can all aspects of an existing or future government policy, while it may be proper for an opposition to comment on the adequacy or inadequacy of an announced policy of the government, or while it may be right for an opposition member to attempt to establish more precisely the details of an existing government policy, I submit it is improper and clearly damaging in the public interest for the opposition to demand oral reports, advice, and policy-related studies which go into the development of future policy that is not yet decided and not yet announced.

Mr. Speaker, if motions of this kind were to be passed or accepted, it would effectively cripple the conduct of the public business. The business of making effective decisions in the public interest, and for all citizens, requires a thorough consideration of all options and alternatives by a government — to look at studies from all sources. If a motion such as this proceeded, I suggest the efficient conduct of that business would grind to a halt almost to the point of paralysis. No candid, realistic, and totally objective advice would be available.

Mr. Speaker, I venture to say that no government in Canada, of whatever political flavor, would or could accept this motion and still carry on the public business.

MR. CLARK: Mr. Speaker, in responding and, I assume, closing debate on Motion for a Return 157, I simply say to the Government House Leader, as far as his comment that the government would "grind to a halt" if it agreed to this kind of motion for a return: that's completely ridiculous. Any government that would make this kind of undertaking understandably would not make all information available until a policy matter was resolved.

What we are asking for here, Mr. Speaker, is the basic background information. The important part is that it is paid for by the public. It's part of this

question of the public having a right to know. If the public having a right to know would grind this government to a halt, that's a sad commentary on this government. [interjections]

[Mr. Speaker declared the motion lost. Several members rose calling for a division. The division bell was rung]

[Three minutes having elapsed, the House divided]

For the motion:

Buck	Mandeville	R. Speaker
Clark	Notley	

Against the motion:

Adair	Harle	Moore
Appleby	Hohol	Musgreave
Ashton	Horsman	Paproski
Backus	Hunley	Peacock
Batiuk	Hyland	Planche
Bogle	Hyndman	Purdy
Butler	Jamison	Russell
Chambers	Johnston	Schmid
Chichak	Kidd	Shaben
Cookson	King	Stewart
Crawford	Koziak	Stromberg
Doan	Kroeger	Tesolin
Donnelly	Kushner	Topolnisky
Dowling	Leitch	Trynchy
Farran	Little	Walker
Fluker	Lysons	Warrack
Foster	McCrae	Webber
Getty	McCrimmon	Wolstenholme
Ghitter	Miller	Young
Gogo	Miniely	Zander
Hansen		

Totals	Ayes - 5	Noes - 61
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[Motion lost]

head: **GOVERNMENT DESIGNATED BUSINESS**

head: **GOVERNMENT MOTIONS**

3. Moved by Mr. Hyndman:

Be it resolved that when the Assembly adjourns for the summer recess, it shall stand adjourned until 2:30 o'clock in the afternoon of Wednesday, October 12, 1977.

MR. HYNDMAN: Mr. Speaker, I urge all hon. members not to clean out their desks once this motion is passed. This motion does not adjourn the Assembly. It's only later on after the motion to adjourn for summer recess, in perhaps two or three days, that it adjourns. So I would urge that this motion be supported by all members of the Assembly.

[Motion carried]

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

Bill 30

The Attorney General

Statutes Amendment Act, 1977

MR. GHITTER: Mr. Speaker, I move second reading of Bill No. 30, The Attorney General Statutes Amendment Act, 1977.

Mr. Speaker, this particular bill implements changes to seven pieces of legislation of a consequential nature. The first principle, dealing with The Clerks of the Court Act, merely removes some redundant provisions of The Clerks of the Court Act with respect to the appointment of the clerks of the district and Supreme Courts and, more particularly, which are dealt with by The Judicature Act.

The second amendment, Mr. Speaker, deals with The Commissioners for Oaths Act, and in that it merely changes from a two-year to a three-year appointment period. It's more consequential from the point of view of saving of administrative time and the problems of the re-appointment on a two-year basis; it extends [this] to a three-year basis.

The third amendment, Mr. Speaker, is to The Expropriation Act. This merely simplifies the approach and procedures under that act in situations where the parties are in agreement relative to the fact of the expropriation but are not in agreement as to the compensation to be paid. As a result, the parties can by agreement proceed directly to the Lands Compensation Board for the determination as to the compensation, without the necessity of filing the formal expropriation papers and many of the procedures which are within the act itself. The results will be that the matter will be dealt with in a more expeditious and clear-cut manner when the parties are in agreement, and costs will be saved.

The fourth amendment in principle is to The Garagemen's Lien Act, and this merely changes the form which is attached to the act. Members will recall in 1976 amendments to The Garagemen's Lien Act. Unfortunately, at that time the Form A which was attached as part of the legislation was not amended satisfactorily to bring it into the context of the act. This will merely bring Form A into the proper form we're dealing with, the procedure whereby a garageman's lien might be filed by a garageman who retains the particular chattel in his possession.

Mr. Speaker, the one relating to The Notaries Public Act merely allows the Attorney General instead of the Lieutenant Governor in Council to appoint notaries public, which is again an administrative matter to expedite the situation.

The last two amendments relate to amendments to The Gas Utilities Act and amendments to The Public Utilities Board Act. The wording of these sections is identical. They are both designed to endeavor to do the same thing; that is, to express more accurately the board's normal procedures in relation to dealing with excess revenue, and revenue deficiencies of an owner of a public utility, and as a result, would merely reaffirm the procedures of the board followed, I believe, since 1945, and clarify what appear to be certain ambiguities as to the procedures and interpretation of those particular acts.

Mr. Speaker, those are the principles with respect

to the seven bills that are proposed to be amended under The Attorney General Statutes Amendment Act, 1977.

MR. CLARK: Mr. Speaker, in taking part in this debate very briefly, I'd like to direct my comments to that portion dealing with the Public Utilities Board. Has the sponsor of the bill received the representation of the city of Edmonton? Has the hon. member had the opportunity to meet with the city of Edmonton and satisfy [them] that this in fact is going to have no negative effect upon the city?

MR. GHITTER: Mr. Speaker, if I may . . .

MR. SPEAKER: Does the hon. member wish just to answer the question, or conclude the debate?

MR. GHITTER: With the permission of the Legislature, Mr. Speaker, I'd be pleased to close the debate, if that's satisfactory.

MR. SPEAKER: The hon. Member for Drumheller wishes to speak.

MR. TAYLOR: Mr. Speaker, there are one or two points I'd like to raise in connection with The Notaries Public Act. The first item is the principle that a notary public must attest his seal on each certificate, write or stamp the date upon which his appointment expires or terminates. Under the act, an MLA is a notary public. In signing documents there's no difficulty with the seal, but we have difficulty in placing the date that the notary public commission expires. I have simply been leaving it out on the ones I've been getting because I don't know when the next election is going to be or whether I'll be re-elected or otherwise. I'm wondering if we could have some comments on that. Is it simply satisfactory to ignore that section and leave it out when we're notarizing documents?

The other point in connection with this bill has been brought to me by some notaries public in small areas. Apparently they got a letter last January from the Department of the Attorney General advising them that they were not to act as lawyers, or to pretend that they were lawyers and so on. This rather hurt the feelings of two or three of them. They came to see me and said they had been notarizing documents and doing a service for the people of the area, and in no way were they acting as lawyers or pretending they were barristers or solicitors. I'm just wondering if there has been any change at all in the duties that a notary public may carry out. They are providing a very excellent service in our smaller communities. Even where there are some lawyers, they take a lot of what you might call "nuisance work" away from them, and most lawyers are very happy about this.

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

HON. MEMBERS: Agreed.

MR. GHITTER: Mr. Speaker, with respect to the point raised by the hon. Leader of the Opposition, I have in fact read the letter, from Mayor Cavanagh of the city

of Edmonton. The Attorney General has responded to that letter. It is clearly not the intention of the government to act on a retroactive basis with respect to this legislation. In fact, you will note the bill will come into effect on the date of assent. As a result, there is no intention to deal with this particular legislation to affect the interest of parties in the past or to deal with matters presently before the court. The hon. Leader of the Opposition may be aware of the fact that the decision of the Public Utilities Board with respect to the Northwestern Utilities application in August 1975 was successfully appealed by the city of Edmonton. That matter is now under appeal in the Supreme Court of Canada. Northwestern Utilities and the Public Utilities Board are taking that matter to Ottawa, and have in fact received permission from the Supreme Court of Canada to receive leave to appeal, and that matter will be dealt with.

But as the hon. Attorney General advised His Worship Mayor Cavanagh in the letter of May 5, 1977, in response to the inquiry of Mayor Cavanagh, it is not the intention of the government to act retroactively or take away any interest. The purport of the legislation is really more to bring into perspective how the board has acted for many, many years, from the point of view of what they take into consideration in determining a rate base, and how it has always been understood that they would act. As a result, to clarify that, brings in the need of the legislation — which I think is beneficial to all parties — that the board would have the right to deal in terms not just of material which is obtainable after the filing of the application but in fact performance as to deficiencies in revenues from the period prior, in order that on an interim rate application they could better assess the information, which could certainly be to the benefit of both the citizens and the utility to get a fair and equitable interim rate matter.

That is the answer to the inquiry of the hon. Leader of the Opposition. I hope that satisfies him from the point of view of the present situation.

I move to the comments of the hon. Member for Drumheller relative to The Notaries Public Act. I might refer the hon. Member for Drumheller to Section 7 of that act for future reference. It clearly states the responsibility of a notary public to state the expiry date on the document they are notarizing. That is a legislative requirement under Section 7. I think many in Alberta do not do that. On notary documents you see in the United States, they clearly do that. I know lawyers put on theirs that it does not expire. It doesn't appear to be the custom in Alberta to do that as frequently as it should be done, but it is a legislative requirement under the act.

I don't know whether it negates the notary seal if that is not put on, other than the fact that it says:

A notary public failing to comply with the provisions of [that particular] section is guilty of an offence and liable on summary conviction to a fine of not more than \$10.

So I think it probably is punishable. I've never heard of a case actually proceeding on that basis. But it is there, and I refer the hon. Member for Drumheller to Section 7 of that act.

As to the second point raised by the hon. Member for Drumheller as to whether notaries public, are entitled to give legal advice, of course the answer is obvious. But I think there are situations which will

arise where in fact the notary public has responsibilities [for] more than merely attesting to the swearing. I think first of The Guarantees Acknowledgement Act, where the notarial seal must be affixed and the form of the guarantee must be explained to the guarantor. That is a responsibility of the notary public. It might be that some overzealous lawyers have misunderstood the notary public performing the service and giving this advice, but they are required to do so as a condition of the affixing of their notary public seal.

I quite agree that they perform a very important and valuable service throughout the community, and I understand in rural Alberta particularly. If at times they give a little legal advice, I think we all give legal advice whether or not we are lawyers. I've heard a lot of legal advice in this House from non-lawyers, and we're always happy to hear it for whatever it's worth.

[Motion carried; Bill 30 read a second time]

MR. HYNDMAN: Mr. Speaker, before moving into committee, insofar as at the end of designated business at 4:45 we'll be into committee, to avoid moving out of committee into the House, could I ask for unanimous leave of the Assembly to move at 4:45 to government business for the balance of the afternoon?

HON. MEMBERS: Agreed.

MR. HYNDMAN: I therefore move you do now leave the Chair and the Assembly resolve itself into Committee of the Whole to consider certain bills on the Order Paper.

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

HON. MEMBERS: Agreed.

head: **GOVERNMENT BILLS AND ORDERS**
(Committee of the Whole)

[Dr. McCrimmon in the Chair]

MR. CHAIRMAN: The Committee of the Whole Assembly will now come to order.

Bill 1
The Alberta Historical Resources
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

[Title and preamble agreed to]

MR. SCHMID: Mr. Chairman, I move that Bill No. 1, The Alberta Historical Resources Amendment Act, 1977, be reported.

[Motion carried]

Bill 41
The Public Service
Employee Relations Act

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There are several government amendments. Is everybody familiar with those amendments? Has everyone received copies of those amendments?

MR. LEITCH: Mr. Chairman, I would like to make some remarks in respect to the amendments which have been distributed to the members of the Assembly. There are a number. The majority are drafting or wording changes not designed to change the substance of the bill. Included in that would be a group of consequential amendments because certain of the amendments do change the meaning of the bill.

I would like to call the attention of the members of the committee to the more significant amendments. Before going through them, Mr. Chairman, I'd simply say that following the introduction of Bill 41, there were a significant number of meetings between members of the Assembly and representatives of the Alberta Union of Provincial Employees, including a meeting I had with the president of the union and his counsel. A number of concerns were raised at those meetings. We considered those concerns. After having considered them, we are proposing the changes that are in the amendments now before the committee.

Mr. Chairman, the first amendment I'd like to comment on removes the requirement of filing the constitution or by-laws before an association becomes union under the definition in the bill.

The second change is Section 2: removing from the Executive Council the capacity to add to or subtract from the schedule that is part of the bill. After examining that matter it was our conclusion that it was unlikely there would be any need between sittings of the Assembly for additions to or deletions from that schedule. Therefore we propose the change, which will mean that additions and deletions can only be made by the Legislative Assembly. We do think it necessary to retain the capacity in the Executive Council to change the description or names should that need arise between sittings of the Assembly.

Mr. Chairman, there is also a striking out of Section 12, which had given the board members the capacity to delegate any or all of their functions to the chairman. Upon reflection, we felt that might be undesirable to leave with the board, and have therefore proposed that the section be struck out.

We are also proposing in the amendments that Section 25 be struck out. That was the section which provided that the board could deal with professions that had similar characteristics to the dental, medical, engineering, and legal professions, et cetera, which were mentioned in the bill. Again after further consideration of that section, we've concluded that because of the difficulties in determining what professions might have similar characteristics, it would be better to delete the division. That has resulted in several consequential amendments.

Mr. Chairman, a significant number of amendments have also been proposed to Section 51, which

is the section dealing with arbitral items. The proposed amendment would remove from that section a number of items which it had declared to be non-arbitrable. Again, our reason for making that proposal is the number of representations made to Members of the Legislative Assembly which led us to conclude that the section could be interpreted, or perhaps covered a wider area than we had intended. That is the reason for proposing the change to that section.

Mr. Chairman, I believe the remainder of the amendments are of the type I had earlier described as being changes in wording, or consequential and not designed to change the substance of the bill.

MR. NOTLEY: Mr. Chairman, I would like to propose an amendment to the amendment. I have copies for all the members of the Assembly. The amendment to the amendment would deal with Section 51. It's considered Item 12 in the government's amendments, the section the Provincial Treasurer just outlined dealing with the question of arbitration. The amendment I am proposing would strike out Subsection (2).

In rising to argue the case for the amendment to the amendment, I want to say at the outset, Mr. Treasurer, as I look at the amendment that you propose, I think you have made some significant strides in expanding the area of arbitration. So the amendment is certainly an improvement over the bill as originally drafted. But in view of the fact that this legislation specifically precludes the right to strike, I would argue that we must make sure arbitration applies to everything that is in fact subject to a collective agreement. The net result of the amendment to the amendment would be to say clearly in the legislation that virtually everything will in fact be subject to collective bargaining, and that where a collective agreement cannot be reached, it would be subject to arbitration.

It's my view, Mr. Chairman, that we have to go somewhat further in this area than we would even need to go with respect to The Alberta Labour Act. I say that to make the point that where the right to strike does not exist, in my judgment it is absolutely vital that the arbitration process be comprehensive enough to cover all the features that conceivably arise, and that we eliminate any lingering suspicion that the government will be dealing on a unilateral basis with its provincial employees.

When he concluded the debate on second reading a few days ago, the Provincial Treasurer indicated that the legislation must not only be fair but seen to be fair. I suggest that the amendment to the amendment would clearly underscore the need for a latitude as comprehensive as possible for the arbitration process. Mr. Chairman, that is the reason for the amendment to the amendment.

I would certainly admit that the amendment has gone some distance toward meeting the objections of many of the provincial employees. In my discussions, at least it is my understanding that they feel all the sections under 51 in fact should be arbitrable if the right to strike is to be denied.

MR. YOUNG: Mr. Chairman, I'd just like to make a couple of observations here. I'd like to begin with the closing observation of the hon. Member for Spirit River-Fairview: the expression "if the right to strike is

to be denied". First, he and I disagree — and we know we disagree — about the expression "right". We're talking about capacity. Also, we ought to be quite clear, Mr. Chairman, that we're not taking something away for the large majority of the government employees we are talking about. In my view, we are talking about a situation which in fact is going to be much preferable for the employees of the government in the future, compared with what it is now. Even if we talk about it in terms of capacity to strike, the capacity doesn't exist. So let's not talk about it in terms of taking something away. So if we start from the position we are now in, what we are trying to do is give the employees a definitive approach to the resolution of a collective agreement, an approach which is as fair as it can be.

Mr. Chairman, I think we are all concerned about what is and is not arbitrable. As I see it, if we proceed with the amendments proposed today by the hon. minister, a considerable scope of the conditions of employment would in fact be arbitrable. Inasmuch as it seems to me that that's a substantial improvement over the situation which employees of the government service now enjoy — and just to be sure that that's where we're moving from, it's where we are now and not where somebody would like to see us out here, as the hon. member seems to think we are in — I think we have made a very substantial improvement in the situation.

One of the non-arbitrable provisions which would remain even under the amendments proposed today are pensions. The whole pension scheme the hon. Member for Spirit River-Fairview is suggesting should be subject to arbitration. I really question whether this Legislature can put itself — with respect to this pension system of all employees of the province, which is tied to and relates to the pension systems of all the other provinces, as I understand it. I think we have a reciprocal arrangement with every province in Canada, along with the federal government. I'm not sure it is reasonable to expect that that sort of thing should be subject to arbitration.

So, Mr. Chairman, I would have to oppose the proposition advanced by the hon. member.

MR. NOTLEY: Mr. Chairman, I don't want to cut anyone off, but I would like to conclude debate. If any other members would like to make comments, I'll defer until they do.

AN HON. MEMBER: Agreed.

MR. NOTLEY: Mr. Chairman, to respond to the hon. Member for Edmonton Jasper Place — not necessarily concluding debate, because I suppose we can speak as often as we like during this sort of discussion.

I don't think anyone is arguing the case that something is being taken away. The point I want to make is that Bill 41 denies the right to strike. We can get into an argument over semantics. But I doubt that we can really debate that particular section of this act, which simply says that provincial employees coming under the terms of Bill 41 will not have the right to strike. That being the case, Mr. Chairman, I say to members that we must be very careful to ensure the arbitration process not only is fair but is seen to be fair, and that it covers everything that could conceiv-

ably be discussed during collective bargaining.

The hon. Member for Edmonton Jasper Place raised the issue of pensions. The fact of the matter is, Mr. Chairman and members of the committee, as members know, pensions have been part of the collective bargaining process. We have had strikes under The Alberta Labour Act because of pensions. Now if we are fair employers, are we not going to say that an independent arbitration award is something we can live with? I really question that the government is not able to do that. I just don't believe any stricture on pension plans would preclude that. If so, I would be interested to know it, and perhaps that section might be amended — the amendment to the amendment.

Certainly the question of negotiating pensions has been part of the collective bargaining process. So has the organization of work. So has the system of job evaluation. So has selection, appointment, promotion, training, and transfer. All the items which, under the terms of the amendment to the amendment, would be subject to arbitration are now conditions of work negotiable under most legislation in this country, with the right to strike at the bottom line.

We're taking away the bottom line, in terms of the right to strike, and substituting arbitration. I say to the members of this committee, if that is going to be the bottom line, at the very least that bottom line should in fact apply to everything that possibly comes under collective bargaining.

MR. LEITCH: Mr. Chairman, there are quite a few comments I would like to make. First I'll deal with the matter of pensions. The position with respect to pensions in the government is, in my view, substantially different from the matter of pensions in the private sector, where they may well be arbitrable. In the government sector we have a pension plan that covers a number of employers — not just one. All of those employers will carry on separate negotiations. So we're talking about one plan being negotiated or arbitrated — if the hon. member's amendment were accepted — with respect to a number of different employers. That is a system I wouldn't conceive as working satisfactorily.

The last point I wish to make, Mr. Chairman, is that the amendment proposes that we go a step further than is certainly the common practice in the private sector, and make arbitrable matters which are not commonly arbitrated.

For those reasons, Mr. Chairman, I'd urge the members of the Assembly to vote against the proposed amendment.

MR. NOTLEY: One additional comment. First of all let me just say, Mr. Chairman, listening to the Provincial Treasurer I'm still not sure the problems dealing with pensions are that insurmountable. But if in the opinion of the law officers of the Crown, that is one area [in which] we are going to get ourselves into all sorts of problems — fair enough. Let's leave that.

I suggest, with due respect to the Provincial Treasurer, that if he looks at these other sections, he's not correct. These other sections are in fact not only arbitrable but negotiable, with the right to strike at the bottom line.

Therefore I would suggest to members that the amendment to the amendment is consistent with the

concept [that] if the right to strike doesn't exist, arbitration must apply as much as possible.

DR. McCRIMMON: Are you ready for the question? I'll read it out so there is no misunderstanding. The amendment, proposed by the hon. member, Mr. Notley: "Amendment to government amendment, May 16, 1977 to Bill 41, The Public Service Employee Relations Act". The amendment to the amendment is as follows:

- (1) Item 12 is amended by striking out sub-item
- (b) and substituting the following:
- (b) by striking out subsection (2).

[Motion lost]

MR. TAYLOR: Mr. Chairman, I haven't had time to follow this through, but Section 25 has been struck out, and Section 19 — which reads "The employees of the Crown in right of Alberta constitute a single bargaining unit" — remains in the bill. Is it now the intention of the government that there will be one bargaining [unit] for the entire public service, or — the way I rather think it will now be — that there will be discretion in setting out those groups that logically go together for bargaining purposes?

While I disagree with the method used by Air Canada in having almost every outfit of the aircraft industry a separate bargaining unit, I do think there's some argument for teachers and instructors in schools, compared to the average civil servant. It seems to me it would be much easier for some logical groups to bargain collectively, rather than being forced to bargain in one bargaining unit.

I'd appreciate having the comments of the hon. Provincial Treasurer on that point.

MR. LEITCH: Mr. Chairman, I welcome the question from the hon. Member for Drumheller, and simply say that in the matter of bargaining units, we are essentially retaining the status quo. That is, the employees of what one might call the general government service — the employees of the department — are now one unit, and this act maintains them as one unit. Members will note that in areas such as hospitals, where there are a number of units, a section provides that the board can continue that practice. Dealing with other employers such as the Alberta Petroleum Marketing Commission, the legislation points the board in the direction of having one bargaining unit for an employer. But the legislation provides that if the board is of the opinion that the labor relations between the employees and the employer would be better served by having more than one bargaining unit, the board has the capacity to form more than one bargaining unit. But I think it fair to say, Mr. Chairman, that the essence of the provisions in the bill on bargaining units is that we are essentially maintaining the status quo.

MR. R. SPEAKER: To the minister. With regard to NAIT or SAIT, for example, would they come under the same terms of reference they have at the present time?

MR. LEITCH: Yes, Mr. Chairman.

MR. NOTLEY: Mr. Chairman, I have another amendment I would like to propose in addition to the government amendments. I believe I have copies here for all the members of the House.

Mr. Chairman, the amendment I would propose is with respect to Section 3 of the bill. It would strike out subsections (2) and (3).

Mr. Chairman, members will recall that subsection (2) states:

The Board shall consist of five persons appointed by the Lieutenant Governor in Council, one of whom shall be designated as chairman.

And subsection (3):

The Lieutenant Governor in Council may appoint a person, in addition to the persons appointed under subsection (2), as alternate chairman of the Board to act as chairman

(a) when the chairman is absent or unable to act, or

(b) upon request of the chairman,

and when the alternate chairman is so acting he is the chairman for all purposes.

Mr. Chairman, the purpose of the amendment would be to give substance to the proposal made by the government representatives to the task force studying the public service in Alberta with respect to the composition of the Public Service Employee Relations Board. Members will recall that in the report the government representatives on the task force indicated that there should be a committee of three. But the key and significant provision of their proposal was that one person should represent the government as the employer, one person should represent the employees, and a third person would be a neutral chairman.

Mr. Chairman, the amendment I have accepts the government's basic size — the size remains at five — but the composition reflects the recommendation of the government members on the task force. The proposal would read:

two persons appointed by the Lieutenant Governor in Council

one person appointed by the bargaining agent for the employees of the Crown and right of Alberta.

That means the bulk of the provincial service, and then:

one person appointed by majority vote of all bargaining units, other than the unit consisting of the employees of the Crown in the right of Alberta to be exercised by the bargaining agent of each unit.

The reason that section is there, Mr. Chairman, is that it is conceivable that we may not have everybody covered by the same overall bargaining agent.

And then, of course, the final section:

one additional person selected as chairman by the other members of the board . . . appointed by the Lieutenant Governor in Council.

So under the terms of this amendment, we would have two representatives from the government appointed by the Lieutenant Governor in Council, two representatives from the employees — one from the employees of the Crown in right of Alberta, and one from those employees other than employees of the Crown in right of Alberta — then one additional person also appointed by the Lieutenant Governor in Council to act as chairman.

The other part of the amendment, Mr. Chairman,

would simply indicate that the alternate chairman should be chosen by the board as opposed to the Lieutenant Governor in Council.

The basic arguments for this amendment have been made before when I attempted to expand the scope of the arbitration section. It seems to me one can make the argument that if the bottom line is not the right to strike, which has been traditionally considered the basic right of organized labor, then we have to make sure that the mechanism is completely and totally fair and is seen to be completely and totally fair.

I know that when the Provincial Treasurer closed second reading he indicated that the composition of the Board of Industrial Relations is not so set up. But, Mr. Chairman, the fact of the matter is that under the terms of The Labour Act the bottom line is the right to strike. With that in mind, Mr. Chairman, because the right to strike doesn't exist in this act — it is specifically precluded — in my view it is necessary that we clearly set up — and I think this point was made rather well by the government members on the task force looking into the public service — whatever board is given the responsibility of administering this very tricky act [so] that there would be equal representation from both sides, with a neutral chairman.

So I would ask the members of the committee to seriously consider this amendment which is consistent with the government's own task force representatives who spent well over a year examining and assessing and then finally coming forward with a recommendation.

MR. STROMBERG: In regard to this amendment, we've had two very good meetings at Camrose with the public service employees. Their concern was, in Section 3(2), that perhaps there would be no labor representation on there. But they made it very clear to me at our meeting last Sunday evening that they did not necessarily want representation from AUPE. They would feel considerably safer, or let's say at ease, if there were two representatives with a broad labor experience, not necessarily from AUPE. I conveyed to them that I would convey that message to this Assembly. I realize that the minister made reference to this in second reading, but I would like the minister's comments, and if he would give consideration to two gentlemen with broad labor experience on that board.

MR. LEITCH: Mr. Chairman, there are two points I want to deal with that underlie the comments made in connection with this section and that I'm sure are behind the amendment, now before us.

The first is that I think there has been some misunderstanding of the function of this legislation. I want to draw to the attention of the members of the committee that this is not the board that settles the terms of the collective agreement. A different board does that — an arbitration board set up under the bill. That board is composed of three members, one being appointed by the union, the other being appointed by the employer, and the third being a neutral chairman selected by them. Alternatively, if they're unable to agree upon the selection of a chairman there is a procedure in the legislation which will lead to the appointment of a chairman.

So I think it's important, Mr. Chairman, that that

distinction be kept in mind. This is not the board that will settle the terms of a collective agreement. That will be done by a different board — an arbitration board. On the arbitration board there will specifically be representation from the union and from the employer.

Secondly, reference has been made to the government members' task force report. This has been mentioned a number of times, with the suggestion being left that the government members recommended appointments by the union and appointments by the government. That isn't what the recommendation says. The recommendation says an independent, part-time, three-member board should be created to administer the new act; that a mutual chairman be appointed; and that the other two members of the board be appointed by the Lieutenant Governor in Council after consultation, which is an entirely different thing from what's proposed by this amendment.

Mr. Chairman, let me say a word or two about a legislative requirement for consultation. I referred to this on second reading. I simply don't think it works. We've had legislation in this province requiring consultation before appointments. I functioned under one such act and find it's a totally ineffective provision in legislation. I don't know when you can ever feel confident that you've carried out the direction of the legislation when it contains a requirement to consult.

Lastly, and I think this is the most important, Mr. Chairman, and again I referred to it in my comments on second reading: it is clear to me that this board, in order to do its work, must have the confidence of both the union and the employers. It's my view that if one looks carefully through the duties this board is required to perform under the legislation, it isn't going to be a very satisfactory board if you have two members representing the union, two members representing the employers, and a chairman.

That isn't the kind of atmosphere, Mr. Chairman, that I would hope to see develop within the board; the kind that inevitably develops out of that system of appointment. As I stressed, this is a board that's going to have to have the confidence of both the union and the employer. I certainly expect that the government will have discussions with the union during the course of preparing to make appointments to this board. But, Mr. Chairman, I can't see any legislative requirement for discussions or consultation in any way advancing what will in fact occur.

The hon. Member for Camrose referred to our appointing to the board some people with a wide experience in labor matters. I think that's inevitable. I think we need to appoint to this board persons who are knowledgeable in the areas in which the board has to deal.

With those comments, Mr. Chairman, I would urge the members of the committee to reject the proposed amendment.

MR. NOTLEY: Mr. Chairman, I was intrigued on listening to the minister submit his arguments on this matter, particularly with respect to the question of the difficulties of having representatives from the workers and from the government on the board. I say I was intrigued, Mr. Minister, because I remember with strong reflection the great fanfare given to the task

force when it was commissioned in 1975, just a few days before the election was announced. It was certainly a double approach: two representatives from the — at that time — CSA, two representatives from the Alberta government, [were] asked to examine this whole issue, the pluses and minuses, at a time the government wanted to make sure everybody was happy.

At that time, Mr. Chairman, the government in its wisdom felt that equal representation from both side was very workable. Now we're told there is some danger that if that were carried through we might have a public service employee relations board that has strains. There might not be the cohesion, and there may be some problems. Mr. Chairman, I say to the members of the committee: I suspect that will happen. But I'm not sure the way to avoid that is to try to appoint a board where the employees are not given equal representation with the government, with due respect to the hon. Member for Camrose.

The hon. member makes a point. It may well be that some provincial employees are not very enthused about having someone from the Alberta Union of Provincial Employees on the board. In my travels in the province, meeting any group in any union, I can't recall not knowing that at least some members of that union were not totally sold on their organization. That's not only true of unions, Mr. Chairman. That's true of church groups, chambers of commerce, associations. I know of virtually no association — I'm told that even within the Alberta Progressive Conservative Association there are some members who are not always happy.

DR. BUCK: Conservative members.

MR. NOTLEY: That's the Conservative members. Well, that may be true.

In any event, Mr. Chairman, I say that in terms of a coherent public policy the worst thing we could get into would be to try to find people who may have a labor background but would not have the allegiance of most of the provincial employees. I suggest that the amendment is simply putting in a statute form what, in my view, is absolutely mandatory if this Employee Relations Board is to be workable.

Now of course I realize, Mr. Minister — I don't think anyone in this House who doesn't realize that there is a difference between the Public Service Employee Relations Board and the arbitration procedure. But let's look at some of the powers of the board we're appointing. They have power, under Section 9, that is really very extensive. One of the concerns brought to my attention by members of the Alberta Union of Provincial Employees is that the powers of the board are so broad.

That being the case, Mr. Chairman, I think it is necessary that we ensure the representation on the board is, to use the minister's own words, not only fair but seen to be fair.

MR. R. SPEAKER: Mr. Chairman, I'd like to speak in support of the principle of the amendment. I feel from past experience that where the employees of the province and the employer were able to sit together to solve a number of problems was a good one. Now, we've certainly changed the principle here to some extent, where it is removed from the ministerial level

being involved in the board to a point where there are persons outside the cabinet level as part of the composition. But, as an employee group, I would feel rather insecure with this type of relationship.

We should recognize that the legislation we pass is not particularly going to be administered by anyone who sits in the front line at present, nor who sits on this side of the House. But the principle is established for the time ahead. I think there are times when you have to build safeguards into legislation. This may be one of those times we should make it possible that employee representation will be assured on the board, and that the functions carried out and the decisions made reflect employee attitude.

I recall reading this when the bill was presented, and hearing it a number of times since then. It has concerned me very much, because it is difficult to judge exactly what will happen in a board of five people. If the people are all on the side of the employer, the employee end is lost. That could happen when the employer, in the final analysis, has the unilateral right to appoint the board. So I think it certainly would be worth our while to give some recognition to the fact there should be something in the legislation, which isn't there at the present time, that ensures employee representation.

MR. TAYLOR: Mr. Chairman, I'd like to say a word or two on this principle. I support the principle of labor and employer representation on a board like the Workers' Compensation Board, because it's the employer's money that's being spent. Consequently the employer requires representation, and employees have a representative to counterbalance it. But from my observation, in many cases the decision has to be made by the chairman. Where there is a conflict between the employer and the employee to the extent they can't resolve it, the chairman makes the decision. So in effect you have a one-man board.

This principle was enunciated several years ago by the late Premier William Aberhart, who for many years refused to have a three-man board. He thought it was a waste of public money, because in difficult cases the decision always came down to the chairman in any event. But I support the three-man board in workers' compensation.

When the public service is involved, it is my view that the people have to be represented. It's the people's money that's being spent; not the employer's money and not the employees' money. So in my view it's wrong to have on the board someone who is dedicated to carrying out the wishes of any one group. The people on the board should be objective. They should make sure the employees get a fair deal, but they should not be bound to any particular group — employer or employee. They should be fair to all employees.

Mr. Chairman, when we say we are going to appoint a board that is going to be dedicated to one cause, we're not fulfilling our obligations to the people of the province as a whole. Let's get people on there who are going to be objective, who are fair minded, and who are going to look after the public interest and make sure every employee gets a fair deal. Surely that's what the public service is requesting.

MR. YOUNG: Mr. Chairman, just three quick observations on the debate before us. I'd like to remind hon. members that what we're talking about here relates to the administration of the legislation before us. In my view there has been considerable confusion in the public mind about that matter.

Secondly, I'd like to remind all hon. members that my constituency, I am sure, contains many employees of the government of Alberta. It also contains many other people; many other employees who do not have any organized union, any organized association at all. So in terms of the protection being afforded to employees of the government, we're already one up on many other employees in the province. I don't know the statistics on the number of organized employees as a ratio, but I think it is 30 per cent of all employees. So we're talking about some smaller number. So at this stage, in 1977, approximately 70 per cent of the employees in this province don't even have this kind of protection.

Thirdly, Mr. Chairman, we're talking about administration. Surely the success of administration is the credibility that board can bring to bear. If I interpret this amendment correctly, the credibility of the board would be severely damaged by someone having to go through an election process, I guess, and make all kinds of commitments about what he or she is going to achieve on the Public Service Employee Relations Board.

AN HON. MEMBER: Like an MLA.

MR. YOUNG: What kind of objective commitment is that going to be? What kind of objective feature is that going to attract to the board?

AN HON. MEMBER: Campaign managers.

MR. YOUNG: What kind of light is the whole board going to be placed in by that sort of process? I think it much fairer to all the public service that the people on there be seen to be acting with empathy for the employees of the government and be seen to be acting in concert, trying to arrive at the best and most objective decisions.

Mr. Chairman, I ask hon. members to reject this amendment.

MR. LEITCH: Mr. Chairman, I simply wanted to say that I was going to comment on the point about the public interest in the decisions of this board, made by the hon. Member for Drumheller. But he's done it much more effectively than I could have, and I thank him for that.

I would conclude my remarks on this by saying I have no hesitation in saying I am sure we will be able to find people of ability and judgment to appoint to this board, and that they will reach fair decisions. There are all kinds of examples where that has been done. Equally there are examples where people appointed in that fashion have not always agreed with what government's view of a matter might have been, and had no hesitation in saying so. Mr. Chairman, I am satisfied that the proposal we have in the bill is going to function very well.

MR. NOTLEY: Mr. Chairman, just before we conclude debate on this particular motion — I still want the

amendment voted on, but I would like to ask the minister a direct question. The minister indicated consultation would take place. Would the minister be specific in terms of the consultation that will take place before the appointment is made? For example, will consultation on the composition take place between the minister and the Alberta Union of Provincial Employees? To be specific, will consultation take place between the minister and the Alberta Federation of Labour — as suggested, for example, in the task force report — before the government finalizes its decision on the composition?

MR. LEITCH: Mr. Chairman, the hon. Member for Spirit River-Fairview has used the word "consultation". I did not. I used the word "discussions". I said there was no doubt there would be discussions with the union before appointments were made. At this stage I'm not prepared to say with whom we might have discussions or how many or their exact nature. I think I have indicated to members of the committee the underlying and important principle that we are aware and conscious of the fact that the people appointed to this board have to be people whose decisions are going to earn the respect of both the union and the employers.

MR. NOTLEY: Mr. Chairman, let me just follow that up. Can I ask you specifically whether or not discussions will take place with the Alberta Federation of Labour in view of the concern expressed by that organization about Bill 41?

MR. LEITCH: Mr. Chairman, I don't know that I can add to what I said earlier. Certainly, I haven't made any final decision as to with whom we might have discussions or who might have them or with whom in a particular organization we might have them, and wouldn't be prepared to make any specific commitments in that area today.

MR. CHAIRMAN: Are you ready for the question with respect to the amendment to Bill 41 by the hon. Member for Spirit River-Fairview?

[Motion lost]

MR. NOTLEY: Before we conclude Bill 41, Mr. Minister, I wonder if we could move to page 25, Section 43 of the act.

Basically, I'd like to ask the government where it stands on this matter. It's my understanding that not all provincial employees are members of the union. That's certainly true in some hospitals, for example. The question really relates to what happens in terms of agreements negotiated by whatever bargaining agent may be certified, whether those people who benefit from the agreement are to pay union dues — whether or not they wish to join and participate is a separate matter — but whether or not they are to pay, perhaps I can use the term, "their fair share of the freight". My question is whether the government has given any consideration to a Rand formula with respect to this area, so that the bargaining agent would still receive support, but those individuals who for one reason or another do not wish to participate in the bargaining agent as members or take a role are not obliged to. But they are not able to go along, if

you like, for a free ride. They must bear part of the financial responsibility, even if they do not wish to take a full role in the activities of the bargaining agent.

MR. LEITCH: Mr. Chairman, I believe the answer to the member's question is yes. I think it will be found, in the amendments we proposed, as amendment no. 2 to Section 43 of the act.

While I'm on that, Mr. Chairman, I just want to be sure that the committee's vote on the government amendments included the second amendment. I understand it did.

MR. CHAIRMAN: It covered all.

MR. LEITCH: That being so, I believe the changes to Section 43 effected by the second amendment proposed by the government enable the deductions referred to by the hon. Member for Spirit River-Fairview to be made; that is, the Rand formula deductions.

MR. STROMBERG: Mr. Chairman, I just have a question I want to ask the minister in regard to our people down in Camrose voicing their question and their concern as to when the Public Service Employee Relations Board would be appointed. Would they be moving into bargaining in the fall or the summer? Could some time frame be indicated as to when the board would be appointed?

MR. LEITCH: Mr. Chairman, it is my intention to have the board appointed as quickly as it can be done. I would hope that would occur during the summer. My memory of the transitional provisions of the bill is that upon the appointment of three members, the board is then operational. I hope that would occur during the summer. Certainly we want to see it done as rapidly as possible.

MR. STROMBERG: Mr. Chairman, in the intervening time, before three members of that board are appointed, do we continue doing as we are now?

MR. LEITCH: No, Mr. Chairman. There are transitional provisions which deal with how things that are now going on under existing legislation will continue. Some of them will continue under the existing legislation; others would be carried out under this legislation. But in the interim, between proclamation of this bill and the appointment of the board, there is a provision enabling the Executive Council to do the things the board is authorized to do under the bill. I would see Executive Council doing routine matters which the board is required to do under the bill.

If something of a contentious nature arose between the proclamation of the bill and the time of the board's appointment, I would see Executive Council appointing some independent party to resolve that contentious matter. The capacity for the Executive Council to do that is also in the bill.

MR. COOKSON: Mr. Chairman, I'd just like to make a comment or two. I would like to congratulate both the Minister of Labour and the Provincial Treasurer for the dedicated way in which they have worked at Bill 41, The Public Service Employee Relations Act, as

I have gone through it.

I would also like to thank them for giving many members of the Legislature an opportunity for some input into the amendments. I was able to attend a meeting at Red Deer with the public service people and review some of the concerns expressed to us. In my time in the Legislature, I don't know of any other bill presented that has this many amendments at this late stage of the game. So I'd just like to thank the ministers involved for taking the time to consider those requests. Some of the meetings weren't held under the most desirable circumstances.

I simply say this: it's a fair document. I think it's important to the people of Alberta, and for the people of Alberta to realize — and I'm sure they do — that legislation for the people of Alberta is passed in this Legislature. I think the Premier made that point a week or two ago.

Mr. Chairman, I'm sure we have a lot of good support for this moderate kind of bill — a way of handling the problems between provincial employees and employers. I think it's highly important that the employees involved in Bill 41 realize the thought and the depth that have gone into it, the number of stops and checks, and the protection for the employee. I know that when they go through this — and many of them have, through their organization and so on . . . I know that we have a tremendous support for this kind of moderate legislation which, hopefully, will reduce the amount of confrontation that often occurs in these kinds of negotiations.

MR. CHAIRMAN: Are you ready for the question on Bill 41 as amended?

[Mr. Chairman declared the motion carried. Several members rose calling for a division. The division bell was rung]

[Three minutes having elapsed, the House divided]

For the motion:

Adair	Gogo	Musgreave
Appleby	Hansen	Paproski
Ashton	Harle	Peacock
Backus	Hohol	Planche
Batiuk	Horsman	Purdy
Bogle	Hunley	Russell
Butler	Hyland	Shaben
Chambers	Hyndman	Stewart
Chichak	Johnston	Stromberg
Cookson	King	Taylor
Crawford	Kroeger	Tesolin
Diachuk	Kushner	Trynchy
Doan	Leitch	Walker
Dowling	Little	Warrack
Farran	Lysons	Webber
Fluker	McCrae	Wolstenholme
Foster	Miller	Young
Getty	Minliely	Zander
G hitter		

Against the motion:

Buck	Mandeville	R. Speaker
Clark	Notley	

Totals: Ayes — 55 Noes — 5

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill 41, The Public Service Employee Relations Act, be reported as amended.

[Motion carried]

Bill 38
The Municipal Election
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There is an amendment to the bill. Are you all familiar with the amendment?

[Title and preamble agreed to]

MR. PURDY: Mr. Chairman, I move that Bill 38, The Municipal Election Amendment Act, be reported as amended.

[Motion carried]

Bill 49
The Election Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There is an amendment. Are you all familiar with the amendment?

[Title and preamble agreed to]

MR. PURDY: Mr. Chairman, I move that Bill 49, The Election Amendment Act, be reported as amended.

[Motion carried]

Bill 34
The Hydro and Electric Energy
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

DR. WARRACK: Mr. Chairman, during second reading the Leader of the Opposition asked me to follow up on three matters that he had posed. I'm in a position to do that. Perhaps his colleagues would indicate to him the responses I'm about to give so that he might examine them in *Hansard*.

One was the concern with respect to Section 12 as related to Section 6. Section 12 deals with transmission lines. The hon. member was wondering whether this would include every conceivable line involved. On checking I find it would not, inasmuch as transmission rather than . . . also distribution lines that are involved. Regulations would in fact be written under that section that would provide for exclusion of very small units.

In relation to Section 16 and the powers therein, including the 'sunset clause' we discussed on second reading, I wanted to indicate the concern we had had

as a result of four instances so far, during my time of responsibilities, where we have been close to a power shortage and the need to have quick action — for example, by way of gearing up the small power plant at Lethbridge or the power plant at Fort McMurray or possibly the Wabamun No. 1 plant, a gas unit plant — to meet any shortages and allocations necessary.

A couple of examples might point out how important this is, Mr. Chairman. One was the time the Jasper power plant burned and it was necessary to make immediate emergency decisions in order to have continuity of power supply. Those decisions were made and arrangements struck. But it's not all that clear they were within the terms of The Hydro and Electric Energy Act and we certainly feel that those kinds of actions should clearly be within the statutes of the province, rather than [having] any question about it. At the same time common sense prevailed in terms of meeting the emergency that came about in that particular area. That's one example.

The second example — and I would just refer it to all hon. members for reading when they have an opportunity — is an article in this month's *Fortune* magazine, called "The Night the Lights Almost Went Out". It deals with the problems in the United States on Monday, January 17, the severe cold snap beyond what was anticipated there, and the very difficult problems of brownouts and rotating blackouts that were necessary. Those are the kinds of the things we want to guard against and the basic concept of concern and planning we wanted to instigate in The Hydro and Electric Energy Act in order to handle the situation. That was one question posed by the hon. member.

I can be very brief on the second item. It says in *Hansard* in the remarks by the hon. Leader of the Opposition, "Section 10", but from the context I'm able to determine that he really means Item 10 in Bill 34, which deals with Section 15 of The Hydro and Electric Energy Act.

The question posed was: under what circumstances would the government be instigating a move of, for example, a power plant or any related facility. The answer to that question is related in consulting the basic act, which is not evident looking at Bill 34, inasmuch as Section 15(1) refers to "Upon an application". So the powers involved in this amendment of Section 15 are responsive to an application from a power generator rather than on the initiative of the government or the Energy Resources Conservation [Board], by way of recommendations and advice to the government.

The third and final point the hon. member brought forward was noting the insertion of the words, "and operation" at the bottom of Page 2, I believe. The hon. member wondered whether or not that particular insertion of two words related specifically to REAs. The answer is no. It does refer to operations of all electrical systems, but that particular amendment is really in the basic act, The Hydro and Electric Energy Act. Hon. members will note, if they have a chance to take a look at it, that Part 3 deals specifically with electric distribution systems. Part 3 does not include the particular amendment involved here. So while it would apply in its general application to distribution systems like any other part of the electric system, it

does not specifically refer to REAs. I understand that to have been the question posed by the hon. Leader of the Opposition.

[Title and preamble agreed to]

DR. WARRACK: Mr. Chairman, I move that Bill 34, The Hydro and Electric Energy Amendment Act, 1977, be reported.

[Motion carried]

Bill 11
The Vital Statistics
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

[Title and preamble agreed to]

MR. WOLSTENHOLME: Mr. Chairman, I move that Bill No. 11, The Vital Statistics Amendment Act, 1977, be reported.

[Motion carried]

Bill 23
The Financial Administration
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

MR. R. SPEAKER: Mr. Chairman, one of the concerns we had with regard to this bill was the significant increase from \$46,000 to \$51,380. The Provincial Treasurer has explained to us that under various circumstances a significant increase could be made. We recognize that under the AIB guidelines the increase was to be kept to around \$25 or \$100. We feel that to keep in accord with that type of principle, we should certainly adhere to it in this bill.

In light of that, Mr. Chairman, we'd like to propose an amendment which brings us within the AIB guidelines relative to the salary increase. I would move as follows:

The Bill is amended as follows:

- A. Section 2 is amended by striking out the figure "\$51,380" and substituting therefor the figure "\$50,800".

MR. LEITCH: Mr. Chairman, the question of the AIB guidelines was raised during the debate on second reading, and I pointed out then that for many years in the government the principle that the Auditor be paid the same salary as the Deputy Provincial Treasurer has been followed. This increase brings the Auditor's salary to the same level as that of the Deputy Provincial Treasurer. It's a question of whether one were to break that principle. In light of its long standing, it appears to me it should not be broken, particularly when the Auditor is not within the Anti-inflation Board's guidelines, and as there are a number of other people outside of that.

I appreciate the comments made on second reading

debate about the importance of following those guidelines. Certainly there is merit to that. I think they ought to be departed from only when there's a good solid reason for doing so. I simply say to the members of the committee that I have no hesitation in saying that the good solid reason here is that we are keeping the Auditor's salary at the same level as that of the Deputy Provincial Treasurer, in accordance with long-standing practice.

[Motion lost]

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill 23, The Financial Administration Amendment Act, 1977, be reported.

[Motion carried]

Bill 24
The Election Finances and
Contributions Disclosure Act

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

MR. CHAMBERS: Mr. Chairman, with regard to the amendments circulated, I might add that if members wonder about Section 48, part (b) of the amendments, what is in the existing bill which members have is quite valid. It's just that if you think about it, the way the amendments are written is a simpler way of saying the same thing. So it's really tidying up the wording.

However, there is one amendment of substance with regard to Section 1(1), the definition of "constituency association". We felt it was only fair and proper that the constituency association of an independent sitting member of this House should be able to enjoy the same benefits as that of any member with political party affiliation. I might add that we had really intended that to be in there right from the start, but somehow in the drafting that wording was left out.

MR. NOTLEY: Mr. Chairman, just one question. I don't want to delay the bill. I certainly subscribe to the addition Mr. Chambers has outlined. However, the question is: I gather the restriction is for an independent member who is a member of the Legislature. Would there be no provision for individuals who would seek election to office as independents and would like to use this act in order to raise money?

MR. CHAMBERS: No, Mr. Chairman. If we think about the proliferation that could occur if it were available to anybody who said he was a candidate, I think that would be a difficult complication to live with. However, I believe it's an entirely different situation with a sitting member of the Legislature, and I think members concur. I don't think there's any reason an independent sitting member shouldn't be able to enjoy the same benefits as any of the rest of us with political party affiliation.

MR. NOTLEY: Mr. Chairman, just to follow that up. So we're really talking about a sitting member, regardless of how that person was elected. We've had several examples between '71 and '75 where people were elected on one basis and then ran on another basis. We have the example of Mr. Taylor, who was elected as an Independent. It's not a question of how one was elected; it's a question of how one is sitting at the time of dissolution of the Legislature — is that the definition of it?

MR. CHAMBERS: Yes, Mr. Chairman. In other words, regardless of whether he ran and was elected as an Independent or whether he was elected on a party basis, as long as he's in the House as an Independent he would enjoy the same benefits under this amendment as any other member of the House.

DR. BUCK: Mr. Chairman, in light of the fact that I have some reservations and some strong feelings that election expenditures should be limited, I beg leave to adjourn the debate.

MR. HYNDMAN: Mr. Chairman, I move the committee rise, report progress, and beg leave to sit again.

[Motion carried]

[Mr. Speaker in the Chair]

DR. McCRIMMON: Mr. Speaker, the Committee of the Whole Assembly has had under consideration bills 41, 38, and 49, and begs to report the same with some amendments.

Mr. Speaker, the Committee of the Whole Assembly has had under consideration bills 1, 34, 11, and 23, begs to report the same, and begs to report progress on Bill 24.

MR. SPEAKER: Having heard the report, do you all agree?

HON. MEMBERS: Agreed.

MR. HYNDMAN: I move we call it 5:30.

MR. SPEAKER: Having heard the motion, do you all agree?

HON. MEMBERS: Agreed.

MR. SPEAKER: The Assembly stands adjourned until 8 o'clock this evening.

[The House recessed at 5:29 p.m.]

[The House met at 8 p.m.]

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

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

HON. MEMBERS: Agreed.

head: **GOVERNMENT BILLS AND ORDERS**
(Committee of the Whole)
(reversion)

[Dr. McCrimmon in the Chair]

MR. CHAIRMAN: The Committee of the Whole Assembly will now come to order.

Bill 24
The Election Finances and
Contributions Disclosure Act

MR. CHAIRMAN: We have an amendment to this bill. Is there any discussion with respect to the amendment?

DR. BUCK: Yes, Mr. Chairman. I would like to say that Bill 24 is a small step in the right direction. It's a small step in the right direction in that because there is no outside limit set on what politicians can spend on elections, this bill really does very, very little. Certainly we have a contributions disclosure section. But if we look at the statistics of the last three elections, Mr. Chairman and members of the Assembly — or just about any provincial, federal, or state election — it bothers me that in the majority of cases the man or woman who spends the most money is the man or woman who is elected.

HON. MEMBERS: Oh, oh.

MRS. CHICHAK: Not in the last election.

DR. BUCK: Fine. The last election can be an exception to that rule. Mr. Chairman, I can understand why the government would be touchy, because it's always an advantage to the government to have no limit on the amount of election expenses. It's a known fact. Let's not kid ourselves. When you're in government it's much easier to raise funds than when you are in an opposition or a minority party or when you are an independent.

AN HON. MEMBER: Substantiate it.

DR. BUCK: Substantiate it! Let's not be so bloody naive, hon. member.

MR. CHAIRMAN: Order please. You know the rules and regulations with respect to language in the House.

DR. BUCK: Well, let's not be so naive as to think it is not easier to raise expenditures and funds when you're the government than when you're in the opposition. Because there's a rule of thumb that the party in power gets more than 50 per cent of a certain fund a company has to give. The party in power gets the biggest percentage of that. The next party gets the second whack at it, and on down the line.

AN HON. MEMBER: That's not the way it works.

DR. BUCK: If the hon. members don't know that's the way it works, I say to them that whoever is the bagman for the PCs can indicate to you that that's just the way it works.

MR. CHAMBERS: What's a bagman?

DR. BUCK: It's that plain and simple. It's always an advantage to not have a limit on the amount of money you can spend on a campaign, and it's always an advantage to the government. So when governments get kicked out and get into opposition, they always tell this story. When the opposition becomes the government . . .

AN HON. MEMBER: Yes, I've heard that story for 48 years.

DR. BUCK: . . . they want a limit. But I will say for the Prime Minister of this country that he has recognized this is a problem and has tried to do something about limiting the amount of money that can be spent on campaigns. Quite obviously the government does not want a ceiling. I don't blame them, because it's a real advantage to them not to have an upper limit.

Mr. Chairman and members, what really concerns me more than the advantage it gives the government is the fact that it's becoming more and more expensive, and more and more money is being spent on election expenses. That's basically what bothers me.

I think it will be of interest to members of the committee when we look at some of the expenses incurred by our neighbors to the south. It indicates some people have spent . . . I'll give an example. Republican Senator John Heinz of Pennsylvania spent \$3 million, most of it from his own pocket, and accumulated a \$2.5 million debt to defeat Democrat William Green in the election last fall. It goes on and on to indicate some of the fantastic sums spent to get elected.

I think the Conservative government appreciates the problem the former member of the Tory party, Jack Horner, had. We had roasts. Many of the hon. members contributed their \$100, because the hon. Member for Crowfoot went \$150,000 into debt. That was not what his campaign cost him. That was how much he went into debt. It's now becoming almost a rich man's hobby to be elected to the Legislature or the House of Commons, or to be the leader of a major party in this province or this country. I think that's wrong.

MR. FOSTER: Clark got elected for a lot less than that.

DR. BUCK: But look at the quality you got.

MR. FOSTER: Oh, come now.

DR. BUCK: Look at the quality you got. Maybe you should have spent more and got a better man, Mr. Attorney General, [interjections]

But it is becoming a major factor in that the ordinary man cannot afford to run for office. I think that's wrong. If we believe in true democracy, everybody should have an equal opportunity to run for the Legislature or the House of Commons in this country. All I want to say and bring to the attention of the members is that because this bill does not have a

limit on the amount of money that can be spent on elections, really it is just a small step in the right direction, Mr. Chairman.

Thank you.

MR. CHAMBERS. Mr. Chairman, I feel forced to respond at least a little bit. I'd like to say I am really happy the Member for Clover Bar is participating here tonight. I missed him during second reading.

DR. BUCK: I was out getting a candidate to defeat you, Tom. [interjections]

MR. CHAMBERS: You'd better look hard.

Mr. Chairman, we went over this in second reading, but it is an important point and a debatable point. I wonder if you might indulge my reading a couple of paragraphs from the Ontario report. I'd be the first to say we studied this, as we did many reports. We looked at jurisdictions all over, federal and so forth, especially south of the border and in the rest of Canada. But we gave this one by the royal commission in Ontario particular scrutiny because it was probably one of the most intensive studies. They worked from '72 to '74, therefore it's one of the most recent works done. We looked at it certainly as hard as we looked at any.

I want to read a couple of points here and paraphrase two or three items, Mr. Chairman. In writing the commission has said, and I'm taking just a portion of it:

After protracted and earnest debate and discussions, it is our conclusion that we recommend no limitations on spending at either constituency or provincial levels.

They go on to say:

There are great difficulties with the enforcement of ceilings on expenditures . . . Certainly, in any existing examples of such attempts before us, it seems certain that margins of error must be allowed, leading inevitably to permissiveness and then to inevitable carelessness and indifference. The enforcement of spending ceilings requires exacting reporting standards and thorough auditing, and demands of constituency organizations a competence that few of them in fact can be assumed to have.

These, then, are among the reasons, after much deliberation, why we have found it to be the greater wisdom not to recommend that spending limitations be placed upon the parties and upon candidates. Instead, we have given greater emphasis to disclosure . . .

It goes on and on.

Our committee looked at this in considerable detail and thought about it. We concluded that there are too many possible loopholes when you try to impose a limitation on spending. For example, suppose you try to stop a union or a corporation from contributing. How do you stop that corporation, union, or whatever from passing on a bonus to a key employee? He in turn can pass that on. How do you account for all these things? It just looks like an onerous task. Most studies we looked at — and certainly this one — indicated that they just couldn't see how a limitation on spending was practical.

Then again, we've now gone to a 28-day campaign here — not the shortest, but certainly one of the

shorter campaign periods anywhere. When you look at a 28-day campaign and at disclosure — those two items alone — whatever we spend is going to be out there for the public to see. It's going to be hung out there and, as the hon. Member for Clover Bar suggests, if anybody is able to buy an election, the public is going to see that. I think the 28-day campaign and disclosure are in themselves adequate controls on election spending without having to get into the onerous and complicated problem of trying to enforce a legislated limitation on expenditures. If we look at those hard enough, I think most of us would agree that those really are pretty adequate ways to control spending.

When the hon. Member for Clover Bar was speaking, I thought of people who have tried to buy campaigns. There was a well-known case in the east a few years ago where it was rumored that a millionaire industrialist spent \$1 million on a campaign, and he lost. Personally, I don't think you can buy elections. I think elections are won by hard work and by credibility and the public believing in you as a candidate and as a party. We've seen evidence in the past of people who tried to buy elections and weren't able to do it. They were defeated.

Mr. Chairman, I'd welcome any comment by other members on this. But I really find it hard to justify any formal legislative limitation on expenditure. Again I would like to sum up by saying, consider the 28-day campaign. That's a short campaign period. And consider disclosure. Whatever we're going to be spending is going to be out there for the public to see.

DR. BUCK: Mr. Chairman, may I ask the hon. member piloting the bill through the committee: in light of the fact that there is no upper limit on the amount of money we can spend, is the hon. member in a position to indicate how much money the Progressive Conservative party of Alberta has in the war chest right now? [interjections]

MR. NOTLEY: I think the heritage trust fund.

MR. CHAMBERS: My colleague here — I was going to say "cohort" again, but I was corrected the other day. Incidentally I got an interesting note from the Speaker on that. I can't locate it. I learned quite a bit from it. A "cohort" refers to a Roman legion, not a colleague. Anyway my colleague said, "not enough".

DR. BUCK: What? One million? Two million?

MR. CHAMBERS: Of course I have no idea how much we have, and I have no idea how much the Social Credit party has in its war chest.

DR. BUCK: We'll tell you.

MR. CHAMBERS: After 36 years in office I presume it's pretty large. But I don't know that. Nobody knows that.

AN HON. MEMBER: They got a million for each year in office.

MR. CHAMBERS: I was trying to think of another comment the Member for Clover Bar made. I should have written it down. I think he was alluding to it

being easier to raise funds as the party in government. Yet if you think about this act and what we're doing here, I think it's fair to state, or at least to speculate, that with this kind of legislation, when contributors donate to the government party they may be more prone to contribute to other parties as well. [interjections]

Let's face it: whatever people contribute is going to be out there for the public to see. I think it is a bold major step for the government to bring in legislation that has disclosure in it. I think it's going to broaden the base of political support in Alberta. It's going to help every party, not just our party.

[Title and preamble agreed to]

MR. CHAMBERS: Mr. Chairman, I move that Bill 24 be reported as amended.

[Motion carried]

DR. BUCK: A million in the bank at 10 per cent interest gives you \$100,000 a year.

AN HON. MEMBER: If it were just a million, you could deal with that.

Bill 26
The Motor Vehicle Administration
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There is a government amendment here. Are you all familiar with it?

DR. WEBBER: Mr. Chairman, I missed second reading of Bill 26. I wonder if I could direct a question to the Solicitor General at committee stage.

During second reading the Solicitor General indicated that this bill makes clear what bicycles, mopeds, and motorcycles are. I understand that under the classification of bicycles, a creature called a motor-assisted bicycle is included, and that there are basically two kinds of motor-assisted bicycles on the market. I am particularly concerned with the potential hazard we may be adding to the streets of our cities with this vehicle.

During second reading the Solicitor General indicated that questions of minimum age, safety regulations, et cetera, would be dealt with either in this act or in The Highway Traffic Act. I wonder if the minister could outline the licensing requirements for bicycles and mopeds at this time, and in particular whether 14 to 16 year olds with learners' permits would be allowed to drive the motor-assisted vehicles or, as they call them, bicycles.

MR. FARRAN: Mr. Chairman, the common theme that runs through all these vehicles is that they have two wheels. The divisions of these are quite well spelled out in the act.

First of all, power bicycles which are regarded as bicycles for the purpose of registration and licences weigh less than 75 pounds, have a motor less than 50 cubic centimetres, can be propelled by muscle power, are fitted with pedals that are continually

operable, and so on. They don't go at a speed any greater than 22 miles an hour, which in point of fact is slower than a 10-speed bicycle, certainly a 10-speed bicycle ridden by somebody from Vegreville.

Moving up, the next category is the moped, between 75 and 120 pounds. The dealer in your constituency who has been talking to you is actually a dealer for that type of vehicle. So he is very keen on that type which indeed is heavier and therefore, from a mechanical point of view, perhaps more efficient as a vehicle, because the very fact that it's heavier means it can carry heavier brakes and all the rest of it. That is now regarded as a moped, and it is subject to licensing, registration, and compulsory insurance.

Finally, above that, we have the category of motorcycle, which is the same as it has always been.

The regulations in regard to bicycles, including the power bicycle, will be contained in The Highway Traffic Act. The experience in Quebec was that although they began with no regulations at all concerning who could ride one of these power bicycles with just a friction drive on the front, going at less than 22 miles per hour, they were compelled by public pressure to fetch in such regulations. Exactly the same sort of regulations they have in Quebec will be introduced in The Highway Traffic Act, which looks after safety. That will give the minimum age for riding them, the type of helmet they have to wear, and the sort of headlights they have to have.

The Highway Traffic Act will also have safety regulations and standards in regard to a moped. However, there is provision in this act for the minimum age for riding a moped. Because this is where the motor vehicles administration branch is affected, because a driving licence is required. It hasn't yet been decided whether we will allow 14 year olds to ride these vehicles. As the act stands at the moment, and indeed as it will be amended by this act, the age is 16. But there is the power in this act to drop it back to 14 if this is considered desirable. They could ride at 14 with a learner's licence, as they used to be able to ride a big motorcycle until a year ago. The government is still weighing the pros and cons of either the 14 or 16 year old age, and eventually it will be contained in regulations to The Motor Vehicle Administration Act.

I think that answers the questions, Mr. Chairman.

[Title and preamble agreed to]

MR. FARRAN: I move that Bill 26, The Motor Vehicle Administration Amendment Act, 1977, be reported as amended.

[Motion carried]

Bill 29
The Land Titles
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There's an amendment to this bill. Are you all familiar with the amendment?

MR. NOTLEY: Mr. Chairman, I'd like to make a few very brief comments on Bill 29. I don't propose to

offer any amendments. I opposed Bill 29 during second reading and I oppose it now. There is really very little point in trying to propose amendments if you object very strongly to the principle of a certain piece of legislation.

Mr. Chairman, during second reading there was some discussion on the question of the legal mechanism; that is, the right to file caveat. Looking back on the discussion, I suppose one could get the impression that some of us were concerned about the filing of a caveat as opposed to the right to file a caveat. I want to make it clear that my concern with respect to the principle of this bill relates to the mechanism, the 'fileability', the right to file, not removing something which in fact had occurred. As one looks over the legal steps, the basic debate really revolved around whether the chiefs and headmen in question could file a caveat, and their legal action was to see if that caveat could in fact be filed. It was not a question of a caveat being filed; it was a question of seeking to file.

Mr. Chairman, I raise that because in fairness, when one looks at the remarks I and I think the hon. Member for Clover Bar made, because we're not schooled in the law one could get the false picture that our concern was really over something being taken away which had been granted by court. That's not the question. The question really relates to whether the mechanism, the right to file, should be removed on unpatented Crown land.

One other argument raised during the course of second reading was important in my view. That was the suggestion by the hon. Member for Edmonton Jasper Place that we are looking at some 5,000 titles dealing with privately owned land. Then in closing debate the minister indicated there were some 20,000 interests in total, if I recollect correctly the summary he gave. I would suggest, Mr. Chairman, that this bill is not going to alter the question of a future land claim with respect to privately owned land. As I understand Bill 29, we are removing the right to file a caveat on unpatented Crown land, not otherwise. So if a group of native people for whatever reason wishes to go through the courts — and again I don't claim to be a lawyer — I suggest that the issue raised by the hon. Member for Edmonton Jasper Place is not really relevant as it applies to privately owned land, because the bill is restricted to the right to file a caveat being removed as it applies to unpatented Crown land. If that's not true, or if I have interpreted the bill incorrectly, I would certainly welcome the Attorney General clarifying that at this time.

Mr. Chairman, the major objection which I still feel very strongly about — one that was raised both by me and by the hon. Member for Clover Bar during second reading — is the retroactivity aspect. I'm sure the Attorney General is well aware that if this were the state legislature of Montana, North Dakota, or South Dakota, we wouldn't be dealing with this kind of bill. The American constitution prohibits retroactive legislation. Our system of government has not expressly prohibited retroactive legislation. But my understanding of the history, of the development if you like, of responsible government is that while retroactive legislation may be passed from time to time, it is only under the most unusual circumstances, under the rarest circumstances, and that there is a tremendous onus on the government to demonstrate beyond any

reasonable doubt that no other course of action is open. As I judge it, Mr. Chairman and members of the committee, I think that would be a pretty accurate assessment of the British parliamentary approach to retroactive legislation. No one is going to say that if we pass a law that reaches back into the past the court will throw it out. They won't. But I think the precedents of our system are such that we are to approach it with extreme caution.

I say to the members of the committee that I realize the balance of interests any government has to consider. I realize the concern of some of the potential developers in that area. I suggest that the basic argument is not really over 5,000 individual parcels of land, but rather what the implications of a successful filing of a caveat would be, putting the companies on notice — and that's all a caveat is; it's putting people on notice — that there may be a very significant constraint on future oil sands development. And I suggest, Mr. Chairman, that whether or not the caveat is filed, if legal actions were allowed to proceed, it's not for us to judge. It seems to me that is for the courts and not for the Legislature to determine. As a consequence I just want to make it clear that I'm very troubled and concerned at removing a very crucial mechanism.

No one is saying that this is the only string in the bow of the people from isolated communities. No one is arguing that this is completely trampling all their legal rights. I don't think that assertion has been made by any member of this House. What we are saying, at least what I'm saying, is that one mechanism is being taken away on a retroactive basis. That, Mr. Chairman, is enough in itself to place the onus upon the government to demonstrate that no other choice was available and to make each of us ponder very carefully whether we can support this kind of legislation.

DR. BUCK: Mr. Speaker, I will not repeat some of the points the hon. Member for Spirit River-Fairview has made, but as a member of this Assembly I feel that retroactivity is the most dangerous part of this bill. As was mentioned previously, only under certain grave circumstances should we have this type of legislation. I am doubly concerned, Mr. Chairman and members of the committee, in that this is not the first time we have had this type of legislation brought to the floor of this Assembly. This is the second time.

It reminds me of the little boy who was caught stealing. They asked him, why did you do it? He said, the first time it was very difficult, but the second time it was easier and the third time it was still easier. So government must always guard against taking the easiest route. That is a privilege and a power they must not exercise unless it is an extremely extenuating circumstance.

Mr. Chairman, once more I would like to go on record voicing the concerns of many church people, many civil liberties people, about the very real danger of bringing in retroactive legislation. It's just not good enough to have the Attorney General stand up and tell the Assembly — and I'm sure the caucus — that it's just a little bit of tidying up. When I sat in the government caucus the legislation I was most suspicious of was when late in the session a minister of the Crown would bring some matters before caucus and say, oh, it's just a little bit of housecleaning, a

little bit of tidying up. That was always the legislation a minister was trying to slip through the caucus. It was just a little bit of tidying up, just a minor amendment. My colleague smiles, because he knows that's the way the old ball bounces. If a minister is trying to get some legislation through that he doesn't think will meet with too much approval with caucus, he likes to say it's just a little bit of tidying up and a little bit of housecleaning.

Mr. Chairman, I would like to say to members of the committee that this is not just a little bit of tidying up. It's not just a little bit of housecleaning. It's a very, very serious matter when we bring retroactive legislation to the floor of this Assembly.

MR. FOSTER: Mr. Chairman, perhaps I could make two or three observations. The hon. Member for Spirit River-Fairview felt the legislation referred only to unpatented land and suggested that the native groups, or any other group for that matter, may be able to pursue the caveating process with respect to patented land. I would make the observation that I think the hon. Member for Spirit River-Fairview was referring to Section 141(2), where it specifically makes it clear that "No caveat may be registered which affects land for which no certificate of title has been issued".

However, with respect to patented land, before a caveator can be successful in the filing of the same, I would submit he has to bring himself within the provisions of Section 136. Only when you bring yourself within those provisions do you have a right to file, as it were. I agree that is a matter of interpretation and construction and for a forum other than this. But it may be that the claims cannot be filed against patented or unpatented. You can't bring yourself within either provision.

With respect to retroactivity, a great deal has been already said in this House on the subject, on all sides and all interests. I don't intend to repeat it now, except to make one observation; that is, the concerns for retroactivity . . . Our colleague from Edmonton Highlands dealt with this particularly well. I think you can distinguish forms of retroactivity in legislation. For example, the Canadian Civil Liberties Association, writing to me recently and submitting their brief on the subject, expressed concerns about government when it may render liable to prosecution retroactively citizens who were previously obeying the law and now discover a retroactive offence has been created. That is not the situation here. They also suggested that Alberta could, for example, restrict tomorrow the sale of color television sets which are allowed today; make that retroactive, then seize after the fact property lawfully and properly acquired. That is not the situation here either.

In their letter to me and in their public meetings, the two examples of the kinds of concerns about retroactivity that seem to bother the Canadian Civil Liberties Association really have no application in the case in point. However, that is not to say — as I've said before — that when the question of civil liberties is raised, all members of this House should indeed be vigilant and concerned about it. I appreciate that point.

I would like to say to the hon. Member for Clover Bar that no member of the Executive Council in this government — perhaps it was different in the days of

the former government — attempts to slide things through caucus. That may be the way your government operated, sir, but that is not the way this government operates.

DR. BUCK: That's not an adequate defence, Jim.

MR. FOSTER: I assure you, Mr. Chairman, that the specific provisions of Bill 29 and its entire ramifications were well and truly considered by this caucus. The caucus was fully apprized of all the ramifications that may flow from this, as well as exaggerations and the like that we may expect from certain interests which may . . .

DR. BUCK: Don't snow the truth, Jim.

MR. FOSTER: I'm not snowing the truth, Walter. I just want you to know that things function a little differently than they did before 1971 when you were in government, [interjections]

MR. CLARK: Mr. Chairman, after that stirring defence of this bill, I'd like to make two suggestions to the minister. Mr. Minister, in question period two days ago I asked about the possibility of the government paying the legal costs involved. For a variety of legal reasons, you fenced around the question — I wouldn't say nicely, but you fenced around it. The purpose of my raising it now, Mr. Minister, is to say to you that if this legislation is passed — and despite the better judgment, it appears it is going to pass — I think this government has an obligation to pick up the reasonable legal costs the chiefs and headmen have entailed as a result of going this route. Because of the change in circumstances that has taken place since they made their initial decision to go this route, I say the least this government can do is pick up the reasonable legal costs involved.

You indicated earlier that you didn't want to comment in this area. Mr. Minister, let me simply say that at the fall session I would hope one of the first things you'd be able to tell us is that you worked out some sort of agreement so the reasonable legal costs have been picked up by the province as a result of retroactive legislation being imposed in this area.

The second point deals with comments attributed to the minister outside the House after the debate last Friday. From reading accounts in the media, I got the impression there were ongoing discussions between you or your colleagues and the headmen involved. If that's the case, Mr. Minister, I think you owe it to the Assembly to give us some indication where those discussions or negotiations stand. If no discussions are going on, I think we should also have that information.

MR. FOSTER: Mr. Chairman, two points: the question of the moral obligation and, secondly, the question of discussions. Dealing with the second first, if I may, I believe I made those observations in the Assembly. I may have been reported outside the Assembly as well, but at second reading of the bill I believe I did say that in fact there had been some discussions. I didn't want to leave the impression that nothing was happening between the various parties. There had been discussions. However, I would not want to describe them as negotiations.

The matter is still before the courts. I have no reason to believe it won't continue; I don't know. But again I get myself into the merits, and I have to be very careful how I frame this. There have been discussions between my office and counsel for the applicants. I would not want to phrase them as negotiations. But there have been discussions. I think I must leave it at that.

It is not uncommon for counsel — in this case I represent the Crown — to have discussions in the course of proceedings. All I'm saying is that that is taking place. It is not a stand-off, where people are not talking to each other. That's not the situation.

Without wanting to debate the merits of the moral obligation or lack [thereof], in response to your question I said in the House that the usual way of handling this in the past — and I think the more appropriate way of handling it — is to resolve the matter of costs before the issue commences in the courts. Now I make no finding of fault or otherwise, but that was not done in this situation. This matter proceeded straight to an application for registration, and there was a decision and careful deliberation by several people, including myself, as to which route we would follow. We decided to go the route of the reference to the Supreme Court. There were no discussions with respect to costs during that period that I can recall. That would normally have occurred.

For the matter of costs to come up now when they were not initiated by the other party puts me in a very difficult spot. I don't want to give anyone the impression I'm trying to negotiate a compromise on Bill 29 by suggesting the Crown would consider costs. I don't want to make that suggestion. I don't want to confirm or deny it. That's in some other court. I'm talking about tennis now, not legal jargon. If the other party wants to pursue that matter with me, I expect I will hear from them. But it would be quite improper for me to approach them with any suggestion that the Crown might be prepared to entertain costs if thus and so. I'm not saying it won't happen, but it would be improper for me to initiate it.

I'm not sure I'm making myself clear to the hon. leader. That's my problem.

MR. CLARK: Mr. Chairman, to the minister. I can certainly see the other party follow up and take the initiative in discussing this question of costs and at least make the suggestion to the chiefs and headmen. Mr. Minister, I just want to be very clear that you understand my point. My point is simply this: I recognize that under normal circumstances there would have been discussion on who was going to pick up the costs prior to the action starting. Fair ball. But in this case, because of the action we are being asked to take here, the rules of the game have changed since the initial decision was made. That's the basis on which I put the proposition to you. This government has a moral obligation. I simply say, Mr. Minister, that in the fall I look forward to seeing how this government has dispatched that moral obligation in light of Bill 29.

MR. YOUNG: Mr. Chairman, since there has been some question about whether I knew what I was talking about . . .

DR. BUCK: There's no question about that.

MR. YOUNG: . . . a week ago last Friday, I'd like to restate some of the concerns I had at that time, then invite the hon. minister to respond affirmatively or negatively whether in fact I have a correct interpretation of the significance of what is before us.

My understanding is that there is the issue of aboriginal rights or claims. That's an issue which, if proceeded with and if it has substance, will be found before the courts, yea or nay. That is in no way going to be affected by the question of Bill 29. The substantive issue of the native claims, aboriginal claims, if any, is completely and totally apart from Bill 29. Now let's get that straight, because many of the civil liberties groups and citizens in Alberta are very confused on that issue. They think that by Bill 29 we are in some way inhibiting these more substantive and basic claims. That is not the case. I know the hon. Member for Spirit River-Fairview will acknowledge in this Assembly that we're not doing that, but unfortunately some of the discussion that goes on outside isn't so clear.

The second point, Mr. Chairman, as I understand it, is that the application to file a caveat would in fact encompass a good portion of the region in the north country and would include virtually all the patented land in the town of Peace River. That I understand is a question the hon. Member for Spirit River-Fairview asked the minister whether I interpret correctly. I stand here again, and I invite the minister to respond when I sit down that there are approximately 5,000 of those titles. In addition to that, as the hon. minister said the other morning, potentially another 10,000 to 15,000 to 20,000 other interests in land would be affected. Now if that is the case, clearly it goes well beyond unpatented Crown land.

MR. NOTLEY: The application, not the bill.

MR. YOUNG: The bill itself applies in general to the applicability or the ability to file a caveat. It doesn't apply to one or the other. It applies totally. Now if that is the case — as I analyse it to be — if we want to just stop the discussion at that point, then the issue really comes down to the interests of those people who are caught up in something quite innocently and unknowingly, as opposed to the potential interests of the native groups. So that's a legal question. I am sure the hon. minister will respond to it, and that should satisfy. But at least in my mind that is a very major consideration in whether this legislation should be retroactive. Because clearly if it is possible to file a caveat, that is achieving something never contemplated since the beginning of the legislation in this province. It is something that was tried, tested in the Northwest Territories, found not to be possible, and therefore clearly outside of the legislation in that jurisdiction. So clearly it comes as an unintended interpretation on the part of everybody who had anything to do with caveat legislation.

Mr. Chairman, on the one hand we then are left with the question: if we allow the caveat to be filed, since we're weighing the interests of that group against the interests of the people with what they think of as clear title now, what does the native group gain? What they gain is what I expressed: harassment. Because they don't gain anything in terms of a

solution to their alleged legal claim on the substantive issue of aboriginal rights. Not one little bit of clarification is provided by that legislation.

So, Mr. Chairman, I'll ignore all the gratuitous observations made by the hon. Member for Clover Bar — which is difficult to do, but they do not add any light to the debate. In fact they add a considerable amount of confusion and cloud and invite the minister to respond whether, in a layman's expression, I have put the issue of the retroactivity and the significance of the caveat to patented and unpatented land in the proper perspective.

MR. FOSTER: Since I really have no choice but to respond, Mr. Chairman, I would make the observation that the hon. member is indeed a good lay lawyer, from what I understand of his expressions. We need more of those.

Without trying to argue merits or the like, let me say that on the face of it the caveat we are discussing would appear to apply to patented and unpatented land. I think that's evident. The numbers of titles and the numbers of interests — if my information is accurate.

With respect to the alternatives, perhaps I could make this one observation. It was really dealt with more adequately by my colleague the minister responsible for native affairs, in that the definition of what is meant by "unextinguished aboriginal rights" is not for me to decide. It may mean one of several things. If it means the people feel they have treaty entitlement they have not yet realized, that is something they should pursue with the federal government and, subsequent to successful discussions, then pursue with the province. If they feel that unextinguished aboriginal rights have something to do with some other kind of land entitlement claim, that is something they might want to pursue in the manner my honorable colleague outlined in his remarks, and there are different forms and procedures. I don't want to suggest to the House that I have an iron-clad definition of "unextinguished aboriginal rights", if in fact they exist at all. I don't know.

MR. NOTLEY: Mr. Chairman, I venture warily into the field of layman's law. However, it seems to me that with respect to the question of the 'fileability' of caveats, because there was a procedure in The Land Titles Act, a good case can be made that that right to file in fact exists and was meant to exist. Now it seems to me we're getting into a lot of areas where we could be arguing legal nuances which quite frankly would have to be determined by a court.

There are a couple of points I want to make in response to the comments of the Member for Edmonton Jasper Place. I don't believe the majority of people who expressed concern felt the government of Alberta was somehow taking away or was throwing roadblocks in the way of the whole land settlement question. That was not my assessment of the meeting at Garneau church.

Let's take a moment or two to discuss it, because it is important. My assessment was that their concern was with the mechanism: the question of whether or not that particular mechanism, the right to file a caveat, would be taken away on a retroactive basis. That certainly was my assessment of their concern — perhaps not all of the 350 people, but certainly the

people who organized it.

The second thing I want to raise is that the application to file a caveat was done, at least in part, as a legal manoeuvre. No question about that. But because a caveat puts people on notice, it is something that has relevance to the concerns of the people who made the application to file the caveat. The relevance is simply this: they want all potential developers to recognize that they are on notice.

MR. YOUNG: Including the farmers, the homeowners, and . . .

MR. NOTLEY: No. The question, Mr. Chairman and the Member for Edmonton Jasper Place, is that the concern of the native people — I'm going right back to why they have fought the route they have taken — is not the farmer in Peace River or the lot-holder in the town of Peace River. That's not really the concern. It is the major development that may occur, and that there is a very clear notice to hold the line. If you're going to go ahead, go ahead, but recognize that if our application is successful you will be on notice. That's all. I suggest that is not an unreasonable proposition for them to pursue. And I suggest that the concern expressed by the people in Garneau United Church the other day was to a large extent directly related to whether that mechanism would exist or would be taken away on a retroactive basis. That's my assessment of the meeting.

As to the question of patented versus unpatented Crown land, I still come back to the question, Mr. Minister. It seems to me that we get into a legal definition. I don't pretend to be a layman lawyer like the Member for Edmonton Jasper Place, but it seems to me the question of patented land still has to be separated from this bill, because the way I read it it's dealing with unpatented land.

[Title and preamble agreed to]

MR. FOSTER: Mr. Chairman, I move that Bill 29 as amended be reported.

[Motion carried]

Bill 35
The Workers' Compensation
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There is an amendment to Bill 35. Are you all familiar with the amendment?

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill 35 be reported as amended.

[Motion carried]

Bill 36
The Highway Traffic
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions,

or amendments to be offered with respect to any sections of this bill?

There is an amendment to this bill. Are you all familiar with it?

[Title and preamble agreed to]

MR. FLUKER: Mr. Chairman, I move that Bill 36, The Highway Traffic Amendment Act, 1977, be reported as amended.

[Motion carried]

Bill 37
The Child Welfare
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

MR. R. SPEAKER: Mr. Chairman, I would like to ask the minister about the general direction this bill is taking. The bill will require a greater stress on institutional facilities. Does the minister see more facilities being built or greater pressure on present institutions? What does the minister see in future plans to take care of the responsibilities this bill entails, as I see it?

MISS HUNLEY: Mr. Chairman, perhaps this could be considered an answer to the hon. Member for Spirit River-Fairview as well. He raised it at 5:29 and a half when we were doing second reading.

We do have spaces now which are considered closed spaces, but the judges have not had access to those. By that I mean that the judges did not have any authority to confine a child following the amendments to The Child Welfare Act in 1970. We do believe there may be a need for additional spaces, but we are not sure yet whether they should be in an industrial training school, which is a fairly common school of thought — we are not sure.

I've learned that the information gathering we have within the department in this particular area is not adequate for us to properly assess how many children there are. We were somewhat surprised, it would be fair to say, when we met with Justice Kirby and he told us that in the opinion of the police and the commission there were perhaps 100 to 150 whom he felt might require such a facility — a closed unit where some type of vocational training might be necessary.

The age has not been determined. As far as we're concerned, we're dealing with things as they are at present: ages 16 and 18. That's one of the areas of concern we have, because we aren't sure yet what the federal government will decide. We now believe they will leave it as a provincial option, but we're not sure. As I mentioned earlier in the House when dealing with this bill, the federal government has taken a tentative stand and then withdrawn. Now we're under the impression that it will be left as a provincial option.

We have a group working with the Solicitor General's Department and with the Attorney General to make an assessment of what they feel we are lacking in provincial facilities at the present time. If

we feel we're lacking some additional spaces, of course we'll have to make provision for them.

In the meantime, we do have spaces that can be used for this purpose. They have not been used adequately in the past. The legislation was not in place for the judiciary. Even the rights of the director of child welfare were somewhat tenuous, based on some legal opinions we received during the course of the last few months. We felt it was incumbent upon us to clarify the legislation, and we moved in the direction we were being urged to by the judiciary. I feel we have their support on the type of bill before us tonight, and that adequate protection for children has been built into the legislation we're proposing for the consideration of hon. members.

MR. R. SPEAKER: Mr. Chairman, to the minister. In looking at facilities — and I'm not sure of the kind of person or clientele we're talking about, or the kinds of problems; whether there are responsible parents or family these children can relate to — will it be the objective in the future planning of facilities to try to decentralize the program and have the children near their family, home, some relative or something? Or will it be a centralized type of program where the courts refer them to whatever spaces are available at the present time?

MISS HUNLEY: Well our philosophy has been that we like to keep them in the communities. As hon. members will know we've been moving in that line through the youth assessment centres, which are the initial and short-term facilities we have. Those are being built throughout the province. For a longer term confinement of the children, we prefer to use everything from foster homes, group homes, to institutions. The decision has not been made as to where most of the offenders are. That's part of the problem. We believe the two cities are principally where most of the juvenile delinquents are. But that is one of the things being reviewed at the present time.

MR. TAYLOR: Mr. Chairman, I'd like to make one comment. It appears to me the number of facilities is going to depend on the age the government sets for "child" under the Juvenile Delinquents Act. I don't think that has yet been done. But if that was set at 18 for both boys and girls, we'd certainly need a lot more facilities than if it's set at 17 or 16. I notice the federal act now sets it at 18. It leaves it open for the provinces to accept 18 or use 16 or 17. While I generally favor 18, I would think it might be very wise to set that age in accordance with the facilities we have at this time, then gradually build up to where we have sufficient facilities for those up to the desirable age, which would probably be 18 right across Canada.

MR. COOKSON: Mr. Chairman, I'd like to say a word or two to the minister and compliment the minister and her department for bringing in this tremendously important piece of legislation. I understand the reason it's been so long in coming is the problem with the federal/provincial government negotiating. If I'm incorrect on this, I'd like to be corrected.

I would like to say this: much of the legislation we have to write with regard to young people wouldn't really be necessary if we had responsible parents. I

suppose the sad part about the whole process here in the Legislature is having to write legislation that tries to deal with a problem that is really not the doing of the Legislature or the legislators. It doesn't really get at the crux of the problem, which is responsible parenthood.

Mme. Minister, I wonder sometimes whether there shouldn't be some provision in legislation to ensure that the parents who are responsible take some responsibility for these young people. I don't see it in the legislation. I'm not sure how the courts deal with this. But it seems tremendously important to me.

The other thing I'd like to say is: I had an opportunity to go through the Belmont youth detention centre in Edmonton. I was rather saddened at the sort of operation in which they found themselves. I was there in the evening, and almost 25 per cent of those young people were absent without leave. I think the Member for Drumheller alluded to putting the onus, to some degree at least, on these young people for the mistakes they have made if we really can't reach the parents.

I hesitate to support the concept that providing a facility which permits 20 or 25 per cent of the young people to be AWOL at any one time is really contributing very much to their learning. I suppose this is some kind of open-door policy that someone with two or three degrees and some new concept has imposed on responsible people. I think it's time we as legislators spent a little more time studying this issue and were on top of it, because it's a serious matter.

I'm not sure whether one way to solve this is perhaps to locate these facilities in an area which is not necessarily isolated, but which is some distance from easily accessible areas. I would like the minister to give this some consideration. I know it's nice to have them close to the families, but in many instances it really doesn't matter because a good portion of those parents are irresponsible or the young people wouldn't be there in the first place.

I had one complaint in my constituency from the chief of police who came to me and said, we detain these young people; we can't take them home because there is no home or it's a broken home or they have an alcoholism problem; they just don't want their children; but we have no other place to take them. That's why I commend the minister for bringing in this piece of legislation. I think it's a move in the right direction. I know it's going to be costly, but I think it's very necessary.

The other thing I would suggest we try to incorporate is keeping these young people busy. Going through some of these facilities where a young person is detained and spends eight to 10 hours of the day passing cards around or sipping on whatever he's sipping on while watching television, it seems to me certainly does not contribute very much to the character of that young person.

I would like to see a review of the kind of people we're putting in these institutions to train, reorientate, or relocate these young people on a different track in life. Maybe we should look at some of our military people who have spent many, many years — or some retired business people, or some people who have had long-term experience — working with [them]. I don't totally discount all the training we get in our institutions and so on. But I think a long life experience contributes a great deal to the way in

which they can handle these problems.

In my constituency I notice some trained personnel are now attempting and may have been successful in establishing a home for a few of these young people. Probably this is a good direction to go. We should look at the initiative of private enterprise rather than other types of institutions. In that way we might be able to encourage and develop some initiative for these young people to get on the right track.

Again, Mme. Minister, I want to commend you for bringing in Bill 37. I look forward to some really positive effects because of it.

MR. CLARK: Mr. Chairman, I'd just like to make three quick comments. I would say to the hon. Member for Lacombe that I appreciate the sentiment he has expressed. I guess the real test that all of us, in here and outside, also have to ask ourselves is: would I or the hon. member be prepared to have one of those young people come and work on my farm or the hon. member's farm? That becomes the real acid test. It's much easier for us to give advice here. I give the hon. member full marks for being sincere in what he was saying. But the real problem the department has is to get the kind of facilities that will meet the broad range of needs that are there.

My comment, Mme. Minister, is this: you will recall, when you had the responsibility of the Solicitor General's Department, I was extremely critical of the government for having phased out the Bowden institution and having no facilities to take its place. Bowden had all sorts of problems. Fair ball.

MR. FARRAN: Sixty or 70.

MR. CLARK: Oh, go back to North Hill.

DR. BUCK: You sold it, Farran. You sold it without anything to take its place.

MR. FARRAN: When it was phased out?

MR. CLARK: The hon. Solicitor General is having a lapse of memory.

DR. BUCK: Patch some of those plastic pipes, Farran.

MR. CLARK: To get back to the point I was making to the minister.

MR. NOTLEY: The ghost of Christmas past.

MR. CLARK: The point is that I'm extremely concerned about the number of young people who end up in the remand centres in Edmonton and Calgary for periods of time, also in the institutions in Lethbridge, Spy Hill, Fort Saskatchewan, and Peace River.

Mme. Minister, I think when you're looking at this whole area, and if you decide to look at some additional institutions, hopefully they will be small. I think it's imperative that you keep in mind what's happening to some of those young people who end up in the remand centres and provincial jails today. I think it's just regrettable that they end up in those institutions. Very much segregation just isn't possible.

So when the minister and her department are looking around at those — I'm told up to 150 — people Mr. Justice Kirby and his commission felt would fit

into this category, we recognize where some of those people are going and say that the rate of success at this age group may be small. But financially it's worth the effort, because the rate of success as far as rehabilitation is concerned is even smaller once they get into our provincial jails or into the federal penitentiaries. That's a cross society has to bear; it's a sad commentary on our rehabilitation system, but that seems to be where it is.

So my comment to the minister is: when you're looking at where you plan to go in this area, I think [you] should be looking at some institutions to fill what I would consider to be that gap I've talked about.

MISS HUNLEY: I'd just like to make one comment, Mr. Chairman, if I might. We're dealing here with juveniles, and I would hate to think that anyone under age 16 — except until they were waived to adult court — would ever appear in one of the provincial institutions and remand centres. But the point is valid, and it can be examined as well for young offenders rather than juveniles. So I'm dealing here, and we're dealing tonight, with a bill which is [about] juveniles. That doesn't mean we need to [confine] our observations only to juveniles; [we] can also include young offenders.

DR. PAPROSKI: Mr. Chairman, I'd just like to make one or two very brief points. I'd like to agree at one turn with the hon. Member for Lacombe and at the same time disagree with him. The important point I'd like to make to this House, Mr. Chairman, is that all too often we blame parents as if they were responsible for problems in every case. I'm sure all hon. members recognize that difficulties do occur with good parents and with very good parents. In fact at times they have an impossibility to deal with the problem of delinquency and the difficulties with youth. I'm sure it is recognized that that control is lost very quickly in this modern society of ours due to many outside factors, emotional problems, and other problems too many to mention. So I want to be sure hon. members don't get the concept fixed in their minds that in all cases only the parents are responsible. Good parents and very responsible parents may in fact have difficulty with their children. I again underline: the outside influence is so profound in our modern society that in fact this occurs much too often.

Having said that, Mr. Chairman, I'd like the minister to respond to one question. I just missed it on this new bill; I have the other one that I underlined at home. I haven't got it clear in my mind whether the director in fact issues the compulsory care certificate. Does he in fact also follow the directions under 87(4)(b) as the judge does? When the director issues the compulsory care certificate, does he also follow those items under 87(4)(b)?

MISS HUNLEY: Yes, the director is subject to the same regulations, only more so. As well, he must appear before a judge to justify the decision that was made.

[Title and preamble agreed to]

MISS HUNLEY: Mr. Chairman, I move the bill be reported.

[Motion carried]

Bill 39

The Legislative Assembly Statutes Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

MR. JAMISON: Yes, Mr. Chairman. Last Thursday we had a very interesting afternoon with the plea for not dropping the rural seat of Sedgewick-Coronation. But I was a little disappointed not to hear any of them mention the terms of reference being followed by the commission that was set up. I wonder if the hon. Member for Edmonton Highlands might outline the terms of reference they followed as to the number of voters in an urban seat and in a rural seat.

There is a difference between federal elections and provincial elections. In Alberta it goes by voter population, [whereas] in federal elections it goes by population. I'd like to use the example of the constituency of St. Albert. In 1971 it was regarded as a rural seat, because there was more voter population in the rural area than in the town of St. Albert. This time around it's regarded as an urban seat, but has approximately 12,000 voters in the city of St. Albert — the town of St. Albert when the commission was under way — 25 per cent less than the average urban ridings. Therefore to make up the voter population they took a rural area in. I wonder if the hon. Member for Edmonton Highlands might clarify this situation, because a few people would like the city of St. Albert to have its own seat, but they really didn't qualify. Therefore I will be voting in favor of the bill as presented to the Legislature.

MR. NOTLEY: Keep it short, Dave.

MR. KING: You're always second, Grant. That's exactly the advice I got from the Government House Leader, as well as all my colleagues. I will be very brief.

The question the hon. Member for St. Albert raises gets to the heart of the point I was trying to make in my remarks last week. The formula used in determining the average voter population of constituencies is very complex and in my view, which I think was shared by most of the members of the commission, we have reached the point where it has become absolutely unwieldy. I wouldn't like to see another redistribution carried out on the basis of the formula contained in this act. The commission did the best job it could, given the formula it has to work with, but I take this opportunity to make another plea that sometime, somehow, we should take a thoroughgoing look at the formula contained in the present act.

The act determines the total number of seats that are going to be distributed around the province. It further determines the number of urban and rural seats there will be. The rest of the formula flows from those three pieces of information.

The total voter population we were working with was about 994,000, and if you divide by 38 the urban component of that — which was 669,000 — you arrive at an average of 17,600 voters. As the hon. member has said, it is important to remember that we

do redistribution in Alberta on the basis of the voting population, not the total population of the province. The rural average is a very different figure. The average size of a rural seat in the province works out to 8,763. From there you can see the figure I use, the ratio of 7:4. On the average it takes seven urban votes to equal four rural votes.

Other anomalies are built in, and one particularly affected the city of St. Albert. The act says that where the voting population within the boundaries of the urban municipality, which is the heart of the urban seat, is more than 25 per cent under the average — and in our case that figure is 13,222 — the commission goes beyond the boundaries of the urban municipality in order to bring the voter population of the constituency up toward the average, that is, a workable norm. Since the number of voters within the boundaries of the town of St. Albert was more than 25 per cent under the urban average, the commission went beyond the boundaries. That was what created the difficulty with respect to the St. Albert constituency.

As I said earlier, without going into any more detail, all of these constraints are laid on in the act itself, and the commission had no latitude whatsoever in this matter.

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move the bill be reported.

[Motion carried]

Bill 40
The Agricultural and Recreational
Land Ownership Act

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

MR. MANDEVILLE: Mr. Chairman, I would like to ask one question. Under one section of the act, the cabinet can make approvals of certain land purchases. Could the minister indicate whether this will be made public? Will it be done by cabinet or an O.C.?

MR. HYNDMAN: Yes, Mr. Chairman, in the same manner all orders in council are made public within a matter of hours after they are passed by cabinet. I would again underline the fact that under federal legislation there is no way that procedure could be done other than by provincial cabinet. It couldn't be done by the Legislature or you would have a bill that would be *ultra vires* and struck down immediately.

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move the bill be reported.

[Motion carried]

Bill 43
The Police Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

[Title and preamble agreed to]

MR. FARRAN: I move that Bill 43, The Police Amendment Act, 1977, be reported.

[Motion carried]

Bill 42
The Alberta Income Tax
Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There is an amendment to this bill. Are you all familiar with it?

MR. LEITCH: Mr. Chairman, I move that Bill 42 as amended be reported.

[Motion carried]

Bill 44
The School Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There are amendments. Are you all familiar with the amendments?

MR. YOUNG: Mr. Chairman, I just want to express to members of the Legislature my concern about amendment 4, the amendment to Section 73(1).

I would point out to you that by virtue of this amendment we are offering some degree of assurance to a particular profession which, to the best of my knowledge, is not offered to any other profession. It concerns me in the sense that I think we're treading into an area that would be better left to the school boards and their employees. I hope it doesn't lead us to greater problems down the road. But I do want to go on record as saying I'm very concerned about this amendment, and point out that to the best of my knowledge this kind of protection isn't available to lawyers, doctors, dentists, welders, machinists, or pipe fitters . . .

MR. CLARK: To economists?

MR. YOUNG: . . . or economists either.

Similarly, with respect to the amendment to Section 75(1) of The School Act, I would point out we're restricting the freedom of school boards in some additional manners. While I'm sure they can live with it, if we really want them to be able to resolve matters at a local level, we are curbing that ability. As I say, I'm sure they can live with it, but if the concern is to have flexible school systems that respond, I have some concerns on both those points.

MR. COOKSON: I'm sorry too, Mr. Chairman, to raise it at this late date, but 73(1) does give me some concern. Perhaps the minister could clarify the intent. It says that unless a person holds a certificate of qualification as a teacher, that person is not eligible to hold a supervisory position related to the teaching functions of a teacher. If I interpret this clause correctly, it is conceivable for example that a secretary-treasurer of a school committee who has been assigned some responsibility — if this is what is meant by supervisory — to administer the teachers' salaries or whatever, might have to have a certificate. I hope that's not what's intended. It might even be conceivable to interpret that so the elected representatives who function as a school board and have duties to perform under The School Act, which might be interpreted as supervisory, might be required to hold certificates. I just point this out. Perhaps the minister can clarify that section.

MR. KOZIAK: Mr. Chairman, first of all I noticed some puzzled looks around the room when I sat in this particular seat during discussion of Bill 44 in committee. I noticed the hon. Leader of the Opposition quickly took the *Standing Orders* of the Assembly into hand and flipped through the booklet to see if there is anything in the rules that dealt with the particular position I find myself in. I gather from reading the rules that the member must stand in his place when addressing the Assembly, but that those rules do not apply when we are in committee.

I chose this seat out of deference to the committee, because I will be leaving the Assembly twice during the course of the discussion of this bill. I will be leaving the Assembly when it comes time to vote on Section 6 of the bill and again for the vote on the bill itself. I felt that with this seat being closest to the door, I would take the least amount of time of the members of this committee in performing those functions.

Now, as to the specific questions raised with respect to Section 73(1) — which is Section 4 of the bill, but would add 73(1) to the act — first, all members I'm sure have had a chance to look at the proposed amendment to the bill, which would cross out the words "or consultative" as they appear in the proposed section. That leaves the section reading that a person must hold "a certificate of qualification as a teacher" in order "to hold a supervisory position that directly relates to the teaching functions of a teacher". I think the fears expressed by hon. members in the discussion of this section probably arise from interpreting those words too widely. We have the words that confine. These words include "directly" and "teaching functions". So what we're talking about is a supervisory position that relates directly to the teaching function of a teacher. Nothing else. That doesn't include the secretary-treasurer, the person who sets up bus routes, or the speech therapist.

As a matter of fact, the reason for removal of the word "consultative" was because of a concern expressed, and validly so, by the Alberta School Trustees' Association, its president, and school boards in correspondence to me that the word "consultative" may be wide enough to include such things as speech therapists — professionals who are not teachers but who provide advice to teachers in other areas. So that is being removed in the proposed amendment.

That leaves in the section only the supervisory function relating directly to the teaching function a teacher performs in the classroom. If we presume that Section 73 as it now stands in The School Act is correct, that a teacher must hold qualification as a teacher, then it stands to reason *a fortiori* that one who supervises a teacher in that teaching function should also be so qualified. That is the limit of the proposed amendment in that particular section.

MR. CHAIRMAN: I would like to correct the hon. minister at this time. If he would check Section 52(1), I believe the rules are you must speak from your own seat during committee. However, if the committee will grant permission to the hon. minister to speak from the other seat, it will be agreed.

HON. MEMBERS: Agreed.

MR. CLARK: But on this occasion only.

AN HON. MEMBER: It's not a precedent.

MR. YOUNG: Mr. Chairman, I'd like to point out to the minister that while he suggests this relates directly to the teaching function in the classroom, in fact that's not what the act says. It says, "directly relates to the teaching functions", which is much broader than function in a classroom. I would invite the minister to tell us why it's necessary. The positive reasons for it haven't been given; only the reasons why it isn't going to do any harm, from the minister's point of view.

MR. KOZIAK: Mr. Chairman, the amendment flows from a concern validly expressed by The Alberta Teachers' Association that a recent interpretation of The School Act would permit school boards — although this hasn't in fact happened, but the possibility exists in light of a recent interpretation and the *obiter* flowing from a judgment — to fill such positions with people who are not qualified. As I mentioned in my earlier remarks, if we concede it's necessary that a teacher be qualified in order to teach, then *a fortiori* a person who supervises that teacher should also be qualified.

Mr. Chairman, will you be calling section by section or the whole bill?

MR. CHAIRMAN: I'm calling the full bill.

MR. KOZIAK: At this particular point I'd be pleased if you would permit me to leave the Assembly.

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, on behalf of the hon. minister, I move the bill be reported as amended.

[Motion carried]

Bill 47
The Alberta Government
Telephones Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

[Title and preamble agreed to]

DR. WEBBER: Mr. Chairman, I move that Bill 47, The Alberta Government Telephones Amendment Act, 1977, be reported.

[Motion carried]

Bill 50
The County Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

There are some amendments. Are you all familiar with the amendments?

MR. CLARK: Mr. Chairman, either to the sponsor of the motion or the minister. I'm at a loss to understand how that portion of Section 14 dealing with the boards of education got into the initial draft. I would be very interested in having an explanation either from the sponsor of the bill or from the minister.

MR. BATIUK: Mr. Chairman, I don't know why the Leader of the Opposition is so concerned about how it got into the draft. That's why we're here. We spend three months in the spring session doing these things. We know that everybody is not infallible. In 36 years the previous administration didn't do everything because we still have to carry on. Regardless of how it got in, the amendment is there to make it the way the people and the school trustees of the province want it.

MR. CLARK: Mr. Chairman, that's hardly good enough. This is hardly one of the things we can blame on the former administration. My question is simply that there must have been some instructions from Municipal Affairs to Legislative Counsel to make the change to take the control of the education budget out of the hands of the board of education after it was initially approved, and put it in the hands of the county council. That was the way the legislation sat until yesterday. I think even the sponsor of the bill, until a very short while ago — certainly when he introduced the bill in the House he didn't talk about that being one of the major principles. That would have been a very major principle in the bill.

So I think my question is pretty valid. Was it something that came in as a result of Legislative Counsel? Did it come as instructions from the sponsor of the bill or from the Department of Municipal Affairs?

MR. BATIUK: Mr. Chairman, I would like to say that the Leader of the Opposition and others brought in a number of amendments. When the hon. member noticed that in the bill, he should have brought an amendment. At least he would have had one good amendment the government would have accepted.

MR. NOTLEY: Oh, oh. Not good enough.

MR. JOHNSTON: Mr. Chairman, if the hon. member has had an opportunity to read the bill, he'll find that one of the basic postulates and principles in the legislation is the further recognition of the school commit-

tee. This has been done more than in a token name change. This has been done in fact in the principle of the bill recognizing the importance of the school committee, and to provide greater representation on the school committee from the urban areas. One of the major principles of the bill was that we would give more financial autonomy to the school committee in terms of the decision-making process, financial budgeting and planning. That was the way I presented it to my caucus colleagues.

Unfortunately, through the drafting process — and I can assure you it was a process involving at least six drafts — between the draft we agreed upon and the final draft, there was this inadvertent error. It was an error in the drafting process. I don't make any apology for it. We have corrected it.

It did not, however, challenge the principles of the bill. We agreed on the principles of the bill, and that is reflected throughout the legislation. It was not in any way a misdirection. It does not challenge the principles of the bill whatsoever.

MR. CLARK: That's better, John.

[Title and preamble agreed to]

MR. BATIUK: Mr. Chairman, I move Bill 50, The County Amendment Act, 1977, be reported as amended.

[Motion carried]

Bill 52
The Natural Gas Pricing
Agreement Amendment Act, 1977

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

[Title and preamble agreed to]

MR. GETTY: Mr. Chairman, I move that the bill be reported.

[Motion carried]

Bill 53
The Rent Decontrol Act

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

MR. HARLE: Mr. Chairman, I wonder if I could just respond to one matter raised by the Member for Bow Valley when he discussed the bill in second reading. That was to the effect that where a landlord may wish to take rented premises off the residential market for some reason, the implication — as I understood the hon. member — was that there may be a proper case where it should be taken off the market so the property could be developed. I would say to the hon. member that this is in fact what has occurred on a number of occasions. Where an application is made to the officials, we check it out. As long as the tenants have been looked after, we have used it for example where property has been condemned and

tenants have been moved out to permit the property to be redeveloped. That power of exemption will still be contained in this bill.

MR. TAYLOR: Mr. Chairman, during second reading I raised the matter of ground rent, and the apartment owners who had kept their rents low. I believe the minister was going to consider an amendment, particularly in connection with ground rent.

MR. HARLE: Mr. Chairman, I'll have to take that matter under further advisement. I will say this: of course there will be a fall session this year. If there is some problem with regard to it, perhaps it could be dealt with then. It'll need a fair amount of study, and I simply haven't had an opportunity to get to the bottom of what was raised.

MR. MANDEVILLE: Mr. Chairman, under Section 4:

The Minister may, by regulation, establish regions in Alberta for the purposes of ensuring the proper administration of this Act and the regulations.

Could the minister briefly outline the meaning of setting up regions?

MR. HARLE: In order to administer the act of course we have staff located throughout the province. For example, a rent regulation officer must receive the application for an increase above the permitted increases. The question is: where is that rent regulation officer located? So we have drawn boundaries so the right rent regulation officer to receive the application can then be determined, and we have set up appeal boards in the regions we established to handle appeals from that region.

MR. KING: Mr. Chairman, we have discussed it before, and I wonder if the hon. minister could just reconfirm for those of us who have many tenants, and conversely many landlords, in our constituencies that, given the fact we're now going to begin a period of decontrol which will go until the middle of 1980, there will be some provision in the regulations for what I would call hardship cases, for an individual consideration of the circumstances of some landlords whose rent in 1975 for whatever peculiar reasons may have been uneconomic and may just be an insufficient base upon which to build incremental rent increases.

MR. HARLE: Mr. Chairman, this matter was well covered during the debate on second reading. I indicated that there is power in the legislation for the Lieutenant Governor in Council to create a system whereby base rents could be revised. I say again that I look to any suggestions by hon. members as to how that might be carried out.

MR. KING: Mr. Chairman, I don't know what the nature of the debate was in second reading. I'm going to describe a situation for the members of the House and for the public — not in order that you may reply to it, because I know you can't this evening, but because I would like to describe the particular kind of hardship people sometimes find themselves in. Thinking in terms of this specific situation, one of us may be able to help you with some specific recom-

mendations for the regulations.

We have a situation right now in one of Alberta's cities where a young couple mortgaged the home they lived in to buy a duplex for themselves as a source of additional income in order to provide against their old age and the loss of other sources of income. They were doing something society thinks is an admirable thing. They were trying to provide for themselves rather than relying on the state to do it. They bought a duplex through a reputable national trust company — not National Trust, but a Canada-wide trust company. They bought it on the basis of an understanding conveyed in an advertisement that the rental income on the duplex was \$675 a month. Of course with that kind of income they could have paid the mortgage, the taxes, the maintenance, and had some money left over. The rental income of \$675 a month was in fact being collected, but illegally. These people who in good faith entered into the agreement to purchase discovered after they had purchased the duplex unit that the only rent they were allowed to collect legally was \$225. That's a long way from \$675.

I don't think it's the fault of the young couple who entered into the contract in good faith. I don't think it is the fault of the tenants. I don't think it's the fault of the government. But somewhere they have fallen between three different chairs and landed on the floor. They're going to be disadvantaged if they have to give up that duplex. The tenants are going to be disadvantaged if they are evicted. The only person who is going to benefit is the former owner who misrepresented the legal rent he was collecting from the duplex and has apparently gotten off scot-free. That, Mr. Chairman, is the kind of thing I hope the hon. minister will be able to deal with in the regulations under the act.

MR. HARLE: Mr. Chairman, hon. members will recall that was precisely an example I mentioned on second reading.

DR. BUCK: Mr. Chairman, I'd just like to ask the minister a short question. It has to do with how the rent control measures apply to people in trailer courts. Or do they apply?

I would like to bring to the minister's attention some of the problems I'm sure the hon. Member for St. Albert has brought to the minister's attention too. Many of the people in trailer courts feel they have a special problem, not only with rent control but in some of the other ramifications. If they have their trailer on a trailer court pad and are transferred for some reason or other, the trailer must be moved off that trailer pad. In many instances a little hanky-panky goes on. The owner of that trailer court says, if you're willing to sell at a great loss, fine, we'll take it off your hands. I'm sure the minister has had many of these complaints brought to his attention.

But I would just like to know if the minister or his department is having a look at some of the problems with the mobile-home owners, if he is contemplating bringing some legislation in. Or is it strictly a problem the people themselves are going to have to work out? I'm sure the minister has been made aware of some of these, and if he can I would like him to respond under this section.

MR. HARLE: Mr. Chairman, first of all, mobile-home sites are included in this legislation. In other words, the site itself is controlled by definition as a residential premises.

The hon. member will recall that we are expecting a report from the Institute of Law Research and Reform on what I believe are quite legitimately some of the special problems faced by mobile-home owners who place their mobile homes on rented sites. As I indicated in Bill 53, we did place an amendment to make it quite clear that not only are entry fees prohibited but also exit fees. If a proper case could be made that in some way or other consideration is being given for the right to exit or the right to enter, then to my way of thinking it falls within the legislation.

It is a matter to which I've given a great deal of thought, and that I've requested officials in the Department of the Attorney General to look at. I think the problem is that if we say somebody is not entitled to receive a commission for work they're doing, or that somebody hasn't the right to purchase a mobile home that's for sale because that person happens to be either a mobile-home owner or a dealer who has made an arrangement to have his trailers put on a certain trailer court, then of course we're creating a situation where some members of society have an impediment in their business dealings. I'm not prepared at this moment to go quite that far to create an impediment, but I recognize the problem. As I say, if the facts of a case could be brought to us so we could determine that the consideration was paid either to exit or enter, I think we could prosecute under the bill.

DR. BUCK: It's never really a cut and dried case of legal or illegal, Mr. Minister. It's always a question of somebody leaning on the person who is a mobile home owner. This leaning process goes on in this area: if you buy your trailer from XY company, which just happens to be a subsidiary, your name will be moved to the top of the list. If you sell the wheels to us, you may get even further up the list. If you get transferred and want to sell the \$27,000 home for \$20,000, we might be able to arrange that for you. So it's never black and white. It's a matter of somebody being leaned on, some poor little fellow who just can't fight back. So I would like the minister to give this his serious consideration.

[Title and preamble agreed to]

MR. HARLE: Mr. Chairman, I move that Bill 53, The Rent Decontrol Act, be reported.

[Motion carried]

MR. HYNDMAN: Mr. Chairman, I move the committee rise, report progress, and beg leave to sit again.

[Motion carried]

[Mr. Speaker in the Chair]

DR. McCRIMMON: Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following bills: 24, 26, 29, 35, 36, 42, 44, and 50, and begs to report the same with some amendments.

Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following bills: 37, 39, 40, 43, 47, 52, and 53, and begs to report the same.

MR. SPEAKER: Having heard the report, do you all agree?

HON. MEMBERS: Agreed.

MR. HYNDMAN: Mr. Speaker, tomorrow on Orders of the Day we'll move first to Government Motion No. 4 on today's Order Paper, which will appear as No. 3 tomorrow; then to second reading of such private bills as are reported from the Private Bills Committee by the chairman tomorrow; then move into Committee of the Whole to Bill 30, The Attorney General Statutes Amendments Act, 1977; then in committee, with leave, private bills such as are reported and recommended for progress; and then to third readings.

I move the Assembly do now adjourn until tomorrow afternoon at half past 2.

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 afternoon at half past 2.

[The House adjourned at 10:12 p.m.]

