

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, March 7, 1978 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF BILLS**Bill 9****The Natural Gas Pricing Agreement
Amendment Act, 1978**

MR. GETTY: Mr. Speaker, I beg leave to introduce a bill, being Bill 9, The Natural Gas Pricing Agreement Amendment Act, 1978. The purpose of this bill is to make it clear that where constituents of natural gas, rather than natural gas itself, are sold within the province, the export flowback arrangement does not apply.

[Leave granted; Bill 9 read a first time]

Bill 5**The Alberta Insurance
Amendment Act, 1978**

MR. HARLE: Mr. Speaker, I beg leave to introduce a bill, being Bill 5, The Alberta Insurance Amendment Act, 1978. The purpose of the bill is to correct a drafting problem.

[Leave granted; Bill 5 read a first time]

Bill 8**The Survival of Actions Act**

DR. WEBBER: Mr. Speaker, I request leave to introduce a bill, being The Survival of Actions Act. The purpose of the bill is to abolish an estate's claim for loss of expectation of life, for loss of amenities, and for pain and suffering, and to allow an award to certain beneficiaries for their bereavement.

[Leave granted; Bill 8 read a first time]

Bill 10**The Agricultural Societies
Amendment Act, 1978**

MR. HYLAND: Mr. Speaker, I beg leave to introduce a bill, being Bill 10, The Agricultural Societies Amendment Act, 1978. The purpose of this bill is to update legislation so it will coincide with the current activities of many of Alberta's 200 agricultural societies. In addition, this act will outline and clarify the various administrative functions of the Department of Agriculture.

[Leave granted; Bill 10 read a first time]

Bill 203**An Act to Amend The School Act**

MR. TAYLOR: Mr. Speaker, I beg leave to introduce a bill, An Act to Amend The School Act. The purpose of the bill is on the premise that centralization has gone far enough and that further centralization of schools should not take place without the approval of the people concerned. It provides that there be no closure of a school if a petition demands a vote and the vote negates the closure.

[Leave granted; Bill 203 read a first time]

Bill 214**The Small Business Act**

MR. NOTLEY: Mr. Speaker, I rise to introduce Bill No. 214, The Small Business Act. The principles contained in the act are modelled on many of the proposals advanced by the Canadian Federation of Independent Business: specifically a target of 40 per cent of government contracts to be contracted to small business firms, a decentralization of government purchasing, and the standing committee of the Legislative Assembly on small business.

[Leave granted; Bill 214 read a first time]

Bill 11**The Feeder Associations
Guarantee Amendment Act, 1978**

MR. HANSEN: Mr. Speaker, I beg leave to introduce Bill No. 11, The Feeder Associations Guarantee Amendment Act, 1978. This bill is that the liabilities to the province will only be 25 per cent of the guaranteed loans; also that the minister has the right to cancel the agreement if the associations don't follow the rules.

[Leave granted; Bill 11 read a first time]

MR. HYNDMAN: Mr. Speaker, I move that the following bills be placed on the Order Paper under Government Bills and Orders: Bill No. 8, The Survival of Actions Act; Bill No. 10, The Agricultural Societies Amendment Act, 1978; and Bill No. 11, The Feeder Associations Guarantee Amendment Act, 1978.

[Motion carried]

Bill 217**An Act to Amend
The Provincial General Hospitals Act**

MR. KUSHNER: Mr. Speaker, I request leave to introduce a bill, being an amendment to The Provincial General Hospitals Act. The purpose of this bill is to provide that the board of management of the provincial hospitals be elected by the residents of the municipality in which the hospital is located, in the same way the councillors of a municipality are elected. This replaces and presents the system of appointment by the minister.

[Leave granted; Bill 217 read a first time]

head: INTRODUCTION OF SPECIAL GUESTS

DR. WARRACK: Mr. Speaker, I have very great pleasure today in introducing to you, and to members of the Legislature, two very able and distinguished public servants of Alberta: Mr. Jim Dodds and Mr. Bob Steele.

Mr. Jim Dodds is well known to members of the Legislature as a long-time leader in Alberta Government Telephones, rising to general manager and then choosing rather than retirement the adventure of being Deputy Minister of Utilities and Telephones for the past some two and a half years. I'd like to say how much I've appreciated the opportunity to work with Mr. Dodds, and I'd like to introduce him and ask members of the Legislature to recognize that able and dedicated public service exemplified by Mr. Dodds in his years, first at Alberta Government Telephones and more recently as Deputy Minister of Utilities and Telephones, upon the retirement of Mr. Dodds on March 31, 1978. I'd ask Mr. Dodds to rise.

It gives me a great deal of pleasure also, Mr. Speaker, to introduce his able and experienced successor, Mr. Bob Steele. Mr. Steele will be well known to many members of the Legislature, first as director of forestry, then Deputy Minister of Lands and Forests, and deputy minister of renewable resources, who on April 1 will continue his leadership and contribution to the public of Alberta as Deputy Minister of Utilities and Telephones.

DR. HOHOL: Mr. Speaker, I am pleased to introduce to you, and through you to the Legislature, 120 students — likely a record for the House — from grade 5 in the McLeod Elementary School in Edmonton Belmont. They are accompanied by all their teachers, and I would introduce Mrs. McKeen to represent the teachers. I should like to ask the students — 60 of whom are in the members gallery, 60 in the public gallery — to rise and receive the welcome of the Assembly.

head: ORAL QUESTION PERIOD

University Financing

MR. R. SPEAKER: Mr. Speaker, I would like to direct a question to the Minister of Advanced Education and Manpower, and it's with regard to financial support for the University of Alberta. I'd like to ask the minister what assumptions his portfolio, or in his responsibilities, were made with regard to the support of 8.25 per cent for the universities rather than the 15.3 per cent as requested in their coming year's budget.

DR. HOHOL: The procedure used in every department of government was the same; that of a functional budget at no prejudice to any institution, consistent with all departments of government with respect to the restraint guideline.

MR. R. SPEAKER: Mr. Speaker, supplementary to the minister. Yesterday the minister indicated in his remarks strong support for the concept of university autonomy. I'd like to ask, Mr. Speaker: is the minister prepared therefore to reconsider an increase in the

grants to the University of Alberta in light of the criticism by university representatives across the board, students and faculty, with regard to the shortfall in the budget that could possibly result in lowering the quality of education at that institution?

DR. HOHOL: No I would not, sir. I think there is no question about the onus on the institutions to maintain quality, and to indicate with some pretty quantitative and qualitative analysis that otherwise would be the case. To entertain an increased budget for my department or for the institutions we support would be for me to indicate to my colleagues that they're in a similar position, and they could well be, and I would support that. This is a government position and one which this department supports entirely.

MR. R. SPEAKER: Mr. Speaker, supplementary to the minister. With regard to being open to meet with the community or the University of Alberta, I wonder if the minister could explain the concern of the president and the students of the university which has brought them to the point where they wish to bring a large delegation to meet on the steps of the Legislature. What has happened in the process of open government? Was the minister aware of these problems that are there? Yesterday it didn't seem that way. And they are there, because of the delegation. What's the minister going to do about it?

DR. HOHOL: We always have met with people in whatever forum they choose, in a democratic society, to meet government. We have met with them in all sorts of forums: behind closed doors, in open forums. If they do feel they have to bring their circumstance to the attention of the larger community, that is their prerogative.

MR. R. SPEAKER: Mr. Speaker, supplementary to the minister. In light of the fact that the minister has supported this open concept and is willing to meet with them, since the large delegation will be here next week, will the minister personally be on the steps of the Legislature to speak to this group?

DR. HOHOL: That of course is in some respects a hypothetical question and some distance away. I should say, for the information of the House, that at some time this week I will be meeting with the chairman of the Board of Governors of the University of Alberta.

MR. R. SPEAKER: Mr. Speaker, in the meeting that the minister has indicated he will have, will he be willing to negotiate the 8.25 per cent, or is there another "no" that will become the answer?

DR. HOHOL: Mr. Speaker, the position with respect to the budget is clear and firm, and there would have to be some extraordinary circumstances to change that. What the chairman and I are meeting on is to give both of us yet another opportunity to understand the government's approach to financing, and for me to understand the university's circumstances with respect to funding.

MR. LOUGHEED: Mr. Speaker, a supplementary answer by the hon. minister. I'm sure the hon. Member

for Little Bow is aware of this, but I think perhaps all Albertans are not: this province now, and with the proposed increase, is by far the leader in Canada in its per capita support to university and postsecondary education. We're proud of that record. We have an outstanding postsecondary system. Needless to say, people would always like more. But I think it's a matter of some comparison, some realization of what's going on in the rest of Canada, and a recognition that the support here is by far the highest in Canada.

MR. NOTLEY: A supplementary question to the hon. minister, and the issue is not what we have but what we will have. Has the minister had an opportunity to evaluate the impact on advanced education at the University of Alberta as a consequence of some of the decisions the board has had to make as a consequence of the 8.25 per cent increase, including a hiring on academic staff, a \$35,000 cutback in the Faculty of Extension, and a very substantial drop of approximately \$300,000 in the library facilities for the purchase of books?

DR. HOHOL: Mr. Speaker, it is important to put questions like those in the context of what I said yesterday. That has to do with internal allocation of the resources within the university by the university; important to note that the increases this year are in addition to a 10 per cent increase on a base which increased by 11 per cent the year before; important to note, too, that the full-time equivalent enrolments increased by 9 per cent for the period 1974-75 to 1977-78, but the per student grants during the same period increased by 50 per cent. So the record is there to examine, and instead of speaking in general terms, we have to get down to percentages and absolute dollars, as the hon. Premier pointed out.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister, getting down to the question of absolute dollars with respect to the library at the University of Alberta. In view of the substantial reduction — at least in the release made by the university — is the government prepared to reconsider at least that portion of the funding? The concern expressed by the university community is that as a consequence of the decline of the Canadian dollar, those books that have to be imported automatically cost 10 or 11 per cent more than was the case formerly. My question specifically: in the discussions with the president, will the minister review the problems of the library?

DR. HOHOL: I'm certain that any service in an institution can make the case for more money. The hon. Member for Spirit River-Fairview misses the point of how we fund institutions: that's on a global budget, factored on certain elements to compute the transfer of funds from the public to the government to the institutions. Again [it's] important to note for the record, Mr. Speaker, that in 1974-75, Alberta's per capita grant to universities was \$62. This increased to \$90 per capita by 1977-78. That is a significant increase, and for the record.

MR. LOUGHEED: Mr. Speaker, again I rise with regard to this matter to suggest to the hon. Member

for Spirit River-Fairview that he can't have it both ways. On one hand to suggest that we should respect the autonomy of the university, Mr. Speaker is . . .

MR. SPEAKER: Order please. It would appear that we're getting deeper and deeper into debate. There has been some on both sides thus far. Perhaps if we're going to pursue this topic for one or two or three more supplementaries, we should get back to the rules of the question period.

MR. LOUGHEED: Mr. Speaker, I just want to say we'd welcome debate in this Legislature any time on this subject.

DR. BUCK: Mr. Speaker, I think the Premier will have that opportunity . . .

MR. SPEAKER: Order please. Order please. The hon. Member for Edmonton Norwood with a supplementary, followed by the hon. Member for Edmonton Jasper Place.

MRS. CHICHAK: Mr. Speaker, I would like to have an opportunity for two supplementaries, if I may be granted that. I would like a clarification before I put my question. It was my understanding that the university in the last two or three years has been in a surplus position insofar as operating funds are concerned. Can the minister clarify that before I put my question?

DR. HOHOL: That is correct. There is a surplus, I believe, in all institutions. In this specific one there is. It's not very extensive, not very large, but it's there.

MRS. CHICHAK: Mr. Speaker, my supplementary then is: since the whole matter or discussion is a budgetary one, what impact does the closure of the universities for the one day have on the university budget?

MR. SPEAKER: Order please. A question of that kind of particularity, I think, would require some calculation and might properly be put on the Order Paper, unless by some coincidence the minister may have the answer on his desk.

MRS. CHICHAK: Mr. Speaker, could the minister just indicate from his information or provide to us — he may have some knowledge from the calculations he had to make when the budget was being considered as to the daily costs at this point. The minister may be in a position to answer: on a daily basis, what is the impact or the cost of operating the university? [interjections]

DR. HOHOL: Mr. Speaker, figures like these have the risk of a zone of tolerance for some kind of error, both in what kind of computer you use and how effective your memory is with not having it before you. But recalling it from the preparation of the budget, it would be — and I repeat, this is an estimate that can of course be challenged — somewhere in the order of \$400,000 a day.

DR. BUCK: Mr. Speaker . . .

MR. SPEAKER: Order please. I have already recognized the hon. Member for Edmonton Jasper Place and, following that, the hon. Member for Clover Bar.

MR. YOUNG: Mr. Speaker, my question is to the Minister of Advanced Education. It is a request to him, if he would undertake at his forthcoming meeting to encourage the university authorities to communicate to the hon. members, in writing, the nature of their particular problems, so that we have a chance to review them. Unless I have missed something in the mail, I have not to this point in time received a communication which would allow me to consider quietly this alleged plight of the university. Mr. Speaker, that follows a meeting I had recently with the president, when he did not mention this problem to me. So I would ask the hon. minister if he could encourage the authorities to provide us, as hon. members, some information in writing about their particular plight.

DR. HOHOL: Certainly my discussions with the chairman of the Board of Governors will include that matter, particularly with the directive from my hon. colleague. I think there is a real onus and a proper responsibility that I'm sure the university people are prepared to undertake: that's to put before us the very real and very specific descriptive and definitional problems, quantitatively and qualitatively, so that we can judge them in terms of the position they've taken with respect to the budget.

DR. BUCK: Mr. Speaker, a very short supplementary question to the hon. minister, and then a further short, short one. Can the minister indicate to the Legislature what the increase in tuition fees will do toward helping the University of Alberta balance the budget?

DR. HOHOL: Mr. Speaker, I have to say, in all honesty, that at this very moment that's a hypothetical question, in the sense that we have not heard from every institution. There are institutions other than universities, and we haven't heard from them all. The matter is under consideration, and that part of the statute which places responsibility on me for approval has to wait until I hear from them all and we assess the requests; or in some instances there may not be a request.

DR. BUCK: Mr. Speaker, my last supplementary to the hon. minister. In light of the fact that there will be approximately a \$6 million shortfall at the University of Alberta, has the minister had discussions with the university . . .

AN HON. MEMBER: Where did you get that figure?

DR. BUCK: . . . as to the number of academic positions that will not be able to be filled because of the shortfall in the budget?

DR. HOHOL: Mr. Speaker, the shortfall is simply inaccurate. When you are looking at increases, one can always make a judgment whether the increases are enough or not. But to increase three years ago by 11

per cent, last year by 10 per cent, this year by 8 per cent, each time that percentage being additional to base, is hardly a shortfall. So, let's get reasonable and reasoned in our arguments. Certainly I would expect that the matter of professorial components will be something that the chairman and I will discuss this week.

MRS. CHICHAK: Mr. Speaker, may I ask a further supplementary of the Minister of Advanced Education with regard to the student fees, to be informed to what extent the increase of student fees would assist the university budget. To what extent do we as a government now pay or subsidize the real cost of students attending university?

DR. HOHOL: The percentage of university revenue from tuition fees has dropped from 20 per cent in 1969-70 — Mr. Speaker, that's a significant figure. This is in 1969-70, during the reign of the then government. They were taking 20 per cent in tuition fees from the students. That has dropped to under 13 per cent in 1976-77. That is the year, I must remind the House, in which we raised tuition fees by 10 per cent. In 1977-78, it would drop to approximately 10 per cent, plus or minus.

DR. PAPROSKI: A supplementary, Mr. Speaker, to the minister. Recognizing the high support by the government to universities, second to none in Canada, I wonder if the minister would indicate to the House whether there has been any loss of local autonomy for the universities whatsoever?

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order please. That would have to be . . .

DR. BUCK: Ottawa needs you.

MR. SPEAKER: Order please. The hon. member's question, of necessity, requires an opinion by way of answer and consequently would lead to further debate.

DR. PAPROSKI: I could reframe it, Mr. Speaker, if I may. I wonder if the minister would indicate whether there has been any change in policy regarding the Department of Advanced Education in reference to the local autonomy of universities?

DR. HOHOL: No, sir, there has not. And it's significant to say that the matter we're dealing with has to do with internal allocation with respect to library or whatever function of the university; that our budget approach is to transfer money globally to the boards of governors, and their function through their internal system is to allocate. That's where the problem and the challenge lie. Not in funding by this government — not by any means.

Picture Butte Industry Development

MR. R. SPEAKER: Mr. Speaker, I'd like to direct my next question to the Minister of Transportation. It's with regard to the town of Picture Butte. The minister had indicated at an earlier date — with regard to

establishing provincial offices in the town of Picture Butte. I wonder if the minister could bring us up to date on that.

DR. HORNER: Mr. Speaker, we're having ongoing discussions with the MLA for Macleod, who has taken a keen interest in Picture Butte. We have done a number of things. We're working through Alberta Housing and Public Works, and through Business Development and Tourism, to develop an industrial park in Picture Butte. We're having a look at whether certain government offices, including some in my department, may in fact be transferred to Picture Butte, having regard to the function they have to play in that particular area. That's an ongoing consideration that both the MLA for the area and I, and the other members of government, will continue to look at.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister for clarification. At present there are no firm commitments with regard to this. In these considerations, is it the intention of the government to try to provide substitute employment for the present employees of the sugar factory?

DR. HORNER: Well, Mr. Speaker, I'm sure the hon. gentleman is aware that a number of the employees at the factory have taken alternate employment at the factory in Taber and may commute or in fact move. Additionally, the great majority have other employment either with the other factory or in Picture Butte. The other commitments that have been arrived at are to continue to have the planning station at Picture Butte and, in addition, using the storage facilities at Picture Butte for raw sugar storage.

MR. TAYLOR: Supplementary to the hon. minister. Has the government of Alberta been putting any pressure on the Canadian government to establish a sugar policy in this country?

DR. HORNER: Yes, Mr. Speaker, those representations have been made through my colleagues the ministers of Agriculture and Business Development and Tourism.

I think it's important to appreciate that the market for sugar in western Canada can increase substantially only if we can increase the further processing that goes on in western Canada relative to packaged goods such as cookies, chocolates, et cetera, in which 60 per cent of the sugar market is.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Could the minister indicate what steps have been taken since the government indicated the sugar factory will close in Picture Butte to assist the farmers in the area in transportation of their product to the processing plant in Taber?

DR. HORNER: Well, Mr. Speaker, I'm sure the hon. gentleman is aware that it wasn't a government decision. That was a little bit sneaky, but it was a decision by private enterprise in this province, backed up by economic fact. The question of transportation of beets to the sugar factory is also, as the hon. member is very well aware, a matter of negotiation by

the beet growers association and forms part of their contract each year.

MR. R. SPEAKER: For clarification from the minister. The minister is saying that the government is taking no part in that negotiation or entering into any type of consideration to assist the farmers in that area.

DR. HORNER: Mr. Speaker, again in his usual round-the-bush way, my hon. friend tries to confuse and distort the facts. The facts are that we have moved in to assist the community in any way we can to make sure the company is committed to the production of sugar in Alberta, and that we've done certain other things the former government never bothered doing, and we lost a lot of communities that way.

MR. R. SPEAKER: I quite understand what the minister has said: that they're doing nothing and that the farmers are on their own [interjections] and pay their own bills.

Feed Freight Assistance Program

MR. BRADLEY: Mr. Speaker, I'd like to direct my question to the Minister of Agriculture. First, I would like to congratulate the minister on his announcement of an extension to the feed freight assistance program beyond the February 28 deadline. This was certainly well received in the constituency of Pincher Creek-Crowsnest.

Would the minister indicate to the Assembly the position the province has taken with the federal government regarding the extension of the feed freight assistance program? Secondly, what prompted the province to make a unilateral announcement of the extension? Finally, what is the current status of negotiations with the federal government regarding the length of the extension; that is, the expected termination date of this worth-while and needed program?

MR. MOORE: Mr. Speaker, first of all, it had been our original position, insofar as the government of Alberta is concerned in developing the feed freight assistance program, that the expiry date under which individuals might apply for assistance might be sometime beyond March 1, 1978. However, we could not get agreement from the government of Canada to extend the date beyond March 1, and so made the announcement some months ago on that basis.

As a result of the heavy snowstorms and other conditions in southern Alberta, we were asked by a good number of MLAs, some cattlemen, and organizations in that area to extend the date beyond March 1. We tried to get agreement before March 1 from the government of Canada to do that. We failed to achieve that goal of getting agreement on an extended date from the federal government, so on March 2 we took it upon ourselves to announce an extension of at least three weeks and perhaps longer, pending the outcome of negotiations with the federal government. I can't say how long that will take, but I'm hopeful those arrangements will be concluded within the course of the next week.

MR. BRADLEY: A supplementary question to the minister. Exactly what termination date is the province looking at? Is it June 1, April 1, May 1?

MR. MOORE: Mr. Speaker, as far the province of Alberta is concerned, we're willing to extend the date under which individuals may receive assistance for the feed freight assistance program as long as the federal government wishes to extend it. We would not, of course, expect to go beyond June 1.

School Truancy

MR. LITTLE: Thank you, Mr. Speaker. May I address my question to the hon. Minister of Education. Is the minister able to advise the Legislature whether truancy or absenteeism in the junior and senior high schools of this province has become a serious problem?

MR. KOZIAK: Mr. Speaker, yesterday I had the pleasure of visiting two schools in the province, a junior/senior high school at Grande Cache, and an elementary/junior high school, St. Augustines, at Ponoka. Now, I can only speak for those two schools, and the indication there was that it isn't. I don't have facts at the moment that would permit me to respond to the question on an across-the-province basis. I could check into the matter and respond privately to the hon. member if something is available, but I rather doubt there is at the moment.

MR. LITTLE: Supplementary, Mr. Speaker. In that case may I request that the minister restrict the answer to the Calgary school system.

MR. KOZIAK: Mr. Speaker, in that respect perhaps the hon. member might consider a direct question to the Calgary public board or the Calgary separate board, depending on where the hon. member wishes to obtain his information. Information of that nature, on a school board or school system basis, is more readily at hand by contacting the jurisdiction involved.

I expected the hon. member was more interested in a province-wide survey, in which case the question would be better put to me. But on a school system basis, probably a question directly to the boards would elicit the type of information the hon. member would like to see.

DR. BUCK: The minister of Calgary Affairs.

Municipal Financing

DR. PAPROSKI: Thank you, Mr. Speaker. A question to the Minister of Municipal Affairs. Among the many benefits provided to municipalities mentioned in the throne speech debate, which I understand provides the municipalities with tremendous economic . . . [interjections]

MR. SPEAKER: Order please. The hon. member is rereading the throne speech.

DR. PAPROSKI: Well, Mr. Speaker, I had to paraphrase it, because this leads up to the question. There is also the municipal debenture interest rebate plan, and the question . . .

MR. SPEAKER: Does the hon. member wish to make an announcement or ask a question?

DR. PAPROSKI: The question is on exactly that point, Mr. Speaker. Thank you for your tolerance. Regarding the municipal debenture interest rebate plan, I wonder if the minister would indicate above what interest rate municipalities receive rebate of interest. [interjections]

MR. JOHNSTON: Mr. Speaker, I'm always pleased to comment on the progressive programs of this government for the municipalities, and the hon. Member for Edmonton Kingsway has drawn on one of the unique programs that is offered by this government, unique across Canada. In fact the interest stabilization program assists municipalities in their long-term borrowing by stabilizing interest at 8 per cent, so that any interest increase above that 8 per cent level is refunded to the municipalities.

It should be noted that of the 160 or more municipalities that benefited in 1977-78, approximately 55 per cent of that funding went to the cities of Edmonton and Calgary. Perhaps it could be commented that more elaboration of this point could be made in the budget speech, and I am sure other members will have questions at that time, [interjections]

DR. PAPROSKI: Mr. Speaker, I wonder if the minister would indicate to the House whether there is any limit on the amount of funds municipalities can borrow from this plan.

MR. JOHNSTON: Mr. Speaker, I believe that policy to take off the per capita limits on long-term debt financing was done in 1973-74, and at this point the municipalities have unlimited opportunity to borrow from the Alberta Municipal Financing Corporation to satisfy their long-term capital needs.

DR. PAPROSKI: Mr. Speaker, a supplementary to the Provincial Treasurer. I wonder if the Treasurer would indicate to the House whether there are any restrictions regarding this particular plan.

MR. SPEAKER: Does the hon. member wish to get an answer contradicting the one he just received?

DR. PAPROSKI: No. Mr. Speaker, with respect, the initial question was whether there was any limit. The question here is whether there are any restrictions on the limit with respect to the type of borrowing for various projects.

MR. LEITCH: Mr. Speaker, the interest subsidization program does not apply to borrowing by municipalities for utilities. I suspect that may be what the hon. member was seeking.

DR. PAPROSKI: Mr. Speaker, a final supplementary, or second final supplementary. I wonder, Mr. Speaker, if the Minister of Municipal Affairs or the Provincial Treasurer would indicate to the House whether municipalities still have the option to seek funds elsewhere, although frankly I don't know why they would.

MR. JOHNSTON: Yes they do, Mr. Speaker.

DR. PAPROSKI: A supplementary. Is it true that the devaluated Canadian dollar serves as an example of why municipalities should not in fact seek these funds elsewhere?

MR. SPEAKER: Order please. I think perhaps two final supplementaries are sufficient without having a third.

DR. PAPROSKI: Mr. Speaker, thank you. I notice the minister nodded his head.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister of Municipal Affairs. Would the minister assure the House that he would supply the hon. Member for Edmonton Kingsway with both the budget speeches and ministerial statements which encompass all the questions he has asked to date.

Protected Bird Species

MR. TESOLIN: Thank you, Mr. Speaker, and if I may I'd like to get away from money and talk about birds. My question is to the Minister of Recreation, Parks and Wildlife. Is the minister in possession of a submission to the hon. Premier from the Pelican Portage group regarding the protection of the segment of the Slave River which includes the northernmost white pelican colony in the world?

MR. ADAIR: Yes, Mr. Speaker.

MR. TESOLIN: A supplementary, if I may, Mr. Speaker. Could the minister indicate if consideration is being given to forming a committee consisting of various government agencies and local residents to identify and recommend management options for the Slave rapids area, or could the minister indicate any other action his department is taking for the preservation of this white pelican colony?

MR. ADAIR: Mr. Speaker, I go to the alternative at this point in time. Back in November 1977 we did in fact protect a number of the areas within the province of Alberta for both the white pelican and the double-breasted cormorant, and we did not specifically protect the Slave River site. As a result of a number of studies that are under way right now, we did indicate, though, because of those studies, that we wanted to ensure protection of the other sites. Now my understanding is that roughly 70 pelicans of the 350 within the province are on that site.

Private Schools

MR. NOTLEY: Mr. Speaker, if I may be permitted just a word or two of background. I'd like to direct this question to the hon. Premier, and it concerns the ministerial announcement made on Friday.

In view of the decision by Judge Oliver with respect to the question of certified teachers at Linden and the truancy charges in that particular case, and bearing in mind the important question of freedom of religion and some of the ambiguities that still stand in Judge Oliver's judgment, my question is: did the government of Alberta give any consideration to exercising

the powers under Section 32(1) of The Judicature Act in referring this matter to the Supreme Court for an interpretation of the implications of the Bill of Rights as it pertains to the Alberta School Act?

MR. LOUGHEED: Mr. Speaker, yes we did. I believe a more detailed answer could appropriately be given by the Attorney General, but subject to checking, I'd respond this way. It was the conclusion of the Attorney General, in consultation with the Minister of Education and with the concurrence of the Executive Council, that the nature of the judgment was such that it dealt with the particular matter involved, and therefore a reference to the courts, either in the way suggested by the hon. Member for Spirit River-Fairview or directly by way of appeal, was considered inappropriate. Secondly, there was the strong feeling, which I believe is shared by a multitude of members in this Legislature, that the Bill of Rights, being a statute of this province, passed in this Legislature, should not be appealed by this Legislature or this government.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister of Education. In light of the decision by Judge Oliver, is the government of Alberta considering any amendments to The School Act itself, beyond the regulations announced in Friday's ministerial announcement?

MR. KOZIAK: Mr. Speaker, my answer is contained by the question. There probably will be amendments to The School Act which have no bearing on the decision, and I don't wish to discuss those at this particular time. But in our consideration of the issues that were raised, we concluded that we could accommodate the rights of the parents involved by amendments to regulations, and that amendments to The School Act and The Department of Education Act were not necessary in order to accommodate those rights.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister of Education. With respect to the question of inspection of private schools in category 4 with non-accredited teachers, is the minister in a position to outline to the Assembly the details of who will undertake the inspection? Will this be contracted out to the appropriate school divisions in the area? And the equally important question, who will pay for the cost of inspection of private schools in the new category 4?

MR. KOZIAK: Mr. Speaker, I haven't got all the details worked out in connection with the inspection, but I imagine at this particular time that all inspection will take place by the field services branch of the Department of Education and will be at the cost of the departmental budget.

MR. NOTLEY: A further supplementary question to the hon. Minister of Education. In the ministerial announcement, Mr. Speaker, reference was made to a period of 18 months, or a year for full grants and another year of half grants for the students who would be withdrawn from the public or separate systems to go into these private schools.

Is the minister in a position to advise the Assembly

what the consideration of Executive Council was with respect to maintaining grants — since the parents in question would be paying their taxes anyway — on an ongoing basis to the school divisions affected?

MR. KOZIAK: Well, Mr. Speaker, the goal in the development of these grants to the school boards that are losing the students is to permit the school boards to be able to adjust and accommodate the situation that faces them, without having too great a disruption take place in terms of the remaining students within that jurisdiction. After giving the matter careful consideration, we concluded that grants of the nature announced — 100 per cent of the SFPF grants in the first year, plus the normal transportation entitlement; in other words, students could be counted for the loading factor and what have you in the transportation formula; and 50 per cent of the SFPF grants in the second year — would more than adequately cover the situation so that school boards can properly adjust to losses of students without the programs then in effect being adversely affected.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Can the minister advise the House whether there was formal consultation with officials of the Alberta School Trustees' Association, particularly with the president or senior executive officers, dealing with the interim period of financial assistance?

MR. KOZIAK: Mr. Speaker, before the decision was made, of course, there was consultation with both The Alberta Teachers' Association and The Alberta School Trustees' Association. In connection with the funding, I should point out to hon. members that we did consider a resolution passed at the latest Alberta School Trustees' Association convention which dealt with the matter of the approval of private schools and the concern about timing. The resolution suggested that at least one year's notice be provided on the establishment and approval of a private school. This does tie in with the level of funding that's been provided in these circumstances.

MR. NOTLEY: Just one final supplementary question, this time to the hon. Premier. In light of the question of non-accredited teachers, where a question of religious conscience is the root cause of the concern or dispute, my question is: is the government giving consideration to legislation that would affect the accreditation or certification of other professions, where a matter of individual conscience is at stake?

MR. LOUGHEED: Mr. Speaker, there is no present consideration of that matter.

MR. TAYLOR: Supplementary to the hon. minister. What checks will be made by the department to assure itself that the boys and girls in the class 4 schools are reaching the basics in English, math or arithmetic, writing, and spelling?

MR. KOZIAK: Well, Mr. Speaker, as I indicated in the ministerial announcement, first of all the fourth category of private school would be required to follow the Alberta curriculum or a course of studies approved by the Minister of Education. I understand, of course,

there is no difficulty in achieving that goal with this particular school.

The other aspects would be that the students would be subject to inspection — and we've already discussed that to some degree in the Assembly this afternoon — and third, the students would be subject to examinations. It should also be underlined that these schools would not have the authority to award high school credits to the students enrolled in them. So if these students wish to obtain high school credits, they would do so in the normal manner, either by attending accredited high schools in the province, by having accredited schools approve credits for these students, or in some cases by writing and successfully completing departmental examinations, making out a case for receipt of credits.

MR. TAYLOR: One further supplementary to the hon. minister. Is the department setting out any basic qualifications for the teachers in these schools?

MR. KOZIAK: No, Mr. Speaker, we are not.

Discover Alberta Program

MRS. CHICHAK: Mr. Speaker, my question is directed to the Minister of Recreation, Parks and Wildlife. I'd like to ask the hon. minister whether he is giving consideration to continuing the financial support program, entitled Discover Alberta, for Alberta students.

MR. ADAIR: Mr. Speaker, without getting into the budget implications, yes, we are.

MRS. CHICHAK: Mr. Speaker, a supplementary. Does the minister have information at hand, where he could indicate the extent to which the program is being utilized by students across the province?

MR. ADAIR: No, Mr. Speaker, I don't have the specifics. But I might say it's one of the more successful and popular programs in this province for students from the various areas, say of the southern areas to visit the north, or vice versa. It has been just one excellent program.

Coal Research

MR. TAYLOR: Thank you, Mr. Speaker. My question is to the hon. Minister of Energy and Natural Resources. Has a decision been made on the location of the coal research board?

MR. GETTY: Mr. Speaker, over the course of the last year the government has announced a southern Alberta energy research building, with an emphasis on oil and gas research in Calgary, and is presently giving consideration to a northern Alberta energy research building, which would have its emphasis on coal. I believe this is what the hon. member is referring to. No decision has yet been made as to going ahead with the construction or location.

MR. TAYLOR: A supplementary to the hon. minister. A number of newspapers called the board a coal research board. Is that an error, and is it to study all energy?

MR. GETTY: Mr. Speaker, it would be a northern Alberta energy research building with an emphasis on coal research, therefore there may be capacity within the building to handle other types of energy research. But the main thrust would be in the area of coal research.

Brier Curling Finals

MR. HORSMAN: Thank you, Mr. Speaker. On perhaps a lighter note to end the question period, my question is for the Minister of Federal and Intergovernmental Affairs. I wonder if the minister is prepared to make representation on behalf of the people of Alberta, and particularly on behalf of the people of Medicine Hat-Redcliff, to the federal minister responsible to Parliament for the Canadian Broadcasting Corporation with respect to the national coverage of the Brier curling finals being held in Vancouver, in light of the deplorable fact that the live coverage was terminated last night in the final end with the score between the Northwest Territories and Alberta tied at 5-5 with only three or four rocks to go.

MR. HYNDMAN: I'll look into that, Mr. Speaker. I suppose the important consideration, whether viewed or not, is that Medicine Hat, and Alberta, won the game 6-5.

MR. SPEAKER: We might have time for a short question and a short answer. The hon. Member for Grande Prairie.

Rent Decontrol

DR. BACKUS: Mr. Speaker, my question is for the Minister of Consumer and Corporate Affairs. In view of the media reporting, is it true that Grande Prairie has been decontrolled as far as rent regulation is concerned?

MR. HARLE: No, Mr. Speaker. I think I indicated yesterday that there were certain areas of the province where we are winding down the rent decontrol program because of lack of work, and Grande Prairie happens to be one area where that is being carried out.

MR. SPEAKER: There is still a very short time left. Possibly the hon. Member for Wainwright has a question that could be answered briefly.

Livestock/Wildlife Feeding

MR. STEWART: Mr. Speaker, my question will be directed to the Minister of Recreation, Parks and Wildlife. Due to the heavy snowcover and the fact that a lot of game has migrated into farm areas and destroyed considerable feedstock in certain areas, I wonder if the minister is considering compensation to farmers who have lost feedstock to wildlife.

MR. ADAIR: Not at the present time, Mr. Speaker. One of the concerns we have within the department certainly is that with the heavy snowfall, particularly in the east-central and south-central portions of the province, there have been some letters to us relative to the fact that deer particularly, in some areas, have

been moving into the farmyards and eating hay; and in the southwest portion of the province we have had some difficulties with the elk moving down into the haystack areas. Now, we do have a program in the southwest, where we provide fencing materials for the ranchers to protect stacks of hay from elk. To respond to your specific question, we do not have not anything particularly in place at the moment relative to the other areas of the province.

MR. GOGO: A supplementary, Mr. Speaker, to the hon. minister. Could this perhaps be in retaliation by the animals who have read the signs, "Don't Feed the Animals"?

ORDERS OF THE DAY

head: WRITTEN QUESTIONS

MR. HYNDMAN: Mr. Speaker, I move that the following question and motions for returns do stand: Question 107, motions for returns nos. 101, 103, 104, and 105.

[Motion carried]

head: MOTIONS FOR RETURNS

102. Mr. Notley moved that an order of the Assembly do issue for a return showing a copy of the study of the development of the petrochemical industry in Alberta completed by Associated Engineering in August 1976 as listed in Return No. 226/76.

MR. DOWLING: Mr. Speaker, the actual title of the report is The Petrochemical Developments in Alberta, and it was prepared by Associated Engineering and Chem Systems Incorporated. The report assesses the potential for future petrochemical development in Alberta. It does other things, including listing certain costs relative to the development of those petrochemicals in both Alberta and other parts of Canada. Since those cost comparisons and the figures involved in it were provided to our department on a commercial confidential basis, it would not be in the Alberta public interest to have that documentation made public. I would suggest that the motion for a return be defeated.

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

HON. MEMBERS: Agreed.

MR. NOTLEY: Mr. Speaker, once again we're being treated to an example of open government. The fact of the matter is that if we're going to have any intelligent debate of the petrochemical industry in this province, we have to have access to data on comparative advantage, or not, as the case may be. The suggestion that this sort of information is going to be kept behind closed doors is, in my view, just another indication that this government is making the major decisions beyond the purview of this Assembly and beyond accountability to the people of Alberta in

terms of ongoing evaluation of the proposals they make.

If we're going to have ongoing evaluation, if we're going to have thoughtful debate on whether we should be getting into a petrochemical industry or not, it seems to me, Mr. Speaker, that we need this kind of information available for the public to fully evaluate the implications of the grand industrial design which appears to be in stock for the people of this province.

Obviously the numerical composition of the House is going to mean just one thing when the thing is put to a vote. But I underline, Mr. Speaker, that the people of Alberta do have a right to some pretty hard-nosed information. This government has an obligation to make that information available if they are going to chart a course with a world-scale petrochemical industry as a major part of their industrial development strategy.

[Motion lost]

106. Mr. Notley moved that an order of the Assembly do issue for a return showing a copy of all guidelines prepared for use by ministers and their officials in the preparation of responses to written questions and/or motions for returns, including the conditions for rejection and amendment of such items.

[Motion carried]

MR. HYNDMAN: Mr. Speaker, I wish to table the answer.

108. Mr. Notley moved that an order of the Assembly do issue for a return showing copies of all written submissions received from employers and/or employers' associations respecting the institution of province-wide bargaining in the construction industry (Bill 80, 1977), subject to the concurrence of the submitter(s).

MR. CRAWFORD: Mr. Speaker, I'd like to propose an amendment to the motion. It would simply provide that the words "employee associations" be added after the words "employers' associations".

[Motion as amended carried]

109. Mr. Notley moved that an order of the Assembly do issue for a return showing a copy of the study of the effect of S02 on the gray-wooded soils in the Whitecourt area of Alberta commissioned to Amoco Canada Petroleum Company Ltd. in March 1976 as listed in Return No. 226/76.

[Motion carried]

110. Mr. Notley moved that an order of the Assembly do issue for a return showing a copy of the study containing information on present non-tariff trade barriers completed November 1976 by Associated Economic Analyst as listed in Return No. 226/76.

MR. DOWLING: Mr. Speaker, unfortunately I have to take the same position on this motion as on Motion 102. This study was undertaken by Associated Economic Analyst Limited, who surveyed, identified,

and evaluated the non-tariff barriers affecting Alberta's efforts. The consultant collected certain information from companies in Alberta concerning their export trade on the understanding that the information was to be kept confidential.

Both the nature of the trade barrier and the country applying it are commercially confidential. For example, if it becomes public knowledge that the company has complained to the Alberta government about a specific non-tariff barrier, negotiations could be made more difficult. For these reasons I would recommend that the document not be tabled, because it's not in the public interest.

I should further remind the hon. Member for Spirit River-Fairview that some research money is now provided for him in the budget, and I'd suggest he use it.

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

HON. MEMBERS: Agreed.

MR. NOTLEY: Mr. Speaker, during the recent first ministers' conference a good deal of debate quite properly centred around not only tariffs but what are called non-tariff barriers. As most members should know, one of the real obstacles in the flow of international trade today is not the tariff barriers but the non-tariff barriers being erected around the world, particularly by the Common Market countries, Japan or, for that matter, the United States. It's rather interesting to note that the United States is quite prepared to take what one might call a very liberal attitude toward tariffs, but when we get to the very significant question of non-tariff barriers — and a non-tariff barrier will stop your commodity from flowing into another country probably even more effectively than the traditional method of a tariff — all of a sudden we see a rather different attitude on the part of the major trading blocs in the world.

Now, Mr. Speaker, I can't see how the Legislature can seriously debate our attitude toward the marketing outside Canada of products from this province unless we have access to the non-tariff barriers that exist. It astounds me that on this kind of basis we have the minister saying, oh no, there's all sorts of confidential information therefore we can't make it available.

Mr. Speaker, I remind the members of the Assembly that in the Speech from the Throne, I believe it was in 1977, we were going to have a full-scale debate on tariffs and trade. At that time of course we were roaring to go to town on GATT. That changed and all of a sudden we shifted from the GATT talks to bilateral agreements. Then we shifted ground again and we were going to have a *quid pro quo* with the Americans on natural gas, and now we're back to GATT talks where we should have been all this time.

But, Mr. Speaker, the question of the GATT talks is not just up to the government. The question of GATT negotiations has a bearing on every single person in this province, and the members of the Assembly need to have access to as much background information as possible for us to fully evaluate what our course should be in dealing with world trade matters.

Mr. Speaker, it's just not possible for the Assembly to carry on that debate unless we have a compilation of the non-tariff barriers that have been systematical-

ly erected around the world. Of course the opposition has access to some of that information, perhaps even more of it than the minister does or would like to admit. But the fact of the matter is that here was a study that was paid for by the taxpayers of Alberta, which compiles the non-tariff barriers that will have an impact on the future industrial strategy of this province, and we as an Assembly were promised a year ago that we would have a debate on trade matters in the House. Now we have a decision by the government to say, no, the door is closed, we aren't going to release this information.

I just say, Mr. Speaker, that that is not consistent with the proposition that the people across the way put to the public of Alberta in 1971 when they were campaigning for open government.

MR. DOWLING: Mr. Speaker, if I may, I should clarify something the hon. member is distorting. I'm talking about private information not about government information. That should be clear — confidential, commercial information. He's distorting the facts, Mr. Speaker.

MR. SPEAKER: Under the circumstances, fairness would require that the hon. member be allowed to make some further comments.

MR. NOTLEY: The fact of the matter is that the minister is perfectly capable, if he's worried about certain of the information which is private information of some companies, of moving an amendment to the report. Then it would have been up to his department to sift out that information. He could very easily have done that. He chose not to do it, and so my arguments still stand.

[Motion lost]

DR. BUCK: The puppets don't even listen, Dowling.

head: **MOTIONS OTHER THAN GOVERNMENT MOTIONS**

201. Moved by Dr. McCrimmon:

Be it resolved that the report of the select committee established to review The Ombudsman Act be received.

DR. MCCRIMMON: Mr. Speaker, as chairman of that committee, I would like to thank the other members of the committee and the people who did our research for the months of hard work and many meetings that went into the final presentation of the report.

The background, history, and success of most of the countries that had an ombudsman jurisdiction were studied and analysed, as well as carefully going over the legislation of the provinces in Canada that had developed an ombudsman's office over the past 10 years.

Alberta was the first province in Canada to establish an ombudsman's office. In fact, it was first in North America to establish it. This was over 10 years ago, and an excellent act was brought forward at that time. This act has served as a guideline to many of the other provinces in establishing an ombudsman

office over that past decade.

The purpose of the select committee was not to bring in a new act but to update and bring into line the act we now have, in light of changing times and conditions. I believe this should be done periodically to keep legislation in this sensitive and important office in line with rapidly changing times and circumstances.

Mr. Speaker, we had a fairly broad representation to the committee at its two public hearings in Calgary and Edmonton, and with the briefs that were presented to us for consideration. The list of those presenting these views is in the committee's report which has been tabled. Mr. Speaker, the members have had an opportunity to review the report and read the conclusions and recommendations of the committee. At this time, I would like to go over some of these recommendations and the reasons the committee came to their conclusions.

Mr. Speaker, with respect to municipalities, probably the most difficult question faced by the committee was whether or not the jurisdiction of the Ombudsman should be extended to include municipalities. A large percentage of the committee's time was spent on this important point. Several presentations, both pro and con, were made by groups and individuals, all well done and carefully documented. I believe this subject should be divided into two parts, urban and rural.

With respect to the urban section, the association of urban municipalities, at an annual meeting, did pass a resolution that they were in favor of an ombudsman jurisdiction. However, in checking, and with correspondence, it was established that the city of Edmonton was only lukewarm on this issue. The city of Calgary did not reply to any of the requests from the committee for a decision on this subject, so the committee was forced to the conclusion that there was not much interest or concern in that major city.

With respect to rural Alberta, several presentations were made to the committee, both pro and con. However, on two occasions the association of rural municipalities passed unanimously at their annual meeting that they did not want the Ombudsman's jurisdiction extended to cover municipalities. Considerable weight was given to this presentation by the committee in light of the great number of people they represent throughout the province. This association represents the councils of all the municipalities and counties in the province of Alberta.

Mr. Speaker, with your indulgence, I will read a few lines from the actual report with respect to this matter.

The Committee therefore recommends that:

Regarding Urban Municipalities:

Changes may be made in the appropriate provincial legislation to enable the council of any urban municipality the right to establish an ombudsman-type position with all the independence, power of inquiry, access to records, and the power to compel witnesses, necessary to function within that urban municipalities' jurisdiction. The position would not be responsible to the Provincial Ombudsman and would be funded by the jurisdictions involved.

Regarding Rural Municipalities:

The Alberta Association of Rural Municipalities

may, by passage of a majority resolution at its annual [convention], have the right to: appoint or have appointed, an ombudsman-type position with all the independence, power of inquiry, access to records, and the power to compel witnesses, [where] necessary to function within that jurisdiction with the rural municipalities. The position would not be responsible to the Provincial Ombudsman and would be funded by the jurisdictions involved.

Mr. Speaker, with respect to rural municipalities, it was felt that it either had to be across the board throughout the province, or not at all. There is no way an ombudsman could perform his proper function if one municipality came under his jurisdiction and the adjoining municipality did not. The views of the committee expressed on this section were not unanimous.

With respect to hospitals, Mr. Speaker, in light of the fact there are roughly 150 hospitals in this province, the great majority of which have elected boards, the committee felt that under the municipal government system in force in the province, where we have a large number of counties as well as municipal districts, and under the county system where certain members of the elected county council are delegated to serve in the local hospital boards as representatives, similarly on school committees, this interlocking of authority makes it difficult to see how ombudsman authority could be given over one group and not over the others. In other words, under our present structure of municipal authority, and this interlocking between county, hospital, and school, if ombudsman jurisdiction were to be extended, it had to be extended to the three, or not at all.

Concern was expressed by members of the committee that if this large extension of jurisdiction was recommended, we would be building another bureaucracy into our system, which is unnecessary at the present time, due to the fact that in the great majority of cases, access and recourse to the local elected representative is available and, if he could not settle the matter, he in turn could bring it to the attention of the appropriate council or board to be given a fair hearing.

Under the hospital situation in the province there is an anomaly where five of the major hospitals are Crown hospitals. For the past 10 years these five hospitals have been in a gray area where it was difficult to ascertain whether they were under ombudsman jurisdiction, as defined in the present act. This fact has made it difficult for the Ombudsman to act in a number of situations over the past 10 years, and should definitely be clarified in any changes to the act. The committee has recommended that they be excluded from ombudsman jurisdiction, to give continuity and equity throughout the province for people doing the same jobs, regardless of the hospital or institution in which they work, and for patients.

On the other hand, valid arguments were presented that pointed out that all other civil servants have access to ombudsman jurisdiction, and these institutions should as well, due to the fact that the boards were made up of appointed, not elected, members. The resolution of this sensitive point will have to be made by the Legislature when any changes in the act are contemplated.

With respect to universities, this subject was dis-

cussed with the Ombudsman. The committee felt that due to the nature of the complaints — marks, examinations, personality conflicts with professors, university accommodation, and so on — the problems would need to be handled quickly, and by someone completely conversant with university procedures and atmosphere within the university. Recommendations were made to this effect. Concern was also expressed about infringement on university autonomy.

Control, of the office of the Ombudsman by the Legislative Assembly. It was pointed out to the committee that under existing legislation the Ombudsman was appointed by, or could be removed by, the Lieutenant Governor in Council. The committee felt that the Ombudsman should be appointed by the Legislature, be responsible to the Legislature, and have access to the Legislature by way of a standing committee. It is suggested that perhaps the Committee on Law and Regulations would be suitable, but there may be other committees that would serve just as well for this purpose. The committee felt that these changes would give greater freedom and independence to the office of the Ombudsman.

With respect to the Royal Canadian Mounted Police: prior to 1974, the ombudsmen in Canada felt that the RCMP came within their jurisdiction where complaints related to provincial laws were brought forward. However, in May 1974 in Saskatchewan, a court judgment removed this jurisdiction, and since that time ombudsmen in Canada, including Alberta, have not exercised jurisdiction over the RCMP. With the establishment in Alberta of the international ombudsmen's office, perhaps further research should be done on this point.

Mr. Speaker, I have covered only a few of the recommendations of the committee thus far. There are other important recommendations, such as: the role of the Standing Committee, initiation of a complaint, refusal to investigate, waiver of appeal mechanisms, Ombudsman's access to confidential government files. On this point, it was felt that the Ombudsman should have access to pertinent records associated with both sides of a case if permission is granted to the Ombudsman by the complainant. The committee felt that without this information some difficulty could be encountered in arriving at a fair and just assessment.

Disposition of closed files, the right to be heard, native programs, proliferation of the title Ombudsman: the committee felt that if the municipal, urban or universities saw fit to establish an ombudsman type of office, it would probably be better to designate it with a different title to reduce confusion in the minds of the general public. There are several other titles which would be effective, yet have the powers as recommended.

Mr. Speaker, in my remarks I have covered only some of the recommendations. Other members of the committee and the Legislature will hopefully be able to expand the points I have only been able to touch upon. I look forward to the debate by the other members of the Legislature, and ask for the support of this report of my committee.

Thank you.

MR. McCRAE: Mr. Speaker, I rise to make a few comments on the motion . . .

MR. SPEAKER: I think the hon. Member for Spirit River-Fairview caught the Chair's eye first.

MR. NOTLEY: Mr. Speaker, members of the Assembly, in rising to participate in the important resolution we have before the Assembly this afternoon, I'd like to begin by adding my compliments to the compliments I am sure will come from many members to Dr. Ivany for the work he has done and is doing as Ombudsman of the province of Alberta.

At the same time, it's worth recalling the excellent work of Mr. McClelland. I remember, when Mr. McClelland was appointed Ombudsman of Alberta, some were a little concerned as to whether or not he would really fit the job. Looking over his career as Ombudsman, I would have to say that George McClelland was in every way an admirable Ombudsman, and a person who fulfilled the responsibilities that are rather well put in the Ombudsman's report in 1978. The reference to Justice McGillivray's statement:

... he can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds.

I recall very vividly in 1971 sitting in the gallery and watching the debate that raged over the so-called Philipzyk case. At that time the Ombudsman, Mr. McClelland, had made a highly controversial recommendation, and the government had chosen not to follow that recommendation. It became the centre of a major debate in the province. I remember the discussion that took place that day when Mr. McClelland attended the House, and questions were posed by both government and opposition members of the Assembly.

So we can look back on the office in this province and take a great deal of pride in the fact that we have had two ombudsmen whose character and competence are beyond any challenge.

Mr. Speaker, I'd like to deal with some of the recommendations contained in the legislative committee report to the House. I find some of the recommendations very attractive and would support them. I question other recommendations, and I oppose several of the recommendations.

Dealing first of all with some of the positive features of the report, it seems to me that it was worth while on the part of the committee to recognize the separate role of the Farmers' Advocate. In my judgment the role of the Farmers' Advocate is distinct from that of the Ombudsman. I see the Ombudsman in a much more semi-judicial sense than the Farmers' Advocate.

From my experience of dealing with many cases that have been referred to the Farmers' Advocate, I know that a role is performed by Mr. Entrup which not only relates him to government agencies, but where he is having to deal with private companies on a regular basis. I've seen him organize meetings so that farmers get a better concept of their surface rights. He has given information to the MLAs on proper standards for surface rights settlements, and that information has been carried far and wide in the province.

So I don't really see any reason we have to bring the Farmers' Advocate under the Ombudsman, or fail to recognize that there are really two different offices. I was glad to see, Mr. Speaker, that the committee recognized that distinction and solidly came down in

support of the continuation of a strong provincial Ombudsman on one hand, but also recognizing the continued position of the Farmers' Advocate with the kind of latitude required in that office to do a somewhat different job for Alberta farmers.

Mr. Speaker, the second thing I strongly support is the proposition that appointments and rules for guidance be transferred from the cabinet to the Standing Committee on Law and Regulations. It seems to me that any move in that direction is consistent with my understanding of the role of the Ombudsman. After all, the Ombudsman is the servant of the Legislature, and we must defend that vigorously. It is not, in my judgment, consistent with the independence of the office that the Ombudsman has to go to Executive Council to get approval for various proposals he makes. It seems to me that the proposition put forward by the committee — that we have the relationship between the Standing Committee on Law and Regulations and the Ombudsman supersede the present arrangement between Executive Council and the Ombudsman — is a good one, and one I fully support. I think the Ombudsman, too, has mentioned in his report — I believe it's contained in the report this year, if I'm not mistaken, Mr. Speaker — that he looks forward to an ongoing relationship with this committee.

It's worth while, of course, to review the role of the Ombudsman at arm's length from time to time, to stand back, as it were, and assess the office. That, of course, is what the committee did in its submission of May [1977]. But I can appreciate as well the desire of the Ombudsman to be able to sit down with members of the Assembly on a regular basis and share some of the information he has obtained from other ombudsmen around the world, and deal quite frankly with some of the problems he will encounter in his day to day administration of the office. So I support that particular recommendation very strongly.

Mr. Speaker, the areas that trouble me are also contained in Dr. Ivany's report to the Legislature this year. I suppose it really comes down to whether one accepts the proposition of an ombudsman or of a multiplicity of people who, in fact, will do the work of ombudsmen. I've given some thought to this matter, having chatted with Dr. Ivany on several occasions and having read the committee report. I've come to the conclusion that however sticky it may be to increase the jurisdiction of the Ombudsman, that is nevertheless the wisest route to follow.

It seems to me that one of the problems we have now, Mr. Speaker — and surely members of the Legislature will all know — one of the problems I have with people who come to me is the frustration of where to go in dealing with the levels of government, with the multiple departments of government, with the branches of government. We are becoming so large today, and society is so complex, that the more difficult we make it — if we have an ombudsman for the city of Calgary, an ombudsman for the city of Edmonton, an ombudsman for Red Deer, an ombudsman for Spirit River, an ombudsman for the university, some kind of ombudsman for the hospitals: we will have all sorts of different appeal agencies. The committee makes the argument about local autonomy. I see the problem with respect to the citizen. How is the citizen going to relate to that multiplicity of offices?

Mr. Speaker, members of the Legislature may not have any particular difficulty in going through the different levels. That's part of our job; we have to learn what's local, provincial, or federal, what are the branches of government, where to go, when to go, how to go. That's our job as MLAs. The average citizen is not able to do that, and finds it extremely frustrating. Just relating to the work I do as a member of the Legislature, and that I'm sure other members also do, it's still amazing to see the number of people who will come to members of the Legislature with things that are in federal jurisdiction. I have people phoning when concerned about a culvert, which is local jurisdiction. I know other rural members who get the same kind of calls. The average person is not going to sit down and read a copy of the BNA Act before he calls someone; he calls the person who he knows is there.

When dealing with the role of the Ombudsman, I do not think we can take lightly the proposition that we allow other people to fill the office in different levels of government. Dr. Ivany makes this point quite strongly in his submission to the Legislature this year. I know the suggestion has been made in the committee report: wouldn't that be interfering with the autonomy of local governments? I respect that argument. I'm not sure it could not be accommodated by the committee formally recommending to the two associations that the jurisdiction of the Ombudsman be extended to include local government.

Rather than the Legislature making a unilateral decision to extend the jurisdiction to include local government, it might well have been a better course to have put to the two associations — the rural municipalities and the urban — the proposition: do you want to see the jurisdiction of the Ombudsman extended to cover local government or not? I understand the AUMA have already passed a unanimous motion requesting such an extension. Mr. Speaker, I have a sneaking suspicion that had this proposition been put to the two associations, the rural association would have backed it as well. Then it would have been a case of this Legislature moving to extend the jurisdiction with the support of the municipalities of the province.

Mr. Speaker, in his report the Ombudsman also suggests he be able to investigate complaints, even where there is some opportunity of appealing to the courts. Now, we know the rules of the game at the present time. But, as the Ombudsman points out in his submission to the Assembly, there are many cases where it just doesn't make any sense for the individual to have to appeal — sue the government, for example. But the costs of suing would be infinitely greater than whatever might be gained from that course of action. The Ombudsman is saying, give me the flexibility so I can exercise some discretion in whether or not I take up cases.

I note that particular concern of his, because this very day I had a call from an Edmonton businessman who had difficulty with the Workers' Compensation Board. I think this individual had a case that should go to the Ombudsman, because the individual in question — if the facts are correct — was acting in a very arbitrary way. He took the matter to the Ombudsman but, because he could still pursue it legally, the Ombudsman's office said, no we're afraid we can't take it up. They wanted to take it up; they

thought there was a case. But they couldn't because of the present legislative circumscription of the dimension of the Ombudsman in Alberta. I think we have to examine seriously Dr. Ivany's proposal to extend the flexibility of the office. I gather, from reading his report, that New Zealand has undertaken such a move.

The other area in the report that troubles me, Mr. Speaker, deals with nursing homes. Frankly, I believe patients in nursing homes should have the same rights as those in other provincial institutions. After all, the province does set the standards for nursing homes, and subventions on a per-bed, per-patient basis are paid to private and church-operated nursing homes in the province. That being the case, Mr. Speaker, I think nursing homes should come under the provisions of The Ombudsman Act.

Mr. Speaker, I was sorry I was out during the latter part of the speech of the hon. Member for Ponoka. No doubt he made some reference to the question of hospitals that are under provincial jurisdiction. I assume he did because, on page 11 of the report, reference is made to the Hospital Services Commission for the appeal procedure. Of course, as a consequence of our ill-timed decision last fall, we've done away with the Hospital Services Commission. It's now defunct. There's not much point in talking about the appeal procedures of a defunct agency of government. No doubt the member commented on that. It just leads to the conclusion in my mind that the Ombudsman has probably made a case again, and that these hospitals should come under his purview.

I'll resist the temptation to discuss the debate that occurred last fall, on doing away with the Hospital Services Commission and the Health Care Insurance Commission, other than to say that I think the Alberta Medical Association is making those arguments outside the Legislature, just as forcefully as we can inside the Legislature, to the voters of Alberta. Quite frankly, that's where I'd just as soon have that debate carried on.

The only other observation I'd like to make before concluding my comments, Mr. Speaker, is with respect to PWA and the Alberta Energy Company being exempted. I'm not surprised we're doing this. It's just part and parcel of placing much of the important industrial policy of the government of Alberta beyond accountability to the Legislature. It's perhaps a little difficult, to be fair to the committee, to see the extension of the Ombudsman's office to PWA and AEC, because of their commercial connections, if one has a fairly narrow definition of the role of the Ombudsman. I submit that that is perhaps the crucial question: how far do we see the role of the Ombudsman being extended in Alberta?

I think the report of 1977 is a carefully thought-out presentation that essentially sees the role staying put. I think that's probably a fair summary of the report. I have noted and indicated support for several changes. But apart from those initiatives, the basic philosophy of the office would remain, much the same.

I suggest in closing that, as the province that originated the concept of ombudsman, perhaps we should be a little more adventurous, or at least sufficiently adventurous, to examine carefully and consider the proposals that our own Ombudsman has made in terms of changes in the office.

In 1976 a worldwide assembly of ombudsmen was held in Government House in Edmonton. It was extremely interesting to have a chance to talk with ombudsmen from across Canada and elsewhere in the world on the function of their office.

I would submit in closing, Mr. Speaker, that we have been well served by the two gentlemen who have filled the office of Alberta Ombudsman. But I would also say that we might very thoughtfully assess some of their proposals as we look to ways to strengthen the office, not only as it relates to this Legislature but in terms of its more important relationship to the people of Alberta.

MR. McCRAE: Mr. Speaker, as a member of the select committee, I welcome the opportunity to participate in the debate and support the motion of our chairman. I'd like to congratulate the chairman on the conduct of the public hearings we had as a select committee, both here in the Legislature and in the Calgary area, and on the expeditious manner in which he chaired the review sessions of the committee after the submissions were heard. There were early morning sessions; I thought it was a remarkable feat on his part to get us out as early as he did and to get the matter handled as expeditiously as he did. I'd also like to congratulate the staff, the research people, the secretarial support people, for their assistance during the preparation of the report and throughout the hearings.

Also, I congratulate the University of Calgary for making its fine facility at the law school available to us for the public hearings in that area, and to recognize in particular the submissions by the student union of the University of Calgary and Dr. Karl Fredman. There was a good deal of provocative thought in the report and, while we did not accept a substantial part of it, certainly it was well worth hearing and food for future thought.

The Member for Ponoka gave a very comprehensive review of what is in the report. In the non-jurisdictional area, I don't think the committee had too much difficulty reaching a conclusion that was widely supported by members. In the jurisdictional area, the discussion was perhaps a little more intense and a little more difficult to reach a unanimous conclusion on.

There are common threads throughout the report: first, a respect for local autonomy; second, a concern that the office of Ombudsman not grow to a size that it becomes a bureaucracy. The idea of the office is to contend with bureaucracy, not to become one. Third, we were concerned about unnecessary centralization. Fourth, we wanted an appeal system within the various institutions, and an outside appeal only if the internal mechanisms were not functioning satisfactorily.

Generally, I think the report indicates a satisfaction with the office and the recognition that we shouldn't rush into extending the mandate of the present Ombudsman or of that particular office. I think we are all happy with the performance of the office over the past years, recognizing the confidence the average Albertan has in it.

We also wanted to recognize that when you move forward, you can't move backwards. There is no way you could extend his office and later pull it back if we then decided it was not an appropriate extension.

With that in mind, we were cautious in any consideration of extending his role.

Other speakers have commented on the adoption of the office here in Alberta. It was the first in Canada; I believe there are now seven in the provinces, and that the federal government has the adoption of an office under consideration. Also, I noted in the newspapers last week that the province of British Columbia is advertising for its first ombudsman. The concept, I gather, was first introduced into New Zealand, picked up by the Scandinavian countries, and then in due course adopted here in Alberta. I think the government of the day when the office was adopted should be congratulated for the foresight in so doing. I think it's worth commenting that Alberta has international esteem in this area, and that was recognized by the international conference held at the University of Alberta in 1976.

I think it's also appropriate, Mr. Speaker, to comment on the first office holder, Mr. George McClelland, who, after a distinguished record with the RCMP, came to that office and enhanced it tremendously. He gave it a stature that has continued to this day. Mr. McClelland, of course, after retiring from that office went on to other areas, one of which was the chairmanship of the rent regulation board, where he also performed a very valuable service.

I'd also like to comment on the fine way the incumbent, Dr. Ivany, is carrying out his responsibilities in that office. I had the pleasure of being a member of the committee that selected him for that office, and I think he is doing a very fine and responsible job.

Mr. Speaker, as I said, in the areas of non-jurisdiction we did not have a great deal of difficulty. One area was the control of the office by the Assembly rather than Lieutenant Governor in Council, and I think we reached an easy conclusion on that. Other areas, such as disposition of files, the reporting mechanism to a standing committee of the Legislature, and the salary question, did not trouble us, nor did the question of whether the Ombudsman should have responsibilities when an appeal avenue is still open. I think the committee generally had little difficulty in that area. I note that the present Ombudsman commented on that area in his report to the Legislature, and I'd like to come back to that briefly later on.

I'd like now, Mr. Speaker, to confine the remainder of my remarks to the areas of the report that I found most difficult. One, of course, would be the extension of the office of the Ombudsman to the municipal area. In my view, Mr. Speaker, we as a committee lacked a clear understanding of what the municipal people want. You might argue that it doesn't matter what the municipalities want; it's what the people want. I don't think we had a clear enough presentation of what the people or the municipalities wanted, to encourage us to extend the mandate of the Ombudsman's office to the municipal area.

We had the Alberta Association of Municipal Districts and Counties come to us and make a submission in which they asked that the office not be extended into their area. There was a suggestion by the last speaker that they might now have changed their minds. I have before me a note from a recent presentation to a cabinet group, indicating they had not changed their minds and, in fact, were of the

same resolve that the Ombudsman not be extended into their area.

A curious thing that came out of that presentation was the confusion, if that's what it was, of the office of the Ombudsman with that of the Farmers' Advocate. There was some suggestion that extending the office of the Ombudsman into the rural area might mean that the office of Farmers' Advocate would be abolished. That was clearly not the intention. I think all committees recognize the very valuable service the Farmers' Advocate performs.

As a member from an urban area who originally had some concern about the creation of the office, I am a convinced supporter of the Farmers' Advocate role at this time. I think he has done a valuable service in particular in pulling the oil industry and the rural landowner together, creating a better understanding of their respective rights and privileges in terms of land ownership and in terms of exploration and production of oil and gas.

As I said, Mr. Speaker, the rural municipal group opposed the extension of the office. We then had the position of the urban area — that is, the urban municipal association — by way of a letter from their president, that indeed they did support a resolution of that association in 1973 or 1974, asking that the office of the Ombudsman be extended to the urban municipal areas. It was not a presentation; it was simply a short letter indicating support for that concept.

Being somewhat concerned as to whether or not that did in fact reflect the view of the then, in terms of 1977, elected municipal politician, we, through the chairmanship, wrote to the urban municipalities asking again for input on this question. My understanding was, as the first speaker said, that the city of Edmonton was at best lukewarm to the proposal in 1977. And in spite of two requests to the city of Calgary, we had no response, either from the mayor's office or from any of the aldermen down there. So, at least in terms of the two major cities, my conclusion was that there was very little support, if any, for the extension of the ombudsman role into their municipal domain.

Mr. Speaker, we now have before council in the city of Calgary a resolution or motion by one of the aldermen requesting that the office be extended into the municipal domain. That is referred to in the Ombudsman's report to the Legislature. Along with that review that is still before city council of Calgary, a citizen committee has been or is being established to review the salary question for aldermen, as well as the role of alderman.

There's a substantial feeling that aldermen are close enough to the people that they do in fact serve as ombudsmen, and that if there is a citizen complaint about the bureaucracy or other matters involving the city hall, they have an avenue of appeal through their municipally elected politician.

In the House today we have aldermen — ex-aldermen, I should say — sitting as incumbent members of the Legislature who I'm sure will want to comment on this area. I think the general feeling is that a municipal alderman is close enough to his constituents that he can in fact serve as an alderman, and that the office should not be extended there.

In any event I think it is incumbent upon this Legislature to await the decision or direction of mu-

nicipal councils in this area. I don't think it's proper to take a four-year-old resolution or a total lack of response from a given city of 500,000 people and construe that as support for the proposition that the office should be extended into the municipal area.

Mr. Speaker, I don't often or always agree with editorials, and very seldom quote from them. But in this morning's Calgary newspaper is an editorial headlined "Still a bad idea". The writer suggests that an extension into the municipal area is wrong in principle. I support that particular editorial.

Mr. Speaker, as I said, a debate or review is going on in Calgary as to the nature of the aldermanic role, as to whether it is a full-time or part-time job. I think part of the answer to whether or not the Ombudsman should be extended municipally will be tied up in that report. If it is indeed a full-time role, I suggest to you that the aldermen will have more than ample time and opportunity of understanding the bureaucracy at city hall, if such there is, and addressing themselves to any complaints at the municipal level.

Well, the question is, if we are or were going to extend the office to the municipal level, should it be on an individual basis, a local option basis, which would ensure and indicate a respect for local autonomy? I'm often confused by the chaps over there, the members on the other side who are continually harping about municipal autonomy, local autonomy. When an opportunity like this comes up they are all in favor of imposing something, the very thing your committee was against, that is, centralization or imposition at a provincial level on a municipal body, without clear direction from them that that is what they want.

In any event, the question would be, if we were to extend it, should it be on a broad, province-wide basis or on a local area basis? In my view, if we were to extend it, it would have to be for the province at large, if it was going to be the provincial Ombudsman. With the rural municipalities and counties saying they don't want it, and perhaps the urban areas saying we might want it — although I understand the mayor of one of the major cities has said they don't want it if they are going to have to pay for it — would we extend it throughout the province or not? I say yes, if the province were to pay for it, then surely it would have to be for the whole province. But, in my view, we must not ignore the rural people and impose it on them without their acquiescence. I think that precludes our extending the office at this time.

In terms of whether it could or should be a local option, I think there's present scope within The Municipal Government Act for the municipalities to set up an office to handle complaints which would perform the office or role of the Ombudsman. I think they have that authority, but if there's any doubt whatever I'm all in favor of enlarging the legislation so they do have the clear ability to do that.

Mr. Speaker, another point is the type of complaint that comes to the Ombudsman from the municipal area. My recollection of some of the research done for the committee was that we examined the type of complaint coming out of Nova Scotia. In the main it was things like yowling cats, cats in the middle of the night making that horrible noise in front of other people's windows; dogs doing their thing on someone else's lawn: not the kind of thing an ombudsman should be involved in. It's the kind of thing law

enforcement people would be involved in, or perhaps alderman in connection with preparing and passing a stronger by-law to prevent that kind of activity.

Mr. Speaker, in terms of the other institutions I won't go into the detail of the committee recommendations. Suffice to say that I associate myself with the remarks of our chairman and fully support what he said.

Let me refer very briefly, though, to another area that caused me some concern, the matter of who might or might not instigate complaints, whether or not an MLA should have that ability. My understanding from discussion with the Ombudsman is that there is presently a co-operative, consultative relationship, and that if a member of this Assembly wants to put a complaint to him, he will hear the matter and in all likelihood cause some sort of investigation or inquiry to be made. That's well and good. It seems to be working quite efficiently at this time, and I am not sure there's any necessity to change that. On the other hand, I don't think it's necessarily an area we should close our minds to.

Mr. Speaker, I am concerned that there are questions that occasionally need review, and within our legislation there may not be a facility or opportunity for a type of review that is appropriate to the particular question. I think in terms of the judicial inquiry approach or the commission approach. I think back to the Calgary Convention Centre inquiry. It seems to me that when you have that type of thing, first of all they're costly, they're time consuming, there's an aura of suspicion for some reason or another that something is wrong. That kind of attitude or feeling gets reported. Even though during the course of a hearing it may be revealed or disclosed that nothing whatever is wrong, that kind of news may not get the same prominence the earlier suggestion of wrongdoing did. I suspect there may be an area where some type of approach to inquiry other than the commission or judicial review basis might be considered. In that area, I reflected on whether or not we were entirely correct in our statement that we should not extend the prerogative or privilege of instigating complaints by MLAs or a collection of MLAs.

As I think I indicated earlier, the report is a good report. I think it deserves the support of this House. I do think it is a report that is framed in terms of 1977. It isn't necessarily the final or last word — I'm sure it will be reviewed again in a few years, and at that time we may well want to take a slightly different attitude or approach. But in terms of 1977 I think there is no doubt it is a good report and deserves the support of the House.

Might I comment on two more areas that relate to the last speaker's comments and to the submission of the Ombudsman to the Legislature. The first area was the question of discretion to launch an inquiry while there was still an avenue of legal right or appeal open to a complainant and the trouble or concern this was causing the Ombudsman. We as a committee had recommended against any discretion on his part to launch an inquiry while the other avenues were still open.

Mr. Speaker, we considered that fully. In his report he talked about matters — and I won't try to put words in his mouth, but it's my recollection — of small financial consequence or trivia. That begs the question. In whose mind is the matter of small finan-

cial moment? What may be a large matter to me may not be a large financial or economic matter to some members opposite. It was our feeling that if we gave him, legislatively, that type of discretion he would be saddled with it. No matter the magnitude of the particular financial question or the type of debate or complaint, he would still be getting hammered with these types of requests for an Ombudsman inquiry before his other areas had been exhausted. After long and considered review, we felt it inappropriate to give him that discretion at this time.

I think one of the main factors in supporting that conclusion was that we were concerned about a possible growth of his office if he were saddled with this type of request, saddled with the many things that some members might want to offer him or impose on him, and that his office might well become the type of bureaucratic problem area that indeed his office was first created to prevent.

The other area, Mr. Speaker, was the question raised by the last speaker, and that was if you had local option, whether a multiplicity of ombudsmen wouldn't confuse the role of the present office. I suggest to you that if we go on a local option basis — and that may well be the only area open to us if we listen to municipal representatives — they will call their officer, if they have one, a complaints officer. He doesn't need to be called an ombudsman. I think the position of provincial Ombudsman is secure in the minds of our people. It is my sincere belief that if different municipalities in fact created an office of complaint, they could well call it a complaints' office. It would serve the same purpose, the same inquiry role, and not confound or confuse the role of the provincial Ombudsman.

Mr. Speaker, in conclusion I think it is a good report. I congratulate the chairman and all members of the committee for their arduous efforts, and I solicit the support of all members of the House for the report.

MR. BUTLER: Mr. Speaker, I'd like to make a few comments on this Ombudsman report. I would like to say first that I concur with the other two about the chairman and the other speaker who was a member of the committee. I would like to congratulate the hon. Member for Ponoka, who chaired the committee, on the conduct of the committee and the very excellent manner in which he conducted the study. I would like to thank the researchers and all personnel who helped us in preparing this report.

Some of the criticism that was made of the report seems to be particularly where we did not expand the jurisdiction of the Ombudsman. I can assure all members that this area was well discussed. We listened very closely to all submissions. Our decision to make the recommendations was well thought out at the committee level. We used all the information we had at our discretion in the best way we could.

I am not prepared to say, at this particular time, with regard to the urban municipalities, but at that time their support was very weak. As one of the previous speakers has said, the submission from Edmonton was only lukewarm. Reading that report and studying it, it seemed that they would accept it if it were imposed on them and they didn't have to pay for it, but they really didn't care. Calgary didn't report at all, so we assumed they were not interested.

In the rural areas, people are so much closer to their elected personnel that I really doubt there is that much need for the Ombudsman in rural municipalities. It would complicate matters in some areas where the county councillors look after the hospitals and schools, other areas where the MDs are elected to look after municipal affairs, and other boards are elected to look after hospitals, and yet again other boards to look after schools. It is not a straightforward issue. It is very complex. In rural areas people are so close to their elected personnel. The fact is the people said, we don't want it. They were very adamant in their approach. We would have been imposing something on people that they made very clear to us they didn't want. I hope as long as this government supports local autonomy that doesn't happen.

I would like to expand somewhat on the role universities thought an ombudsman should play in the function of the university. That seemed to be mostly in the redress for the treatment students got at the hands of some of the professors. Anything an ombudsman could do on that point would have to be done quickly to be of any use to the student who thought he had been misused. Our present office of the Ombudsman, I am sure, could not act with the speed that would have been necessary to really be of any use to the universities. So we decided that perhaps a complaint officer would be of more use to the university than our provincial Ombudsman. That is the route we decided to take, and I still think it's the right route.

I don't like to be repetitive and take up the time of the House. Most areas have been very well covered by the two previous speakers who were members of the committee. One of the recommendations of the committee was that the Ombudsman could make his office a little better known throughout the province. I'm very happy to see by the Ombudsman's report that this has been done very well. I know from my constituency that he has been there and was well received. He has gone out into the province, particularly into the more remote areas, and made the people aware of the function of the Ombudsman. I'm sure they will understand his office better due to his efforts, and I would like to commend him for it.

In concluding, Mr. Speaker, I think this is a good report. A lot of thought was put into it. We decided not to expand the office at this time, and I would solicit the support of all the members for this report.

Thank you.

MR. YOUNG: Mr. Speaker, in addressing some comments to the motion before us, I should like to begin by first complimenting the committee. I agree with the observations made by a number of the members of the committee this afternoon, by those persons who have talked about the committee's report. In general I think it's a very good report. I think they're to be highly commended for the effort they put into producing the report for the Legislature.

Mr. Speaker, I'd also like to extend my appreciation to the Ombudsman, who has performed, in my experience in this House — both the ombudsmen from whom I have seen reports and heard about from constituents have performed their functions very well, and I would like to extend my appreciation to Dr. Ivany in that respect.

Mr. Speaker, I'd now like to set forth some of the principles or premises against which I would make a few comments about the findings in this report.

First of all, I see the office of Ombudsman as one which provides an opportunity for citizens' complaints arising from matters of administration of the provincial government to be heard. In other words, it focuses on administrative law. It does not, however, provide the Ombudsman with any power to reverse any decision, compel any action, or prohibit any action. That is done, if it is accomplished, by virtue of the persuasive powers of the Ombudsman, by virtue of the fact that if an inappropriate action is detected by the Ombudsman, it may be highlighted in a report which will come to the public. So I think it's important that that role of the Ombudsman be clearly understood.

Secondly, I would like to indicate to the Assembly that I would have grave concern about the role of the Ombudsman if in that role there seemed to be an intervention which would be construed as weakening local government or elected officials, whether they be on municipal councils, school boards, hospital boards, or any other boards. I would have grave concern that this Legislature move in a way which would seem to weaken elected officials in those capacities.

Thirdly, I think that in some of the considerations arising from the report one of the factors for decision or weighing by members of the Assembly is how extreme or extensive — how far we should go in searching for perfection in terms of the treatment of individuals by government or by the administration of elected officials at any level. Just how far can we try to create the perfect world? I think in that respect we have to consider whose eyes we are looking through when we're searching for the perfect world, and how great or how small, or what the balance is between cost and benefit.

A fourth point I think I would want to use in reference to my considerations would be the size of the bureaucracy of the Ombudsman's office. I note in passing — memory serves me from having counted them just a little earlier today — that the office now is employing approximately 19 persons. It's at 19, Mr. Speaker. It's still a small office, but it's rapidly getting larger than small businesses. So I would submit that it is at least as large as the staff of many municipalities, if not larger. One has then to question how far that growth goes before the bureaucracy of the Ombudsman's office loses something of the character for which we so earnestly strive in our search for the perfect ombudsman, when we try to fill that role, because the larger his staff the more he delegates.

MR. GHITTER: We'll need an ombudsman for the Ombudsman.

MR. YOUNG: I haven't suggested that. I've simply suggested, hon. member, that we ought to keep that in mind.

Finally, my fifth reference point would be that we not duplicate where there are reasonable provisions for appeal for citizens. On that point, Mr. Speaker, I would refer to an observation of the hon. Member for Spirit River-Fairview this afternoon that it's not to be expected that citizens know all the administrative routes and all the appeal provisions of various government agencies. I concur that they shouldn't be

expected to know them all, at least not when they're young in years; maybe when they get older and have gone through more hoops they will have had experience and can know more about them.

But, Mr. Speaker, it seems to me that is not a case for blanketing all matters of any conceivable concern under one ombudsman's structure, because then the Ombudsman will have to create departments, and we'll be back to the same situation. I think it behooves every citizen to know as much as he can about his government, and it behooves every MLA to try to relate when citizens question us about the appropriate appeals for their concern.

Mr. Speaker, I'd like to have reference now to what I consider to be a key decision or recommendation in the report; that is, the matter of jurisdiction. I don't agree with extending the authority of the Ombudsman, and I say that having read the most recent report of the Ombudsman in which he makes a rather eloquent case for extension of his jurisdiction. I don't agree that should be extended to municipalities.

I haven't had cause to consider the position of the Alberta Association of Municipal Districts and Counties, but I have had some indication from the council in the city of Edmonton. It's my understanding that the jurisdiction might be accepted if it didn't cost anything. But generally speaking, I believe the position is that as councillors they are all ombudsmen, willing to listen to their citizens' complaints. If that is their attitude, I think it should be respected. Therefore I don't agree that we should extend the authority of the Ombudsman.

With respect to hospitals I think there is appeal provision in a number of situations. I am at some difficulty on this particular area of potential jurisdiction. I'm concerned about whether there would not be a very large amount of the Ombudsman's time taken up by complaints of a very technical, medical nature if jurisdiction were extended. At this point in time I'm unable to support extension in that area.

Mr. Speaker, reference has been made in the report to establishing a reporting provision, by means of reporting to a standing committee. I agree with that route. I think it is preferable from the point of view of the Ombudsman as well as the Legislature. I think it will make it a little easier from the government's point of view too. I again refer to the growth in the office of the Ombudsman. While he and the office are doing a good job, I do think at some point the debate about the increasing budget allocation may become more energetic than it has been in times past. I think from the government's or the Legislature's point of view, it will be better that that debate be with a committee of the Legislature rather than directly with representatives of the government.

With respect to the possibility of giving the Ombudsman authority to consider matters which might be taken to court, even if these are minor, I have to accord with the committee's report that this should not happen. I have grave concern that persons who think the matters are of small moment now, because it may cost them to do something about them, may suddenly find the matters of urgent concern and worthy of the Ombudsman's very expensive time. I think we might see that a whole classification of matters which could have gone to court would no longer go to court, but would be given the more expeditious, presumably, and certainly less expensive

route of taking them to the Ombudsman. I don't believe we should open the Ombudsman's office to that kind of request.

My view on the access to records, which is always a concern with government, is that we should provide the Ombudsman with full access to records necessary, in his or the complainant's opinion, to pursue the complainant's case, provided it falls within the Ombudsman's jurisdiction. I don't think it reasonable to give an ombudsman jurisdiction and then deny access to part of the information. I don't think that serves well, either the portion of the administrative bureaucracy against which the complaint may have been made, or the complainant. It certainly must jeopardize the work of the Ombudsman. I hesitate to say it because I know that office would be very objective, but it might even bias the attitude of the Ombudsman's staff while they strive to guess at what might have been in the material they never saw, even though, had they been able to get the material, it was probably irrelevant. So I favor giving any information which can reasonably be seen to be necessary arising from a given complaint.

Mr. Speaker, I make that statement with the understanding that the complainant brings the request, agrees that the Ombudsman should see the material, and understands that the Ombudsman will always treat it in a confidential nature, unless the complainant requests otherwise.

Close to my last point, Mr. Speaker, has to do with the relationship of the Ombudsman to MLAs and the cabinet. There has been some discussion this afternoon on whether a committee of MLAs or of cabinet might request the Ombudsman to look into a matter. I haven't really thought this all the way through, but I would throw out some concerns I have on first considering it.

First of all, it would seem to me that if a committee of this House, or this House itself, except in very unusual circumstances, were to request such a report by the Ombudsman, it wouldn't be long before there would be — when it could be seen to be advantageous or disadvantageous to a given political party, which might be represented in the House — a hue and cry to have the Ombudsman look at this matter. I do not think that would be useful from the Ombudsman's point of view in the long run, and I'm not even sure that it would, in fact, solve the issue which may have given rise to the request. I think it would also have the result that any finding the Ombudsman could make in a situation such as that would be quite differently viewed politically by some members of this House than would be a situation whereby the complainant makes the approach directly to the Ombudsman without any apparent political influences.

Having raised those two questions, Mr. Speaker, I'm quickly approaching the point of view that the cabinet or committees of the House shouldn't have the capacity to request that of the Ombudsman. But, as I say, I haven't thought it all the way through yet.

Finally, I would like to close by saying that I have enjoyed what one hon. member called, I believe, the unofficial co-operative approach between the Ombudsman and the MLAs. I have encouraged complainants to take their case to the Ombudsman if they could not be satisfied any other way. That's different, and I draw a sharp line between my taking their case for them to the Ombudsman, and encouraging them

take their case, if they have still been dissatisfied after my best efforts. As far as I know, the Ombudsman has always looked at the complaints that have been taken to him, although I think those have been extremely few.

Mr. Speaker, in closing again, I urge all members to support the resolution, and I would like to compliment the committee for a job well done.

MR. MUSGREAVE: Mr. Speaker, I would like to make a few comments. Much of what I wanted to say has been said, but I want to take a different view on it — when the hon. Member for Calgary Buffalo settles down.

MR. GHITTER: Speak up louder.

MR. MUSGREAVE: Mr. Speaker, I'd like to quote Chief Justice Milvain on the role of the Ombudsman:

The basic purpose of an Ombudsman is provision of a watchdog designed to look into the entire workings of administrative laws . . . The Ombudsman has no power of reversing any decision or compelling an action or prohibition of any action.

He has the responsibility in the province of a wide geographic area, thousands of civil servants who daily are making several decisions affecting the lives of many citizens who come under his jurisdiction. We know there exist in this province senior civil servants, who are a very close group protective of their employees, and I certainly agree that they are no match for most politicians.

Mr. Speaker, I have a concern that this office of the Ombudsman has enough responsibilities without enlarging it into the sphere of the cities. From my experience as an alderman, we have a much smaller civil service. We have no executive council that makes a lot of the day to day decisions. We have no band of deputy ministers that aldermen have to be concerned with.

I am concerned that local aldermen in Calgary suggest involvement at the local level. In kindness, Mr. Speaker, all I can say is that they are inexperienced and, hopefully, as they mature in office, they'll make some wiser recommendations. I think they are unaware of the immediate availability of a board of commissioners in Calgary, four top senior civil servants who are always ready to respond in areas where an individual alderman thinks there has been an injustice. And I've always found the department managers very responsive.

Again, though, an individual alderman cannot change a law. But if he feels an injustice is being done and that the law should be changed, surely if it's significant enough and just enough, he can convince seven other members of council so it could be changed. Mr. Speaker, I would suggest it's much easier for an elected person to develop these kinds of changes at the local level of government than at the provincial level.

I agree with the recommendation for permissive legislation for municipalities, but with dismay. I am concerned that our local politicians are in effect saying, we don't want to accept our responsibilities. Here's another area; let's run to Edmonton and have Big Brother do the job for us. I find it most regrettable that politicians at the civic level would take this

approach.

I am a little disturbed with the Ombudsman in effect taking the recommendation of an inexperienced politician at the local level of government, and using that as justification for the expansion of his empire — you know, that's what we can call it. I'm concerned that he would want to be party to creating a bureaucracy which, in effect, is going to police another bureaucracy.

I would like to quote *The Albertan* editorial of today: "The provincial government should continue to resist. It was a bad idea then; it is a bad idea now." In conclusion they say, "who, then, would watch over the ombudsman?" I think that's a very valid question.

The other concern I have in supporting this idea is that it suggests our Ombudsman is, in spite of what he says — and I am quoting his report this year, Mr. Speaker. He says he sees no difference in the

. . . kind of assistance being rendered to federal or other provincial governments, than to representatives of the municipalities in this province, who desire to move in this direction. I reject very strongly the claim that I am thereby meddling in federal, provincial, or other political arenas.

Mr. Speaker, he may object, but in my opinion he's still meddling, and I think this detracts from his office and the excellent job he is doing in that office.

Mr. Speaker, I'd like to move on to some other comments: I agree with the committee's report that the control of the office of Ombudsman should be by the Legislative Assembly. If our Assembly were more evenly divided — and I see the hon. member across from me wishing it was — as to members of the opposition and government sides, I could see where there would be particular issues that may be of concern to individual legislators. I think it would be better for the office of Ombudsman, particularly with the feeling in many parts of Canada and the United States that more power should be given to individual legislatures vis-a-vis the Executive Council — I could see that there could be great areas of concern and responsibility that the Ombudsman and his office should be a function of the Legislative Assembly as suggested by the report.

The other area where I have to disagree a little bit with the committee, Mr. Speaker, is on the initiation of complaints by an MLA. Perhaps I misunderstood this when I listened to some of the other members' debate, but I think this is an opportunity for an MLA to respond, to help a constituent who for many reasons is not able to launch a complaint. It could be a language difficulty, he could be young and inexperienced, he could be old and not want to cause trouble, he could even have trouble with his union: there could be a variety of reasons.

I agree, though, that the elected representative should not be able to request investigation into particular problems or broad areas of responsibility. Unfortunately too many politicians are mainly headline hunters, and I don't think this would be a desirable opportunity for them to do this. If they are able to help a citizen with a complaint, I think it should be available to them.

The other comment I'd like to make, Mr. Speaker, is on the use of the appeal mechanism. This is one area where I have a little conflict with the Ombudsman. I feel that in some cases where people are making complaints to the Ombudsman, it may be because

they are incompetent or inexperienced or ill-trained, but their complaint is usually based on religion, sex, or the color of their skin. They do this to hide their lack of skills, intelligence, and industry. I think there should be a mechanism whereby, if they have not used all the procedures of appeal available to them, excluding the courts — and I know this can be a very expensive process — the Ombudsman should make note of this fact in his study of the case.

Mr. Speaker, I also heartily support the committee's recommendation that there should be access to confidential files.

I would like to make a comment about visits to institutions. Having been in the armed services I know that when the Inspector-General is coming, everybody's on his best behavior, the food in the mess hall is excellent, nobody's ill-treated, and everything is on the up-and-up. I would suggest the Ombudsman should have the right to visit any institution in the province at his discretion at a reasonable time. Surely we have nothing to hide.

Mr. Speaker, in conclusion I'd like to make one point, and I'm quoting from the Ombudsman:

In the final analysis, neither the Office of the Ombudsman nor any technique employed by government is a substitute for a committed, intelligent, and vigilant citizenry. It must certainly be said that the times in which we live have taught us that the greater danger to good government does not come from without but from within. The most dangerous tyranny has always been apathy.

I regret, Mr. Speaker, that that's what I feel exists in many parts of our province today.

MR. TAYLOR: Mr. Speaker, I want to make just two or three comments in connection with the motion, which I do support. First, I think we have to be very jealous of the democratic process. Every once in a while we see inroads into the democratic process in which the government or the authority tells the people what's good for them instead of having something come from the people. I was a little alarmed at the Ombudsman — I say this with respect — asking for extension of powers on his own. In my view, that's starting government at the top. I would much rather see it come the other way. If there is a demand or request for additional powers in the hands of the Ombudsman, I think it should come from the people, not from the Ombudsman.

MLAs of the province are in constant touch with the people in almost every aspect of life, and I have yet to have anyone request that the authority or the jurisdiction of the Ombudsman be extended. I have had some suggestions that the Ombudsman already has too great a power and hasn't time to do the job. I'm not suggesting that is right or wrong, but that was the opinion of people at the grass roots.

So I agree with the committee in not extending the powers to municipalities. If the people of Calgary, Edmonton, Drumheller, Wetaskiwin, Lethbridge, Medicine Hat, Grande Prairie, Lloydminster, Camrose — and any other city if I've left it out — want the Ombudsman to look into their affairs to give them additional protection, then that request should come from the people of those cities. We shouldn't tell those people that we're going to give them something that's good for them. I object to that. It seems to me we're getting too much of that into government in

this day and age. When that request comes from the people, I think the government should properly look at it. If it comes from a reasonable number of the people of those cities, towns, villages, or IDs, then there's some reason for it.

It is indeed adding another level of administration in some form or other, and many people at the grass roots are already becoming alarmed at the amount of government, federally, provincially, and municipally. I have not had many people, if any, ask me for extension of powers, rather they want less government and more free enterprise. Consequently, with respect, I certainly disagree with the Ombudsman requesting additional powers on his own, even though he may have had good reason himself to think that was a bright thing to do.

The second point that bothers me in connection with the Ombudsman's office is the extent of international events. When the Ombudsman was set up, I don't think we ever even envisioned having an international institute, having ombudsmen from all the countries of the world [hold] a number of meetings. I see in the report that there is a International Ombudsman Institute now and an International Ombudsman Steering Committee.

I can see some advantage in ombudsmen getting together periodically, but I would caution that this should not be overdone. The main function of the Ombudsman in this province is to look after the people of this province and if, through his experience, he can be of assistance to ombudsmen in other countries of the world, fine. But to start forming another level of organizations I think is simply not going to accomplish the objective for which the Ombudsman was first appointed and supported in the Legislature.

Again, I want to emphasize I have no objections to ombudsmen meeting periodically. I think they can exchange views and consequently do a better job. But I see a danger in extending this to an international institute and an international level of concern, because it is not the duty of the Ombudsman to deal with world affairs. Ombudsmen have jurisdiction within their own areas, and it doesn't extend to worldwide powers. Consequently, I would caution the Ombudsman to go easy on this extension into international fields.

One other point bothers me, and I say this again with respect. I was very alarmed some months ago when the Ombudsman recommended, in my view, serious changes in The Marriage Act. I was happy that the minister in charge and the government did not go along with those, because these suggestions did not carry the judgment of the people of this province. As a matter of fact, the very reverse. For months I couldn't go anywhere in my constituency without people cornering me and saying, what are we going to do about these recommendations of the Ombudsman? Why did he make them? Did he have the authority of the government to bring in these suggestions that we take the rites of marriage from our churches and from our ministers and make it a civil ceremony, the church ceremony being only a secondary event, not even required but simply a show, after the real thing? Our people were very concerned about that throughout my constituency, and I think throughout the province. I had a mass of letters from people who objected to this type of

change.

I say this with respect, but I think when a change is required in our legislation, the people should speak through their MLAs, not through their Ombudsman. In my view that was beyond the authority of the Ombudsman, and I hope that type of thing will never happen again. Maybe it was done with the best of intentions and in error, but I hope it will never happen again.

I believe in a democracy. The people speak and ask for changes through their elected representatives. In this province, with 75 elected representatives, the people have ample opportunity, excellent opportunity, to suggest any change they want in any bill or law that's ever been passed. It's brought to the floor of the House or to various caucuses, and discussed. That, in my view, is democracy. It's coming from the grass roots. That's the type of country I think we want, where the government of every province and of the country and of our municipalities reflects, in their legislation and administration, the thinking of the mass of our people. The closer we can get to that objective, the closer we are to real democracy.

I respect the office of the Ombudsman. I respect the Ombudsman himself. I hope that by having this periodic review we will enhance his office and better enable him to carry out the job for which he was appointed.

DR. BUCK: Mr. Speaker, I agree with the hon. Member for Drumheller on many points, and I agree

with the other members of the Legislature on some, but I don't agree with some. In light of the fact that I would like to do a little more research, I beg leave to adjourn the debate.

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

HON. MEMBERS: Agreed.

MR. NOTLEY: Mr. Speaker, [inaudible] attention of the House for a second or two. It's been drawn to my attention that in making reference to the eleventh annual report of the Ombudsman, I quoted Mr. Justice McGillivray as opposed to Mr. Justice Milvain. I was supposed to quote from Mr. Justice Milvain. I want to get my McGillivray straight with my Milvain and, accordingly, I'd like to have the *Hansard* record corrected.

HON. MEMBERS: Agreed.

MR. HYNDMAN: Certainly one of Their Lordships will be delighted, Mr. Speaker. I move we call it 5:30.

HON. MEMBERS: Agreed.

[At 5:23 p.m., on motion, the House adjourned to Wednesday at 2:30 p.m.]