

LEGISLATIVE ASSEMBLY OF ALBERTATitle: **Tuesday, May 16, 1978 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF BILLS****Bill 257****The Special Medical Services Act**

MR. CLARK: Mr. Speaker, I beg leave to introduce Bill 257, The Special Medical Services Act. The primary objective of this bill is to enhance the independence of the disabled and senior citizens in our community. The bill emphasizes home care over institutional care by providing disabled persons with the most advanced services and equipment possible to enable them to function independently in the community.

[Leave granted; Bill 257 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. LEITCH: Mr. Speaker, I wish to table with the Assembly three copies of the Provincial Auditor's report that no special warrants and cheques or orders were issued without the Provincial Auditor's certificate during the fiscal year ending March 31, 1977. I also wish to table three copies of the Provincial Auditor's report that no securities were pledged during the fiscal year ending March 31, 1977; and, finally, three copies of the Public Accounts for the fiscal year ending March 31, 1977. These are being tabled at this time because volume three of Public Accounts has just now become available, although volumes one and two were released some months ago.

DR. HORNER: Mr. Speaker, I'd like to file with the Legislature Library the Alberta Surface Transportation Noise and Attenuation Study. This study has been done over the past several years in association with Alberta Environment and the cities of Calgary and Edmonton. It's essentially nine discussion papers, which I recommend to any hon. member who has an interest in the area.

MR. RUSSELL: Mr. Speaker, I'd like to table the response to a motion for a return that deals with the matter of sulphur dioxide emissions on the gray-wooded soils.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. YOUNG: Mr. Speaker, it's my pleasure this afternoon, on what I hope will be this auspicious day of the Fourth Session of the 18th Legislature, to introduce to you, and through you to other members of the

Assembly, approximately 30 grades 5 and 6 students from McQueen school. They are visiting the Legislature today with their teachers Mrs. Lewis and Mr. Charchuk, and several parents. I would ask them to rise in the members gallery and be recognized in the usual manner.

head: **MINISTERIAL STATEMENTS**

**Department of
Advanced Education and Manpower**

DR. HOHOL: Mr. Speaker, I'm pleased to announce the government's policy for future legislation for professions and occupations in Alberta.

The government recognizes the valuable contribution professions and occupations have made to our society and the protection to the public provided in some of the existing legislation. This policy will encourage these groups to continue their service in a manner that best serves public interest.

This policy was developed after studying recommendations received from both professional and occupational organizations and individuals by the Select Committee of the Legislative Assembly on Professions and Occupations and by other Members of the Legislative Assembly. These recommendations were finally worked through to their present form by a caucus committee on professions and occupations.

Public interest is best served by an effective balance between self-regulation by professional and occupational groups, and the government's capacity to ensure quality standards. Therefore the policy states that a systematic approach shall be established for the regulation and control of standards pertaining to professions and occupations. It is in the interests of both the providers and consumers of services to continue to have in operation a variety of mechanisms for the regulation of professions and occupations. However, the rights of self-government will be seen as a privilege that will be delegated to a professional or occupational group by the Legislature only when it is clear the public can best be served by the delegation of this authority.

Legislation relating to professions and occupations will be, to the maximum extent possible, uniform and consistent in order to make it easier for the public to understand. Furthermore, criteria will be developed to determine which groups should be self-regulating and to what extent.

Educational and experiential standards required for the practice of any regulated profession or occupation will need to be clearly specified in regulations. A formal structure involving educators, active field practitioners, and public representatives should be jointly involved in the development of these standards. This structure will also ensure that professional competency is maintained by all active practitioners.

Professional and occupational organizations will be encouraged to develop formalized continuing education programs using their own resources. Professional and occupational statutes will continue to be administered by various ministers, because of the significant and substantive differences among the services provided by various professional and occupational groups.

Annual reports will be submitted by each self-

governing professional or occupational group through its minister, and by-laws and/or regulations will require approval by the Lieutenant Governor in Council and will be published in the *Alberta Gazette*. The government is adopting this policy as a set of guidelines to review existing legislation and consider requests for new legislation for professions and occupations.

It is with great pleasure, Mr. Speaker, that I table today Alberta's policy governing future legislation for professions and occupations. Copies will be made available to all Members of the Legislative Assembly.

Thank you.

head: ORAL QUESTION PERIOD

Grain Marketing and Handling

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Premier. It relates to the upcoming meeting on June 16 which the federal Minister of Transport responsible for The Wheat Board is convening in Saskatoon, and the Prince Rupert trip the Premier is taking this weekend. Who will be making up the Alberta delegation to the meeting in Saskatoon on June 16, which the federal minister has called partly as a result of representation made by Alberta?

MR. LOUGHEED: Mr. Speaker, as I mentioned in debate in the Legislative Assembly, we would take that only as a preliminary meeting. Also, the latest communication from the Prime Minister on the matter did refer to the fact that after those discussions had occurred:

I suggest we await the outcome of this work before deciding whether the first ministers with a particular interest in the issues in question should meet.

Implicit in the Prime Minister's response to me, which is a letter of May 9, is that that's a preliminary meeting. For that reason the intention would be that the Minister of Agriculture for the province of Alberta would head the Alberta government representation at that meeting on June 16.

MR. CLARK: Mr. Speaker, to the Premier. Has the government given any consideration to extending an invitation to farm leaders in the province to accompany the minister and the Alberta delegation to that conference on June 16? I ask the question surmising, of course, that the federal government would be open to having some of the farm leaders in the province of Alberta attend such a meeting with the representatives of the government.

MR. LOUGHEED: Mr. Speaker, I have no doubt that that will occur and is intended. If the invitations are not extended by the federal government, we certainly would make the suggestion that farm leaders be there.

I would only say in response, though, that it's clear that with regard to some of the representations we've received — and I particularly refer to Unifarm and the communication they made public the other day. They, of course, are interested in seeing producer representation on The Canadian Wheat Board. We understand that and support it to a degree. We do

not, of course, accept their view that they have presented to us, nor in any way because of their position intend to back down from our view that there should be representation by elected provincial governments on The Canadian Wheat Board's restructuring, even though the actual representatives may not be elected people but may be farm producers.

MR. CLARK: Mr. Speaker, a further supplementary to the Premier. Is it reasonable to interpret from the answer we just received that the government of Alberta will be extending an invitation to some agricultural leaders from Alberta to be a portion of the Alberta delegation to that conference in Saskatoon on June 16?

MR. LOUGHEED: Mr. Speaker, yes, although it may be our view that rather than dealing entirely through established groups, there may be producers at large who are equally important to have by way of representation. We will evaluate that. It would be my anticipation that at the June 16 meeting we would see representation from farm groups within the province.

I would have to say as a caveat, though, having regard to the response such as that from Unifarm, that at least as far as the government is concerned we think it's very important that the agricultural community in the province generally recognize the motivations that have been discussed in our presentation as put forward here in debate. We in no way intend to back up from the positions we have expressed simply because more organized groups have taken that position. At times, as with all elected representatives, we have our own communications with the agriculture community at large. We want to be very much assured that the position — not so much of established organizations with special interests, but that the farm community and grain producers at large are fully and properly represented both in this Assembly and in our policies.

MR. CLARK: Mr. Speaker, one further supplementary to the Premier, in light of the caveat the Premier just filed. Given that caveat, though, Alberta will still have some producer representatives as a part of the Alberta delegation to that conference?

MR. LOUGHEED: Mr. Speaker, they certainly would. Of course we're in the position that, in addition to producer representatives, we have in the Minister of Agriculture somebody who is a pretty active producer himself.

MR. NOTLEY: A supplementary question to the hon. Premier. With respect to the proposal by the Alberta government of provincial representation on a new committee dealing with The Wheat Board, has the government been able to develop a policy at this point as to what kind of representation that will be, the number that the government is looking at, whether that representation would be from the Alberta Grain Commission, for example, or whether it would be elected MLAs?

MR. LOUGHEED: Mr. Speaker, our general intention with regard to the representation by the provincial government for 40 per cent of a newly structured

board of governors of The Canadian Wheat Board would be that the majority of provincial representatives would be producers themselves, individual citizens who we felt would be very effective in representing both the Alberta and the Canadian points of view.

We would not leave out the possibility that an elected member of this Assembly, with experience himself or herself in terms of grain production, could be a representative on the board. There may be the odd case, too, of a member of the public service of Alberta. But the basic concept would be representation by people who are actually on the producing side and have a great deal at stake in agriculture. They would be representatives from Alberta, spokesmen if you like, in terms both of the elected government appointment and of the agriculture community at large.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. Would the Alberta position presume the continuation of the present Wheat Board advisory committee, which is elected across western Canada?

MR. LOUGHEED: Mr. Speaker, I should really have made that clear. Yes, it's our view that an important role can still be played by the advisory committee in existence today, and that we could be structuring on a policy basis the board of governors of The Canadian Wheat Board. But that still would leave plenty of scope for an advisory committee such as exists.

MR. CLARK: Mr. Speaker, a further supplementary question. It deals with the upcoming trip to Prince Rupert. My question to the Premier or the Deputy Premier is: does Alberta have an estimate of the costs of improving the rail line from Jasper to Prince Rupert?

MR. LOUGHEED: Mr. Speaker, I'd just respond that my portion of the trip will be to see the actual port facilities, because of their importance to Alberta; so I will be flying to Prince Rupert. I would refer the specific question to the Minister of Transportation.

DR. HORNER: Mr. Speaker, I can't give the hon. Leader of the Opposition the exact dollar figures. I can get those, because I think they are public. But the Canadian National has embarked upon a program of strengthening and upgrading the entire route from Jasper to Prince Rupert. As a matter of fact, it's not quite from Jasper; it's where the line splits a little farther on. That program has been under way for the past year, and there's a very substantial financial program going on this year. This was undertaken not only in conjunction with increased grain movements but, in fact, in anticipation of major coal movements in the future.

MR. CLARK: Mr. Speaker, to the Deputy Premier. What timetable has the federal government indicated to the government of Alberta would be realistic to expect that that line from Jasper, or a point west of Jasper, to Prince Rupert would be in condition so that it could in fact handle a sizable volume of grain cars?

DR. HORNER: Mr. Speaker, my understanding is that it would be available within two years. So the pro-

gram has gone along very quickly insofar as the Canadian National is concerned. I don't see any problem whatsoever in rail capacity to Rupert to service a major terminal facility there.

MR. CLARK: Mr. Speaker, to the Deputy Premier. Does the Alberta government have that kind of commitment from the federal Minister of Transport or the CNR?

DR. HORNER: Well, an informal commitment, Mr. Speaker. I might say to the hon. leader that the Minister of Agriculture and I intend to go by train to Prince Rupert, so we can have a look at the entire track.

MR. CLARK: Well, I can appreciate the need to have a look at the entire track. But let me repeat the question to the Deputy Premier. Soon after the Deputy Premier and his colleagues return from Prince Rupert by rail, is it their intention to attempt to get from the federal Minister of Transport or the CNR a firm date by which the track will be in shape to carry grain if an arrangement can be worked out for the Prince Rupert terminal?

DR. HORNER: Very briefly, the answer is yes, Mr. Speaker. The vice-president, mountain region, will accompany us. I have had his verbal assurance in the past that they would certainly be ahead of any terminal facility with their upgraded track.

MR. CLARK: Mr. Speaker, just one last question to the Deputy Premier. Has the Alberta government been advised by the CN that within two years the track would be in condition to meet the anticipated needs?

DR. HORNER: Yes.

MR. CLARK: Mr. Speaker, would the Deputy Premier respond to that, please?

DR. HORNER: That is my understanding, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Deputy Premier. What discussions have been held by the government of Alberta with Mr. Lang on one hand and, more particularly, the government of B.C. with respect to upgrading the BCR, in view of the role of that railroad with respect to Prince Rupert?

DR. HORNER: Mr. Speaker, we've had informal discussions with the British Columbia government on our desires relative to Prince Rupert. The question of the BCR, of course, is a matter of the internal operations of the province of British Columbia. As my hon. friend is aware, they've had a royal commission investigate certain matters. That report is now before the province of British Columbia. So I wouldn't say anything further, other than that if a better rail link to Rupert is done, certainly an interchange with the BCR at Prince George might be very beneficial to the BCR.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Deputy Premier. What assessment has been made of the timetable for the Hall commission

proposals with respect to northern transportation, in particular a link from Manning to Fort St. John, in view of the government's current commitment to upgrading and improving Prince Rupert?

DR. HORNER: Mr. Speaker, I think I answered that in a comment or a speech in the Legislature earlier this year. But essentially the status of trying to get one authority to operate all the railways in northwestern Canada is stalled at the moment. I've attempted to do an end run around the federal government by getting the Canadian National to take the initiative to acquire the Canadian Pacific's rights in the area. In effect we could then get the Canadian National, perhaps setting up a separate division for northwestern Canada, to operate the various rail components that are there now.

In some earlier discussions the federal minister suggested setting up a task force to look at the Hall commission. That's a favorite gimmick of the federal government: they set up task forces to study task forces. Sometime or other in some of these matters, somebody's going to have to make a decision.

DR. WALKER: Mr. Speaker, a supplementary to the minister. Would the upgrading of Prince Rupert as a port entail an increased purchase of hopper cars to transport increased grain shipments to the coast?

DR. HORNER: Not necessarily, Mr. Speaker. With the turnaround time that we could get in the use of cars to Prince Rupert, it's anticipated we might be able to triple the use of an individual hopper car by effective and efficient use to a new terminal at Rupert. So in essence, while we may need more hopper cars for the total fleet in western Canada, surely one of the other ways is to utilize them better. That's one of the great advantages of using the port of Prince Rupert.

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

MR. NOTLEY: Mr. Speaker, one last supplementary question to the hon. Deputy Premier. I concur in his proposal to attempt to get some kind of co-ordination of the various rail lines in northwestern Alberta. Has there been any discussion with the CNR with respect to the link proposed in the Hall report between Manning and Fort St. John, which would make the Prince Rupert terminal a very attractive option for the entire Peace River country?

DR. HORNER: Mr. Speaker, yes. That was part of the hon. member's former question, and I failed to respond to it. The Canadian National has done an aerial survey of the route and has had a preliminary look at it to see whether it might be a useful linkage. I would ask my hon. friend also to have a look at the question of an open interchange at Dawson Creek, which might effect the same kind of access at much less capital cost.

Prison Supervision

MR. CLARK: Mr. Speaker, I'd like to direct the second question to the Solicitor General. It concerns the recent suicide at Fort Saskatchewan and the operation of a number of provincial institutions. Can the

minister indicate if officials at the Fort Saskatchewan institution have investigated reports, both from the wife of the deceased and from prisoners, that the prisoner had attempted suicide on at least two previous occasions?

MR. FARRAN: There are some unanswered questions in regard to this case, Mr. Speaker, some of which were well publicized in the media this morning. First, I find it passing strange that the wife should make intimate letters available to the press and that there should be no mention of her having informed her husband of her intention to sue for divorce, papers for which were served at the Fort Saskatchewan Correctional Institution just prior to the incident.

There is a 24-hour guard on duty at Fort Saskatchewan, and for the five weeks of his incarceration the deceased was in tight protective custody, which for their own protection is given to all those accused of what are called sexual offences. Cells are locked at night, and there is surveillance around the clock.

The particular individual sprained his ankle during a volleyball game in the gym. A letter was left in the cell in which he admitted that he had been lying to his wife.

I'm also concerned, Mr. Speaker, that there may have been two incidents at forestry work camps in addition to the one publicized and mentioned in this House on Friday. Also, as I mentioned under questioning from the Leader of the Opposition yesterday, two correctional officers have been dismissed for unauthorized absence from duty at the Nojack Forestry Camp.

As I said last Friday, Mr. Speaker, the staff at the Brazeau camp took proper and firm action. This is . . .

MR. SPEAKER: With great respect to the hon. minister, I am unable to connect this part of the answer with the question that has been asked.

MR. CLARK: Mr. Speaker, perhaps I can rephrase the question. The question to the minister is simply this: can the minister indicate to the Assembly if officials at the Fort Saskatchewan institution have confirmed to the minister that on two occasions prior to the recent suicide the individual attempted to commit suicide?

MR. FARRAN: Well, Mr. Speaker, I find great difficulty in answering this and in telling the House what steps I propose to take in the three instances, which have some relation inasmuch as they affect my department. I find it difficult even to talk about the background of this particular case in view of Mr. Speaker's ruling. I want to tell you what I'm going to do, but somebody must ask a question so it will be admissible for me to do it.

MR. CLARK: Mr. Speaker, very directly to the minister, and it's no laughing matter. The question is simply this: can the minister confirm that the individual who committed suicide last weekend attempted to commit suicide on two previous occasions? Now, Mr. Minister, it's either a yes or a no.

MR. FARRAN: No.

MR. CLARK: Mr. Speaker, then will the minister indicate to the Assembly if he can confirm that the psychiatric examination that the same individual received at Alberta Hospital was less than an hour?

MR. FARRAN: I'll try to see if this will now be admissible as a reply. I really can't confirm anything, but as soon as Royal Assent is given to the bill presently before the House, Bill 40, The Ombudsman Amendment Act, 1978, I do intend to take action under the amended Section 11, and by ministerial order, published in the *Gazette*, to request a full inquiry by the Ombudsman into the suicide incident and into associated allegations. As the other incidents at various bush camps that have been referred to in this House in the last few days are disposed of by the courts and the police, I will issue similar ministerial orders requesting inquiries by the Ombudsman.

SOME HON. MEMBERS: Hear, hear.

MR. CLARK: Mr. Speaker, I welcome the ministerial announcement during question period. I'd like to ask that the minister take one step further. Would he be prepared to ask the Ombudsman — or to direct the Ombudsman, I guess, with the new legislation — to ascertain whether the officials of the Solicitor General's Department in their rehabilitation programs are following the recommendations made by the court?

Is the minister also prepared to ask that the Ombudsman take a sampling, taking into consideration some of the cases we've talked of here in the last three days, to look at those and other examples to see if there has in fact been a follow-through from the recommendations of the court to the rehabilitation programs that supposedly are in place in the minister's department?

MR. FARRAN: It's not directly related. But under the specific guidelines which are permitted the Ombudsman under the amendment to the act, I will certainly discuss that question, although it is not related to this particular incident. As I explained, I think yesterday, two separate psychiatric reports said the named person was not psychotic, and no such recommendation was made. While that may be a different subject and not directly related to any of these incidents, I will discuss that with the Ombudsman.

I don't know if I could also add this: the Attorney General naturally will be ordering an inquest. He confirmed that with me this morning.

Also, I have taken some steps in regard to night shifts at the forestry camps. For 20 years these 20- to 22-men forestry camps have been operated by a staff of three. In order to give full coverage, full surveillance, between 11:30 at night and 6:30 the following morning, apart from hearing something while they're off-duty, it will mean an increase in staff at these camps from the present three to five, or 22 more correctional officers. I will be taking that step also.

MR. CLARK: Mr. Speaker, a further supplementary question to the Solicitor General. The opposition will not question a special warrant if that is needed to get those additional correctional officers in place. We'd

welcome that move. Will the Solicitor General give an undertaking to the Assembly that within a very few days of his receiving the Ombudsman's report on these two matters, and hopefully the third area I've raised, that report will be made public?

MR. FARRAN: Yes, definitely. If we ask for a report, it will be made public.

MR. TAYLOR: A supplementary to the hon. minister. At the present time does a guard sleep in the same trailer as the prisoners? If not, is there any thought of having a separate compartment in which all activities within the trailer could be viewed by a guard at all times?

MR. FARRAN: Mr. Speaker, at the present time the staff sleeps in a separate trailer, but I will take under consideration the suggestion of the hon. member.

MR. CLARK: Mr. Speaker, just one last supplementary question to the Solicitor General. It deals with the guards at Fort Saskatchewan. Is the Solicitor General in a position to indicate to the Assembly whether the surveillance done by guards at the Fort Saskatchewan penitentiary has been reduced?

MR. FARRAN: No, Mr. Speaker, it has not been reduced. There is 24-hour surveillance.

MR. CLARK: At Fort Saskatchewan?

MR. FARRAN: At Fort Saskatchewan Correctional Institution. This particular incident took place in one tier in A Block which is reserved for those under protective custody for one reason or another, because they are threatened by fellow inmates or are sexual offenders.

Land Surveyors

MR. JAMISON: Mr. Speaker, I'd like to direct a question to the Minister of Advanced Education and Manpower. A seminar was held in the city of Edmonton about a year ago for land surveyors of western Canada, the Yukon, and the Northwest Territories. From that seminar it was agreed that a surveying course was badly needed and overdue for Canada, as well as western Canada. I wonder if the minister could offer anything to the surveyors from the brief presented to him in June 1977, whereby a course of surveying engineering in Calgary university could commence, say, in September 1978 or 1979.

DR. HOHOL: I couldn't really, Mr. Speaker, other than the fact that the matter has had extensive discussion amongst various groups, including the association, the seminar people, the University of Calgary, my own department, my own office, and members of the House. In terms of allocation of programs, it will be a determination of the university itself whether or not it moves this fall with this program. Subject to a check, I cannot recall at this time that the university has made the determination to move in that direction. I would rather guess that it has not.

MR. JAMISON: A supplementary to the Minister of Transportation. Your department, Mr. Minister, an-

nounced a major new program of intensifying the survey control framework throughout rural Alberta. I wonder if the minister has looked into the possibility of where these surveyors are going to come from.

DR. HORNER: Yes, Mr. Speaker, and I've had discussions with my colleague the Minister of Advanced Education and Manpower. Indeed it will take a number of years to put the new satellite geodesic survey system in place, but at that time we may require fewer surveyors.

Airdrie Water and Sewage Lines

MR. KIDD: Thank you, Mr. Speaker. Hopefully the ball that was bouncing yesterday between the Department of the Environment and the Department of Housing and Public Works has now come to rest, before destroying the ceiling in this historic building.

MR. CLARK: Or Balzac.

MR. KIDD: Presuming it has, and further presuming it has stopped with the Minister of Housing and Public Works, could I now ask that hon. minister the following: Mr. Minister, in view of the proposed industrial complex to be located north of Balzac, has the minister or his department made or commissioned any studies concerning the availability of water from the Bow River-Airdrie water line to serve the proposed complex? I might mention that this water line was built primarily for residential and industrial use at Airdrie.

MR. CHAMBERS: First of all, Mr. Speaker, I guess I should concede that the member was indeed correct in where he directed his question yesterday. On checking, I found that the line is operated by Public Works. On further checking, though, I found that with the rapid growth being experienced in Airdrie, the capacity of the water line is probably not sufficient to serve the immediate needs of Airdrie, in the not too distant future. Also, there are tap-offs to some 30 domestic users along the way.

MR. KIDD: A supplementary to the minister. Am I to infer from his reply that additional water cannot be put through that line, that its capacity is as large as it can be?

MR. CHAMBERS: Mr. Speaker, the capacity of the line could be increased with the installation of pumping equipment; however, this equipment is very expensive. In looking at the map, the proposed industrial site at Balzac is considerably closer to Calgary than to Airdrie, I think about five miles. Perhaps they should look at other alternatives, such as getting water from the city of Calgary.

MR. KUSHNER: Mr. Speaker, a supplementary question to the minister. Can the minister inform this Assembly if in fact the sewage treatment plant pipe has been connected to Airdrie and the city of Calgary? Has that been tied up?

MR. CHAMBERS: I don't know that, Mr. Speaker. However, I'd be happy to check and report to the hon. member.

Minority Language Instruction

MR. TAYLOR: Thank you, Mr. Speaker. My question is to the hon. Minister of Education. With reference to the financial assistance provided by the federal government to the provinces for teaching minority language, does the federal government lay down any conditions under which that money may be spent?

MR. KOZIAK: Mr. Speaker, there are formula payments which we receive and in turn transmit to school boards throughout the province. Conditions attached to the transmission of those formula payments would be whether or not the minority language — and in Alberta that would be interpreted as the French language — is used first as a language of instruction or is being taught as a second language. If it's used as a language of instruction, the formula payment is 9 per cent; if it's taught as a second language, the formula payment is 5 per cent. A further condition would be the amount of time a student spends either learning in the other language or learning the other language. So the formula is again applied against the number of hours spent in each case. Those are some of the conditions that immediately come to mind.

MR. TAYLOR: A supplementary to the hon. minister. In view of the fact that in some communities the minority language is Ukrainian, German, Hungarian, et cetera, does the minister of education of each province have any jurisdiction or any right to have the money spent for teaching one of those languages if the people so request?

MR. KOZIAK: The distribution of funds under this program from the Secretary of State is basically that where the minority language is, say, French in the case of Alberta, or English in the case of Quebec, no flexibility exists with respect to other languages. However, I should point out that in the province of Alberta we do provide formula payments to school boards where they use languages other than English and French for languages of instruction. These payments are provided out of grants voted by this Assembly and this province.

MR. TAYLOR: One further supplementary in order that we'll have the matter clear. When the Canadian government uses "minority language", it is confined to either French or English; is that right?

MR. KOZIAK: Mr. Speaker, yes, that's the interpretation the federal government gives to that phrase. It would be French in the province of Alberta and English in the province of Quebec.

MR. TAYLOR: One further supplementary, if I may. Has the hon. minister ever discussed with the federal government why they don't say "French" or "English" instead of trying to fool the people with the words "minority language"?

Federal Tax Proposal

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Provincial Treasurer. In view of the legislation that has recently been introduced with

respect to, I believe, the \$85 tax credit that's going to be paid to the taxpayers in Quebec in lieu of the sales tax reduction, now that the rules of the game appear to have been changed completely on this question of the sales tax reduction, has there been or will there be any representation to the federal government on this matter?

MR. LEITCH: Mr. Speaker, without accepting the innuendo or implications in the hon. member's question, there has been a representation to the federal government in the sense that we have made known our reservations about this type of proposal in the first instance, both by statements made by me in the House and by the hon. Premier at the Western Premiers' Conference. Of course we've added our opposition to the change in the program that the hon. member's question referred to. Beyond that, we haven't considered or contemplated further representations to the federal government.

MR. NOTLEY: Mr. Speaker, a supplementary question to either the hon. Premier or the hon. Provincial Treasurer. Were there any consultations between the federal government and the province of Alberta before Mr. Chretien proposed the amendments in the House, I believe yesterday, which now in fact make tax credits available for individual taxpayers directly from the federal government to one province, as opposed to the sales tax reduction?

MR. LEITCH: Mr. Speaker, there was no communication that I would call consultation. I was advised of the intentions of the federal government on Friday morning, I believe. But by no stretch of the imagination would I call that consultation.

MR. NOTLEY: A supplementary question to the hon. Provincial Treasurer. When the hon. Provincial Treasurer was advised on Friday morning, did he indicate the very strong opposition of the government of Alberta? Or was it a matter of the government of Alberta taking this under advisement? What position did the hon. Provincial Treasurer give on Friday when this rather unusual change in the ground rules was announced to him?

MR. LEITCH: Mr. Speaker, I received the information as that. After having the opportunity to consider it, I made known to the federal Minister of Finance our strong objections to the format being followed.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. The Provincial Treasurer indicated "strong objections". Apart from comments he's made in the media, can the Treasurer outline to the House what specific steps the government has taken to indicate its objection to the hon. Minister of Finance, in view of his comments in the press as well which appear to indicate that it's all right to have different ground rules even if the people of Alberta are lost in the shuffle?

MR. LEITCH: Well, Mr. Speaker, I'm not keeping track of the comments the federal Minister of Finance might be making in the press. So I'm not sure I'm in a position to answer the question the hon. member has posed.

We made it clear to the federal Minister of Finance that we were of the view that the tax treatment proposed for the province of Quebec was wrong in principle. It was a bad precedent. It was something that was very close, although not identical, to having one system of federal taxation in a province and a different system in other provinces. It was our view that that was a wrong thing for the federal government to do in this Confederation.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Will it be the intention of the minister, when the bill goes to committee, to appear before the parliamentary committee and make that assertion?

MR. LEITCH: No, Mr. Speaker, it wouldn't be.

MR. TAYLOR: A supplementary to the hon. minister or the hon. Premier. In view of the fact that this episode is making a sham of the BNA Act, will this matter be raised at the next meeting of the first ministers?

MR. LEITCH: Mr. Speaker, I would expect that the matter would be dealt with at a finance ministers' meeting, which I'm sure would precede any first ministers' meeting.

MR. LOUGHEED: Mr. Speaker, if I may supplement the answer of the Provincial Treasurer. After the finance ministers met in late January, it certainly will be a matter where, when we discuss it at the premiers' conference in Saskatchewan, we would follow up the main thrust of the statement by the western premiers that we tabled in this Legislature: that what was done in the first instance was bad enough; but to have gone to this degree, where we now in this country apparently can have the taxpayers' money flowing from Alberta, from Alberta taxpayers, federal taxpayers, to the federal Treasury, then they can take a portion of the money and give it to one province — I think that completely destroys the concept of fiscal responsibility by a federal government.

Lake Newell Water Level

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Recreation, Parks and Wildlife. Could the minister indicate whether he has had recent communication with the Eastern Irrigation District board with regard to raising the level of Lake Newell?

MR. ADAIR: Mr. Speaker, I'm not sure what you mean by "recent". We've been aware that they were going to raise the lake to the full limit of their licence, I believe it was an additional 3 feet. We've been aware of that for about two years. We weren't aware they were going to raise it as quickly as they have done.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Have the minister or any of his officials inspected the erosion of the shore at Lake Newell, where the wind and water are eroding the lake and washing out the shore?

MR. ADAIR: Mr. Speaker, particularly on Kinbrook Island in the provincial park, right now we're watching very closely what the wave action is doing at that new level, because what was once beach is now right up into the grass. We're watching it very closely, and I'm hoping to get some recommendations coming to me as quickly as possible.

MR. MANDEVILLE: Mr. Speaker, could the minister indicate whether it's the government's or the department's intention to take any action to prevent further erosion down there, like riprapping the shore where it's eroding the park?

MR. ADAIR: Certainly, as I said just a moment ago, Mr. Speaker, one of the things we're looking at is the effect of the wave action on that particular east shore of the park.

Maybe I should go a little further and say that we're also looking at some additional land on the mainland for park expansion. With the raising of the lake, we're looking at whether we can do anything with the island itself, or possibly relocate the whole park to the mainland, either just east or southeast of the island.

Stony Plain Hospital Board

MR. PURDY: Mr. Speaker, I'd like to direct a question to the Minister of Hospitals and Medical Care. Approximately two years ago a public inquiry regarding the Stony Plain hospital made recommendations that the hospital be run by a provincial administrator and that a hospital board be reappointed in approximately two years. Has the minister any information as to when the new hospital board will be appointed?

MR. MINIELY: Mr. Speaker, I think that's a very timely question. My recollection of the recommendations of the commissioner following the inquiry is that it is now about time to assess whether there should be a return to local hospital board autonomy in Stony Plain.

MR. PURDY: Supplementary question, Mr. Speaker. Will the minister be looking for nominations from the local municipalities, or will he be making that out of his own department?

MR. MINIELY: Mr. Speaker, if the decision is made that it is now appropriate and timely to return local hospital board autonomy in Stony Plain, it would follow the normal course of events, which would be that initially the recommendations should come from the local municipality.

Collection Practices Act

MR. GHITTER: Mr. Speaker, I'd like to ask the Minister of Consumer and Corporate Affairs a brief question. It relates to Bill 13, The Collection Practices Act. I understand that representations with respect to that act have been received by the hon. minister from the better business bureaus of the province. I wonder if the minister intends to continue with the legislation at this session, or hold it over so the views of the better business bureaus may be considered by the government.

MR. HARLE: Mr. Speaker, I received the representations through the hon. member and through other members in the Assembly. As a result, the government's decision is that Bill 13 will be left at committee stage until fall, as I believe this might be the last day and I wouldn't have time to meet with the bureau.

MR. SPEAKER: The time for the question period has actually elapsed. We did, however, spend quite a long time — almost a record number of supplementaries on the very important first topic we dealt with, and a considerable number on the second topic. If hon. members agree, perhaps I might recognize the three other members who have expressed their intention to ask questions.

HON. MEMBERS: Agreed.

MR. SPEAKER: With regard to the second topic, and while I'm on my feet, I would not like to leave hon. members with the impression that the Chair is some kind of ogre during the question period, here to unduly inhibit the answers or the questions. As hon. members know, however, it is a time when the answers are intended to be answers to the questions which are asked. It causes some difficulty when the answers go beyond that, particularly in regard to matters which are obviously going to be matters of inquiry, one by an officer of this Assembly, and another by an officer appointed by the provincial government.

Hospital Services — Lethbridge

MR. R. SPEAKER: Thank you, Mr. Speaker. My question to the Minister of Hospitals and Medical Care is with regard to the decision on the Lethbridge Municipal Hospital and St. Michael's Hospital, that emergency services would be provided by St. Michael's. First of all, could the minister give the reason for that decision? Secondly, in making that decision, was there consultation and approval of the MLAs from Lethbridge?

MR. MINIELY: Let me answer the first last. There certainly was consultation with the MLAs for Lethbridge. The history of that matter, Mr. Speaker, is that there's been a problem in Lethbridge because the two hospitals are located only about three blocks apart. Some time ago the then commission requested that the two hospitals go into joint planning for the expansion of programs and services to meet the needs of Lethbridge and the surrounding area, because they are in such proximity.

The recommendation of the joint planning committee of the two boards, St. Michael's and Lethbridge Municipal, was that the emergency services for Lethbridge and the area Lethbridge serves be a major upgrading at St. Michael's and minor upgrading at Lethbridge Municipal Hospital. The two combined would meet the overall needs of Lethbridge and the area Lethbridge serves. We were following the recommendation of the joint planning committee of the two boards.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. I haven't a copy of the letter, but just

some comments about it. Could the minister indicate whether it is his intention to amalgamate the two boards or give them some kind of directive to amalgamate, or to request that the administrative staff of Lethbridge Municipal and St. Michael's amalgamate?

MR. MINIELY: Mr. Speaker, in the meetings I've had with the board and with the MLAs and the board — I think we've had two meetings on the subject of joint planning, for the reasons I indicated in the answer to the earlier question — we basically said to them that the two boards should work towards a combined medical staff. That would result in much more efficiency and cut down rivalry and competition, which is in the interests of the medical profession or medical staff as opposed to the citizens the two hospitals are intended to serve.

Heroin Addicts' Treatment

DR. PAPROSKI: Mr. Speaker, a question to the Minister of Social Services and Community Health. In view of the fact that heroin addicts in British Columbia will now be required to take treatment, I wonder if the minister would indicate to the House whether she is considering a similar program in Alberta. Or will the minister be waiting for the results of their experience?

MISS HUNLEY: Mr. Speaker, I was unaware that that had become a law in British Columbia. That means a rather dramatic shift, in which addiction is then treated as a crime, if I understand the hon. member's comments correctly. I know the British Columbia government had such a program under consideration, but I was unaware that they had made it a law.

Certainly it's something we will need to pay very close attention to, because I would be very uneasy — and I discussed this with the Alcoholism and Drug Abuse Commission when we were considering the possibility that British Columbia might move in this direction. We discussed the ramifications on Alberta of whether heroin addicts might then cross the border. So if what the hon. member says is correct, it will be a matter we have to take very seriously, and we'll be considering it.

DR. PAPROSKI: A supplementary, Mr. Speaker, to the hon. Solicitor General. Would the minister indicate whether he has in place or is considering any special programs to deal with addicts who will be coming to Alberta to avoid that particular compulsory program?

MR. FARRAN: Mr. Speaker, my understanding, subject to checking, is that the proposed B.C. law is in bill form and will not come into effect until next year. Also, it presently is being debated and challenged by certain authorities at the coast.

DR. PAPROSKI: Mr. Speaker, I wonder if the Minister of Social Services and Community Health could assure the House that she will review the matter, especially the world experience of compulsory treatment of heroin addicts, with a view maybe to accommodating this province with that treatment?

MISS HUNLEY: Yes, Mr. Speaker. I can assure the House and the hon. member that we will be paying very close attention to what's developing.

Provincial Jails

MR. CLARK: Mr. Speaker, thanks. I'd like to direct a question to the Premier or perhaps the Solicitor General. It deals with a telegram which the Premier's office received from St. Paul with regard to the proposed establishment of a provincial jail in the town of St. Paul. I believe that over 350 residents sent a telegram or night letter to the Premier's office. What action has been taken on the telegram, and what kind of consultation took place prior to the government's decision to move ahead?

MR. LOUGHEED: Mr. Speaker, my information, advice through the MLA from St. Paul and the Solicitor General, is that there is very widespread support for the decision to have that facility in St. Paul. Perhaps the hon. Solicitor General could respond further.

MR. FARRAN: Yes, Mr. Speaker. I don't know that I can add much to what the hon. Premier says. The city council, the chamber of commerce, and many citizens have petitioned for the facility. A huge meeting convened by the town was held. It appeared that the protestors represented less than 5 per cent of those attending. They were described as recent arrivals in the town, and didn't represent the main body of public opinion.

MR. CLARK: Mr. Speaker, a supplementary question. Is the Solicitor General in a position to indicate whether, in addition to the institution itself, his department or the government is in the process of acquiring some 10 to 15 houses in St. Paul to be used as halfway houses?

MR. FARRAN: No, Mr. Speaker, we're not acquiring any halfway houses. In this province those are contracted from volunteer agencies. With a permanent staff of 40 people contemplated for the new facility in St. Paul, it is possible that they will require shelter, and somebody might be inquiring about the possibility of shelter. Perhaps my hon. colleague the Minister of Housing and Public Works may be making tentative inquiries for staff housing. Perhaps I could deflect the question to him.

MR. CLARK: Mr. Speaker, the Solicitor General need not deflect the question. The concern deals with the Solicitor General's Department, or the government on behalf of the Solicitor General's Department, acquiring a number of houses in St. Paul which would serve as places where inmates leaving the institution, within the law, would be lodged before they move out into the broader society.

MR. FARRAN: No, Mr. Speaker. That sounds like another wild-goose story from the opposition. [interjections]

MR. R. SPEAKER: Mr. Speaker, a final supplementary. Is the Solicitor General planning any other provincial jails in southern Alberta, outside Lethbridge, for example? If so, would the Solicitor General be

open to suggestions as to communities that will accept such a facility?

MR. FARRAN: Mr. Speaker, I'm aware the hon. member would very much like a facility in Carman-gay. Perhaps one day we can look at that area.

MR. TAYLOR: A supplementary to the hon. minister. Has the minister considered some of the old mine shafts in the Drumheller valley instead of Siberia? [interjections]

MR. SPEAKER: The hon. Minister of Consumer and Corporate Affairs and the hon. Minister of Social Services and Community Health would like to deal further with some questions asked previously.

Automobile Insurance

MR. HARLE: Thank you, Mr. Speaker. On March 31 the hon. Member for Spirit River-Fairview asked a question regarding automobile insurance and rating practices. As a result of that question, the hon. member delivered to my office a document entitled LPI Scoring. I might say the abbreviation is short for "loss-potential index".

I will respond by saying that the index, which apparently uses so-called life-style aspects such as common-law situations, has nothing to do with the actual rate or premium setting. It is a tool used by the insurer to decide which risks will be retained and which will be assigned to facility; "facility" being the industry mechanism for providing the higher risk business to all insurers. The LPI system is therefore an underwriting tool of this particular company.

I might say that today I received the report from the chairman of the Alberta Automobile Insurance Board. From its own investigation and from the response received from the insurer using the LPI scoring system, the board is satisfied that the procedure is internal and is not a method to determine the rate or premium charged.

Mental Health Services

MISS HUNLEY: Thank you, Mr. Speaker. I have two questions which I need to answer for hon. members. The other day the hon. Leader of the Opposition asked me about the services for Cold Lake from the mental health division in my department.

At one time there was one staff position there. Following a resignation the position was not filled; rather, the service is being provided by three workers who travel together. It's the opinion of the officials in my department that they are able to work more effectively for and with people if they have a consultation process. The design in future will be that they will attempt to provide services in groups of three people who can then consult one another. They believe that will be a more effective use of staff and will be able to serve the needs of the people more efficiently.

Native Women's Program

MISS HUNLEY: The hon. Member for Clover Bar asked if I would advise the House on the status of the Voice of Alberta Native Women. Perhaps his colleagues would refer my answer to him. He asked

about the foster home project which the Voice of Alberta Native Women had undertaken with my department. That was a very good program, but they all agreed they had now fulfilled the duties they undertook. However, it had been so effective that we're now negotiating with them to undertake an early intervention program, once again having the Voice of Alberta Native Women deal in the native community because the previous program proved so satisfactory.

MR. SPEAKER: The hon. Minister of Hospitals and Medical Care wishes to supplement an answer.

Hospital Services — Lethbridge (continued)

MR. MINIELY: In an earlier answer I may have left an incorrect impression that both Lethbridge MLAs agreed with the direction of emergency services in Lethbridge. I didn't mean to leave that impression. I discussed the matter with both MLAs. The Member for Lethbridge West agrees with the direction; the Member for Lethbridge East does not agree with the direction. We may have to reassess that along with the board.

MR. NOTLEY: Sounds normal.

MR. R. SPEAKER: What else is new?

ORDERS OF THE DAY

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

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

HON. MEMBERS: Agreed.

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

[Dr. McCrimmon in the Chair]

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

Bill 41 **The Alberta Hospitals** **Amendment Act, 1978**

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

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

[Title and preamble agreed to]

MR. MINIELY: Mr. Chairman, I move the bill be reported as amended.

[Motion carried]

Bill 2
The Appropriation Act, 1978

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

MR. LEITCH: Mr. Chairman, at the committee stage of this bill it might be appropriate for me to respond to a question asked by the Leader of the Opposition during committee study of my estimates. He asked whether there was any difference between the salary contingency vote in this year's estimates and the salary contingency vote in the preceding year's estimates. I had said I thought there were some differences, that I wasn't sure what they were, but that I would check and report later to the House.

I have been able to do some checking. I find there were differences in the method of calculating the salary contingency vote in the two years, the principal difference being that for this year — that is, the 1978-79 estimates — we have included the merit component of anticipated salary increases.

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill No. 2, The Appropriation Act, 1978, be reported.

[Motion carried]

Bill 7
The Surface Rights
Amendment Act, 1978

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

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, on behalf of the hon. Member for Hanna-Oyen, I move that Bill No. 7, The Surface Rights Amendment Act, 1978, be reported.

[Motion carried]

Bill 10
The Agricultural Societies
Amendment Act, 1978

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

There are amendments to the bill. Are you familiar with the amendments?

MR. R. SPEAKER: I'd just like to put on the record that we appreciate the amendments that were brought forward for this bill. I understand they were suggested earlier by my colleagues, and supported. We appreciate the minister's co-operation.

[Title and preamble agreed to]

MR. HYLAND: Mr. Chairman, I move that Bill 10, The Agricultural Societies Amendment Act, 1978, be reported as amended.

[Motion carried]

Bill 35
The Pension Statutes
Amendment Act, 1978

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

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

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill 35, The Pension Statutes Amendment Act, 1978, be reported as amended.

[Motion carried]

Bill 16
The Cultural Development
Amendment Act, 1978

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

[Title and preamble agreed to]

MR. SCHMID: Mr. Chairman, on behalf of the hon. member Catherine Chichak, I move that Bill No. 16, The Cultural Development Amendment Act, 1978, be reported.

[Motion carried]

Bill 29
The Condominium Property
Amendment Act, 1978

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

There are amendments to the bill. Are you familiar with the amendments?

MR. HORSMAN: Before proceeding, Mr. Chairman, on behalf of the Minister of Consumer and Corporate Affairs I wish to thank all the people who have been responsible for the development of the act and the amendments, which includes the committee under the chairmanship of the hon. Member for Calgary Buffalo, and the many people who worked in the department and who appeared before the two public meetings held in respect to this legislation. I would like to get that on the record of *Hansard*.

[Title and preamble agreed to]

MR. HORSMAN: Mr. Chairman, I move that Bill 29, The Condominium Property Amendment Act, 1978, be reported as amended.

[Motion carried]

Bill 38
The Municipal Government
Amendment Act, 1978

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

[Title and preamble agreed to]

MR. KING: Mr. Chairman, I move that Bill No. 38, The Municipal Government Amendment Act, 1978, be reported.

[Motion carried]

Bill 40
The Ombudsman Amendment Act, 1978

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

There are some amendments. Are you familiar with the amendments to the bill?

[Title and preamble agreed to]

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

[Motion carried]

Bill 42
The Election Amendment Act, 1978

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

[Title and preamble agreed to]

MR. PURDY: Mr. Chairman, I move that Bill 42, The Election Amendment Act, 1978, be reported.

[Motion carried]

Bill 43
The Summary Convictions Act, 1978

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

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

[Title and preamble agreed to]

MR. FOSTER: Mr. Chairman, I move that Bill 43, The Summary Convictions Act, 1978, be reported as amended.

[Motion carried]

Bill 44
The Alberta Historical Resources
Amendment Act, 1978

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

There is an amendment to Bill 44.

MR. TAYLOR: Mr. Chairman, I would like to say a word or two in connection with Bill 44. I'm referring particularly to the Drumheller valley, but possibly it's applicable in many other parts of the province. At one time a number of people, particularly the Junior Chamber of Commerce, bared an entire skeleton of a dinosaur that was found in the hillside. It was not very long before practically all of that dinosaur simply disappeared. Somebody would take the knee bone, somebody else would take a leg, and somebody else would take a head bone, an arm bone, and so on. I think something like this is very essential, but there has to be some type of enforcement if we're going to stop the destruction of some very worth-while historical resources.

Another example is the dolomites, commonly known as the hoodoos, which have probably been pictured almost as much as Lake Louise. These are located on the road to East Coulee, and thousands of people go down and enjoy that area every year. Thousands of boys and girls enjoy climbing around them, and so on. But some people get some delight in trying to destroy them by jumping on top of them, knocking part of them off. It took thousands, maybe millions, of years for these dolomites to develop. We have some others growing in the valley, but they probably won't be the size of these during our lifetime. I really think there should be some rigid enforcement in protecting historical resources of this nature, and I am glad the bill is coming in.

MR. CHAIRMAN: With respect to the amendment to Bill 44, are you all familiar with the amendment?

[Title and preamble agreed to]

MR. WOLSTENHOLME: Mr. Chairman, I move that Bill No. 44, The Alberta Historical Resources Amendment Act, 1978, be reported as amended.

[Motion carried]

Bill 45
The Fuel Oil Administration
Amendment Act, 1978

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

MR. TAYLOR: Mr. Chairman, some time ago I believe a number of members asked the hon. Provincial Treasurer and the hon. Minister of Agriculture about giving farmers who use propane in their tractors or in irrigation the same benefit as those who use other fuels for farm production. I believe the Minister of Agriculture and the Provincial Treasurer answered that it was being considered, and a decision would be made later. I wonder if any decision has yet been

made in regard to this particular item?

I don't know how many farmers use propane in their tractors, but there's a considerable number in the province. A great amount, a very, very large amount of propane is used in irrigation systems. If these people could have comparable benefits other producers get for using other fuels, it would be a very excellent thing. I wonder if the minister has any decision yet on that problem?

MR. MOORE: Mr. Chairman, the propane industry and generally most farmers using propane have expressed concern to us with regard to the comparison between propane and heating oil in terms of home heating purposes, and between propane and gasoline in terms of use in farm tractors. As hon. members know, the Public Utilities Board deregulated the producer price of propane on April 1 of this year. I believe I mentioned earlier in the House that it was our intention over the two or three months after that deregulation to monitor what in fact is happening to propane prices at the retail level.

The Department of Agriculture is involved in monitoring the prices of farm fuels — diesel fuel, heating oil, gasoline, and propane — at some 45 points throughout the province. I've only very recently received the monitoring results for the month of April. They indicate the price of propane has not increased as dramatically as might have been expected, probably some reflection of the fact that propane supplies are more adequate now than might have been the case in the past. However, we want to continue that comparison between the prices over at least the months of May and June before a final decision is taken as to whether or not some type of rebate is applied to propane.

Mr. Chairman, I can say in conclusion that the average price for propane throughout the province was slightly over 32 cents per gallon for the month of April, while the average prices for heating oil and diesel fuel, with the farm fuel allowance, were about 20 cents more at slightly more than 52 cents per gallon.

MR. TAYLOR: Mr. Chairman, I'd like to make one comment. I believe more than just the price increase in propane that may or may not occur — I hope it doesn't — should be considered. I think the original capital costs of the various tractors and implements used in irrigation should also be a factor. But one of the main items advanced to me by the people who use propane for production is that they are producing, just as the farmer who uses gasoline or diesel produces, and they feel they should have maybe not the exact benefit but a comparable benefit, because they are producers and they are buying this fuel. I hope the minister would also consider those factors.

DR. BUCK: I support the representation by the Member for Drumheller. Many of us have had representation on the propane issue. But the question I would like to ask the Provincial Treasurer is the one on purple fuel I asked in question period. The representation made to me is that people feel the bulk agent should not be put in the position where he has to make the decision about who is and who is not a farmer. I think we as legislators should be deciding that. The Provincial Treasurer did tell me he was

going to try to clarify this situation, especially for the benefit of the bulk agents.

MR. LEITCH: Mr. Chairman, I wouldn't agree with the representation by the hon. Member for Clover Bar that the bulk dealer is the one who makes the decision. He doesn't. The applicant for the fuel allowance completes a declaration that he is a farmer, and thereupon the bulk dealer makes the sale. Perhaps what has caused some confusion is the provision in the bill — not the one we're now debating, but the one we passed earlier this session — whereby a bulk dealer who knowingly provides fuel at the lower cost to someone who isn't a farmer remains liable, not for criminal offence but for the payment. That only applies to situations where, despite having the declaration, he knows the declaration isn't accurate and knowingly does it. In 99.99 per cent of the cases, I would expect the bulk dealer to make the sale on the strength of the declaration he's been provided with, and that would be the end of the matter as far as the bulk dealer was concerned.

[Title and preamble agreed to]

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

[Motion carried]

Bill 20

The Matrimonial Property Act

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

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

MR. NOTLEY: Mr. Chairman, before we get into the amendments I'd like to put several questions to the minister, which we can perhaps discuss during committee stage.

Mr. Minister, first of all I realize that the act doesn't apply to common-law marriage. I can hardly expect legislation to authorize that, and I realize the tremendous difficulties in dealing with the question of matrimonial property in a common-law relationship. For example, when does it start, and how long? Nevertheless, quite apart from whether one agrees with the morality of it, there seems to be a fairly large number of unofficial relationships these days, and that raises the question of the appropriate position we should take. I'm not saying you should put it in this bill; I think there would be some real difficulties putting it in the matrimonial property bill as such. But as a starter, I would ask the minister what consideration, if any, he's given to dealing with property settlements of people who are presently in a common-law relationship?

The second question deals with how proceedings are going to be initiated. I looked at Bill 102, and there were two alternatives: the statement of a claim, or by an originating notice. I'm no lawyer, but I've been told that an originating notice is essentially a notice of motion which can be heard much more informally. The options were available in Bill 102; as I read Bill 20, they aren't. I wonder why we have

made that change. Obviously there must be some reason for it. I'd be interested in hearing why the second option has been eliminated from the draft of Bill 20.

The third question, Mr. Chairman, deals with the two-year limitation. I realize that's the normal limitation, but I wonder if there isn't some provision, where a spouse may be unaware of any rights he or she has under the act, that we can be a little more flexible rather than saying that if you don't move within the two-year period, the limitation stops you from exercising any rights you might have under Bill 20.

Several of the other issues are essentially issues we discussed during second reading. I don't suppose there's a great deal of point in getting into those. If one supports the principle of deferred sharing, as I do, there really isn't much point in belaboring that argument. The minister and the government caucus do not hold that view.

But with respect to the criteria, these 13 points the court is going to consider, consideration is given to the contribution of each spouse, including the duties of homemaker and parent. However, it does not say that such contributions are equal to those outside the home. It seems to me that this can cause real problems and make it much more difficult to achieve that fifty-fifty split.

Also, clauses (b) and (c) separate farm and business interests on one hand and other property on the other. I've had the concern expressed to me: does this mean that spouses' contributions are to be considered separately in relation to these two kinds of assets; in other words, personal assets, the home, on one hand and the business on the other? The implication is that housework may be of no value in relation to a business enterprise. I hope that isn't the situation, but it does seem to me that it's open to interpretation by the courts.

Mr. Chairman, there are several other questions. The whole question of the grandfather clause — the thirteenth provision: any other matter that is relevant — does seem to open the question of conduct. That was removed from Bill 102, specifically. But it strikes me there's some real danger of conduct being brought in as a consequence of that grandfather clause.

I think those probably cover the main points I'd like to put to the Attorney General at this time.

MR. FOSTER: Mr. Chairman, of course the whole question of common-law relations and property rights that relate thereto is not dealt with in Bill 20. I must say I was astounded to see the Leader of the Opposition encouraging us, I think in his fifth point, to have a piece of legislation that in fact deals with common-law relationships. Frankly, I find that an extraordinary proposal. Surely a marriage relationship must mean something in our society. If we are simply going to change all our laws to grant the same rights to common-law spouses as we do to married spouses, it seems to me that the institution of marriage is in real jeopardy. I'm very surprised that the Social Credit opposition would appear to be leaning in that direction.

But if you ask the question, what can be done between a male and female who decide to set up housekeeping together, they are free individuals at law. They are not presumed by law to be one legal

entity, as a marriage so often is. They have the right to contract. If they decide to come together, live together, and do certain things, then as far as I'm aware, and perhaps I need to get some legal advice on this subject, they would have the capacity to set down in writing the arrangements between them, the ownership of property, and that kind of thing. I expect they could form some sort of contractual relationship, which I presume would be enforceable in the courts. But it's not covered by Bill 20.

With respect to how proceedings are commenced, proceedings under Bill 20 are commenced by statement of claim. Under Bill 102 we were talking about originating notice of motion, or ... We feel that statement of claim proceedings are the most appropriate form. Certainly a good deal of detail will have to be set out in a statement of claim. Rules of court will provide for the forms of much of the content that will be in a statement of claim. You notice there's a requirement in here to produce a document which sets out the assets of both parties. We simply feel a statement of claim is a more appropriate instrument to commence the proceedings. Perhaps an originating notice of motion could be used, but our judgment is that a statement of claim would be preferable. Lawyers may want to debate that point. They are equally expensive. In my memory, it costs you the same to file them. It's clear there'll have to be examinations for discovery, that kind of thing, and I think a statement of claim is an appropriate one.

The two-year limitation date could easily have been 12 months, 18 months, 24 months, or 30 months. We picked two years because we felt that one year may be a little shy. Others may argue that two years is too short a time frame. Frankly, some people will argue that two years is too long a time frame. Two years is an arbitrary period which we have selected, and I realize you can debate that it may be too long or too short.

The fourth point, about the weight to be attached to the factors outlined in Section 8, is a discussion I've had with a good many groups. I think some people would like to have a presumption built in that homemaker activity is presumed to be as worthy or as meritorious, or equal to a contribution of some other kind of activity, perhaps outside the home, associated with a farm, business, or some other endeavor.

Some people feel that the order in which you rank these factors is important; if you rank certain ones at the top and others at the bottom, somehow the courts will give greater weight to those which rank first and less weight to which that rank last. I don't believe that to be the case.

However, you will note that the first factor is the one which is singularly the most significant deficiency in the law today; that is, the contribution of a spouse as a homemaker. That was put there to give it prominence, but not necessarily to say that factor is more important than factor four, eight, or 10. Frankly I don't know how you would weight these. If you were to weight them arbitrarily, I think you would find that that particular weighting in some relationships is too high compared to others. I frankly opt for the flexibility. I'm very happy and confident that the judges, as will the parties and counsel, will look at all the factors, weight it as a total group, and draw a conclusion from that.

The hon. Member for Spirit River-Fairview also

refers to Section 8(m), "any fact or circumstance that is relevant", and worries that conduct may be brought back in there. I guess the only way to avoid that argument is to put a section in here that says conduct shall not be considered by the courts. I think that's highly impractical. I realize it's a concern. We had conduct in before; we took it out. That's clear. I think you have to have a clause like (m). I don't think the members of this House are omniscient. I don't think we necessarily have at our fingertips all the relevant considerations in every marriage.

Therefore we have said that if there is a relevant fact or circumstance — and I underline "relevant" — the court is free to consider it. As I think the hon. Member for Edmonton Kingsway said, if with experience with this legislation in the courts we find that the courts are placing on parts of this bill a construction that we as legislators did not intend, we have the capacity to come back here and amend it.

Mr. Chairman, unless there are other comments I'd like to say in conclusion that the hon. Leader of the Opposition, whom I note is not in the Assembly at the moment, feels we should have gone to a very strict, narrow definition in the law. With the Member for Spirit River-Fairview, he defines it as deferred sharing. I still think they misunderstand the meaning of the words "deferred sharing", at least as used in the institute's report. Bill 20 is deferred sharing in the language used even by the institute. We have simply broadened the discretionary area that the institute dealt with. So many people, and I suspect the Member for Spirit River-Fairview and the Leader of the Opposition, have fallen into the trap of believing that deferred sharing is an automatic fifty-fifty and nothing more.

I have to congratulate the Member for Spirit River-Fairview. I think he walked very neatly down both sides of the road. It was a marvellous speech, Mr. Chairman. He talked about the need for certainty and for deferred sharing at the same time he talked about the need for flexibility in certain kinds of marriages because not every marriage is the same as every other. So I congratulate him; it was a very skilful effort. Reading *Hansard*, I think even I would have difficulty deciding exactly where he stood. It was a skilful speech, but I'm not sure we've discovered where he stands on the issue.

However, it's clear that the Leader of the Opposition and the Member for Spirit River-Fairview don't really trust the judiciary. I'm sorry for that. I think this is good legislation. I think it gives the courts ample direction with respect to the presumption of equal sharing, yet it gives them ample flexibility to treat your marriage and mine and every other marriage with the kind of discretion I think is needed. I believe the guidelines are full and ample to be fair and equitable in all circumstances.

I appreciate the contribution of the Member for Edmonton Norwood, who was concerned about the prominence of the section relating to the presumption of equal sharing. I think she was concerned that because that presumption of equal sharing is a subsection and not a section, somehow the courts may not see it or pay as much attention to it. She feels that if it were more prominent, the courts may be more aware of it. I believe I can assure her that those who interpret this legislation, particularly the judiciary, will be very, very cognizant of what I have

described as the key factor in this legislation.

Frankly, when we were struggling with the drafting of this bill, we endeavored to draft it so we began with that presumption as clause number one, and other things flowed from that. However, as we worked more and more with it, we found that it simply wasn't appropriate from a drafting point of view to do it that way. I don't think anyone should read into that a feeling on behalf of this Assembly that that presumption is of less importance, because it is in a subsection, than other provisions of the act which perhaps stand as sections on their own.

That is the law of this province and will be accepted by the judiciary with just as much weight and attention as any other subsection or section of the act. Her concern is an appropriate one, but I don't think she need be concerned about the attitude of the courts.

MR. NOTLEY: I'd just like to respond as a result of that invitation to a debate.

First of all, Mr. Chairman, I'm sure the Leader of the Opposition can speak for himself. But when one has read the Institute of Law Research and Reform, I don't think anyone on this side of the House in advancing the case for deferred sharing was under any illusion that that would mean a fifty-fifty split in every conceivable circumstance. We're all aware of the provision within the institute report that the assumption is one of equality unless one spouse can demonstrate that the contribution of the other is less than might reasonably be expected.

Mr. Chairman and members of the committee, there is a very significant difference. The Attorney General is attempting to convince the committee that what we have is really a form of deferred sharing, and then we have these 13 provisions that have to be taken into account in order to determine whether it's just and reasonable.

As recommended by the majority report of the institute, deferred sharing was equal sharing, and the onus was upon that spouse who felt aggrieved to demonstrate that the other spouse had made a contribution that was less than might be reasonably expected. In other words, as things stand in Bill 20 the presumption of equality is qualified by 13 provisions that the judge must take into account, whereas in deferred sharing the onus is the other way around; the presumption is equality, but the individual who feels aggrieved has to be able to demonstrate that the other spouse contributed less than might reasonably be expected.

I don't want to rehash the arguments, Mr. Chairman. I think we debated them yesterday in terms of the basic principle. Notwithstanding the skill of the hon. Member for Calgary Buffalo and the low-key approach of the hon. Attorney General, I still remain convinced that that majority of four to three on the part of the institute was probably the recommendation the province should have adopted.

On the question of common-law marriages, I recognize and want to underline that I don't expect the Attorney General to put a provision for common-law marriages in a matrimonial property act. That wasn't what I said when I raised the issue. However, I do think we have to look at the question. Because whether we like it or not, or whether we appreciate that sort of life style — most of us probably would not — the fact is that very large numbers of people are

entering that situation.

As I understand, we now have arrangements for child support, for example, where there is a recognition of certain responsibilities in a common-law relationship. From the minister's answer I take it that the government doesn't intend to proceed any other way, that we are announcing today that those in common-law relationships have to undertake a contract if they are going to have any rights at all; as far as the government is concerned, they are individuals. Would that be a fair assessment of the government's position, or are we looking at some other type of legislation that would not be part of the matrimonial property legislation but would be on the books at some point to look at that question?

MR. FOSTER: Mr. Chairman, I think the hon. member is clear that some provisions in the law right now acknowledge certain rights of common-law spouses. For example, in the insurance area the public service pension legislation and the Workers' Compensation Board are two that readily come to mind. There are areas in the law where common-law spouses, whatever that means, receive some recognition. So that's there. But I wouldn't want any member of this House to feel that the government is planning as its next step an amendment to Bill 20 building in certain rights to spouses from a property point of view, because that's not our intention.

DR. BUCK: Mr. Chairman, to the hon. minister. I would never accuse the minister of taking a cheap shot when he's talking about our advocating the break-up of family life.

MR. NOTLEY: It's getting close enough to an election, Walt.

DR. BUCK: Yes, I might say it could be a cheap shot. But I do want to remind the minister that three statutes have been passed by this Legislature this session. The first one, hon. minister, is The Pension Statutes Amendment Act, in which we recognize the problems involved when we have common-law marriages. The second was The Public Service Pension Act, and the third one The Universities Academic Pension Act.

I would like to remind my learned friend of the Lee Marvin case in, I believe, California. This famous actor had a common-law relationship which I suppose he thought would not have any binding contract upon him because they were not legally married. But the learned judge in that case indicated that that was, in essence, a marriage contract, and the award was made accordingly. That legislation has been used as a precedent in three or four other states in the United States.

So I guess we should say that common-law marriages have been here long before the \$5 certificate. All we're trying to do is make the hon. Attorney General realize that there are some problem areas in this. And we have recognized this in three of the statutes we have passed. Just because the government may be a little bit sensitive about the break-up and some of the problems they may be having on that side, we certainly don't have any over here. If anything, we are champions of the family unit. So let's not have any cheap shots, Mr. Minister.

MR. FOSTER: Mr. Chairman, I don't want to protract this discussion. I'm delighted to see the Social Credit caucus retreating from the position described by their leader on second reading of this bill. I think it's wise that you do so. Knowing members opposite, I frankly couldn't believe they would be advocating such a position. Now I'm being told I must have heard you incorrectly. I'm prepared to accept that.

MR. CLARK: Mr. Chairman, I would simply say to the Attorney General, with all his smiling, that my colleague points out that three bills dealing with common-law arrangements are before the committee at this very time. If I recall, the minister is even on the government's legislative review committee. I simply remake the point my colleague made: as far as we're concerned over here — it may not have been meant by the Attorney General this way at all — a very cheap shot.

MR. TAYLOR: Mr. Chairman, I don't know whether this is a private fight, but I want to get into it. We keep condemning the permissiveness of our society. At times we even hold the government responsible for some of the permissiveness, in the questioning in this House. But if we're going to give common-law partners every privilege and concession we give to properly married people, we're encouraging common-law arrangements. I just don't think we should be doing that. We have to be practical and recognize that common law does exist. We've recognized that in our compensation act. If the common-law husband is killed — nobody has any control of when he's going to be killed or if he's going to be killed — there is an arrangement that human interest would say you have to take cognizance of, particularly if there are children.

There are other types of legislation where you have to recognize that common law does exist. But when we start considering common law in a matrimonial property act, I think we're going far too far, because we're trying to give common-law partners the same privileges we give to properly married people. I just don't think our legislation should be doing that. I think there's a difference in legislation. Some legislation recognizes there are common-law arrangements and that some rights are involved there. Nobody's denying that. But they're not married, and I don't think we should ever begin to say they're going to have the same privileges that properly married people have in this country. If we do, we're simply encouraging permissiveness, and permissiveness like that should not be encouraged.

I'd also like to say a word or two in connection with deferred sharing and the bill. The former bill, discussed in some detail at my pre-session meetings, provided some discretion on the part of the court. That bill the way it was written, and it has been improved in this act, carried the judgment of 82 per cent of the people who wanted that discretion to be displayed by the court.

I can give one case that was brought to mind. I think it's applicable to the present act. Take the hard-working woman who is married to the slob. This occurs at times. I know one case like this where the woman goes out and scrubs floors. She works her fingers to the bone. She's continually working to get money for that family to build a decent home, to

build proper furniture, while he does nothing but drink beer. As a matter of fact, he's so blamed lazy he even insists on her going down for the beer and bringing it home to him. If that marriage should break up, can anybody here say that man should have an equal share of whatever estate there happens to be? Well, I can't. That woman should get the major part of that estate. Anyone who wants an equal share certainly isn't wanting justice.

I have every confidence in the judiciary. I think the judges can look at the various cases and give justice to the greatest possible degree, and there are probably hundreds of cases and none of them the same. I think the department has done a good job on this bill. As the hon. minister said a few minutes ago, if something needs amending, we can amend it. It would be amazing if some sections don't need amending, because every piece of legislation, when it comes to practical use, runs into problems that require an amendment in order to be fair and just. I want to commend the minister on the bill. It appears to me that the people I represent will be happy with the bill. If changes are to be made, we will certainly bring them to the attention of the minister.

In the meantime, the people who are unfortunate enough to have a marriage breakdown will certainly have something upon which to hang their hats in order to get a square deal.

MRS. CHICHAK: Mr. Chairman, I'd just like to take a brief moment to draw attention to a concern about the bill I've had represented to me. It's with respect to sections 37 and 38, where it provides the ability for parties in a marriage situation to contract out of the provisions of this legislation. I recognize that such flexibility is necessary in certain circumstances, particularly where the parties in question are perhaps in their senior years, have acquired their own estates or assets or have children from previous marriages, and would like to have the proper arrangement, an understanding in an agreement. The matter of the distribution of their property should not be involved under this legislation.

I share the concern of those who have expressed to me that this particular legislation can work in two ways. I have identified the first way, which is beneficial. The second is with regard to the parties in question, where one may be coerced by the other into an agreement.

I recognize that the legislation provides for each of them to have individual legal counsel. However, in the majority of cases — it would in all probability be the woman or the wife, but not exclusively so — one of the spouses certainly is of stronger character and has certain very strong individual views about the entitlement of assets acquired during a marriage, or even prior. But over a number of years, during the course of the marriage the contribution made by both may have substantially increased the value of such assets. Perhaps one spouse would be of a strong view, simply because he or she was in ownership of the particular asset prior to a marriage or acquired as a gift or outside of any marriage arrangement, that he or she is still entitled in every circumstance to be solely the owner of such assets.

I can see some difficulties there. Mr. Chairman, I don't know what we can do in legislation to protect that kind of circumstance with regard to the weaker

spouse, except to be sure there is a conveyance of the message of concern to the judiciary, in the examination of any cases that come before them with regard to this matter. Perhaps at some future time, when we have the implementation of this particular legislation, we might look at whether these sections might be amended to provide the ability for one of the spouses to say that with the passage of time in fact they were coerced, but the circumstances were such that they really could not make that known or withhold their agreement to enter into a contract.

I would like the Attorney General to make some comment as to his view on whether there is anything we might examine further with regard to these two sections.

MR. NOTLEY: On Section 16, Mr. Minister, "... the rights conferred on a person by this [act] do not survive the death of that person for the benefit of his estate". I'd like to have the minister answer ... Look, we're going to have a division of matrimonial property. The thing is not agreed to, and we have to use the provisions of Bill 20. It goes to court, and we have 13 different provisions, and it's dragged out over a period of time. It's probably going to take some months to get into court. Why have we said that the benefits don't survive the death of one of the parties?

I say this because there may be children from one of the spouses. It occurs to me that you're going to have cases where there will be deaths from the time the proceedings begin until the time those proceedings are finally dealt with. As I see it, under the terms of this act the rights conferred on the person don't survive the person. So if the person dies a week or two before the judgment is made, the children of that spouse suddenly lose all rights, whereas a few days on they wouldn't.

MR. FOSTER: Mr. Chairman, the children wouldn't lose any "rights", because children do not gain any rights *per se* under this legislation. Their rights may be to maintenance and support, for example, if there is a separation. If there is a death, the matter is handled in exactly the same way as if there had been no proceedings. The estate laws and The Family Relief Act will come into place. For example, the wife could apply for a substantial portion of the estate if she could make out a case. But the rights of children, as such, are not affected, because the only rights they would have would be a right to support from one of their parents if they're minors. Now if they're older children, again their rights really aren't dealt with here. These rights really only relate to the entitlement of property as between husband and wife, not involving the children, whether they're minors or of legal age.

MR. NOTLEY: There is a situation where if death occurs before the settlement is made, people who would be beneficiaries could lose. Let me perhaps illustrate what I mean. Suppose you have a couple in their fifties and, in the case of one of them, it's a second marriage. There are children 25 or 30 years of age, of legal age. If the spouse who is the parent of these children survives, these children become beneficiaries of whatever share of the property that spouse obtains. However, if that spouse dies one day before the judicial decision is made, as I understand

Section 16, those adult children who are not children under the terms of the act suddenly find themselves dispossessed of any share of the assets which might otherwise come to them.

MR. FOSTER: Not necessarily so, Mr. Chairman. You're assuming that the deceased person, whose estate we're talking about, would not have passed the property on to his beneficiaries, and they might be children. After all, we're talking about husband and wife and they have children, the two of them. You're assuming that . . .

MR. NOTLEY: I'm assuming they're married.

MR. FOSTER: Oh, fine. Then you've got a point. In fact the one spouse may have been so unfortunate as to not have survived and therefore not have had an order as to his or her entitlement to property. That may indeed have affected their estate. But the presumption in this legislation is that husband and wife are separate as to property, as they are now; it's only on court order that ownership of property other than legal ownership is then determined. If something interrupts that — an automobile accident, a chance, or what have you — that puts an end to it. Death will put an end to it.

MR. NOTLEY: Then we will have a little Russian roulette being played with this. I admit this would be a small minority of cases, but there would be the possibility of people who could be beneficiaries, particularly children of first marriages, where people have married again and you have a separation, and before the process is completed there is a death. Then the rights the children from the first marriage would have to their parent's share of that division would disappear, as this act now stands.

MR. FOSTER: Well, you have to remember that if they are children of a first marriage, and let's assume they are the children of the female, any property she brought into that marriage would of course remain hers. That doesn't go into this. Anything she brought from the first marriage would be hers and would devolve upon her beneficiaries according to her will. There is that fact.

The only way we can cure the problem you refer to, if it's a problem, is to resort to an entirely different property regime which would be full community of property in which both spouses have an ownership interest in all the assets acquired during marriage. Of course we've talked about the problems of that before. That's really very complex.

[Title and preamble agreed to]

MR. FOSTER: Mr. Chairman, I move that Bill 20, The Matrimonial Property Act, be reported as amended.

[Motion carried]

Bill Pr. 1
An Act to Amend
The Alberta Wheat Pool Act, 1970

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any

sections of this bill?

There is an amendment to the bill.

MR. TAYLOR: Mr. Chairman, may I be excused, as I have a conflict of interest on this bill?

MR. CHAIRMAN: Yes, hon. member, you may.

MR. MANDEVILLE: Mr. Chairman, just before you start, maybe I should be too.

DR. BUCK: Mr. Chairman, I'd just like to say that the members of the Assembly who, knowingly or unknowingly, may think they have some involvement should absent themselves. The man who sells the grain from my farm on a pool certificate got me involved. I wasn't aware of this. So anybody who may have that problem should absent themselves.

AN HON. MEMBER: Are you leaving too?

DR. BUCK: I'm leaving.

MR. CHAIRMAN: If there are any other members who may have a personal involvement in this bill, they may be excused.

[Several members left the Chamber]

MR. NOTLEY: What are you leaving for, King?

MR. SCHMID: Grant, that's your chance — Leader of the Opposition.

[Title and preamble agreed to]

MR. DOAN: Mr. Chairman, I move that Bill Pr. 1, An Act to Amend The Alberta Wheat Pool Act, 1970, be reported as amended.

[Motion carried]

Bill Pr. 2
An Act to Amend An Act to
Incorporate the Society of
Industrial Accountants of Alberta

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

[Title and preamble agreed to]

MR. YOUNG: Mr. Chairman, I move that Bill Pr. 2 be reported.

[Motion carried]

Bill Pr. 4
An Act to Incorporate
St. Joseph's Hospital, Radway

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

[Title and preamble agreed to]

MR. TOPOLNISKY: Mr. Chairman, I move that Bill Pr. 4 be reported.

[Motion carried]

Bill Pr. 3
An Act to Incorporate
Concordia College

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

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

[Title and preamble agreed to]

MR. KING: Mr. Chairman, I move that Bill Pr. 3 be reported as amended.

[Motion carried]

Bill Pr. 5
An Act Respecting
The Royal Trust Company and
Royal Trust Corporation of Canada

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

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

[Title and preamble agreed to]

MR. YOUNG: Mr. Chairman, I move that Bill Pr. 5 be reported as amended.

[Motion carried]

Bill Pr. 6
An Act to Incorporate
First Western Trust Company

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

[Title and preamble agreed to]

MR. GHITTER: Mr. Chairman, I move that Bill Pr. 6 be reported.

[Motion carried]

MR. HYNDMAN: Mr. Chairman, I move the Committee of the Whole rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

DR. McCRIMMON: Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following bills and reports the same: bills 2, 7, 16, 38, 42, and 45; private bills 2, 4, and 6.

The Committee of the Whole Assembly has had under consideration the following bills and reports

the same with some amendments: bills 41, 10, 35, 29, 40, 43, 44, and 20; private bills 1, 3, and 5.

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

HON. MEMBERS: Agreed.

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

[It was moved by the members indicated that the following bills be read a third time, and the motions were carried]

| No. | Name | Moved by |
|-----|---|------------------------|
| 4 | The Alberta Municipal Financing Corporation Amendment Act, 1978 | Leitch |
| 5 | The Alberta Insurance Amendment Act, 1978 | Harle |
| 1 | The Interpretation Amendment Act, 1978 | Lougheed |
| 6 | The Alberta Property Tax Reduction Amendment Act, 1978 | Johnston |
| 8 | The Survival of Actions Act | Webber |
| 9 | The Natural Gas Pricing Agreement Amendment Act, 1978 | Hyndman (for Getty) |
| 11 | The Feeder Associations Guarantee Amendment Act, 1978 | Hansen |
| 12 | The Motor Vehicle Administration Amendment Act, 1978 | Farran |
| 14 | The Alberta Games Council Act | Adair |
| 15 | The Motor Transport Amendment Act, 1978 | Horner |
| 21 | The Workers' Compensation Amendment Act, 1978 | Crawford |
| 22 | The Election Statutes Amendment Act, 1978 | McCrae |
| 24 | The Municipal Taxation Amendment Act, 1978 | Johnston |
| 25 | The Utilities and Telephones Statutes Amendment Act, 1978 | Warrack |
| 26 | The Attorney General Statutes Amendment Act, 1978 | Foster |
| 27 | The Education Statutes Amendment Act, 1978 | Koziak |
| 28 | The Real Estate Agents' Licensing Amendment Act, 1978 | Harle |
| 30 | The Agricultural Chemicals Amendment Act, 1978 | Miller |
| 31 | The Hazardous Chemicals Act | Lysons |
| 36 | The Universities Academic Pension Act | Leitch |
| 37 | The Corrections Amendment Act, 1978 | Farran |

| No. | Name | Moved by |
|-----|--|------------------------|
| 39 | The Mines and Minerals Amendment Act, 1978 | Hyndman (for Getty) |

MR. HYNDMAN: Mr. Speaker, I ask for unanimous leave of the Assembly to move to third reading of those government bills and orders listed on page 2 of today's Order Paper under Committee of the Whole; with respect to the six private bills listed, to move to third reading of those bills notwithstanding Standing Order No. 63.

HON. MEMBERS: Agreed.

[It was moved by the members indicated that the following bills be read a third time, and the motions were carried]

| No. | Name | Moved by |
|-----|--|-----------------------|
| 2 | The Appropriation Act, 1978 | Leitch |
| 7 | The Surface Rights Amendment Act, 1978 | Moore (for Butler) |
| 16 | The Cultural Development Amendment Act, 1978 | Chichak |
| 10 | The Agricultural Societies Amendment Act, 1978 | Hyland |

Bill 20

The Matrimonial Property Act

MR. FOSTER: Mr. Speaker, I move third reading of Bill No. 20, The Matrimonial Property Act.

MR. KING: Mr. Speaker, yesterday in my remarks at second reading on Bill 20, I expressed my opposition to sections 37 and 38. In the meantime, I have been party to discussion between two members of the bar, both of whom are equally vehement in their own positions on sections 37 and 38. It has caused me much confusion, none of which has been ameliorated with the passage of time.

This afternoon we have heard much talk about appearing to condone the weakening of the institution of marriage if we appear to condone common-law relationships. There appears to have been general agreement in this Assembly that if there is one thing we do not want to do, it is to condone or indeed simply to give the appearance we are condoning anything which weakens the institution of marriage. In my view, the inclusion of sections 37 and 38 in this act does at least that. However, my view is not shared by either of the two members of the bar with whom I have spent a good part of the afternoon.

SOME HON. MEMBERS: At the bar?

MR. KING: That probably would have been much more helpful to the resolution of my problem than to have been in the lobby at the back of the House. However, I can probably be thankful I was with only two of my colleagues, and not 20 or 30 of them.

Mr. Speaker, my position is this: I understand it has been the common law of this province and this country that marriage contracts which dealt with the divi-

sion of property on the dissolution of marriage were rejected by the courts on the basis of the argument that public policy could not endorse an action, including the drawing up of a contract, which necessarily led people to consider the implications of their marriage breakdown before they were married. That is my understanding of 300 or 400 years of common law in this jurisdiction, that for people entering marriage to contemplate the consequences of the breakdown of that marriage was not a good thing for the institution of marriage, and was therefore contrary to public policy.

If that is correct, Mr. Speaker, my position is simply that I do not want to be a party to any creation in statute law which has the effect of changing that public policy. Unfortunately, while that is the interpretation I give to sections 37 and 38, it is not an interpretation shared by at least one other hon. member in this Assembly who has more experience with the courts than I have or would ever care to have. It is the argument of at least one of my colleagues that it has been and continues to be possible to contract, prior to marriage, for the disposition of property, if not certain other things, should the marriage be dissolved.

I regret that this was raised in my own mind or in the minds of others at such a late date prior to committee consideration and third reading, that it has not been possible for me to give it the consideration for which the argument of my two colleagues has demonstrated a need. For that reason, while I announced yesterday that I could not vote in favor of the bill at third reading if an amendment were not made at committee stage, I have been persuaded to the extent at least of being unable to vote against the bill until the understanding of the legal profession is clarified.

With your leave, Mr. Speaker, it is therefore my intention to vote neither for nor against this bill at third reading; to undertake, with some of my colleagues, a consideration of this; and to see, as the hon. Attorney General has stated, whether or not it is writ with stone or would be subject to amendment at some later date, perhaps in the fall.

AN HON. MEMBER: You'll make it to the cabinet yet, Dave.

DR. BUCK: Only out of sheer need and necessity.

[Motion carried; Bill 20 read a third time]

[It was moved by the members indicated that the following bills be read a third time, and the motions were carried]

| No. | Name | Moved by |
|-----|--|----------|
| 29 | The Condominium Property Amendment Act, 1978 | Horsman |
| 35 | The Pension Statutes Amendment Act, 1978 | Leitch |
| 38 | The Municipal Government Amendment Act, 1978 | King |
| 40 | The Ombudsman Amendment Act, 1978 | Hyndman |
| 41 | The Alberta Hospitals Amendment Act, 1978 | Miniely |

| No. | Name | Moved by | [Motion carried] |
|-----|--|--------------|--|
| 42 | The Election Amendment Act, 1978 | Purdy | |
| 43 | The Summary Convictions Act, 1978 | Foster | MR. HYNDMAN: Mr. Speaker, His Honour the Honourable the Lieutenant-Governor will now attend upon the Assembly. |
| 44 | The Alberta Historical Resources Amendment Act, 1978 | Wolstenholme | [Mr. Speaker left the Chair] |
| 45 | The Fuel Oil Administration Amendment Act, 1978 | Leitch | |

head: **ROYAL ASSENT**

SERGEANT-AT-ARMS: Order! His Honour the Lieutenant-Governor.

[His Honour the Lieutenant-Governor took his place upon the Throne]

head: **PRIVATE BILLS**
(Third Reading)

[It was moved by the members indicated that the following bills be read a third time, and the motions were carried]

HIS HONOUR: Pray be seated.

MR. SPEAKER: May it please Your Honour, the Legislative Assembly has, at its present sitting, passed certain bills to which, and in the name of the Legislative Assembly, I respectfully request Your Honour's assent.

CLERK: The following are the titles of the bills to which Your Honour's assent is prayed:

| No. | Name | Moved by |
|-------|--|----------|
| Pr. 1 | An Act to Amend The Alberta Wheat Pool Act, 1970 | Doan |
| Pr. 2 | An Act to Amend An Act to Incorporate The Society of Industrial Accountants of Alberta | Young |
| Pr. 3 | An Act to Incorporate Concordia College | King |

MRS. CHICHAK: Mr. Speaker, on a point of order, Bill Pr. 3 was amended, and in moving third reading the hon. member did not move the amendment of the bill.

MR. SPEAKER: On the point of order raised by the hon. member, it's my understanding that the amendments are deemed to have been reported when the bill is reported, although there is opportunity for debate at that time if the member would seek it.

AN HON. MEMBER: Question.

MR. SPEAKER: The question has been put. I don't think the point of order has invalidated the vote on third reading.

[It was moved by the members indicated that the following bills be read a third time, and the motions were carried]

| No. | Name | Moved by |
|-------|---|------------|
| Pr. 4 | An Act to Incorporate St. Joseph's Hospital, Radway | Topolnisky |
| Pr. 5 | An Act Respecting The Royal Trust Company and Royal Trust Corporation of Canada | Young |
| Pr. 6 | An Act to Incorporate First Western Trust Company | Ghitter |

MR. HYNDMAN: Mr. Speaker, I move the Assembly do now stop the clock at 5:20 p.m.

| | |
|---------|---|
| Bill 1 | The Interpretation Amendment Act, 1978 |
| Bill 2 | The Appropriation Act, 1978 |
| Bill 4 | The Alberta Municipal Financing Corporation Amendment Act, 1978 |
| Bill 5 | The Alberta Insurance Amendment Act, 1978 |
| Bill 6 | The Alberta Property Tax Reduction Amendment Act, 1978 |
| Bill 7 | The Surface Rights Amendment Act, 1978 |
| Bill 8 | The Survival of Actions Act |
| Bill 9 | The Natural Gas Pricing Agreement Amendment Act, 1978 |
| Bill 10 | The Agricultural Societies Amendment Act, 1978 |
| Bill 11 | The Feeder Associations Guarantee Amendment Act, 1978 |
| Bill 12 | The Motor Vehicle Administration Amendment Act, 1978 |
| Bill 14 | The Alberta Games Council Act |
| Bill 15 | The Motor Transport Amendment Act, 1978 |
| Bill 16 | The Cultural Development Amendment Act, 1978 |
| Bill 20 | The Matrimonial Property Act |
| Bill 21 | The Workers' Compensation Amendment Act, 1978 |
| Bill 22 | The Election Statutes Amendment Act, 1978 |
| Bill 24 | The Municipal Taxation Amendment Act, 1978 |
| Bill 25 | The Utilities and Telephones Statutes Amendment Act, 1978 |
| Bill 26 | The Attorney General Statutes Amendment Act, 1978 |
| Bill 27 | The Education Statutes Amendment Act, 1978 |
| Bill 28 | The Real Estate Agents' Licensing Amendment Act, 1978 |
| Bill 29 | The Condominium Property Amendment Act, 1978 |
| Bill 30 | The Agricultural Chemicals Amendment Act, 1978 |

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|------------|--|
| Bill 31 | The Hazardous Chemicals Act |
| Bill 35 | The Pension Statutes Amendment Act, 1978 |
| Bill 36 | The Universities Academic Pension Act |
| Bill 37 | The Corrections Amendment Act, 1978 |
| Bill 38 | The Municipal Government Amendment Act, 1978 |
| Bill 39 | The Mines and Minerals Amendment Act, 1978 |
| Bill 40 | The Ombudsman Amendment Act, 1978 |
| Bill 41 | The Alberta Hospitals Amendment Act, 1978 |
| Bill 42 | The Election Amendment Act, 1978 |
| Bill 43 | The Summary Convictions Act, 1978 |
| Bill 44 | The Alberta Historical Resources Amendment Act, 1978 |
| Bill 45 | The Fuel Oil Administration Amendment Act, 1978 |
| Bill Pr. 1 | An Act to Amend The Alberta Wheat Pool Act, 1970 |
| Bill Pr. 2 | An Act to Amend An Act to Incorporate the Society of Industrial Accountants of Alberta |
| Bill Pr. 3 | An Act to Incorporate Concordia College |
| Bill Pr. 4 | An Act to Incorporate St. Joseph's Hospital, Radway |
| Bill Pr. 5 | An Act Respecting The Royal Trust Company and Royal Trust Corporation of Canada |
| Bill Pr. 6 | An Act to Incorporate First Western Trust Company |

[The Lieutenant-Governor indicated his assent]

CLERK: In Her Majesty's name, His Honour the Honourable the Lieutenant-Governor doth assent to these bills.

HIS HONOUR: Members of this Legislative Assembly, I'd like to take this opportunity to thank you for the dedicated and democratic manner in which you've conducted this session. I know you have a lot of other business that will have to be taken care of when you return to your constituencies, but I do hope you will take a little time to yourselves. Come back in the fall well rested, well recouped, and with the usual amount of energy you've shown in the past. My fondest wishes. Have a good summer.

SERGEANT-AT-ARMS: Order!

[The Lieutenant-Governor left the House]

[Mr. Speaker in the Chair]

MR. HYNDMAN: Mr. Speaker, I move the Assembly do now adjourn for the summer recess.

MR. SPEAKER: The Assembly stands adjourned for the summer recess, as previously agreed on motion by the hon. Government House Leader.

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