

LEGISLATIVE ASSEMBLY OF ALBERTA

head: MINISTERIAL STATEMENTS

Title: Monday, October 22, 1979 2:30 p.m.

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

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF BILLS

Bill 233
The Children's Rights Act

MR. NOTLEY: Mr. Speaker, I beg leave to introduce Bill 233, The Children's Rights Act. The basic principle behind Bill 233 is modelled on recommendations of the commission on family and children's law in the province of British Columbia. It sets out certain rights and obligations for people caring for children in the province of Alberta.

[Leave granted; Bill 233 read a first time]

head: TABLING RETURNS AND REPORTS

MR. CRAWFORD: Mr. Speaker, as required by statute, I'd like to table copies of the annual report and attached financial statements of the Alberta Law Foundation.

head: INTRODUCTION OF SPECIAL GUESTS

MR. NOTLEY: Mr. Speaker, it gives me a great deal of pleasure to introduce guests on both sides of the House today. First, some 60 German/Canadian exchange students seated in the public gallery, 30 from Germany and 30 from Edmonton high schools. The German students are over now; the 30 Edmonton students will be going to Germany after the beginning of the new year. I ask them to stand and be recognized by the House.

Mr. Speaker, we have a number of members of the provincial executive of the Alberta Fire Fighters Association seated in the members gallery: Mr. Walter Willetts, president of the Alberta Fire Fighters and president of the Lethbridge local; Mr. Greg Stemler, first vice-president of the Alberta Fire Fighters; Mr. Ian Howell, second vice-president, and also president of the Red Deer local; Mr. Alec Lavery, secretary-treasurer of the Alberta Fire Fighters; Mr. Walter Kruschel, vice-president of the Canadian Fire Fighters, in charge of the second district; and Mr. Bob Williams, past-president of the Calgary fire fighters. I ask them to stand and be recognized by members of the House.

Department of Agriculture

MR. SCHMIDT: Mr. Speaker, it's my privilege to announce today the beginning of Agriculture Week in Alberta. From October 21 to 27 a province-wide blitz is in motion promoting our agriculture industry to rural and urban citizens alike. This week is special in that it creates an awareness of the important role this industry plays in the economy of our province. To this end, our promotional campaign is designed to bring agriculture to Albertans, through schools, through community organizations, and at home via the mass media.

Mr. Speaker, another very important aspect of Agriculture Week is the annual Agriculture Hall of Fame awards dinner. Last week it was my privilege to induct two Albertans into the Hall of Fame: Mr. Fred Bell of Calgary and Mr. Tom Reed of Strathcona county.

Mr. Speaker, I believe this year's theme, Agriculture: Our Renewable Resource, reflects the dynamic nature of the agriculture industry today and certainly in the future. I invite the citizens of Alberta to take an active part in this event.

head: ORAL QUESTION PERIOD

Discrimination in Insurance Rates

MR. R. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of Labour. It flows from the precedent-setting action of the Human Rights Commission when it sent an open letter to Members of the Legislative Assembly this June 15, dealing with the contravention of The Individual's Rights Protection Act in setting insurance premiums. The Human Rights Commission poses the basic question: which will prevail, the fundamental principles of human rights as embodied in Alberta legislation or present practices of the insurance industry?

Is the minister in a position to indicate what concrete action has been taken by the government since the letter went to Members of the Legislative Assembly dealing with this very vital matter?

MR. YOUNG: Yes, I can, Mr. Speaker. I'd like to advise the Assembly, particularly the hon. Leader of the Opposition, that a number of initiatives are under way. Of most interest to the Assembly may be some discussions in which I participated with the Insurance Bureau of Canada or their representatives not so many weeks ago in Edmonton, when they came to meet with me and the Minister of Consumer and Corporate Affairs. Additionally, I will meet with the Alberta Human Rights Commission later this week to look at the issue the hon. member raises, plus some others.

MR. R. CLARK: Mr. Speaker, to the minister. Are we to understand from the minister's answer that, following the Human Rights Commission's sending an open letter to all members of the Assembly on June 15, it's taken until next week for the minister to meet with the Human Rights Commission specifically on this matter and that the only actions the government has been involved in are some discussions with the Insurance Bureau of Canada?

MR. YOUNG: Mr. Speaker, the hon. leader wishes to know how many times I've met with the Human Rights Commission on that matter specifically. I'm not sure, in the number of meetings I've had — there have been at least two, one at my request and one at the instigation of the commission. I speak now of meetings with the full commission, as opposed to meetings with the chairman, of which there have been quite a number. I'm not sure I can give the hon. leader the assurance — if indeed it would be valuable at all in leading to the resolution of this matter — that I only talked of that one item. I think that would not be the case. Rather, the meetings covered a number of items. It is fair to say, however, that that particular item was the major topic of at least one meeting.

MR. R. CLARK: Mr. Speaker, is the minister in a position to indicate to the Assembly whether, in the course of discussions with the Insurance Bureau of Canada, he got any commitment from the bureau that they were prepared to change the practice, which according to the Human Rights Commission is certainly contrary to the spirit and intent of Alberta human rights legislation?

MR. YOUNG: Mr. Speaker, I don't think the purpose of the meeting was to secure commitments of that nature. The issue before us is very involved and complex. It was an attempt to get a better understanding of what is happening on that matter and the views on that matter, not only in Alberta but across Canada. Other governments have been responding; some in one way and some in a quite diametrically opposite way. In part, we wanted to determine the position of the Insurance Bureau of Canada and, more importantly, to explore with them the ramifications and how they perceive the issue. I think that was the main value of the meeting.

As I understand it there is an intention that we will have some further communications. I'm looking forward to those to see what we may now be able to arrange, in view of our exploratory meeting.

MR. R. CLARK: Mr. Speaker, with the greatest respect to the minister, when one looks at the comments made by the industry there seems to be little doubt as to the industry's point of view. They are in favor of the continuation of the discrimination the Human Rights Commission has come to the government about.

My question is: did the minister put to the insurance industry the ultimatum that if the insurance industry itself would not clean up the situation, in light of the Human Rights Commission report, the government would take the initiative by bringing legislation to the Alberta Assembly?

MR. YOUNG: Mr. Speaker, the hon. leader knows, or at least he should know, that it's not my disposition to go around issuing ultimatums. If he doesn't, I can assure the whole Assembly that as a rule it's not my practice to issue ultimatums until every other avenue has been explored in detail with an attempt, through reasonable discussion, to understand the full ramifications of a very complex issue which affects all society. That was part of the process we engaged in.

The insurance industry has put its position. The Alberta Human Rights Commission has put its opinion on the findings of the board of inquiry conducted

as a result of allegations and complaints to the Alberta Human Rights Commission. The Alberta Automobile Insurance Board has also put its position.

This matter is of a sociological as well as an economic nature. As I mentioned earlier, it goes well beyond the borders of Alberta. It would seem to me that it ought to be looked upon as an issue which should have a final resolution of a similar nature in every province across Canada. As I've indicated, at the present time some provinces have moved in one direction, some in another, and it appears from our information that a lot are trying to do precisely what we're trying to do: to determine all the facts and implications before we go around issuing ultimatums or making snap judgments.

MR. R. CLARK: Mr. Speaker, on this particular matter no one would ever accuse this government of making snap judgments. This has been on the government's timetable close to a year, and they've done virtually nothing.

SOME HON. MEMBERS: Question. [interjection]

MR. R. CLARK: No, the minister talks about not even an emotional outburst. The minister just introduces other legislation without any consultation at all, but in this issue he's backing off.

Mr. Speaker, the question to the minister is simply this: can the minister give a commitment either that by the end of this year the government will have worked out an arrangement with the insurance industry, or that the government will announce an intention to bring legislation to the spring session in 1980 so this matter can be resolved?

MR. YOUNG: Mr. Speaker, if the hon. Leader of the Opposition reads the legislation carefully — unless he arrives at a different interpretation than I do — a resolution is possible by existing legislation. In brief, the answer to the hon. Leader of the Opposition is no.

MR. R. CLARK: Mr. Speaker, a supplementary question to the minister once again. While all this footwork goes on and Alberta can't make up its mind, several other provinces have moved. Why is it . . .

MR. SPEAKER: Would the hon. leader please commence to abbreviate his introductory remarks and come directly to the question.

MR. R. CLARK: Mr. Speaker, I believe that's a shrewd observation.

The supplementary question to the minister is: why is it that other provinces can make a decision and move on this matter . . .

MR. SPEAKER: Order please. Surely the hon. minister isn't accountable for the actions of other provinces.

MR. R. CLARK: But he should be accountable for the slowness of Alberta.

MR. YOUNG: Mr. Speaker, other provinces that have moved have generally moved in the direction desired by the outcome of the board of inquiry by taking over the automobile insurance business from private indus-

try. The last time I looked, I wasn't aware that was the position of the Social Credit Party.

AN HON. MEMBER: Now we know.

MR. NOTLEY: A supplementary question. Is the hon. minister in a position to outline to the Assembly whether there was any softening of the position of the Insurance Bureau of Canada in terms of the present issue on discrimination in automobile insurance rates when discussions were held, I gather, with both the Minister of Labour as well as the Minister of Consumer and Corporate Affairs?

MR. YOUNG: Mr. Speaker, I would characterize the tone of the discussions rather than that there was a good exchange of information and points of view, and a better understanding, I think, of the complexity and seriousness of the matter which now confronts the Insurance Bureau of Canada and the insurance industry in general.

MR. NOTLEY: Mr. Speaker, a supplementary to the minister. Was there any indication of a modification of the position of the Insurance Bureau of Canada, or was it a reassertion of statements made prior to the meeting, in which case one really has to ask the question: how much longer can we afford this process of evaluation, if there is no softening of the position?

MR. YOUNG: Mr. Speaker, I think I have already responded to the question asked, although not to the qualification at the end of the question. My interpretation was that the meeting was for the purpose of trying to understand better, through mutual discussion, a very complex issue. Therefore it was not an opportunity for a statement of hard position by the insurance industry, as far as I was concerned. I don't believe that during our discussions a dogmatic position was presented; rather, we were engaged in a fruitful exercise of trying to comprehend the many ramifications of that matter. I believe that that was achieved to a considerable degree.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. If I recall correctly, the minister indicated that he, as well as the Minister of Consumer and Corporate Affairs, met with the Insurance Bureau of Canada. Is the minister in a position to outline whether the Minister of Consumer and Corporate Affairs, as well as other ministers, met with the Human Rights Commission, or whether the meeting the minister referred to was between the Minister of Labour, by himself, and the Human Rights Commission, as opposed to having other ministers?

MR. YOUNG: I don't believe there's any large secret, Mr. Speaker. The commission reports to the Legislature through the office of the Minister of Labour, and it was the Minister of Labour who met with the commission. As I have reiterated on a number of occasions so that it would be better understood during the earlier part of our sessions in 1979, I have indicated that I have a commitment to the Alberta Human Rights Commission to meet with them and to review the total complex of their suggestions in terms of legislation and administration. I have further indicated to the commission that I would assure them of an opportuni-

ty whenever they are prepared, as most other groups do, to meet with one of the committees of our caucus to outline their position to more than the minister.

MR. NOTLEY: Mr. Speaker, a supplementary question to either the Minister of Labour or the Attorney General. The minister pointed out that a route can be taken as a result of the board of review decision.

My question is really to the Attorney General. How long does the government propose to wait before pursuing the action which it has a right to under the terms of The Individual's Rights Protection Act and as a consequence of the board of review decision?

MR. CRAWFORD: Mr. Speaker, in order that there will be no confusion over this fact at some later time, perhaps I should point out that the limitation period within which such proceedings have to be taken has now expired. That doesn't change the substance of the answer, though. A deliberate decision was taken at the time, and the decision not to place the matter before the courts in addition to having been before the board of inquiry was taken for the reasons given by my hon. colleague.

MR. R. CLARK: Mr. Speaker, I'd like to direct one further supplementary question to the Minister of Labour. In the course of the discussions with the Insurance Bureau of Canada, did the Alberta government take the position of simply getting a reaction from the Insurance Bureau to the report of the Human Rights Commission, or did the Alberta government, in fact, endorse the position put forward by the Human Rights Commission?

MR. YOUNG: Mr. Speaker, at the risk of being repetitious, I have already explained that the focus of the meeting was to better understand the complexity of the matter before us. In general that was the nature of the discussions.

We had a rather lengthy discussion exploring the many practices that led the industry to the position they are now in, the changes that have occurred in society which may not have been reflected in their current practices, and reflecting upon the consequences of any changes which the industry might consider undertaking.

MR. R. CLARK: Mr. Speaker, so when the Alberta government met with the officials of the Insurance Bureau of Canada, the government took no position on the report of the Human Rights Commission but simply went to the meeting as a means of getting additional information. Is that an accurate assessment?

MR. YOUNG: Well, Mr. Speaker, the position of the legislation is quite clear, and surely it's the position found by the board of inquiry. I think it's quite evident what the position is at present in law and in terms of what's followed through from the board of inquiry of the Alberta Human Rights Commission.

MR. NOTLEY: Mr. Speaker, a supplementary question.

MR. SPEAKER: Followed by a final supplementary by the hon. Leader of the Opposition.

MR. NOTLEY: The question really relates to the answer the Attorney General gave, that in fact the time for prosecution has expired. Mr. Speaker, my question to the minister is simply this: was there any discussion with the Human Rights Commission about the government's intention to allow the time to expire — that the law apparently can be set on the shelf, so to speak, and prosecution will expire? Was that formally discussed with the Human Rights Commission in terms of the standing of the Human Rights Commission itself?

We had a board of review. We had a recommendation. Why was no action taken?

MR. YOUNG: Mr. Speaker, the question and the amplification of points of view have been so long I've almost forgotten what the original question was. As far as I know, the law was followed to its fullest extent in every respect.

I think part of the question had to do ... Let me stop my answer there, because that is a fact. I'm sorry; in the long description of circumstances itself I may have missed part of the question.

MR. NOTLEY: Mr. Speaker, to the minister. Why was the whole matter allowed to expire, as the Attorney General indicated to the House? We have at stake here the reputation of the Human Rights Commission as well as the board of review. The Attorney General indicated it had been a decision of the government to allow the matter to expire. Was that decision communicated to and discussed with the members of the Human Rights Commission?

MR. CRAWFORD: Mr. Speaker, I can't imagine that that decision escaped the attention of the commission, as it may have escaped the attention of some others. I don't recall the precise way of dealing with the matter at the time. However, the hon. member is raising something that goes back many months. The period expired in March or April of this year.

At the time, the decision was based on the considerations my hon. friend has already referred to several times, and they could perhaps be stated in two or three related considerations. One is that there is no reason why such a case cannot come before the courts on a subsequent occasion if it is raised again. In other words, no door has been closed to anyone. In the three or four individual cases heard in this one, no steps were taken. In the present short time frame I would take the same attitude to any subsequent cases. I think it's fair that the House understand this.

My hon. colleague has given, with the greatest clarity, the view that whatever may be in the report of the board of inquiry, a board that was chaired by a distinguished Albertan ... We respect the report, and all of the real concerns raised in it. They are not simple or straightforward matters, or easy to jam into a solution and a piece of legislation and just have at everybody and ram decisions down people's throats.

The other side is that when all of the information and all of the decision-making process is taken there probably wouldn't be the need for any of these cases to go to court, because the government would either have worked out a satisfactory solution, in the sense of handling the matter under existing legislation in the industry, or arrived at a policy that, if it leads elsewhere, could be reflected in legislation.

MR. YOUNG: If I may, Mr. Speaker, I would like to supplement that answer with something I omitted. As I stated last spring in answer to questions, the board of inquiry itself acknowledged that it had neither the facilities nor the opportunity to explore certain facets of this very complex question to the degree that it felt ought to be done if major changes were to be introduced. I leave that for the information of all hon. members.

MR. R. CLARK: Mr. Speaker, a last supplementary question to either the Minister of Labour or the Attorney General. Is it now the position of the government of Alberta that individual drivers who feel they're being discriminated against on the basis of their sex or age should launch formal proceedings rather than go to the Human Rights Commission, and that the government is going to await decision from the courts before any further action is taken? Is that what the Attorney General is now telling us?

MR. CRAWFORD: Mr. Speaker, I hope I didn't purport to advise anyone, particularly in such an offhand or general way as suggested by the question, that they should ever commence more formal proceedings than approaching the Human Rights Commission. I think the hon. Leader of the Opposition would perhaps have in mind someone commencing an action in court to establish the same conclusions the board of inquiry established. That is certainly open to anyone who would wish to do so. I'm not quite sure how the action would be framed or what the likely progress of such an action would be, but that matter would not be in our hands.

Agricultural Trade

MR. R. CLARK: This being Agriculture Week, Mr. Speaker, I'd like to direct the second question to the Minister of Agriculture. What initiatives has the Minister of Agriculture taken since his return from the Far East with regard to Alberta's agricultural trade with the countries he visited?

MR. SCHMIDT: Mr. Speaker, during the tour of southeast Asia, we had the opportunity, a small group — two members of the Department of Agriculture represented the marketing branch. On return, of course, in their ongoing duties and responsibilities they have now contacted those areas of the industry we had committed to those individuals, groups, and indeed governments that we had the opportunity to visit and to make some commitments to in regard to the products they were interested in. We have brought up to date those organizations and individuals who are working in the commodities in which interest was generated.

Sugar Industry

MR. R. CLARK: Mr. Speaker, to the minister. Once again, this being Agriculture Week, what future can the sugar industry in southern Alberta look forward to as a result of initiatives taken, not just in the junket to the Far East but since the spring session?

MR. SPEAKER: It would be very welcome to the Chair if questions of this kind could be put in such a way as

to relate directly to ministerial responsibilities and not expect of ministers that they should make general market forecasts or any other kind of predictions.

MR. R. CLARK: Mr. Speaker, then I can make the supplementary question to the minister more specific. What specific action has been taken by the Alberta government with regard to the very difficult situation of the sugar industry in southern Alberta?

MR. SCHMIDT: Mr. Speaker, a study was done collectively with the industry, producers, and indeed the province to look at the transportation problem, which is one of the largest problems in the sugar beet industry in southern Alberta. I had the opportunity to sit down with the industry on Friday to discuss some of the problems that face the industry. I can only say at this time that we will be joining those members of the industry to meet with the producers. The time frame was left open, but definitely before Christmas, when the new agreements are drawn up between the producer and the industry itself. At that time we'll have the opportunity to discuss a few of the recommendations made in regard to the transportation problem.

Rental Housing

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Housing and Public Works. Could the minister indicate whether the government is continuing to monitor vacancy rates in rented accommodations in the province?

MR. CHAMBERS: Yes, Mr. Speaker, the province monitors vacancy rates in the smaller centres of Alberta, and of course the Canada Mortgage and Housing Corporation monitors vacancy rates in the major metropolitan centres.

MR. MANDEVILLE: A supplementary question to the minister. Could the minister indicate whether the vacancy rate in the province has been increasing in the past several months, especially in the smaller, rural areas?

MR. CHAMBERS: I wouldn't say necessarily increasing in the last few months, Mr. Speaker. However, in the past year the vacancy rates over the province have certainly tended to increase. There are, of course, significant disparities. Some of the smaller centres have vacancy rates perhaps as high as 8 or 9 per cent. Edmonton and Calgary have somewhat lesser vacancy rates. Still, I think I could say I'm generally satisfied with the vacancy rate trend and that it's such that there is significant competition on the part of people wishing to rent space at this time.

MR. MANDEVILLE: A supplementary question, Mr. Speaker, to the hon. Minister of Consumer and Corporate Affairs. Could the minister indicate what effect rent controls have had on rental accommodations in the province, and if the government still intends to discontinue rent controls on June 30, 1980?

MR. KOZIAK: Mr. Speaker, with respect to the last part of the question, all hon. members are of course aware that this Legislature passed The Rent Decontrol Act a couple of years ago. It provides for an expiration of the

rent control mechanisms on June 30, 1980, and we are moving in that direction, with a reduction in the staff as necessary to complete our exit from the rent control program around that time.

With respect to the first part of the question, what effect have the controls had on rental rates, perhaps the best information I could share with the hon. member is a report done by Woods, Gordon that indicated that rent controls have depressed the rental rates across the nation, so that housing costs in rental accommodation have gone up at rates less than the cost of living, while the cost of owning a home during the same period of time has increased at a rate higher than the cost of living.

Photography Purchase

MR. NOTLEY: Thank you, Mr. Speaker. I'd like to direct this question to the hon. Minister responsible for Culture. Is the minister in a position to outline whether the department has purchased a collection of slides, prints, and other material prepared by Mr. Roloff Beny, at a cost of approximately \$230,000?

MRS. LeMESSURIER: Mr. Speaker, negotiations with Mr. Beny for that collection are under way at the moment.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Has an offer been made to Mr. Beny for the purchase of this material, and is it in the amount of \$229,000?

MRS. LeMESSURIER: Mr. Speaker, an offer has been made to Mr. Roloff Beny for that said amount.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Was there any consultation with the Alberta Art Foundation prior to this offer to Mr. Beny?

MRS. LeMESSURIER: Mr. Speaker, I'll take that question as notice.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. What facilities has the department of Culture in place to store material such as we have offered to purchase from Mr. Beny, in view of the fact that its life expectancy can be very short if these particular prints and slides are not properly stored? Are there proper storage facilities at this time, and was that taken into account when the offer was made?

MRS. LeMESSURIER: Mr. Speaker, negotiations with Mr. Beny are under way. It will take a period of two to three years before the slides and pictures are ready to come to Alberta. At that time there will be equipment in place to store the slides.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. What portion of the photographs and slides will in fact be Alberta scenes?

MRS. LeMESSURIER: Mr. Speaker, at the moment, well over 50 per cent of the slides are from Alberta, or Alberta scenes.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Is the minister in a position to share

with the House who made the decision to offer \$229,000 to Mr. Beny for this work? Was it made by the minister? We're not sure whether it was made in consultation with the Alberta Art Foundation. Is the minister in a position to outline what advice was obtained prior to making the offer of purchase?

MR. CRAWFORD: You're out of order. You can't ask about the ... [inaudible]

MR. NOTLEY: Mr. Speaker, I can certainly ask the minister whether any additional information was contained outside the department. I specifically asked about the Alberta Art Foundation. It was perfectly in order.

MRS. LeMESSURIER: Mr. Speaker, I believe I answered the question about the Alberta Art Foundation in saying I would take that question as notice.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. I can certainly ask whether the minister decided to make the offer of her own volition or sought assistance from outside the department of government.

MR. CRAWFORD: [Inaudible]

MR. R. CLARK: Mr. Speaker, we're asking the question of the minister, not the Attorney General.

MR. NOTLEY: I put the question to the minister. Was the decision to make the offer the minister's, or did the minister seek advice outside the department of Culture?

MR. R. CLARK: Mr. Speaker, to the minister. Did the minister make the offer personally to Mr. Beny?

MRS. LeMESSURIER: As I stated earlier, Mr. Speaker, negotiations with Mr. Beny are under way. It is being handled the way usual contracts are handled under the department of Culture, with our solicitors.

MR. NOTLEY: Mr. Speaker, was it a decision made by the minister?

MR. SPEAKER: The hon. member is repeating a question which he has asked before.

Education of the Handicapped

MR. MACK: Mr. Speaker, my question is to the hon. Minister of Advanced Education and Manpower. It's in regard to the provision of additional funding to extend educational opportunities for severely and profoundly handicapped Albertans. Can the minister advise the Assembly as to the extent of implementation of the program to date?

MR. HORSMAN: Mr. Speaker, the special funding which was approved by cabinet ... [not recorded] over a period of five years has not yet seen implementation, in that we are expecting to receive proposals from the various postsecondary institutions in the province as to what type of programming they feel would be appropriate in the next few years to meet the needs that have flowed from a number of initiatives in education, and at the request of the University of Alberta Senate in particular. So at this moment we have not yet received a

full request, in the sense we have not yet received the full program requests from the various postsecondary institutions.

MR. MACK: A supplementary, Mr. Speaker. Can the minister give us any indication whether there will be difficulty or whether there will be sufficient professionals to undertake this program when and if it is implemented?

MR. HORSMAN: Mr. Speaker, the obtaining of personnel at postsecondary institutions to provide the necessary educational experience and training is really a matter for the postsecondary institutions to arrive at. But the announcement of the funding being available will assist them substantially in preparing the programming, obtaining approval for the programming, and then obtaining the necessary professional expertise.

Movie Advertisements

DR. REID: Mr. Speaker, the question is to the Minister responsible for Culture. Several parents have complained to me about the television, radio, and newspaper advertising of the movie *When a Stranger Calls*. They feel the advertising is offensive and could possibly be terrifying to any daughters who may babysit. Is there any action the minister can take to stop such advertising?

MRS. LeMESSURIER: Mr. Speaker, all commercials on TV and radio are approved by CRTC and do not come under our jurisdiction. I would think that if the member so desires, he can contact the outlets distributing these commercials and show his disfavor of them.

Interest Rates

MR. KNAAK: Thank you, Mr. Speaker. I have a question to the hon. Provincial Treasurer. Is the treasury branch considered an instrument of provincial government economic policy at this time? Perhaps I should ask the second part of the question. If so, does the treasury branch follow the interest rate guidelines initiated by the Bank of Canada? In fact, does the treasury branch move up its prime lending rate when the commercial banks are required to do so?

MR. HYNDMAN: Mr. Speaker, in response to the first question, the answer would be: not in the usual sense of the word. I think hon. members know that when the treasury branches were first initiated one of the policy reasons was to provide — especially in rural Alberta, where the treasury branches still provide — a service which at that time it was felt was not being provided by the chartered banks. However, as I indicated in my response to the Assembly, I think on October 10, the institution is not a direct departmental arm of government. It operates at arm's length from the government.

With respect to the suggestion regarding interest rates, of course treasury branches are not federally chartered. However, I think it has been a principle of their operation, not just for nine years but for many decades, that the treasury branches compete with the private banking community of the province at all levels, on all fronts, and in all services. That competition is such that

it would require, and indeed the treasury branches do monitor and follow in a general way, the policies with respect to monetary developments in the country that are set down by the central bank.

MR. KNAAK: A supplementary, Mr. Minister. In light of the very much appreciated announcement regarding the Quebec loan, whose interest rate was 11.6 per cent or in that neighborhood, can the minister advise whether the treasury branch is charging in the area of 15.5 to 16.5 per cent on loans to Alberta farmers and small business? If so, would the minister consider a policy change directing the treasury branch to charge no higher rates on existing loans — not new loans — to small business and farmers than the Heritage Savings Trust Fund is obtaining on its commercial lending?

MR. HYNDMAN: Mr. Speaker, I think we're clearly dealing with two or maybe even three separate financial situations. If ever anyone wants to borrow \$200 million over the period of 25 years, backed by the government of a province of Canada, those situations would lead to what the interest rate is going to be.

Certainly the interest rate charged by the treasury branch — I don't know what it would be today, but commercially it would be in line with the other financial institutions of the country — would again be something in which it would be unwise and inadvisable to interfere. I believe it would be going against the traditions and policies of some decades for the government to proceed in that fashion, and it would not be the government's intention at this time to intervene with respect to the setting of treasury branch interest rates, as the hon. member suggests.

MRS. CRIPPS: A supplementary, Mr. Speaker. While monitoring the effects of the high interest rate, has any evidence been provided that the high rate of interest was a factor in the dramatic drop of cattle prices last week?

MR. HYNDMAN: No, Mr. Speaker, not directly to me in that way.

MR. ZAOZIRNY: A supplementary question to the minister, regarding interest rates. Some days ago the minister advised the House that his department would be monitoring the present situation with respect to interest rates and their high level today. Could the minister advise the House what conclusions have been arrived at as a result of that monitoring?

MR. HYNDMAN: Mr. Speaker, so far no conclusions have been arrived at. The monitoring process will necessarily have to proceed a further number of days or weeks before intelligent conclusions can be drawn.

MR. ZAOZIRNY: A supplementary question. Could the minister advise the House if he has had an opportunity to draft and formulate a contingency plan in the event that his monitoring concludes that interest rates are prohibitively high and that government action is required?

MR. HYNDMAN: Mr. Speaker, I guess that kind of contingency is constantly under review. But I would

particularly look forward to suggestions on that matter from all hon. members.

MR. KNAAK: A supplementary, Mr. Speaker. Did I understand correctly that the government has made the decision not to use its treasury branch as an instrument of government policy in the area of small business and farm loans, or is the matter under review or still open for discussion?

MR. HYNDMAN: Mr. Speaker, as hon. members know, the Alberta Opportunity Company, that very successful instrument of government policy, and the Alberta Agricultural Development Corporation are two entities which have offered new initiatives and opportunities in those two areas. But the areas suggested by the hon. gentleman are such that I indicated I would not see a change in government policy to the one he suggests.

University Programs

MR. COOK: Mr. Speaker, last week I asked the Minister of Advanced Education and Manpower whether or not he had received further submissions from the University of Alberta with regard to the Business Administration and Commerce proposal for a new building and program. I'd like to ask now if the minister has received those further submissions and, secondly, what the department has decided as a result of those, or if further information is still required.

MR. HORSMAN: Mr. Speaker, yes, the report came to me last Thursday as to information received by the department from the University of Alberta with respect to that programming. We will be following up shortly with a meeting between me and the chairman of the board of governors and other members of the university as may be appropriate.

MR. COOK: Mr. Speaker, a supplementary question. A number of faculties are affected. Has the minister begun a review of the pressing needs of, for example, the faculties of Engineering and Home Economics as well as Commerce and Nursing?

MR. HORSMAN: Mr. Speaker, it's not my intention to embark upon a program of reviewing faculty budgets. It is my intention to meet with the board of governors to review global funding and specific requests, if necessary. I want to discourage individual faculties from coming forward to my department with requests unless they come forward through the boards of governors at the various institutions. I will be reviewing global budgeting and in certain cases specific requests, but I hope it is not a practice that would become common.

MR. SPEAKER: This completes the time for the question period. I regret that two hon. members were not reached, but when we had 13 supplementaries on the first question of the hon. Leader of the Opposition, I wasn't aware that those two hon. members wished to ask questions.

ORDERS OF THE DAY

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

Bill 38 **The Alcoholism and Drug Abuse** **Amendment Act, 1979**

[Mr. Appleby in the Chair]

MR. GOGO: Mr. Speaker, I move second reading of Bill 38, The Alcoholism and Drug Abuse Amendment Act, 1979.

Mr. Speaker, I'd like to go through the Bill step by step for the benefit of hon. members. In the past it's been a requirement of the Legislature — and perhaps rightly so, in recognition of the fact that the Alberta Alcoholism and Drug Abuse Commission is such an important statute — that the annual report be tabled by the president of Executive Council or the Premier. The amendment being proposed today is that in future that report will be tabled by a minister of Executive Council.

Secondly, Mr. Speaker, since the passage of The Fatality Inquiries Act, it's been felt that there are times when related information could and should be made available to public inquiries. Specifically, The Alcoholism and Drug Abuse Act forbade the release of information. An amendment is now proposed whereby, under that Act, disclosure in respect of a deceased person can be released to a medical examiner on condition that such information would be released only to a provincial court judge for purposes of that inquiry and on the explicit understanding that any inquiry proceedings related to the information released would be closed to the public.

Mr. Speaker, in fairness to Albertans who may have been patients of a facility administered by the commission, and to their families, that information should be kept confidential within the sense of the public inquiry. I would certainly agree that the inquiry should remain closed to the public in those instances. That would not mean the inquiry *per se* would have to be closed, but that portion of it dealing with information that was released.

Mr. Speaker, I'd like to point out very quickly that the success of the Alberta Alcoholism and Drug Abuse Commission has been measured in a variety of ways. First of all, I would like to comment that that Act was passed in 1970, in recognition of the fact that many Albertans were having difficulties with, and the health delivery services were attempting to cope with a very serious "illness" as defined by the Act; that is, alcoholism. Since 1970, I think the Alcoholism and Drug Abuse Commission has exercised its mandate in a very significant way. It's three-pronged: the treatment of people who have difficulties with alcohol or drug abuse; the education of our young, which is ever so important in attempting to influence life style habits that are perhaps positive; and of course prevention in the future, that from 1970 forward they would exercise some degree of influence on people's lives throughout Alberta in the way of prevention.

I would think and hope, Mr. Speaker, that the activities of the commission today throughout the communities of this province — and they're located through-

out the province — have been very positive. Mr. Speaker, I would certainly recommend support of Bill 38, The Alcoholism and Drug Abuse Amendment Act, 1979.

Thank you, Mr. Speaker.

[Motion carried; Bill 38 read a second time]

Bill 43 **The Co-operative Marketing Associations** **and Rural Utilities Guarantee** **Amendment Act, 1979**

MR. BRADLEY: Mr. Speaker, I move second reading of Bill No. 43, The Co-operative Marketing Associations and Rural Utilities Guarantee Amendment Act, 1979.

Basically this amendment will extend to members of utility-sponsored co-ops, provincial government guarantees for loans from financial institutions backed by member's lien notes. The situation arose with regard to a legal interpretation by the Department of the Attorney General, which more or less did not allow the practice to continue for members of utility-sponsored co-ops, for their loans to be backed by provincial guarantee. This piece of legislation corrects that and allows members of utility-sponsored co-ops to receive provincial guarantees for loans under this legislation.

[Motion carried; Bill 43 read a second time]

Bill 46 **The Irrigation Amendment Act, 1979**

MR. HYLAND: Mr. Speaker, I move second reading of Bill No. 46, The Irrigation Amendment Act, 1979.

I am tempted to go into a long speech about how important irrigation is and how it helps the province of Alberta and agriculture, but you've all heard me make that pitch before. I'll save the time allotted for another occasion and just deal with the specifics of the Bill.

Mr. Speaker, basically the amendments to the Bill will bring about a charge upon land that has been added to the irrigation roll of the irrigation districts. Presently, through certain sections in The Irrigation Act, additional new land that is petitioned for as being added to the irrigation district can be charged a capital charge according to the Act. For example, up to the last few years water was available for land often along the main canals of the system. The owners of the land applied for and received pumping rights. They could be charged a contribution to the capital assets of the district.

I'm sure all members would agree that if one is to receive the use of the water, he should be charged his portion of the capital charge of that district, so that he is paying an equal share of the costs involved. But the problem arose when land, for example, had been flood-irrigated, and maybe 30 or 40 acres of a quarter section were under irrigation. Then the owner purchased a sprinkler system and started using the water on the whole quarter. There was a question about the eligibility or properness of charging payment of a water right, which means a capital contribution for construction of the system.

In doing some research on the Act, Mr. Speaker, I found that The Irrigation Act came into effect in 1968

or thereabouts. Previous to that, they were able to carry out this charge. But at the time The Irrigation Act was drawn up and received assent, the question we are addressing today was not fully covered in that Act. Thus somebody came upon this occasion, and they were not sure this was a legal action.

Mr. Speaker, this amendment has received the support of the irrigation councils in the irrigation districts. It puts into effect something that everyone had been doing, including the owners of the land who, receiving the extra billing for the extra water right, had been paying it. It just puts into legislation the understanding everyone associated with the Act had thought was already there and was acting on.

With that, Mr. Speaker, I beg the members to support Bill No. 46, The Irrigation Amendment Act, 1979. Thank you.

[Motion carried; Bill 46 read a second time]

[On motion, the Assembly resolved itself into Committee of the Whole]

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

[Mr. Appleby in the Chair]

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

Bill 32 **The Bread Repeal Act**

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

[Title and preamble agreed to]

MR. KOZIAK: Mr. Chairman, I move that Bill No. 32, The Bread Repeal Act, be reported.

[Motion carried]

Bill 33 **The Revised Statutes 1980 Act**

MR. CHAIRMAN: Are there any comments, questions, or amendments with regard to Bill No. 33?

[Title and preamble agreed to]

DR. PAPROSKI: Mr. Chairman, I'd like to move that Bill 33, The Revised Statutes 1980 Act, be reported.

Before I conclude, Mr. Chairman, I'd like to report to the hon. members for Calgary Forest Lawn and Spirit River-Fairview, who raised the concern that maybe we should have indexing with respect to subject matter. I'd like to report to the Assembly that the Chief Legislative Counsel is in the process of negotiating and contracting with the Canada Law Information Council to establish a computer program based on subject matter. It is expected this will be done. However, there's nothing absolute yet.

With those brief comments, I'd like to move that Bill 33 be reported.

MR. CHAIRMAN: Thank you.

I might point out that comments in connection with any Bill would come previous to the motion for reporting. However, we'll accept them this time.

[Motion carried]

Bill 36 **The Municipal and School Administration** **Amendment Act, 1979**

MR. CHAIRMAN: Are there any comments, questions, or amendments with respect to this Bill?

MR. R. CLARK: Mr. Chairman, I would like to take this opportunity to ask the minister a question. When he introduced the Bill, I thought it was perhaps somewhat broader than the Bill is here. Mr. Minister, is the government giving active consideration to taking the principle implied here — basically concerning the town of Devon — and expanding it somewhat as it affects the county system? I'm not advocating that, Mr. Minister. I want to be very clear about that. I am aware that representation has been made to the Department of Municipal Affairs and, I guess, also to the Department of Education. In effect, if that representation were carried out, it would be an effort to dismantle a county, if that's a fair term. I'm not advocating that. But it would provide an opportunity for ratepayers to move in the same direction that is allowed here as far as the town of Devon is concerned. I recognize that Devon is a unique situation. Is the government looking at that, or is it still rather firm in its point of view — and I hope it would be — that it isn't contemplating that kind of change to the county legislation?

MR. MOORE: No, Mr. Chairman, the government is not giving active consideration to any amendments of a similar nature to The County Act.

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, I move that Bill 36, The Municipal and School Administration Amendment Act, 1979, be reported.

[Motion carried]

MR. CHAIRMAN: Next we have Bill 37, The Social Development Amendment Act, 1979.

I see that the Minister of Social Services and Community Health is not in his place. We'll hold that one.

Bill 41 **The Licensing of Trades and Businesses** **Amendment Act, 1979**

MR. CHAIRMAN: Are there any amendments, questions, or comments with respect to this Bill?

MR. R. CLARK: Mr. Chairman, to the sponsor of the Bill and, I suppose, through the sponsor to the minister and the department: a concern brought to my attention is that once we have the licensing of trades legislation before us, the amendment made this year, if the department is simply making licences available without taking into consideration information they receive

from groups, especially groups coming into the province — where, say, a company that has not been, if I could use the term, a good corporate citizen in British Columbia, comes to Alberta, that information is made available to the department, and when that individual applies for a licence from the department and is granted a licence without any serious consideration to the pattern of events outside Alberta — that seems to me to make somewhat of a sham of our licensing practice. Mr. Chairman; I'm taking the liberty of saying this to the hon. sponsor of the Bill . . .

MR. CHAIRMAN: I wonder if the hon. Leader of the Opposition could speak to the Assembly, because it's difficult to hear.

MR. R. CLARK: I've taken the liberty of raising the matter with the sponsor of the Bill, recognizing that the member is not a minister yet, nor in a position to respond directly on the matter. I ask the hon. member sponsoring the Bill to take the matter into consideration and perhaps respond at third reading.

I can give a firm example where Albertans made representation to the department about a firm coming from British Columbia to Edmonton. The firm came to Edmonton, was granted a licence by the department, and became involved in their business in Edmonton. Before very long it took a number of Edmontonians in, and then left one Thanksgiving weekend, if my memory is accurate, and went to the next place.

It seems to me that when a citizen or group like the Better Business Bureau comes forward to give information to the department, the department should at least check to see if the information is accurate before a licence is automatically made available. If that doesn't happen, our licensing becomes somewhat of a sham.

I simply leave the matter there, Mr. Chairman. I'll give the exact example to the hon. member and would appreciate it if he'd follow it up, perhaps on third reading or on some other occasion.

MR. GOGO: Mr. Chairman: I'd like to make some comments relative to Bill 41. If the hon. member or the appropriate minister could consider them and perhaps get back to me later . . . It's along the line the hon. Leader of the Opposition mentioned. A year or two ago we had the experience in southern Alberta of American firms, primarily from California and in the film industry, coming to the Lethbridge area. There was no requirement for a bond, a licence, or anything. But heaven help anybody from Alberta who tries to do anything in Alberta. Not only does he have to have licences, but bonds and the rest. I think that has annoyed many people, in that they were from outside Canada, and it suddenly seemed as though we had no jurisdiction in the province.

Licensing aside, in the specific matter of bonding I think it's a very wise move on behalf of the government to introduce this type of thing whereby we can in some way protect citizens of Alberta from people outside the jurisdiction. I think it should be remembered that when people come to Canada, including Alberta, run up bills and fail to pay them, there is just no way the creditors can be recompensed — I know there's a legal way for those who could ever hope to afford it — unless the people who ran up the credit come back to the province and have some physical assets.

I very much welcome the fact that the government is

finally moving to take some steps to reflect the views of people who have been stung in the province of Alberta.

[Title and preamble agreed to]

MR. BORSTAD: Mr. Chairman, I move that Bill 41, The Licensing of Trades and Businesses Amendment Act, 1979, be reported.

[Motion carried]

Bill 48
The Attorney General Statutes
Amendment Act, 1979 (No. 2)

MR. CHAIRMAN: There is an amendment. I believe it has been circulated. Are there any questions or comments with respect to the amendment?

MR. GOGO: To the amendment, no. On the Bill, I'd like to ask the Attorney General . . .

MR. CHAIRMAN: Pardon me, is this in regard to the amendment?

MR. GOGO: No, Mr. Chairman.

MR. CHAIRMAN: Could we deal with the amendment first? Any comments or questions with regard to the amendment?

[Motion on amendment carried]

MR. GOGO: Mr. Chairman, with regard to Bill 48 — which I'm sure all members recognize is really an omnibus Bill including about nine statutes, I believe — I'd like to ask the Attorney General specifically about The Notaries Public Act. I sense that we really don't have many notaries public in Alberta. I really don't know why, except that when you read the Act you begin to get an understanding. First, the term of appointment is only two years.

I'd like to pose some questions to the Attorney General. Assuming that a person wants to become a notary public — and I sense in this day and age that many paraprofessionals such as bankers wish to seek some continued type of service to the community upon retiring. I had an inquiry a couple of weeks ago from just such a person, a retiring veterinary doctor. He posed a question: is there any assurance that after two years he could continue to be a notary public? It's a very valid question. He would be opening an office, and undoubtedly spending some money on a lease and so on. He'd do that only with the assurance that he could continue to be a notary public for some definable period, say 10 years.

Another question to the Attorney General. In this day of inflation, we're seeing more and more that the legal cost of conveyancing land is becoming extremely high. Notwithstanding the fact that lawyers and solicitors in Alberta do a good job, we do have a system in the Land Titles Office, for which we pay premiums when we transfer, that makes it virtually foolproof. If an error is made it's assumed by the Land Titles Office, not the purchaser of a property. I don't see the same degree of safety required in some of these transactions of residential properties that would be in other jurisdic-

tions, particularly America, for example. So I see a great area here for notaries public to perform in conveyancing land. At the moment, what they can do in the province of Alberta is somewhat restricted.

Finally, Mr. Chairman, I think the area of penalties is addressed very well. For many years we've had penalties imposed with our legislation for those in other professions who choose either to ignore or contravene it. In a significant way that has protected the public. Not so for both The Commissioners for Oaths Act and The Notaries Public Act. I want to commend the Attorney General for bringing in a meaningful penalty for those who would either contravene the Act or, let's say, make mistakes of convenience whereby they would have a very negative effect on the people they deal with.

Mr. Chairman, if the Attorney General could answer those two questions about the tenure period over two years, and whether conveyancing land is not viewed by this government as a meaningful occupation for a notary public.

MR. CRAWFORD: Mr. Chairman, I think the hon. member's observations about the term of appointment are certainly something that could be looked at and reconsidered in light of his remarks about the need to renew the appointments more often than perhaps would appear to be necessary.

On the question of legal costs in regard to the conveyancing of land. Although there's a great deal of appeal to what the hon. member raises in regard to getting notaries more involved, I think the policy that has generally been followed by the Attorney General's Department — a policy that I have, of course, sought agreement with from the members of our caucus — is that a notary public wouldn't be appointed with full powers to do land transactions where there was the service of a law office within a reasonable distance of the community where the notary might apply to be appointed.

This raises two questions: the supply of notaries, which is another matter the hon. Member for Lethbridge West touched upon; and the more significant question of legal costs. As to supply of notaries public in areas where legal services are not generally or easily available, appointments are made to the extent that is thought to be required to provide such service in those communities. In all cases the notary public is given at least some instruction in regard to his duties as a notary, and is required to appear before a solicitor who will take a certificate indicating that he believes the applicant for the notary office understands the responsibilities he is undertaking and the manner of carrying out his duties.

I think that's very important because in those communities notaries public do, in fact, handle transactions in regard to land. I should add that there are cases where there has been some difficulty over how the transactions have been completed. But who am I to say the same thing might not have occurred in other cases in the hands of a solicitor.

The essence of the argument in favor of using a solicitor, where available, for land transactions even if it is only — and I use that word with some care these days — a residential transaction, is that these transactions now involve very, very large sums of money. The only transaction of its size that many families are able to complete in a lifetime is when they buy or sell a

home. There may be many aspects of that transaction other than the mere passing of the title to the land from one party to another. There may be matters that the vendor or purchaser should be advised in respect to, whether it be in relation to the effect upon his estate, the significance of taxation aspects of the transfer, or other things that may come up in the sense of financing the transaction, having to do with the operation of interest legislation and so on in mortgages and agreements for sale. I suggest that things like that are important to the purchaser or vendor of a private home. Even though we're not dealing with large commercial transactions, which are complicated for other reasons, the matter is still significant enough to the client that I would suggest, as all would understand, that the services of a notary, being less professional than those of a solicitor, would perhaps not be adequate for a number of such cases.

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill 48, The Attorney General Statutes Amendment Act, 1979, be reported.

[Motion carried]

Bill 49 The Cultural Development Amendment Act, 1979

MR. CHAIRMAN: Are there any comments, questions, or amendments with respect to Bill 49?

MR. R. CLARK: Frankly, Section 3 of the Bill scares me. That section says:

The Minister may do those acts that he considers necessary for the promotion and encouragement of the orderly cultural development of Alberta.

That's taking out the previous section, which codified at least seven things the minister can do. Before I'm prepared to rest the argument with regard to this, I'd simply like to know what things the minister wants to do that she couldn't do by the old legislation. It seems to me it's very easy to get into the practice in this Assembly — I know it's for administrative convenience, but seldom do I recall administrative convenience going to the extent where the minister "may do those acts that he considers necessary for the promotion and encouragement of . . . orderly development . . ."

Mme. Minister, I would very much appreciate knowing the reasoning behind this kind of *carte blanche* authority. I am not convinced we need the legislation this broad.

MR. GOGO: Before the minister responds, I'd like to comment on Section 3 as well. I support the Bill in principle; I have no quarrel with that. I think we've seen that only when we have ministers of the Crown who are prepared to take initiative do we indeed let the other 92 per cent of Canada know that Alberta values culture in a very significant way.

After being at a luncheon today, Mr. Chairman — if I could ask the minister to look at Section 3 of the proposed amendment, I would think it must be particularly upsetting to the minister when we read that, the minister may do those acts that "he" considers . . . I for one won't tolerate that for a minute. I think we have

one of the finest ministers of culture this province has ever seen, and I would want that changed before I passed it.

MR. NOTLEY: Before the minister responds, Mr. Chairman, Section 3, as I read it, provides very wide flexibility at the present time. The minister can carry out surveys, call public meetings, promote publicity campaigns, institute inquiries, disseminate information, initiate policies and measures, conduct workshops, engage instructors, rent buildings, provide accommodation or meals for instructors, lecturers, leaders, and part-time staff, establish and collect registration and other fees, and collect information and statistics to undertake response or research analysis of matters relating to culture.

With great respect, Mme. Minister, I really have difficulty understanding the problem with the section as it presently reads. To remove it and bring in the amendment we're being asked to accept, which simply says that the minister "may do ... acts" — while the Member for Lethbridge West has made some submissions, I think the "he" can refer to "she" as well — that that person "considers necessary for the promotion and encouragement of the orderly cultural development of Alberta", is an absolutely sweeping mandate. I think that before we grant that mandate we have to be satisfied that the rather comprehensive and wide-ranging list in the present Section 3 somehow inhibits the department. If it does, and that is properly explained to us, maybe we can take a look at the new wording. But I for one would have to have a fairly convincing case put before we give this kind of *carte blanche* power to the minister of Culture, or for that matter to any other minister with respect to their department.

MRS. LeMESSURIER: I'd like to speak to that. One of the reasons we have made an amendment to Section 3 is that through our legal advice we found we were running into problems when it came to delegations to, say, the 75th Anniversary. In many aspects of the 75th Anniversary, in the hiring and delegating of powers, we found that this Act as it states now really was not providing for that. We got into legal situations. This is one of the reasons we have come forward with this broader expanse.

MR. NOTLEY: Ms Minister or Mme. Minister — I'm not quite sure what the appropriate term is, whether it's Mme. Minister or Ms Minister. I would say to the government: I know it would be much easier from a legal point of view if we simply said, anything the minister does is perfectly okay and that's all right with us. But as a Legislature we have to be convinced that we should authorize this kind of legislation.

I presume we have made changes in the department of Culture so we don't get into the kind of situation that led to the Auditor's report in 1975. The concern I have, after going through that rather difficult experience for all of us on both sides of the House, is that it seems to me we're just asking for trouble if we pass an amendment that simply says "... may do those acts that he considers necessary"

While it may be legal, I'm not at all sure it's going to be consistent with good management or good legislative procedure from the standpoint of this Assembly, that we authorize that kind of power. Legal counsel may have said it would be easier to do it this

way, Mme. Minister, but I would have some real concerns about what we're doing in the 75th Anniversary next year. We want that to be something we're all proud of and not have an inquiry follow it a year later. I'd want to be assured that we can't do that under the present Section 3. Perhaps you could outline some examples as to why we can't do it and why the changes are required. Once you outline those examples, maybe we'll be in a position to debate it from there.

MR. CHAIRMAN: Before we continue the discussion of Bill 49, I wonder if we could have the permission of the committee for the hon. Minister of Recreation and Parks, the MLA for Whitecourt, to revert to introduction of visitors.

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS

(reversion)

MR. TRYNCHY: Mr. Chairman, it's my pleasure today to introduce to you, and to members of the House, some 64 young students from the Mayerthorpe school in my constituency. They are accompanied by their group leader Mr. Barker, Mr. Davies, Mrs. Kezar, Mrs. Rizzoli, Mrs. Beaucage, and Mrs. Hay. They are in the members gallery, and I'd ask them to rise and be recognized by the House.

head: GOVERNMENT BILLS AND ORDERS

(Committee of the Whole)

Bill 49

The Cultural Development Amendment Act, 1979

(continued)

MRS. LeMESSURIER: One of the reasons in the 75th Anniversary was the hiring of Mr. Dowling under contract, which I was not able to do under the way Section 3 reads right now. Also, the Act at the moment gives me the power to make regulations; it does not give the minister power to delegate her powers under any of the Acts that came under my administration. This would facilitate that. It's really almost too tight for me and the department to operate in at the moment. One of the other reasons is that when we acquired the caravans from the Devonian Foundation, I was not able to get them throughout various parts of the province under the Act as it reads right now. This is the type of example that we would have to get special permission to purchase and to use.

MR. ZAOZIRNY: Mr. Chairman, if I might comment on this particular part of the debate on Bill 49, to me the discussion is very reminiscent of the kind of discussion barristers and solicitors go through when they're talking about the powers a company may have in the province of Alberta. As this Assembly is probably well aware, we inherited from our English traditions the concept of very limited powers being granted to a company. Of course, over the past number of years, it has been determined that in fact we get into just that situation where a company finds itself unable to enter into activities or perform functions that are entirely appropriate. You have those very limiting provisions

of The Companies Act, and that's why I'm very hopeful that at some point the near future we'll be introducing new companies legislation in the province of Alberta.

Dealing more specifically and drawing the analogy to this particular section of the Act, I think that with the attendance in this Chamber of the very worthy members of the opposition parties to scrutinize and ensure that the activities of every ministry of this government are conducted in a very appropriate way as far as they're concerned, and recognizing that it's in the interest of every member of this Assembly to do those things that are in the best interests of this province, I see no particular difficulty and have no real anxiety with a provision of this nature. I think it cures the problems the minister has referred to, where the minister is put in a position where things which should be undertaken in the best interests of this province and done in an expedient manner, but she is simply unable to do them because the legislation has been drafted far too narrowly.

I would say to hon. members who have expressed concern over this provision, that I'm comforted by the presence not only of members of the opposition parties but certainly of other members of this House, who are going to ensure that all actions of this government receive full and complete scrutiny.

Thank you.

MR. R. CLARK: Mr. Chairman, I always look forward to the comments by the Member for Calgary Forest Lawn. Might I say that I thought the connection between company law in Alberta and the way a department operates is at the very best somewhat tenuous. The hon. Member for Calgary Forest Lawn, whom I regard highly, has made far more salient points in the course of discussion in the House.

Mr. Chairman, back to the minister. I'd like to know how we've hired Mr. Dowling, if this legislation has prevented that, because I recall Mr. Dowling's contract being tabled in the House.

MRS. LeMESSURIER: This is a typical example of what we were going to do to hire people under contract. Right now he is a deputy minister in our department, which I have the authority to hire. We are saying that ... I gather, Mr. Chairman, that is not the best example I used. But it really is to facilitate the way our department acts. Going through the various parts of Section 3 at the moment, apparently our department has to act out many things that are not covered by this. Therefore we find it too restrictive and need the power to make regulations that are not covered under these certain categories.

Sometimes we will have to conduct something rather than a workshop or a seminar, and what I or the department can do is actually spelled out step by step. We are looking for something that is of broader intent. At times a situation will arise that is not covered here, and we will have to get a special way to do this. So we are asking that Section 3 be changed.

MR. R. CLARK: Let's go back, Mr. Chairman. Several times in the course of the comments the minister used the terms "sometimes" and "some things". First of all, if Mr. Dowling can't be hired under this piece of legislation, from the standpoint of the Provincial Auditor, I'd be very interested in knowing just how we're paying Mr. Dowling to date. Secondly, with greatest

respect to the legal advice the province receives, I have considerable confidence in Legislative Counsel that if the minister went to Legislative Counsel and said, this is the problem we're having with Alberta's 75th Anniversary, I would be extremely surprised if Legislative Counsel said to the government that the way to get around that problem is to put through a piece of legislation that says the minister can do virtually anything.

I say to hon. members of the Assembly that we've had two previous ministers who have been able to — I was going to use the words "limp along", but that wouldn't be fair. We've had two previous ministers who I think have been able to add a considerable amount to the cultural life of this province and haven't felt this constrained by this legislation. I would be far more prepared to consider this kind of legislation if we had something concrete as the reason for this going through, other than the 75th Anniversary. If it's the 75th Anniversary, there have been anniversaries in this province before, and we haven't had to give ministers this kind of power to get the thing done, and done rather well. When the RCMP celebrations came along, we didn't have to resort to this kind of wide open legislation.

Mr. Chairman, I simply think all members of the Assembly should recognize that if we were to pass this legislation, the next logical step would be that every minister would ask for this kind of legislation for his or her department. That would mean that the Legislature would have totally lost control over what goes on in the departments.

I want to read for the members again. This is what we're being asked to approve: The Minister may do those acts that he considers necessary for the promotion and encouragement of the orderly cultural development of Alberta." That would allow a minister to do simply anything. Mr. Chairman, this is the kind of legislation which gets ministers, governments, and legislatures in trouble. The only reason we've heard from the minister this afternoon is so that Mr. Dowling doesn't have to be a deputy minister. Well, I would have assumed the government would have looked after that before they hired Mr. Dowling a few days after the last election.

Mr. Chairman, I am simply not prepared to see the debate rest until we've got some very strong examples of why this is needed. Furthermore, I'd like an assurance from the minister that Legislative Counsel in fact feels this is the only alternative open to us. I just can't imagine Legislative Counsel giving this kind of advice to the government as the only way we can get around the problem as far as the Alberta 75th Anniversary is concerned. The Legislature loses all semblance of responsibility and accountability with this kind of approach.

DR. PAPROSKI: Mr. Chairman, I'd like to rise and make a few comments on Bill 49, respecting this section the hon. Leader of the Opposition has raised. Certainly the Leader of the Opposition recognizes that there is not only a lot of activity in the cultural area, but a tremendous amount of activity to the extent that it's considered a cultural boom in Alberta at this time. Surely the hon. opposition member should realize that all items cannot be covered in a precise manner. He makes it sound like we're losing control of the minister, and the responsibility is going to be lost if we

bring in this particular section. I find that difficult to understand. He should recognize very quickly that the minister is not only responsible to the Legislature, but accountable on, a day to day basis. Apart from that, the section clearly states it's "for the promotion and encouragement of the orderly cultural development of Alberta", not for something else. Having said that, there's a budgetary review; there are budgetary restraints. We can ask questions at any time.

Frankly, Mr. Chairman, I just have no difficulty, because the responsibility will still be held by this Legislature, and that minister will be accountable on a day to day basis and certainly at budget time.

MRS. OSTERMAN: Mr. Chairman, not being a lawyer, I find it a little difficult at times to follow the arguments used in a matter like this. I, too, am concerned with anybody having broad and sweeping powers under any piece of legislation. But as a layperson, I will tell you what I'm even more concerned with. Looking at the old Act and all the "i"s that are dotted, the "t"s that are crossed, it occurs to me that in broadening it, you lessen the problem of there being a constant legal hassle as to what in fact the duties of the minister are, or what the minister may or may not do. I would agree with some of the hon. members who have made the argument that the minister will have to account to this Assembly. I would expect the opposition and all of us to be on our toes, and when things are done that should not be done, in the view of anybody in this Assembly, that they will indeed raise that in the question period.

MR. NOTLEY: Mr. Chairman, with great respect to both the hon. Member for Edmonton Kingsway and the hon. Member for Three Hills, it seems to me that to argue that somehow everything is fine, we don't need to worry because we have the opposition here and other members of the House — although I must say I'm rather surprised at the sudden elevation in the importance of the opposition. You know, normally we're not given this kind of credit by members opposite. So after eight years of having shots coming from all around, members will forgive me for seeming a little, shall we say, sceptical of this sudden flattery from members on the government side.

However, the point has been made by both the Member for Edmonton Kingsway and the Member for Three Hills that we can raise questions and the minister is going to be accountable in the House. Theoretically that's true. But you know, the minister would be even more accountable if we had Section 3 and could say, Mme. Minister, what you've done in (a), (b), and (c) instances is in conflict with a statute in this House. But I'm going to have a very difficult time, and so is the Leader of the Opposition and any government member, to stand up and say there's something wrong with anything the minister has done, when we've said the minister may do those acts that she considers necessary. What we've done, Mr. Chairman, is brought in the most sweeping kind of power.

I think all we're saying is that we have to be convinced that this is the only route the government can take. If the government is saying to us: because of the 75th Anniversary next year, we need to amend Section 3; the items listed from (a) to (g) are not encompassing enough, and we need several items added to give the minister sufficient power — then,

fair enough. I would be prepared to look at that in a very positive light. But we're not being asked to do that, Mr. Chairman and members. We're being asked to strike this out and say "The Minister may do those acts that [she] considers necessary". Frankly, that is giving the minister a very large amount of power.

I notice that in Section 4 we're still keeping the regulations by Lieutenant Governor in Council. That's fair enough. But we got into that hassle four or five years ago because we had too much power given to the minister. One of the recommendations the Auditor made in 1975 was that there should only be regulations — I'm not sure whether it was the report dealing with the office of special programs or the report dealing with Dr. Purnell, but it was one of the reports of the Provincial Auditor saying we've got to have regulations made not by the minister but by the Lieutenant Governor in Council. That was a correct position for the Auditor to take. It was proper for the government to move as they did.

But with this new wording of Section 3, are we not making the same mistake, Mr. Chairman, in a slightly different way? What we're saying is that the minister has this enormous power that doesn't seem qualified by the legislation at all. We could scream all we like. I get the impression from the Member for Edmonton Kingsway and the Member for Three Hills that we can stand up in the House and complain about the merits of a particular project. We can do that anyway. But the question is that when we pass legislation, we must set a framework of power that we authorize a minister to execute and administer.

That's a rather different thing. Right now, if what the minister does is inconsistent with the statute, we're in a position to raise it, in addition to raising whether or not we should be handing out prizes at a fair next year. But we're in a position to review it from the standpoint of the power that we, as members of the Legislature, have delegated to this government.

I think we have to be convinced — I underscore it again, Mr. Chairman — we have to be convinced before we delegate this power to the Minister responsible for Culture or, when other Bills come along, to any other minister, that there simply is no other practical vehicle available.

The Leader of the Opposition asked whether legal counsel had given the minister the advice that the new Section 3 is the only practical alternative. Or was there a suggestion made that additions could be made to the present Section 3? If there are, then I think that's the route we should be taking, rather than striking it out entirely and inserting this very broad power.

MRS. OSTERMAN: Mr. Chairman, in addressing some of the remarks made by the hon. Member for Spirit River-Fairview, who now feels elevated to an entirely new position — I notice that the hon. member almost sits higher in the chair than previously.

I would like to use an analogy to this particular section. As I read it, "The Minister may do those acts that he" — I'd like to say, and/or she — "considers necessary for the promotion and encouragement of the orderly cultural development of Alberta". I wonder if the hon. Member for Spirit River-Fairview felt the same way about the particular section in The Individual's Rights Protection Act that gives the commission power to encourage and develop programs, and doesn't really spell out; it's just the promotion of the

idea that everybody is equal in this province I really feel that we're talking about the encouragement of the orderly cultural development of Alberta I believe it says that I really think the parameter is spelled out very clearly there

MR. R. CLARK: Mr. Chairman, I would point out to both the minister and the hon. Member for Three Hills that "orderly cultural development of Alberta" is the term that cultural development in this province has lived by since 1970. That's the exact phraseology in the section we're amending here. What the old section did was say, "In order to promote, encourage and co-ordinate the orderly cultural development ... the Minister may ...", and then it lists the things.

Now we have yet to hear from the minister today one example of how this present legislation hinders the orderly cultural development of Alberta. We've heard the example of the 75th Anniversary. If that's the best example the minister has, the only example, then after (g) let's put in the next letter of the alphabet and something there for the sake of Alberta's 75th Anniversary. [interjection] Well, to the hon. Member for Three Hills, we don't have 75th anniversaries every year.

MRS. OSTERMAN: But every time you have a special occasion.

MR. R. CLARK: I just have to underscore the points that have been made by the Member for Spirit River-Fairview. Really what we're doing here is defeating the piece of legislation itself. We're just broadening the whole thing out to the point where now, from the standpoint of the Provincial Auditor, or even the controller's office in Treasury, they aren't able to look at these as things that have been approved by the Legislature for the minister to do. Because as the legislation sits now, if the minister or her officials go beyond these things set out here, the controller's people in Treasury jack up the minister's department. I suspect that's what happened when the government tried to hire Mr. Dowling, supposedly under this section.

The setting out of these things, then, doesn't give guidance only to the minister, the public service, and the people of Alberta, but also to the financial controls built into the system. And this kind of wide-open approach we're being asked to approve here just leads to a situation where the financial controls break down in this department. We've had that situation within the last four to five years.

In addition to that, I can't understand how a department like the department of Culture, as important as it is from the standpoint of magnitude and money spent and things it's involved in, in comparison to the Department of Energy and Natural Resources, the Department of Agriculture, or the Department of Education — how we're able to codify and set out in broad terms in legislation what ministers can do in those departments, what their responsibilities are. I don't recall our having this kind of sweeping section for the Minister of Agriculture to promote what's very much a basis of this province. I don't recall the Minister of Energy and Natural Resources having this kind of *carte blanche* section in his department. I don't recall the Minister of Education having a section like Section 3 that we're being asked to approve this afternoon. The Legislature has said to those departments, look, we're being far more specific in what ministers can and

cannot do, and the Department of Agriculture, the Department of Energy and Natural Resources, and the Department of Education can function within those kinds of spelling out of what the Legislature says a minister can do

We're being told here today, in a roundabout way, that officials of the department of Culture can't carry on their responsibilities within the legislation laid down to date, and we want a frame of reference which is totally open and the minister can really do whatever she wants to do to promote culture and so on. That's like being asked to say to the Minister of Agriculture that because it's agriculture week, the minister can do whatever he wants, and the Minister of Energy and Natural Resources and the Minister of Agriculture can do whatever they want the same way. You couldn't run a Legislature or a province that way.

MR. THOMPSON: Mr. Chairman, I'd like to get into this too. On the last point the Leader of the Opposition raised, surely Culture, as I understand it anyway, is in a category altogether different from most other departments. It's a subject where opinion has a great deal to do with what you do.

I can see why the minister feels hamstrung to a degree with the legislation the way it is, because the department of Culture is not like other departments. I'm not an expert on this. In fact culture isn't my thing. But basically, I understand that when it comes to artistic performances and this kind of thing, it's not in the same class as Agriculture, Energy and Natural Resources, and the other departments the leader mentioned. There is an awful lot of subjective opinion used there, and I honestly think that to a degree the minister has to have a certain amount of authority to operate Culture the way we need it in Alberta.

Thank you.

MR. NOTLEY: Mr. Chairman, we've had the suggestion from the Member for Cardston that because there's a good deal of subjective opinion in determining what is appropriate and what isn't, we should have a totally sweeping mandate to the minister. I would simply say to the members of this House: surely we're not trying to kid the people of Alberta, because one could argue in every single case on that front bench that there could be rip-roaring arguments based on subjective judgments on what should or shouldn't be done.

The Member for Cardston raised the question of agriculture. There can be an awful lot of subjective assessment over what we should do from an agricultural point of view. Just get the National Farmers Union in one room with the Western Stock Growers' Association, and we'll see what kind of subjective assessment we have of what the policy on freight rates should be. So to suggest that because it is a little difficult for the minister to work within the constraints of this section, we just sweep it away somehow, in my view that just isn't good enough.

If the minister says there are constraints in the present section that limit her in doing the kind of work she feels needs to be done during the 75th Anniversary, I think it's incumbent upon that minister to introduce an addition to Section 3, a new subsection that would empower her to do what she feels needs to be done. I would need some kind of explanation of that too, Mr. Chairman, before I would want to pass it. But at least I could understand that kind of position.

But we're not asked that. We're asked to strike out the whole section and bring in a sweeping mandate to the minister. If this Legislature passes it, quite frankly it would not surprise me very much if another minister, looking over that minister's mandate, said, well, here's Bill 49; the minister of Culture can do pretty well whatever she wants to facilitate the orderly development of Culture. So the Minister of Agriculture and the Minister of Education say, I'd sort of like that power too. How long is it going to be, then, before we have a whole series in the widespread exercise of almost unlimited power — at least unqualified — by precise legislative guidelines?

Mr. Chairman, the Member for Three Hills, who is a very persuasive and articulate member of this Legislature, made reference to The Individual's Rights Protection Act. With great respect, there's a section in there that talks about promotion, but that section is also very clearly related to some very detailed rights that are set out both in Bill 1 and Bill 2. So I am not at all sure that that analogy is a correct one. But even if it were, even if the Legislature had carelessly passed something we shouldn't have in 1972, the question to the minister and the members now is: should we authorize this move? As legislators, our job is to make sure that before any minister is granted power, that minister clearly demonstrates that that power is required. Surely the experience of the office of special programs in the old department of Culture should lead us to the conclusion that we had best be very careful before we designate any more unlimited power to any minister.

MR. PAHL: Mr. Chairman, I have been listening to this thundering over what seems to be a pretty hollow issue. I opened my desk drawer and pulled out the first Act I could find, Bill 53, The Department of Education Amendment Act, 1979. On page 2 the bottom line of Section 10 presently reads: "and upon receipt of the report the Minister may make such order thereon as to him seems proper." I think the principle here is that ministers exercise responsibility and discretion in the administration of their departments. To pick on a phrase seems to depreciate the spirit of the accountability of a minister to this House and to the people of Alberta. [interjection]

MR. CHAIRMAN: Are you ready for the question on Bill 49?

MR. R. CLARK: Mr. Chairman, other than an explanation that because we couldn't hire poor Mr. Dowling under this piece of legislation, we're changing it and going this route, we have yet to hear from the minister. The very least we can expect is some sort of response from the minister and some other examples. I guess we could be here longer this afternoon on the Bill, if the minister is not going to respond.

MRS. LeMESSURIER: Mr. Chairman, Mr. Dowling is hired on staff under the department of Culture, not on a contract basis. This part is for contracting during various duties we carry out.

MR. R. CLARK: What duties?

MRS. LeMESSURIER: Anything to do with various programs concerning ... You say the 75th Anniversa-

ry. It could be hiring people on contract for any kind of festival we are having. This does not allow ...

MR. R. CLARK: We have been hiring people on contracts for festivals for 20 years in this province.

MR. NOTLEY: Mr. Chairman, with respect to this business of the contracts, the minister indicated that Mr. Dowling is now employed by the department of Culture because she isn't able to sign him up on a contract. Let me ask this question of the minister: should we pass this Bill, will there be any intention to change the nature of Mr. Dowling's employment and, in fact, put him on a contract? Would that in any way, shape, or form lead to any change in remuneration, benefits, or what have you?

MRS. LeMESSURIER: Excuse me, Mr. Chairman, I'll correct that. Mr. Dowling is under contract with Executive Council, not under the department of Culture. But he is working with our department and is responsible to the Minister responsible for Culture.

MR. NOTLEY: Just so I can clarify it, then. In fact, there really hasn't been a problem. The minister attempted to put Mr. Dowling on contract and found that she couldn't, but it was possible to put him on contract with Executive Council. So notwithstanding the proposed change here, it's still possible to obtain the crucial services of Mr. Dowling for this objective. There really hasn't been any problem at this stage, since we've been able to accommodate the government's desire to have Mr. Dowling with the legislation the way it is, only we're paying him out of Executive Council. That's correct?

MRS. LeMESSURIER: Mr. Chairman, Mr. Dowling is being paid from Executive Council right now. But at the moment the minister of Culture has no power to enter into contracts with outside people.

MR. NOTLEY: Mr. Chairman, wouldn't the simplest approach be to go to Legislative Counsel and say you'd like a new section following (g) to authorize the minister to enter into contracts where those contracts are appropriate?

MRS. LeMESSURIER: Mr. Chairman, I don't think one wants to go to Executive Council every time one wants to enter into any kind of contract.

MR. NOTLEY: That's not the point, Mme. Minister. I'm not saying that you go to Executive Council every time you want to sign a contract. I'm saying, why did the government not consider adding another subsection after Section 3(g) which would allow the minister to have the power she does not possess at this stage?

AN HON. MEMBER: Question.

MR. CHAIRMAN: Does the minister wish to respond?

MRS. LeMESSURIER: No, Mr. Chairman.

MR. NOTLEY: With great respect. Mr. Chairman, we're being asked to vote on this. It strikes me that the question is not unreasonable. One of the examples the minister cited was the inability of the minister to hire

somebody under contract. Now I can understand that that may well be a reasonable concern. So why would we not simply add another subsection which would grant that authorization, instead of striking out everything and saying, here, you can do what you choose? It's a reasonable request to say that the minister should be able to hire somebody on contract. I don't argue with that at all. Let's put it in as another subsection.

MR. CHAIRMAN: The question has been called on Bill 49.

MR. R. CLARK: Mr. Chairman, would the minister consider holding the Bill and going to Legislative Counsel? If the only problem we have is the minister not being able to hire someone as a consultant to the department, then let's go that route. Would the minister be prepared to consider that approach?

MR. CRAWFORD: Mr. Chairman, as the hon. leader's question also relates to my duties with respect to the progress of the Bill, maybe I could take the opportunity to respond briefly to it and cover a little of the other area of the discussion as well.

The present Section 3 is not well drafted and has not been since — I don't know what incidental changes may have been made since its enactment, but it is not a particularly good section in light of modern drafting principles. The reason for that was the one touched upon, although I gather not entirely understood — and I say that without any criticism of any hon. member, if that's the case — in the analogy the hon. Member for Calgary Forest Lawn used in regard to the statements of objectives of corporate bodies.

Putting into writing any series of powers and responsibilities, duties, privileges, or whatever one may want to describe them as, has one disadvantage in the sense of articulating point after point. Modern drafting principles take account of this more than was the case in previous years. I think the important point in regard to the drafting of that section is that as soon as you begin to state in specifics what any person or agency can do, it is implied, and is in fact a matter of normal traditional interpretation, that anything not stated cannot be done. Draftsmen for the objects clauses of societies and the like, any body that may be incorporated, have noticed this over the years. The recommendation of people active in those fields has often been: particularize less, not more. State your objectives broadly; don't state them in tiny little bits. If you state them in tiny little points, you'll have to keep adding tiny little points. I think that's good drafting advice.

What hon. members opposite have raised is something I certainly wouldn't quarrel with in regard to other ministries. I want to look at some examples presently in Section 3 of The Cultural Development Act. Surely no one here ever believed that a minister needed a piece of legislation to have a seminar. Yet there it is, in the legislation.

I apologize if I'm overly stressing this. Without really wanting or trying to be overly critical of the draftsperson who did this a few years ago, I say again that principles change. Surely, what person anywhere needs anyone's permission to call a public meeting?

I look at (b): "conduct workshops, seminars, schools, conferences and exhibitions". It doesn't give the minister any authority to take part in one without conducting it. It doesn't give the minister any permission to

sponsor one of her own without actually conducting it. I hope the response of hon. members opposite is, surely that's not a serious matter or a matter for much discussion or debate. Because the Act chose the particularized way of describing the power's, it has had the result I've described. The minister indeed is limited in respect to conducting workshops, seminars, schools, conferences, and exhibitions.

Earlier I made the point that as soon as you begin to put things down in particular point form, those points govern. For that reason, normally people in the drafting business tend to say — both in the sense of legislation and in other areas of by-laws, constitutions of associations, articles of association of companies, and all such things — a general statement, so long as the principle is right and the intention is there, is the one that will serve you best.

I'll close by answering the last matter raised by the hon. Leader of the Opposition, having noted that Section 3 as it now stands is poorly drafted and couldn't conceivably serve well the purposes of the minister's overall responsibilities. I've referred to drafting principles, which I assure hon. members are based on advice that would be given by anyone in that field at present, as far as my observations and discussions enable me to make that statement.

I think perhaps the hon. minister did not want to respond to a particular question about the position of Legislative Counsel because of the view that advice given at that level is solicitor and client advice and, for that reason, is privileged. However, it's also a principle of privileged communications between solicitor and client that the client may waive that privilege.

As one who has discussed the matter with Legislative Counsel, I would say that a lot of consideration was given to how Section 3 should be recast. It was unanimously felt by advisors in the Legislative Counsel's office that it should be redrafted. That much was clear.

MR. R. CLARK: Redrafted in this form?

MR. CRAWFORD: I'll get to that.

It was essential, for the useful operation of that section and the enhanced operation of the department, to recast the section. A mere tinkering with it and changing a word here or there, or adding something thought to be left out, would not serve the purpose. The advice was that it be recast.

In answer to the latter part of the question, I do not know how many alternative forms of the proposed new Section 3 have been under consideration. I do know that I discussed the matter with Legislative Counsel, and that what you see is the way it was recommended that it be done. I make that statement of my own knowledge.

In attempting to deal with matters raised by hon. members relating to the drafting as distinct from the principle, about which of course there seemed to be no disagreement, the only other point is that I have responded to hon. members by speaking of my own knowledge that the Legislative Counsel did in fact prepare that in that form. I wouldn't want to have that bring the result that anything said in the House was untowardly critical of what was proposed by them. If hon. members disagree with the way it is, I want to feel the disagreement is with us and not with people who have given advice and are not directly here. I remember

cases in the House before where hon members did seek assurance that it was Legislative Counsel's advice. Those cases were not numerous. But I want to add that assurance today. I hope any criticism is not interpreted as being of the public servants who did the work.

MR. R. CLARK: Mr. Chairman, I appreciate the remarks made by the Government House Leader. They were well taken. But to the Government House Leader, the minister, and also the Minister responsible for Personnel Administration, what we're really talking about is basically the rule of law, not the rule of this minister or any other minister who in the past has been minister of Culture or who will be minister of Culture in the future. The point the minister makes is well taken. We don't want legislation of tiny individual points. On the other hand, we don't want legislation of unrestrained power either. What we're saying is that there is some balance between the overspecification in the legislation that came in in 1970 and the legislation being presented to us today.

I've been looking for an example of what might be an approach the government should seriously consider. That's The Department of Economic Development Act, which was assented to on July 4, 1979. Section 4 isn't a broad, sweeping section like we're being asked to approve here today. On this question of services of experts, it says:

- (1) The Minister may from time to time engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Minister's administration.
- (2) A person whose services are engaged under this section may be paid such remuneration and expenses as the Minister may prescribe.

I think that kind of amendment, taken word for word out of the economic development legislation approved in July of this year, would not be seen as covering tiny points or, on the other hand, being so broad that we have unrestrained power in the hands of the minister. I would ask the government to consider that kind of approach very seriously. This should meet the test of the Government House Leader when his initial remarks, I believe, said that perhaps the legislation wasn't well drafted, or that drafting principles of this year should be fairly modern. It should defeat that argument. I don't think it would state the objectives — at least certainly not as broadly as they're being stated in the legislation we're being asked to approve.

So I say to the Government House Leader and to the minister that I think it would be very wise to hold this legislation, consider some redrafting, and bring it back tomorrow night or Wednesday when we've all had an opportunity to reflect upon it in light of the discussions today and the points of view expressed.

MR. CRAWFORD: Mr. Speaker, I have no difficulty with holding the matter. I want to indicate, as I did to hon. members, that the remarks I made were meant to convey that it's my responsibility, in that the Legislative Counsel's office reports to the Attorney General. On that basis, after the very briefest consultation with my colleague who sits immediately behind me, she and I agree that the matter can be held in committee stage, if the committee agrees, and not reported on. It will come back in due course. I'm not sure if it will be precisely as soon as the hon. leader has suggested.

MR. CHAIRMAN: Very well. In light of the announcement by the Government House Leader that Bill 49 will be held temporarily, we'll proceed.

Bill 50

The Alberta Health Care Insurance Amendment Act, 1979

MR. CHAIRMAN: Are there any comments, questions, or amendments with respect to this particular Act?

[Title and preamble agreed to]

MR. COOK: Mr. Chairman, I move we report this Bill.

[Motion carried]

Bill 51

The Health Insurance Premiums Amendment Act, 1979

MR. CHAIRMAN: Are there any questions, comments, or amendments with respect to this Act?

[Title and preamble agreed to]

MR. KUSHNER: Mr. Chairman, I move that Bill 51, The Health Insurance Premiums Amendment Act, 1979, be reported.

[Motion carried]

Bill 52

The Chattel Security Statutes Amendment Act, 1979

MR. CHAIRMAN: Are there any questions, comments, or amendments with respect to this Act?

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill 52, The Chattel Security Statutes Amendment Act, 1979, be reported.

[Motion carried]

Bill 54

The Provincial Parks Amendment Act, 1979

MR. CHAIRMAN: Are there any questions, comments, or amendments with respect to Bill 54?

[Title and preamble agreed to]

MR. TRYNCHY: Mr. Chairman, I move that Bill 54, The Provincial Parks Amendment Act, 1979, be reported.

[Motion carried]

Bill 55

The Sale of Chattels by Public Auction Amendment Act, 1979

MR. CHAIRMAN: Are there any questions, comments, or amendments with respect to Bill 55?

[Title and preamble agreed to]

MR. FJORDBOTTEN: Mr. Chairman, I move that Bill 55, The Sale of Chattels by Public Auction Amendment Act, 1979, be reported.

[Motion carried]

Bill 58
The Oil Sands Technology and
Research Authority Amendment Act, 1979

MR. CHAIRMAN: Are there any questions, comments, or amendments with respect to Bill 58?

[Title and preamble agreed to]

MR. WEISS: Mr. Chairman, I move that Bill 58, The Oil Sands Technology and Research Authority Amendment Act, 1979, be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following Bills and reports as follows: Bills 32, 33, 36, 41, 50, 51, 52, 54, 55, and 58. The Committee also reports Bill 48 with some amendments.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, before moving that we adjourn until tomorrow, I want to note that Motion 15 is due to be recalled again. It would have been recalled this afternoon, except that I note our colleague from Clover Bar, who adjourned debate, is not present. In view of the hour, I think we might let the matter go for today and call it 5:30. The proceedings tomorrow afternoon are, of course, the normal proceedings. But in the evening it's not proposed that the House sit. Mr. Speaker, I move that the House now adjourn until tomorrow afternoon at 2:30.

MR. R. CLARK: Mr. Speaker, just before the motion is called, might I simply say we appreciate the comments by the Government House Leader with regard to not calling 15 today. My colleague Dr. Buck is at the Joffre petrochemical plant opening. I know the government would want him to be there so he'd be able to reflect accurately on this when he next speaks in the House on Wednesday.

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

HON. MEMBERS: Agreed.

[At 5:14 p.m. on motion, the House adjourned to Tuesday at 2:30 p.m.]

