

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Thursday, November 8, 1979 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF VISITORS

MRS. LeMESSURIER: Mr. Speaker, it's a pleasure for me to rise and introduce to you, and through you to members of this Assembly, seated in the Speaker's gallery, the hon. El Sherif Fawaz Sharaf, the Minister of Culture, Youth, and Sports of the Hashemite Kingdom of Jordan. He is accompanied by Mr. Ed Shaben, brother of the Minister of Utilities and Telephones. I would ask them to rise and receive the welcome of the House.

head: INTRODUCTION OF SPECIAL GUESTS

MR. HIEBERT: Mr. Speaker, it is my pleasure to introduce to the House a group from St. Brendan school, a grade 9 class accompanied by their teacher Mrs. Dunnigan. They are in the members' gallery. Would they rise and be accorded the welcome of the House.

DR. McCRIMMON: Mr. Speaker, it's my privilege today to introduce to you, and through you to members of the Assembly, 49 senior citizens from the town of Ponoka.

They are all members of the Ponoka Drop-in Centre who have come up today. Unfortunately they had to leave a few behind because the bus was full. We're delighted to have them. Amongst them are many old friends of mine. They are in the public gallery, and I would ask that they stand and receive the welcome of the House.

head: ORAL QUESTION PERIOD**Energy Policy**

MR. R. CLARK: Mr. Speaker, I'd like to direct the first question to the Premier, now that there's agreement in the Assembly, I'm sure, that a meeting is to be held in Ottawa the first part of next week.

In the first question, Mr. Speaker, I'd like to pursue what the government of Alberta deems to be a fair energy policy for Canada, recognizing that the meeting in Ottawa will not be negotiations but in fact discussions. Is the Premier in a position to give some indication to the Assembly what the government deems a fair energy package for Canada?

MR. LOUGHEED: Yes, Mr. Speaker, I'm very pleased to. That's specifically why I tabled the transcript of my speech in Vancouver in the Legislative Assembly. We

may, for obvious reasons that the hon. leader would understand, be elaborating upon it during the course of the conference, or we may be emphasizing it in a somewhat different way. But the document, in terms of the energy portion of the Vancouver speech, sets forth the position of the government of Alberta with regard to an energy package for Canada. At the conclusion of the speech, it lists 12 points by way of a national energy policy.

MR. R. CLARK: Mr. Speaker, a supplementary question to the Premier. In the course of the time frame that this fair energy package would cover, what is the target time frame for the Alberta government? Mr. Speaker, the purpose of the supplementary question — I'm talking of time frame in terms of life of the agreement.

MR. LOUGHEED: Mr. Speaker, that's difficult to respond to, because I think it is a matter of negotiation. We have committed ourselves to staging-in of prices, and I presume the hon. member is referring to the length of an agreement, relative to years that would be involved. That's a very valid question.

I do feel that it comes right to the heart of pricing negotiations, because quite obviously the nature of any schedule of pricing would have a direct bearing upon the length of the agreement. All I can say is that the position of the government of Alberta is that we are prepared to stage in price increases over a period of years, but not at this stage of the game, because of its fundamental nature relative to the negotiation of pricing subsequent to the meeting in Ottawa — would really pertain in terms of the length of time.

MR. R. CLARK: Mr. Speaker, I pose a further supplementary question in light of the comments made by the Premier earlier this week in the Assembly. I think it's fair to say that the Premier indicated the possibility that heavy oil plant agreements would not move ahead until an agreement was reached on a fair energy package.

Keeping in mind that for the last two years the provincial budget, especially the capital works portion, has been increased sizably to pick up the shortfall in the construction industry in the province, what is the Alberta government now planning for the upcoming provincial budget? Is the government in fact proceeding on the basis that it will be essential for the provincial budget to continue to be beefed up considerably by public projects? Or is the government relying on an agreement being reached as to the next plant?

MR. LOUGHEED: Mr. Speaker, it's somewhat premature for me to respond to that question. All I could advise the hon. leader and members of the House is that as we come to the formulation of the budget, we no doubt will have to take into consideration, if there is a delay with regard to oil sands and heavy oil plants, which I presume the hon. leader meant in his question — we would have to look again as to whether a large degree of capital construction from the public sector within the provincial budget would be necessary to ensure a continuation of construction and a high level of economic activity in the province.

We are finding, as the hon. Provincial Treasurer has stated and as I remarked in the Legislature on October

10, that the economy of Alberta is very strong and in some respects stronger than we expected, and it may not be necessary for us to do that again in the forthcoming year for that reason; that is, capital budgeting to assure the strength of the construction industry in the province. But I would have to say to the hon. leader that because of the timing of the provincial budget and the number of months ahead, I couldn't be any more definitive with my answer than I have been to this point.

MR. R. CLARK: Mr. Speaker, a further supplementary question to the Premier. If an agreement were signed between the Alberta government and Esso Resources for the Cold Lake project or the Alsands group, even by the end of this year, is the government's position that once an agreement were signed there would be no need to carry ahead with very sizable capital expenditures?

I ask the question because once the agreement is signed there's a period of time until the actual construction starts. The question really becomes: is one year or 15 months ample time for the impact to be seen in the construction industry?

MR. LOUGHEED: Mr. Speaker, that's a very important economic matter. I would have to say to the hon. leader, and I'm sure he could be aware upon reflection, that a fairly significant portion of this year's provincial capital works budget has a carry-over factor that extends at least into the next fiscal year. The carry-over component is quite high.

There's also the factor that as the projects the hon. leader is referring to get under way, if they do without any protracted delay, a sizable gearing-up factor goes on in terms of preparation. But it is a judgmental economic decision in terms of the balance for the fiscal year commencing April 1, 1980. All I could say again to the hon. leader is that that matter is certainly something we will be addressing and weighing in our judgment, as we see whether or not the projects are going to proceed in 1980.

MR. R. CLARK: Mr. Speaker, one last supplementary question to the Premier on this particular matter. Following the discussions that will be taking place in Ottawa the first part of next week, as of this time is there any firm agreement between Alberta and the federal government for the continuation of negotiations?

MR. LOUGHEED: Mr. Speaker, at this time there's no firm agreement for the continuation of negotiations. On the other hand, there's no expectation that the negotiations would not continue.

MR. R. CLARK: Mr. Speaker, then could I pose one further question to the Premier. Is it the expectation of the Premier and the Alberta delegation that, in addition to the discussions with the other provinces and the federal government the first part of the week, there will be — if I might use the term — eyeball-to-eyeball negotiations between Alberta and the federal government during the same two days?

MR. LOUGHEED: Mr. Speaker, it might happen, but I would doubt it. It would certainly be our view that it would be important to assess the discussions we've had

in Ottawa and report to my caucus colleagues with regard to the matter.

No doubt the Leader of the Opposition would be wishing a response in terms of the Legislative Assembly, and I think it's only fair and proper that I be in a position to respond to the Legislative Assembly on the discussions. So I think we can take it that the situation today is that there is a clear pause in terms of any negotiations relative to pricing between the federal government and the Alberta government, until that time.

Gaming Controls

MR. R. CLARK: Mr. Speaker, I'd like to direct the second question to the Attorney General. It flows from questions I asked the Attorney General last week dealing with lotteries, and specifically the problems that the Alberta Fish & Game Association had with using the allocation of funds from lotteries that they had received licences to run.

Has the hon. minister had a chance to ascertain the information from the department, and did the officials of the Attorney General's Department indicate to the Fish & Game Association that funds raised in those permitted activities were not to be used for the purposes of the petition on the Willmore Wilderness area and the presentations on the Cold Lake hearings?

MR. CRAWFORD: Mr. Speaker, I'm glad the hon. leader asks that question today. I've had the information at hand for the last couple of days, and was looking for an opportunity to rise to supplement my previous answer. I think there are two matters that struck me as being of importance in the question as originally posed, and the hon. leader has just summarized it again. One was temporarily a potential embarrassment to me, because the question was whether I had responded to a piece of correspondence which had apparently been received some time ago. The answer is that the correspondence from Mr. Scammell received on May 1 was answered on May 8, so I take some satisfaction in going back to that point.

MR. R. CLARK: Acknowledged or answered?

MR. CRAWFORD: [Not recorded] Now, Mr. Speaker, my friend is onto his supplementaries already.

As a matter of fact, I was going to remark that I indicated to him that the process of review was in progress and that the matters he raised would certainly be looked at in the process of review. At the time, I referred to the work of the caucus committee. Of course, as hon. members would recall, shortly thereafter the citizens' advisory committee was named, and it's that procedure that has been carried out in the meantime.

The other question is more difficult, Mr. Speaker, in that I guess we really get into the representations made in one way, certainly through the media and perhaps in other ways, by one representative of the fish and game league on the one hand saying what was said to him by an employee on a particular occasion. I think all I'm able to do in those circumstances is not to attempt in any way to investigate the employee in question, if the particular employee can be ascertained, as to what specifically was said in a conversation that occurred some time ago, but only to try to ascertain the general tenor of the remarks made at that time.

The general tenor of the remarks, as reported to me, was that the discussion revolved around the fact that a lobby, of whatever sort, was difficult to bring within the definition of a charitable or religious undertaking. That conversation perhaps was embellished by both sides to some extent. But I have no doubt that the question was put in that light: that it would be very difficult to describe the political lobby, no matter which side it was on — I make that clear — as charitable or religious. Beyond that, of course, I am not in a position to be sure what the discussion was.

MR. R. CLARK: Mr. Speaker, a supplementary question to the Attorney General. Is either the Attorney General himself or the minister who deals with the Alberta Fish & Game Association prepared to sit down with the association's responsible officers and attempt to clear up the misunderstanding? Because a number of other organizations which have received permit approval from the Attorney General's Department have used their moneys acquired through lotteries for similar public purposes. Is the Attorney General prepared to give that undertaking to sit down with the Fish & Game Association and attempt to straighten out the misunderstanding?

MR. CRAWFORD: No difficulty with that at all, Mr. Speaker. Perhaps I might add that, because I intend to refer now to my letter to Mr. Scammell in May, I'd be pleased to provide copies of it to any hon. members. It concludes in this way, after referring to a number of unresolved items of policy:

I believe our consultation with the public on this issue will be effective and that, although it will require some additional time, the necessary revisions of both policy and administration can be achieved.

I expect it will be useful to continue to stay in touch in regard to your concerns and, once there has been some further development as a result of the work of the Caucus committee, I hope you will get in touch with me again.

That was the way the letter concluded.

MR. R. CLARK: Mr. Speaker, I'd like to pose a further supplementary question to the Attorney General. It's on the larger question of permits which have been approved by the Attorney General's Department. Has the department any contingency plan in place to help organizations that have received permits from the Attorney General's Department to run lotteries or the like, and who may find themselves in breach of the Criminal Code of Canada because of the federal government's definition on the matter of religious or charitable organizations?

MR. CRAWFORD: Mr. Speaker, the hon. leader's question highlights one of the difficulties in an area that does have some difficulties of interpretation. If I understood him correctly in relating his question to the federal laws in regard to charitable and religious associations, I think I would have to point out that the actual interpretation is a matter of licensing, which is handled by the provincial agency.

It has never been suggested to me that Criminal Code violations have been occurring in any way in respect of these licensing matters. I've said over and over again that it's an incredible proposition to make.

I'm not suggesting the hon. leader made that proposition just now; in fact he didn't. But it would be an incredible proposition to make, that the licensing officer in the provincial agency would do anything that, in his view, could relate to causing a voluntary agency to commit some offence. That just would not happen.

The difficulty, though, is that the definition of charitable and religious — which is so bare in the Criminal Code, using basically just those words — is one that I would say literally over centuries of interpretation in the courts has come to have certain accepted meanings. I suppose the word "religious" is a little more definable, but the word "charitable" is a very wide one indeed. It's the use of a fair interpretation of the meaning of that at the time of granting the licence which has often caused some problem.

MR. R. CLARK: Perhaps I might pose two very brief supplementaries to the Attorney General. Have any officials of the federal government expressed concern to the Attorney General or officials of his department with regard to the broad licensing approach taken by the Attorney General's Department in Alberta?

MR. CRAWFORD: No, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, if I may, a supplementary question to the Attorney General. As I recollect the Attorney General's answer to the first question, it related to the response of an individual to the Fish & Game Association concerning lobbying vis-a-vis the charitable and religious question.

My question to the Attorney General is: at this time is there a clear policy by the government of Alberta on this question of what constitutes a lobby, or is that a matter still being reviewed and investigated by the caucus committee and the citizens' committee?

MR. CRAWFORD: Mr. Speaker, I think the latter is the case. We would look at any recommendations we would receive in that respect. We would of course have to place an interpretation on any recommendations, in the sense of whether a proposal was one that the law, as we now interpret it — would be accommodated by that interpretation. But we certainly have the willingness, and indeed the intention, for the Fish & Game Association or any similar situation, to hear whatever it is they would like to say on the subject.

Interest Rates

MR. KNAAK: Thank you, Mr. Speaker. My question is to the hon. Premier. In that the federal government interest rate policy is indirectly related to the surplus of natural gas in Alberta which is available for export, has the Premier had direct communication with the Prime Minister on that point?

MR. LOUGHEED: Yes, Mr. Speaker, I have. When we last met I raised with him, in connection with my colleagues the Provincial Treasurer and the Minister of Energy and Natural Resources, the advantage to Canada of the export of a substantial quantity of natural gas in terms of really being significant to avoid our continually tracking the American interest rates. As I stated in pages 4 and 5 of my Vancouver speech, tabled in the House, I've expressed this government's view, with respect to Mr. Bouey's position, that there is an

alternative for Canada other than tracking the American increase in price. I guess all hon. members are aware that that situation is even threatened in terms of the future — of a further increase.

MR. KNAAK: A supplementary question to the Provincial Treasurer. Has the Provincial Treasurer information on whether the Alberta economy, because of its rapid growth, is more vulnerable to high interest rates than other provinces' would be?

The second supplementary would be: has the Alberta government or the Treasury made an assessment of whether a falling Canadian dollar would be preferable to the high interest rate?

MR. HYNDMAN: Mr. Speaker, on the first question: I think in my original comments on this subject I indicated that indeed the whole of western Canada historically, but probably particularly Alberta at this stage and pace of its growth, has to be concerned about the stage interest rates are now at.

With respect to the second question, I think that has been responded to by the hon. Premier in terms of the very visible alternative available to those involved with the monetary policies of the country.

Assured Income Plan

MR. MANDEVILLE: Thank you, Mr. Speaker. My question to the hon. Minister of Social Services and Community Health is with regard to the legislation being passed by the federal government where widows and widowers between the ages of 60 and 65 will be reinstated for the spouses' allowance back to 1975, where the pensioner has died. In the past, a widow or widower was cut off six months after the pensioner died. Now they're reinstating that and going back to 1975.

My question is: will persons age 60 to 65 who qualify for the spouses' allowance going back to 1975 automatically receive the province's assured income plan?

MR. BOGLE: Mr. Speaker, I'll take that question as notice.

Bus Safety

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the Minister of Transportation. It concerns passenger bus and school bus safety in the province, flowing from several accidents in the last few months.

What steps has the department taken to investigate the Greyhound accident near Stettler and the school bus accidents which occurred in the first three weeks of September?

MR. KROEGER: Mr. Speaker, both of those accidents have been fully investigated, not only by the RCMP but by people in the safety branch of the Department of Transportation. I've had preliminary copies of those reports submitted to me.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister with respect to the accident of the Greyhound bus at Stettler. Is the minister in a position to confirm that the fault for that particular accident lay with a failure of the steering system in the bus?

MR. KROEGER: Mr. Speaker, I have taken some time to read the report, and while I don't have total recall, I don't remember that that specific was attributed as the cause of the accident.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. What steps have the Motor Transport Board or the government in general taken to spot-check and improve the inspection of both passenger buses and school buses in Alberta?

MR. KROEGER: Mr. Speaker, in order to get a good comprehensive answer to the questions just asked — and they're good questions — I should probably take them as notice. I can say that we have stepped up the school bus inspection program. We have designated inspection centres. I believe there are about 600 across the province, spaced out so they're reachable.

Perhaps a more detailed answer should wait, and I'll take the question as notice.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is the minister in a position to advise the Assembly whether the government of Alberta has been able to monitor the findings of investigations of the very serious bus accidents in the province of Quebec, as they relate to possible changes we might make in Alberta to improve the inspection and ensure that these vehicles are safe?

MR. KROEGER: As I mentioned, Mr. Speaker, we have stepped up and are stepping up the safety part, particularly of the school bus system. I'm not prepared to comment on what reports we've received and analysed as far as the province of Quebec is concerned; but again, I could get that information.

Tourism — Personnel Training

DR. BUCK: Mr. Speaker, my question is addressed to the hon. Minister of Advanced Education and Manpower. After the minister's meeting in June with NAIT, SAIT, and the Minister of Tourism and Small Business as to the accommodation and food services industry, was there any suggestion at that time to set up an accommodation and food services training school in the Kananaskis area?

MR. HORSMAN: No, Mr. Speaker.

DR. BUCK: To the hon. minister. Has information been made available to the minister's department that such a school could possibly proceed, and would be needed in the future in servicing Alberta accommodation and food services to enhance the tourist industry?

MR. HORSMAN: Not that I'm aware of, Mr. Speaker.

DR. BUCK: Mr. Speaker, is the minister in a position to indicate what programs are in place now at NAIT and SAIT as far as accommodation and food services enhancement go?

MR. HORSMAN: I can't do that right now. Of course, that is public information. I'm sure that the very extensive calendars of course offerings at both institutions will provide that information to the hon. member.

DR. BUCK: Mr. Speaker, if it's public information surely the minister would know. Can the minister ... [interjections]

MR. SPEAKER: Order please. If it's public information the question isn't in order.

DR. BUCK: Mr. Speaker, has the hon. Minister of Advanced Education and Manpower had any discussions with the Minister of Tourism and Small Business to find out if many of the new boat people have been involved in the food services and accommodation industry?

MR. HORSMAN: No, Mr. Speaker, I have not had specific discussions of that nature. But of course there is an extensive program offering at both SAIT and NAIT and, I might add, other colleges in the province of Alberta, with respect to food preparation and other types of tourist industry services. Whether those services are now being utilized by new immigrants to Canada I'm not certain at the moment. However, I can assure the hon. member that the institutions are open to new course entrants all the time, and I understand they are very popular.

DR. BUCK: Mr. Speaker, a further supplementary question to the hon. minister. In light of the fact that the courses at NAIT and SAIT are basically management courses, has the minister given consideration to any direction from the minister's department that the accommodation and food services aspect be looked into?

MR. HORSMAN: I can't say for certain whether such courses are in fact all management. I don't believe they are. In fact, many courses are available at both institutions. But of course those instructions would not flow directly from my office. Certainly, if there are needs in the area of food services, it will be the responsibility of our postsecondary institutions, in consultation with the tourist industry and my colleagues, to try to accommodate those needs. We are very flexible, and we do accommodate change when it is made apparent to us that it is necessary.

DR. BUCK: Mr. Speaker, nice speech but no action. Thank you.

Dental Insurance

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Social Services and Community Health. Could the minister advise at what stage of development in his department a potential dental insurance program would be? What consideration is being given to the recommendations he has received in the last few months?

MR. BOGLE: Mr. Speaker, the question of a dental insurance program is one which is currently being studied within the department. I might mention that one of the factors which came to light during the investigation by the task force committee is that approximately 43 per cent of all Albertans are now covered by one form of dental insurance program or another.

MR. NOTLEY: Sixty per cent aren't.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. It has come to my attention that some of the dental fees whereby the senior citizens are reimbursed under the extended health benefits plan do not cover the total dental fees. Is the minister considering a revision of those particular fees?

MR. BOGLE: Mr. Speaker, I'd be pleased to review the matters the hon. member is bringing forward if he'd like to make them available to me. That concern has been raised by two MLAs. In both cases we were able to find satisfactory solutions to the matters.

Athletic Games

DR. PAPROSKI: Thank you, Mr. Speaker. Would the Minister of Recreation and Parks indicate to the House whether he has had representation from the city of Edmonton or the University of Alberta regarding the World Student Games?

MR. TRYNCHY: No, Mr. Speaker.

DR. PAPROSKI: A supplementary, Mr. Speaker. Would the minister also indicate to the House whether he intends to assist the University of Alberta or the province of Alberta, as he has previously with the Calgary Winter Olympics, in making representation to obtain this bid?

MR. TRYNCHY: Mr. Speaker, firstly, I'd have to be invited to get involved in such a thing. I'll wait for that invitation.

DR. PAPROSKI: Mr. Speaker, I'll accept that as an affirmative note. I'll pass it on.

A final supplementary. Has the minister considered or evaluated in his department whether funds will be provided for the World Student Games when they are successful?

MR. TRYNCHY: Mr. Speaker, I guess we should look at what we have in the basket right now; that is, the Western Canada Games which are also slated for Alberta in 1983. I understand the city of Edmonton has a bid in for that. So I just wonder how many games they really want.

But I guess we'd have to wait until that time, and then we'd get involved.

MR. SINDLINGER: Mr. Speaker, a supplementary to the minister, please. Could you advise us whether you have received ...

MR. SPEAKER: Order.

MR. SINDLINGER: ... representations from other Alberta cities for the 1983 Western Canada Summer Games?

MR. TRYNCHY: Yes, Mr. Speaker, I have. I have received an application from two cities. The other one is in the south; I think it's called Calgary.

MR. SINDLINGER: Mr. Speaker, to the minister. Could you advise us ...

MR. SPEAKER: Order please. Could the hon. member use the ordinary parliamentary form of address.

MR. SINDLINGER: Sorry, Mr. Speaker.

Could the minister please advise this Assembly when he'll be making a decision on which city will be the venue for the 1983 games?

MR. TRYNNCHY: Mr. Speaker, to the best of my knowledge, I expect to have an answer or some type of recommendation in about two weeks.

Beny Collection

MR. HYNDMAN: Mr. Speaker, before the end of question period, if I could respond to two questions of which I took notice in the House on October 31.

The first question was by the hon. Member for Little Bow, who asked:

Could the Provincial Treasurer indicate to the Assembly that he assured himself of potential long-term or final costs with regard to obtaining the Beny Collection for the government of Alberta?

The answer to that question is yes.

The second question was, by the Member for Spirit River-Fairview: "the information compiled for the Executive Council when the order in council" — I assume he means special warrant — "was passed ... in fact consistent with the costs announced in this Legislature over the last few days by the hon. Minister responsible for Culture"? The answer is yes, that information was consistent.

Photography Show

MRS. LeMESSURIER: Mr. Speaker, in response to the questions concerning the Alberta Selection committee, two consultants were hired who, in turn, contacted 20 individuals and representatives of various institutions. Over 130 names were recommended. From these, 14 photographers were chosen with 64 pieces of work which are going to be shown at Beaver House November 19 through December 7. After that they will be on loan to the Edmonton Art Gallery, which will arrange circulation through a catalogue sent to various parts of Alberta and the rest of Canada. Those cities or areas which would like to have the collection can in turn contact the Edmonton Art Gallery.

I did receive a letter indicating that some of the photographers may like to boycott the exhibition. I can say that to date the visual arts branch has not received any indication that this show would be boycotted.

Mr. Speaker, another question concerned the cost to put on this show. The overall cost would be roughly \$8,500, which would include the artists' fees, the consultants hired to assemble the exhibition, and the normal expenses associated with putting on an exhibition.

ORDERS OF THE DAY

head: MOTIONS FOR RETURNS

MR. HORSMAN: Mr. Speaker, at this time I would like to deal with the motions for returns which we

would ask stand. I move that motions 115, 119, and 120 stand and retain their place on the Order Paper.

[Motion carried]

116. Mr. R. Clark moved that an Order of the Assembly do issue for a return showing:

- (1) copies of all appraisals of the Roloff Beny photographic collection, prepared for the government of Alberta prior to the offer to purchase that collection;
- (2) copies of all contracts between the government of Alberta and any parties undertaking to appraise the Roloff Beny photographic collection;
- (3) copies of all contracts or agreements to purchase offered to Mr. Roloff Beny by the government of Alberta.

[Motion carried]

117. Mr. R. Clark moved that an order of the Assembly do issue for a return showing a copy of the discussion paper on provincial government funding of Alberta universities, prepared by Dr. R. A. Bosetti for the government and presented at an early October meeting between governors of Alberta universities and the Minister of Advanced Education and Manpower at the Calgary Inn.

MR. HORSMAN: Mr. Speaker, with reference to Motion 117, I would ask members of the Assembly to defeat this motion. It's quite clear that in asking the House to pursue that course of action, it's useful for me to give some reasons.

The first reason, of course, is that the document in question is simply a discussion paper, in no way reflects firm government policy, and therefore is in the nature of advice given by an employee of the government to the minister. But in this case it is important to note as well that the advice was given to boards of governors at institutions which are responsible for the development of policy with respect to postsecondary education in the province. Such information was provided during a closed meeting between me and members of the Department of Advanced Education and Manpower, and such boards of governors.

To place it before the Assembly as suggested now might be misinterpreted — indeed, would likely be misinterpreted by those who are interested in doing so — as reflecting final government policy. That is not the case. Therefore I would ask Members of the Assembly to defeat the Motion.

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

HON MEMBERS: Agreed.

MR. R. CLARK: Mr. Speaker, in concluding debate on Motion for a Return 117, the Acting Government House Leader and Minister of Advanced Education and Manpower really advanced three reasons why members of the Assembly should not agree to this motion for a return. The hon. minister indicated initially that it was a discussion paper. It's amply clear that we know we're asking for a discussion paper here. But I would point out to you, Mr. Speaker, and members of the Assembly, that we're asking for a discussion paper which has

been paid for by the taxpayers of the province, which was presented to the boards of governors of the universities and colleges in this province at a recent meeting in Calgary.

Mr. Speaker, in light of legislation on the public right to know being pursued in Ottawa by the federal government, it seems that for the public of Alberta and the members of this Assembly not to have the benefit of that discussion paper — which clearly is not being disguised at all in this motion for a return as an indication of government policy, but as a discussion paper — is itself reason enough for the minister's advice to members of the Assembly to be rejected.

Secondly, Mr. Speaker, the hon. Minister of Advanced Education and Manpower indicated that the reason this should be turned down is that the paper itself might be misconstrued by those who want to do that. When I look at the numbers in this Assembly, I think if we were to become involved in the misconstruing business, the numbers are rather well weighted on the minister's side. Clearly this is an attempt to get information from the government in the form of this discussion paper, because we've repeatedly asked the government its policy as to certain areas of postsecondary education.

I conclude my comments this way, Mr. Speaker. Members of this Assembly will recall the march on the Legislature Building some years ago by students at the last major increase in student fees. That very afternoon there was discussion in the Assembly with regard to the need to take the quota limits off the Faculties of Business Administration and Commerce, Engineering, and Agriculture and Forestry. Since that has happened, we still have the quotas in those faculties, and several hundred young Albertans who have excellent academic marks have been prevented the opportunity of getting into those faculties of the universities.

What we want to ascertain from this discussion paper, Mr. Speaker, is an indication as to where the government is going in this area. Because to date the only answer we've had from the government is that the universities should reflect public policy. When the universities have done that, in the form of asking the government for more money for business administration and nursing education, the government has simply said no. I would hope that members of the Assembly would not take the minister's advice, and vote to have this information made public.

[Motion lost]

118. Mr. R. Clark moved that an order of the Assembly do issue for a return showing a copy of the Department of Energy and Natural Resources, Public Lands Division, file numbered 780092 MLL.

MR. R. CLARK: Mr. Speaker, I move Motion for a Return 118 — hopefully we'll have a more receptive House.

MR. MILLER: Mr. Speaker, I would ask that Motion for a Return 118 be rejected. The hon. Leader of the Opposition is asking for government files. These files contain interdepartmental communications, and as such I do not feel that they should be presented on the floor of the Legislature.

MR. SPEAKER: May the hon. Leader of the Opposition conclude the debate?

HON. MEMBERS: Agreed.

MR. R. CLARK: Mr. Speaker, then I simply say: Mr. Minister, it's been drawn to our attention that this file involves information which is contrary to the existing policy in the minister's department. What we've asked here today is to have the information made public so that members of this Assembly and others would have an opportunity to see if preference has been given to some rather prominent Albertans. On this particular occasion the minister is attempting to make that information not available. If that's the route this government and this Assembly are going to take, all I can say is that when the matter is raised publicly at some time in the future, Mr. Minister, you've brought this upon yourself.

MR. LEITCH: Mr. Speaker, on a point of order. If I've heard the hon. Leader of the Opposition accurately, he's made some accusations in the very broadest and general terms. I simply say that as a matter of procedure in this House, those accusations had better be particularized. We will then deal with them.

SOME HON. MEMBERS: Agreed.

MR. R. CLARK: Then give us the return.

MR. LEITCH: Mr. Speaker, on that point, I was astonished to find on the Order Paper a motion for a return saying, give us a file. If they wish to see some documents and can particularize them, why don't they put that on the Order Paper with the particulars so that we can deal with them in that sense? They might as well file a notice of motion saying, produce the filing cabinets from your office ...

AN HON. MEMBER: Everything.

MR. LEITCH: ... as opposed to saying, produce the file. To have it brought forward in that way, I'd just say, is a breach of the procedures and rules of this Assembly.

AN HON. MEMBER: It certainly is.

MR. R. CLARK: Speaking to the point of order raised by the Minister of Energy and Natural Resources, we've particularized the file, No. 780092 MLL.

MR. LEITCH: Mr. Speaker, why not say filing cabinet number so-and-so?

MR. CRAWFORD: Mr. Speaker, a further comment on the point of order that's been raised. I do it in order that all hon. members will know what I expect the hon. Leader of the Opposition knows; that is, the file in question deals with a lease in respect of Crown land. If any person attends at the public offices of the department in question, he can examine that lease. Now surely, asking not only for a complete file which, as my hon. colleague the Minister of Energy and Natural Resources has described, is if not an improper request an extraordinary one which is against all practice and procedure; not only that, but asking for documents

that are available to the public in general, is the reason this motion must be turned down.

MR. R. CLARK: Mr. Speaker, speaking to the point of order raised by the Government House Leader. The point should be made very clear: one can go and see the public document the Government House Leader refers to. But we need to have the file, Mr. Speaker, to see the inspector's report, to in fact see if preference was made in the allocation here, if in fact the inspector's report indicated that the use that this land is now being made into is in keeping with existing government policy. You can't get that from going to some public office. That information will be involved in the inspector's report.

MR. SPEAKER: With respect to the hon. ministers, I would perceive nothing amiss in asking for a file. There is no way for me, in deciding whether or not a motion is to go on the Order Paper — and I did approve this one — to know how extensive a request that may be. I know of no precedent which would say that such a question would in any way be improper, even though it may be unique or extraordinary. That in itself doesn't condemn the motion.

With regard to the more serious aspect of the matter, as to whether someone's character has been put in jeopardy: first of all, whoever might have been referred to in the file would be a matter completely unknown to me prior to the motion going on the Order Paper and being discussed. Secondly, such a person has not been named. If the identification, however, is sufficient so the person could readily be identified, then of course I would regret any damage done to that person's reputation in that way.

However, I'm not sure just what words the hon. leader could have used in saying more specifically the reason for moving the motion. He said it was for the purpose of ascertaining something. As long as that wasn't done in a snide way, it would seem to me quite proper for him to give that reason in the course of debating whether or not the motion ought to be passed.

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

[Three minutes having elapsed, the House divided]

For the motion:

Buck	Mandeville	Speaker, R..
Clark, R.	Notley	

Against the motion:

Anderson, C.	Horsman	Osterman
Anderson, D.	Hyland	Pahl
Appleby	Hyndman	Paproski
Bogle	Isley	Payne
Borstad	Johnston	Pengelly
Bradley	King	Purdy
Campbell	Knaak	Reid
Carter	Koziak	Schmidt
Chambers	Kroeger	Shaben
Clark, L.	Kushner	Sindlinger
Cook	Leitch	Stevens
Cookson	LeMessurier	Stewart
Crawford	Little	Stromberg
Cripps	Lysons	Thompson

Diachuk	Magee	Topolnisky
Embury	McCrae	Trynchy
Fjordbotten	McCrimmon	Webber
Fyfe	Miller	Waa.
Gogo	Moore	Young
Harle	Musgreave	Zaozirny
Hiebert	Oman	

Totals	Ayes - 5	Noes - 62
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121. Mr. R. Clark moved that an order of the Assembly do issue for a return showing copies of all reports contracted by the provincial government since March 31, 1977, concerning means by which the Alberta Heritage Savings Trust Fund could be used to provide, to loan, or to guarantee equity investment.

MR. HYNDMAN: Mr. Speaker, I suggest to the Assembly that this motion is inappropriate and should not be passed.

Reports like this are internal. They're used in the department, in the development of possible future policy and in the making of policy. It's been consistent over the years, with respect not only to this government but to other governments, that advice in the form of memos, reports, or documentation, whether that advice comes from within a department or from outside a department, is not properly the subject of a return.

Accordingly I suggest that it would serve no useful purpose to table the background documentation when there is a stated and announced policy. If there is a modification of existing policies, then hon. members opposite can chew on that policy and agree with it or disagree with it, as can all members, and will have full opportunity to discuss the merits or demerits of the policy. But I suggest that documentation leading up to development of a policy should not properly be the subject of a return.

Accordingly I would urge the Assembly to defeat the motion.

MR. SPEAKER: May the hon. Leader of the Opposition conclude the debate?

HON. MEMBERS: Agreed.

MR. R. CLARK: Mr. Speaker, to use the words of the Provincial Treasurer, "accordingly" I'm not surprised that on a matter such as the Heritage Savings Trust Fund the government is not prepared to make available to the House the reports it has contracted out, once again by public funds. I'd remind members once again of the public right-to-know legislation put forward by my colleague the Member for Clover Bar, and also the legislation put forward in the House of Commons by the now Conservative government in Ottawa.

What we're really asking for here, Mr. Speaker, were copies of the reports the government has contracted out, recommending to the government what actions perhaps should or should not be taken as investments of the Heritage Savings Trust Fund. I'd simply conclude my remarks to the Provincial Treasurer by saying this: earlier, in the select committee, we were advised that the government had in fact done very little in this area. We were advised by the Treasurer at that time that the select committee is one of the areas the government is looking to for advice. What we're try-

ing to do is get the information the government got so we can give the government better advice through the select committee and from this side of the House. We're being denied that here this afternoon, Mr. Speaker.

[Motion lost]

head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

222. Moved by Dr. Buck:

Be it resolved that the Legislative Assembly urge the government of Alberta to terminate its negotiations regarding the purchase of the collection of the photographic and associated works of Dr. Roloff Beny.

DR. BUCK: Mr. Speaker, before I get into the resolution, I'd like to say to the Minister of Energy and Natural Resources that he's going to have to watch his blood pressure. When he rises to the defence of the government by trying to stonewall us here he has to be careful or he'll blow the top off that machine that registers your blood pressure.

Mr. Speaker, I'd just like to say to members of the Assembly that I'm pleased to propose Motion 222 to this Assembly. The scene in this Legislature in the last several weeks is an indication that nobody gets fired from this front bench. I would just like to say that I have no personal animosity toward the hon. minister. I respect the hon. member and the minister as a person, but my case is to the responsibility that person has as the Minister responsible for Culture. I want that made very clear. We are not in this Legislature to destroy personalities; we are here to do a job on behalf of the taxpayers of this province. If I feel that job is not being properly done, then I feel we must recommend certain measures. [interjection] Mr. Speaker, if that is the hon. Minister of Advanced Education and Manpower, I wish he'd go home and do his homework, and let the rest of us get on with the task at hand.

MR. HORSMAN: On a point of order, Mr. Speaker, I made no utterance whatsoever. I wish the hon. member to withdraw his reference to me. I made no statement or comment of any shape or form just now.

DR. BUCK: My apologies to the hon. minister. I suppose somebody else was involved in heckling. But that's fine. I accept that it wasn't the minister.

In moving Motion 222, I'd like to say that we have received from the minister many areas of contradiction that we feel the minister is going to have to respond to in this Assembly. I would like to say to the Minister of Advanced Education and Manpower: I hope the ministers in the front bench will permit the Minister responsible for Culture to respond to some of the confusion that has been raised in this Legislature.

SOME HON. MEMBERS: Hear, hear.

DR. BUCK: Mr. Speaker, as the story has unfolded, it reminds me a little of *Alice in Wonderland*. And it reminds me of some of the nursery rhymes we recall as youngsters. The one I would like to bring to the attention of the members goes like this:

Mary, Mary, quite contrary,
How do your answers go?
With friends in Spain and Shahs in train,
62,000 slides in a row.

AN HON. MEMBER: They'll never buy your collection, Walter. [laughter]

DR. BUCK: Mr. Speaker, I think the taxpayers of this province would like to know how the answers go.

During the week of October 23 to 27, there was no end to the minister's trail of contradictions. The minister's remarks, both within and outside the Assembly, changed daily, hourly, and within the minute. They generated great confusion. I would like to indicate some of the confusion that was generated in this discussion. The explanation of the special warrant passed September 11, Order in Council No. 869/79, reads: \$229,000 to purchase the Roloff Beny photographic collection. The reason given in the actual application was: "Funding requested for the first stage in the purchase and acquisition of the Roloff Beny photographic collection." Then a news release issued by the Department of Culture in September states: "Alberta has acquired the prestigious Roloff Beny collection." It implies that the negotiations were completed, Mr. Speaker. This news release, cranked out by the Department of Culture communications director, indicated that the collection was purchased. To the people of this province, that meant it was a fait accompli.

One month later, on October 22, the minister stated in this Assembly that negotiations for the purchase were still under way. On October 24 the minister stated, and I quote from *Hansard*: "Negotiations have been finalized with Mr. Beny." Now, what would that lead you to believe? Thirdly, the concluding of the September 20 news release reads: "The Roloff Beny collection will be on display at the Provincial Archives in Edmonton next year." It'll be interesting to see how the conflicting stories go back and forth and back and forth.

Perhaps the most perplexing statements about the acquisition are those concerning the costs involved, Mr. Speaker. On October 22 the minister said in this Assembly that the purchase price was \$229,000, which corresponds with the special warrant. The next day, the minister said to the press that it may cost another \$100,000.

Mr. Speaker, not only did the minister not know how much the collection was going to cost, but the minister was unaware of what was included in that collection. The minister declared very confidently — and that was [one of] the very few times we saw any confidence — "... well over 50 per cent of the slides are from Alberta, or Alberta scenes", later admitting that until the catalogue is completed, the minister doesn't know what portion of the collection is Canadian. Now it doesn't require too much imagination to surmise that the minister didn't really know what the minister was buying on behalf of the people of Alberta or what was included in what the minister was buying.

Mr. Speaker, in the same vein, when asked what portion of the collection is in color, the minister replied that the majority of the slides were in black and white. Out of a total of 82,000 slides, Mr. Speaker, 22,000 are supposedly black and white. This does not exactly constitute a majority.

Then there's the entire question about why the gov-

ernment is purchasing the collection. Is it for historical benefit? Is it for cultural enrichment? Mr. Speaker, the Alberta Art Foundation was supposedly not consulted because, and I quote from *Hansard*, October 23: "... this is an archival collection purchased for posterity ..." If this is the case, we really question why the lady in Italy was hired to appraise it for its artistic value — a certain Mrs. Clark, who, I am sure, we would find it very difficult to consider an unbiased appraiser when the named person was supposedly there to advise Mr. Beny what would be best, I hope, or supposedly in the interests of, on behalf of Albertans. But it seems the person was acting in Mr. Beny's best behalf.

Another contradiction, Mr. Speaker: the minister's explanation of the expenditure code in the special warrant was that the \$23,000 was used for the expert advice of two appraisers and some of the cataloguing. Later, [when] drawn to our attention that neither of the appraisers was paid, the minister said she wasn't sure.

Another interesting statement: the appraised value of the collection was approximately \$750,000. Having said this in the Assembly, the minister explained to reporters that this figure was based on an outright guess as to what the collection would be worth were Mr. Beny to die. Mr. Speaker, it makes you wonder. A minister who is responsible for the spending of taxpayers' money shouldn't be that far out.

I would like to say that the Provincial Treasurer ...

MR. NOTLEY: Shouldn't be that far out.

DR. BUCK: Is the Provincial Treasurer in the habit of signing *carte blanche* special warrants, Mr. Speaker? Because if he is, and if he is the guardian of the treasury of this province, and if this matter was not fully discussed in cabinet, then this government is irresponsible in the way it looks after the taxpayers' money in this province.

I would like to say to the hon. Provincial Treasurer: if he is the heir-apparent to sit on the king's throne as the premier of this province, then all the taxpayers in this province are in more trouble than I thought they were.

MR. NOTLEY: The shah's throne.

DR. BUCK: Mr. Speaker, the question of the costs goes back and forth. The minister doesn't know, the Provincial Treasurer doesn't know, the cabinet didn't seem to know. Nobody seems to know why we were to purchase these. There's a wide variation in what the cost of preserving these slides would be. We even heard a story from the Minister of Education: these pictures were going to be included in the books in the curriculum of this province. So it will be interesting to see what the hon. Member for Medicine Hat, the Minister of Advanced Education and Manpower, is going to tell us.

Mr. Speaker, there are many confusing questions we must address ourselves to. We don't know what the costs will be to store the collection; we don't know what facilities will be needed to store the collection; we don't know if there will be insurance costs involved; and we don't know if they are of artistic value or if they are of archival value.

Also the question that the minister — I am pleased to see the minister is so very interested in the debate, because I'm sure the minister's already been assured

that the frontbenchers will come to the rescue and the minister probably won't even have to get up. On the question of copyright I would like to say to the minister: has it been resolved? Has it been fully resolved? There are some areas I believe we want answers for.

As indicated, was the contract signed or was it not signed? Was there a purchase or was there not a purchase? On Friday, October 26, a startling admission: "I have not seen the signed contract sent to Mr. Beny." I would like the minister to rise and clarify that situation for us. I would like to know, Mr. Speaker, who made the final decision to buy the collection?

We haven't heard anything from the minister of roving affairs — I'm sorry — the former Minister responsible for Culture, under whose jurisdiction the original approach was made to purchase the collection. It's not good enough, Mr. Speaker, to stand in this Assembly and say a former minister has no responsibility for what he did in a former ministerial capacity. That's not good enough. If we're going to use that criterion, we shouldn't have this little game of musical chairs every four years. The ministers should stay in there two terms and be answerable. Mr. Speaker, in about two years I hope we solve that problem by getting rid of all the ministers. Other reasons ... [interjections]

Oh, that type of arrogance ...

MR. NOTLEY: When he takes over, he's going to elevate the backbenchers.

DR. BUCK: Mr. Speaker, other reasons the negotiations should cease. Several resident Alberta photographers expressed their opposition to the purchase. The following phrases have been used in describing the collection: only mediocre; some non-experimental; it's very conservative — small "c" conservative, Mr. Speaker; unlikely to have too much lasting artistic value. These are from people who are in the business of being professional photographers.

Mr. Speaker, if we are going to acquire a collection such as this, why would we not go to the people who are expert in their field? Was there at least a telephone call made to the curator of the National Gallery in Ottawa? Was there any consultation with the minister's own department in the area responsible for photographic excellence? Was there any consultation either with the universities or the art galleries in Edmonton or Calgary? Under whose professional direction did the minister act? Mr. Speaker, I say the minister did not act under any professional direction.

When we look at some of the letters to the editor — if we use letters to the editor as any indicator of what the taxpayers think about the squandering of their money — we see a consistent theme saying that there could be other ways of spending taxpayers' dollars.

The expenditure of funding such as this would go a long way toward buying original paintings, graphics, sculpture, pottery, and on and on, Mr. Speaker. The gist and summation of some of these expressions of opinion would be, let's promote works done by those living and paying taxes here in Alberta.

Mr. Speaker, it's quite interesting that this government feels so strongly about purchasing the works of an internationally recognized Albertan who is known for his fascination with the jet set and the now deposed monarchy of a state. It's also interesting to see a quotation where the honorable doctor states: Medicine

Hat — it's where I didn't elect to be born. Now, a person can put any kind of connotation he wants on that. Medicine Hat — it's where I didn't elect to be born.

Mr. Speaker, I believe this entire purchase gives us some very grave questions. Because this is not the first time; this is the second time a happening such as this has occurred in the department of Culture. I think it's only right that we enlighten some of the hon. backbenchers — the new Tory backbenchers — as to what went on in the department of Culture when we had a report to the Premier on the special investigation into the department's office of special programs. It's very, very interesting. At that time, there was sufficient pressure brought to bear by the public and members of this Assembly that the Premier thought there should be a look into the department. Here we have the report of the office of the Provincial Auditor. That report indicated that internal procedures needed tightening up.

Mr. Speaker, maybe the Minister of Advanced Education and Manpower is going to tell us, rest assured, we don't need that. We have asked in this Assembly: has the Premier considered asking the Auditor General to look into the affair in the minister's department? The Premier indicated, I believe, that he would give it some consideration. But we haven't heard anything. So I don't know if that silence means assent — that we're going to have the Auditor General — or that we're just going to have another stonewalling job.

Mr. Speaker, I would like to know the answers to these questions: will the Auditor General be asked to look into the affairs of the department as it relates to this matter? And if not, why not? Is the former minister going to enlighten the Legislature as to his role and involvement in the first steps towards purchasing this collection?

Mr. Speaker, I would like to provide some alternatives. The funds could be better used on behalf of the artists of this province. This is why I would like to say once more that we on this side feel that the collection should not be bought. We want that as clear as we can possibly make it. We would like to see grants provided to resident Alberta artists, photographers, writers, especially those specializing in projects dealing with Alberta's heritage. We would like to see incentive grants provided to budding young artists in the province, rather than wasting half a million, or is it a million and a half, or is it 12 million? Nobody has ever given us that figure. Nobody has ever given us that answer.

When we look at the comparison between the Beny purchase and the department of Culture 1979-1980 budget, \$385,000 is budget for the purpose of archival acquisition, presentation, and storage, about 85 per cent of the \$0.5 million we're proposing to spend, or is it \$1.2 million? If it's \$1.2 million, that's even less than 85 per cent. Financial grants through the visual arts branch, where we're going to be spending approximately \$389,000, 86 per cent of that \$0.5 million. And on and on and on. So, Mr. Speaker, we feel that the people of Alberta would be better served, the budding artists would be better served, if that money was spent on Alberta artists.

Mr. Speaker, to justify spending at least \$0.5 million of taxpayers' money on this purchase, the government must ensure that several conditions should be met: first, is the collection indeed valuable both artistically and historically to the people of this province or this coun-

try? Have we ascertained that? I say no. Have accepted, tightly controlled, administrative and financial channels been followed? I say, very definitely no. It's obvious from the minister's answers, or non-answers, whichever way you would like to accept them. The Provincial Treasurer, signing *carte blanche*, says, this in essence is a downpayment; when you figure out how much more you need, come back and see me and I'll sign some more. Was it emergent that we had to sign a special warrant? No, that has not been convincingly displayed in this House.

Mr. Speaker, in conclusion I would like to say: number one, I would like to see the government withdraw negotiations at once to save taxpayers of this province at least \$0.5 million, and possibly as high as \$1 million plus; that the funds can be better saved and used on young Alberta artists and photographers; and that the Premier — or if not the Premier, then this Legislature — indicate and request that the Auditor General look into the entire affair and report back to this Legislature at the first opportune time.

Thank you, Mr. Speaker.

MR. HORSMAN: Mr. Speaker, having been encouraged to enter this debate by the hon. member, I feel that I will take that opportunity. It seems to me, as I've listened to the remarks of the hon. Member for Clover Bar today and in question period over the past several weeks, that if ever a subject has been beaten to death, it's this one. Surely it is clear to the hon. Member for Clover Bar and everyone else that the contract has not been signed.

DR. BUCK: Are you saying you're withdrawing negotiations?

MR. HORSMAN: The negotiations will continue. After the hon. member had gone through a list of things that had been done, he stopped because he forgot to come to the conclusion in the minister's last statement. It is clear that the negotiations are still going on, and that the contract has not been signed by the government or by Mr. Beny at this stage.

I think it's appropriate, as well, that I take a few moments to discuss some of the alternatives offered today. I think we can look at a few things in the record in the process, as well. I think we'll all have to agree that appreciation of art — be it photography, painting, music, and I might even add poetry — is a very subjective thing indeed. What appeals to you doesn't necessarily appeal to me. In that respect, we were subjected to some poetry today by the hon. Member for Clover Bar. I can assure you that his poetry didn't appeal to me, nor did I think it appealed to many members of this Assembly. He talked about some art being mediocre . . .

MR. KING: And he gave an example.

MR. HORSMAN: My colleague the Minister of Education says he gave an example of mediocre poetry, and I agree.

We've been subjected today, in part, to an attack on the minister who has surely made everything clear to the people of Alberta.

DR. BUCK: That was a bad one, Jim.

MR. HORSMAN: If the hon. members don't understand it now, well, so be it.

MR. NOTLEY: Neither do the voters in Medicine Hat.

MR. HORSMAN: The voters in Medicine Hat appreciate a few things, and they'll have an opportunity four years or so from now to make another judgment. I'm sure the hon. Member for Spirit River-Fairview doesn't count on this issue to raise the aspirations of his candidates there, as he has already indicated that Medicine Hat is not a likely socialist seat. I digress, Mr. Speaker.

So we've had a treatment today from the art critic of the official opposition, who has called upon that other eminent art critic associated with government, the Auditor General, to make a judgment. Since no contract has been signed and, at this particular point, the moneys haven't been spent, I can only assume that the hon. member is asking the Auditor General to give us an artistic criticism.

DR. BUCK: No money has been spent?

MR. HORSMAN: Mr. Speaker, it is my understanding that the contract has not been signed, and therefore the moneys that might flow from the signing of that contract have not flowed towards the purchase of this collection.

At any rate, we have to take a look at government policy with respect to acquisition of collections of artistic merit or value. We've had some suggestions: the hon. Member for Clover Bar thinks we should be purchasing some works of art — he used the terms sculptures, graphics, paintings — we should be giving grants to Alberta artists, incentives to budding young artists. I would suggest to members of this Assembly that it would be absolutely impossible to satisfy every member of the Assembly that something is art and something else is not. The fact of the matter is: the artist in question is regarded in many quarters as an outstanding Alberta artist. On the other hand, it is fair to say there are people who don't like his art, including some of his competitors. That's not surprising, because artists can be competitive. And we've had some examples of that today. Surely, Mr. Speaker, we're never going to satisfy everybody.

But it is the policy of this government to acquire some artistic works. I'd like to touch on a couple of examples of what has been done by this government and, if I may, compare it to the government that was in power in this province for 35 years. I would like to see the examples of the art collected in 35 years by the Social Credit government. I can give a couple of examples of the art work they've left to us: the Terrace Building ...

DR. BUCK: The Auditorium.

MR. HORSMAN: The Terrace Building.

DR. BUCK: The Glenbow collection.

MR. HORSMAN: The Glenbow collection was a private foundation.

And the highways building and the Ag. Building. Those are the architectural monuments left to us [after] 35 years of Social Credit rule. Mr. Speaker, anybody

who has studied any history will recognize that after we're gone from here, will they remember that Walter Buck was the Member for Clover Bar?

DR. BUCK: The Premier will have the reflecting pool.

MR. HORSMAN: Do we remember the politicians who built the Acropolis in Athens? Do we know that? But we know, Albertans will know, who built the Ag. Building, who built the Terrace Building, who built the Transportation Building ...

MR. NOTLEY: And who bought the Beny collection.

MR. HORSMAN: ... those artistic monuments to 35 years of Social Credit rule. And that's what we've got to show.

Let me say as well, Mr. Speaker, that something else they did was let Government House rot because of an imagined ...

SOME HON. MEMBERS: Shame.

MR. HORSMAN: Oh, yes. And when this government made the decision to rehabilitate that building as a conference centre for all Albertans, what did they say? The rug cost too much. Mr. Speaker, did the members of the opposition say at that time, what a marvellous thing you're doing by collecting Alberta art works for that centre? I've never heard them once come into this House and thank the government for having established the Art Foundation and having purchased all those new, valuable works of art done by Alberta artists. They suggest to us that we should be doing that now. Don't they know what has been done for the last eight or more years under this government and its enlightened policy toward the arts and culture in this province? Don't they know that? Certainly it seems to me they do not.

Mr. Speaker, I'm getting somewhat exercised. [interjections] I think I had better conclude. But in doing so may I say that it is the policy of this government to acquire collections, not just for the benefit of today's generation but of future generations. And if the hon. member and I cannot agree on what is art, that's not surprising, because we can't agree on what is government either. We can't agree on a lot of things. But we can agree that when he makes his motions in this Assembly, he's certainly entertaining, and I have appreciated listening to him once again today and having heard his criticism of the artistic merits of one Albertan ...

DR. BUCK: Albertan?

MR. HORSMAN: ... who happens to live abroad, who did not elect to be born in Medicine Hat. The hon. member used the term "outstanding Alberta artist" in his comments. The fact of the matter is, he is a native son, and he has not just kept his art here in this province, he has ...

By the way, I often wonder why the hon. members in the opposition benches do not refer to the outstanding work commissioned by the government of Canada to celebrate the centennial of this country — that very same artist. Why don't they, may I ask, members of this Assembly?

DR. BUCK: Maybe he's a book maker, not a photographer.

MR. HORSMAN: They refer to the fact that he had taken some pictures in Iran, instead of referring to the work he has done in this country.

Mr. Speaker, the motion is not worthy of the support of the members of this House.

MR. NOTLEY: Mr. Speaker, in rising to participate in this debate, I want first to congratulate the hon. Minister of Advanced Education and Manpower on a very, very colorful speech this afternoon. I must confess that I have not heard the minister in such fine form since the speech a year ago, when he got up to stonewall an opposition motion and made the suggestion that we should be erecting statues in memory of our politicians. He was in equally flowing form that afternoon, although, I think, not entirely in touch with the people of Alberta.

I don't want to take a long time to make my remarks, Mr. Speaker, because . . .

MR. HORSMAN: Mr. Speaker, on a point of order. I would like to advise hon. members of the Assembly that on the one occasion I spoke and mentioned statues, and was badly misrepresented in the news media for having referred to someone I did not refer to, I was speaking in support of a motion . . .

MR. R. SPEAKER: That's not a point of order. [interjections]

MR. HORSMAN: On that particular occasion I was speaking in support of a motion by the government; it was not an occasion on which I spoke to "stonewall" an opposition motion. [interjections] While I'm on my feet, if the hon. member wishes to heckle my point of order, I can say that I have never, on any occasion, recommended that we build a statue to our current Premier. I welcome the opportunity to correct the impression that may have been erroneously left in the mind of the hon. member . . .

MR. SPEAKER: Order please. It became apparent a few sentences ago that we are not dealing with a point of order. We must have regard for the time which remains for the hon. member to debate the motion.

MR. NOTLEY: Mr. Speaker, I certainly didn't want to incite the hon. member too much. Perhaps someday somebody will erect a statue somewhere in memory of the hon. Minister of Advanced Education and Manpower — perhaps — although I must confess I would not be overly in favor of spending any public money to do so. But you never can tell. Politicians can live in hope, and perhaps that day will come in the case of the hon. Minister of Advanced Education and Manpower too.

As I mentioned, Mr. Speaker, I want to keep my remarks fairly brief. I know the rural members in particular will want an opportunity to enter this debate, so they can clearly state their support for the government's position and that support will be down in *Hansard* and thereby be communicated to their constituents. That being the case, I'm sure that when we get to 4:30, Mr. Speaker, there will be unanimous agreement that we in fact stop the clock and carry on until 5:30, so that

all the hon. members will be able to express their position on this particular subject.

DR. BUCK: Including the minister.

MR. NOTLEY: Of course, we'd certainly want to hear from the minister. I know we'd stop the clock for any length of time to have the opportunity of hearing some observations on this subject from the hon. minister.

Mr. Speaker, I won't go into the long trail of confusing statements made by the hon. minister in the House during question period. Let's just skip over all those statements and look at the ministerial statement of October 29. The hon. minister begins by saying, "... in late 1977 Roloff Beny approached the Alberta government and expressed interest in having his life's work retained in this province". Mr. Speaker, the point the hon. minister did not make at this time, and that, in fairness to the Assembly and the people of Alberta, I think she should make when she speaks — I put this question to the hon. minister — who in fact did Mr. Beny approach in late 1977? I think we have to know. He obviously had to contact someone. Was it the former Minister responsible for Culture? Who was it? That's the kind of information that, it seems to me, we have a right to know.

After all, during this debate to date the minister has been struggling valiantly, trying to carry the can, so to speak, for this government. But I think we need to know the full story. Who in fact got the idea in the first place that we should get into the business of collecting the photographic artwork of Mr. Beny?

Then on page 2, Mr. Speaker, the hon. minister says:

Before any final agreement [was] made, it was necessary that a satisfactory procedure be arrived at to evaluate the archival, educational, and artistic significance of the Beny works.

She then mentions:

The Provincial Archivist has carried this important assessment on behalf of the province, with particular reference to archival significance.

Mr. Speaker, that's fair enough. I would expect that that would be the first step the government would take, except that we look back over the question period and find this trail of confusion over the extent to which these are Albertan and Canadian pictures.

On the very first day in this Assembly I asked the hon. minister what percentage of these pictures were in fact Canadian. I believe at that time I used the word "Albertan" as opposed to "Canadian", and that distinction is frequently made in this House. The hon. minister said, more than 50 per cent. Well, from what we gather in the public interviews Mr. Beny has made, it's nowhere near 50 per cent. Mr. Speaker, what puzzles me is that if we had this careful evaluation of the artistic work and the archival and educational significance, it seems reasonable to me that we would have known it wasn't 50 per cent.

Mr. Speaker, we go on to the bottom of page 2:

Last week I indicated to the House that, based on information provided to me, an arrangement to purchase on the foregoing terms had in fact been made. This was based on information provided to me by officials in the department, and I have since ascertained that the information was not complete.

My, my. The information was not complete. "The present circumstances," the minister says, "are that nego-

tiations are still in process . . ." We have the hon. Minister of Advanced Education and Manpower telling us very clearly that nothing has been signed, and negotiations are still in process. But, Mr. Speaker, the minister has said on page 3, "I have since ascertained that the information was not complete."

Mr. Speaker, who in fact is running the department? I find that a rather incredible statement for any minister of the Crown to make. Six or seven days after an issue has erupted in this House and has been on the pages of every newspaper in the province and the subject of question after question in the Legislature, the minister says — seven days after the question is first put — the information I have received is incomplete. I say to members of this Assembly that, notwithstanding the fact that we have a new minister, we cannot lightly set aside the question of who in fact is running a department, if incomplete information is given to a minister.

She goes on to suggest:

Further duplication will be on an as-and-when-required basis. But for long-term preservation, major duplication expenditures are not anticipated for more of [this] material for many years.

Well, of course, that's true. But, Mr. Speaker, in determining the long-term cost to the people of Alberta, surely we have to look at the issue of preservation. It is simply not good enough to say, well, down the road we'll look after this; down the road our children will pay for the costs of making sure.

DR. BUCK: He'll just sign another warrant.

MR. NOTLEY: That's right. The Provincial Treasurer just signs another warrant, or whoever succeeds the Provincial Treasurer when he assumes his new duties will just sign another warrant. No problem at all; we have lots of money in Alberta. And if we don't, that will be a charge our children will have to pay.

Then the minister goes on to talk about the costs of making sure of proper storage and reasonable duplication costs. The minister suggests that the long-term costs, about \$20 an image for 62,000 slides, would be something over a \$1 million. The minister goes beyond that, Mr. Speaker, and says, "The best estimate . . . on cost at the present time for each color separation would be \$4 for film, \$2 for chemicals, and \$3 to \$4 for processing. This does not include labor," says the minister, "because it is assumed that these costs would involve in-house technical staff . . ." Yes, we'll just take our in-house technical staff from doing other things and have them work on 62,000 slides. No labor costs at all.

This is a government that prides itself on being efficient from a business point of view. Not too many businessmen these days say, we won't include the labor cost because, you know, that really doesn't count. Mr. Speaker, really, really. I'd like to see some of the members of the government explain that sort of theory next time they speak to a chamber of commerce meeting: we're not really worried about labor costs because, gee whiz, we'll handle it somehow anyway.

Mr. Speaker, the fact of the matter is that, in my view at least, we still have not received a number of answers that are required by the people of Alberta, including what the final cost will be. On October 29, questions were asked in the Legislature concerning whether the Provincial Treasurer had this information, and at that time the Provincial Treasurer said he'd have to check.

It's now almost 10 days later that we get the information. He tells us today that all this information was available. I find it strange, Mr. Speaker, that it took the Provincial Treasurer all this time to discover how well-informed he was and how well-informed the cabinet was when they passed the special warrant. I would have thought that if this government had been so on top of the subject, there would have been no difficulty giving us that information when it was asked for in the Legislature.

Mr. Speaker, the recommendation we have in the resolution today is that we not go ahead with the purchase. I have absolutely no hesitation in saying here, or anywhere for that matter, that I support the resolution. I don't think we should proceed. But I want to say one other thing: we have no guarantee, because of the way the government has handled the case today — and this is just to follow up something the Minister of Advanced Education implied, that nothing is signed, and this \$209,000 has not been spent. I want to leave with the members of the Assembly one question that was posed and has still not been answered by the minister: if we now decide that we're not going to proceed, are we assured that certain costs won't be involved? When the question was put to the minister, she wasn't sure; she was going to check. I'm sure that's the kind of information the minister will want to give us when she rises to speak this afternoon. If we now say no, if we finally decide not to sign the contract — in the public interest, I think we shouldn't — what will the costs be as a result of commitments and quasi-commitments and understandings that have been to date?

Mr. Speaker, I would have to stand in my place and say frankly to this House that even if there is some cost involved in saying no, I think we should say no at this time. But the responsibility for whatever costs are involved rests with the government because of the fumbling and bungling which has characterized this entire issue.

Mr. Speaker, what can be done as an alternative? Shortly after the issue arose in the House, I received a letter from artists and art students in Lethbridge — some 40 students. They indicated that they supported some of the concerns we expressed in the Legislature at the time, both I and the other opposition members. I think they underlined some points that are important: there is a difference between slides and art; we are not talking about oils which are going to appreciate in value. Secondly, the money spent on the Beny collection could be better used to stimulate the development of young Alberta artists. Thirdly, it's rather puzzling that in a period of restraint we spend \$230,000 to buy photography which has a limited lifespan unless, of course, we commit ourselves to a major additional public expenditure to preserve these negatives. I would say that these are young people who are going to become the artists who will live and work in the province of Alberta. They are saying to us, don't go ahead; there are better ways that you can use this kind of money, to encourage people who will be artistic photographers in Alberta, who will earn their livelihood in Alberta and who, no doubt, over a period of years will earn an international reputation.

Mr. Speaker, I don't believe this government can go out and buy culture simply because we have all this oil money; that if we take a little bag of money, somehow the rest of Canada is going to say: look at Alberta, the

centre of culture in all Canada; they finally got the works of Roloff Beny. That is not going to bowl the people in Toronto and Montreal over with envy. That's not really going to strike them as a coup which will be recognized throughout the country. No, Mr. Speaker, I don't think it will be any more impressive to the patrons of art in Toronto than it will be to the patrons in Vegreville or Fairview or wherever, including Medicine Hat, where the very famous Mr. Beny is not so sure he wanted to be born.

Mr. Speaker, to the members of the Assembly, I think the motion before us is the most appropriate way for the Legislature to deal with this subject. I believe very strongly that the time has come for us as a Legislature to say to the government: no, we don't want this money spent; there are better ways to encourage the young in the field of artistic endeavor than to purchase Mr. Beny's collection. If a cost is involved we must bear that cost, but in bearing that cost recognize that the full responsibility rests with the government, which in my judgment has done a very, very poor job in handling this entire affair.

DR. CARTER: Mr. Speaker, I rise this afternoon to speak to this designated motion. I must declare myself at first: I regard myself as an archivist, but just a minor historian, a minor biographer, and a very minor poet. I choose not to launch into any kind of poetry competition with the hon. Member for Clover Bar. I was interested in his literary comment with regard to *Alice in Wonderland*. My mind immediately started to go through convolutions as to whether I should identify him as the Mad Hatter or the Cheshire Cat or some other person from *Alice in Wonderland*.

I do want to speak about the whole difficult aspect of compiling collections of material of an artistic nature, the whole matter of original documentation, the vast hours involved in planning, travel, cataloguing, and having to deal with original material first-hand. It's very much an archivist's delight to have material of an original nature, primary material you can work with so you can start to discover the growth patterns or the alterations in form and style, in this case — as we're speaking of Roloff Beny — in terms of this art form of photography. I think the collection is obviously immense, and I won't read through all the various statistics about the size of this collection. It's there; it's been referred to many times. But I could say, with regard to the six or seven books I have written, that I wish I could sell them to the province of Alberta. However, that is not the pitch.

The real difficulty is in the matter of documentation. The files start to pile up. With regard to the books I have written, I realize I could probably come up with about half a ton of material, which my wife would gladly have me remove from the basement at the earliest possible opportunity. But there's a whole matter involved here of cataloguing a collection such as Mr. Beny's.

As I review material, I see it will take two persons working full time for two years to document this very fine collection. We have had not only a representative of the province dealing with the quality of the collection, but also Mrs. Thekla Clark from the Scala Istituto Fotografico Editoriale. She was, if anything, in competition with Mr. Beny. Yet she has come through with an evaluation of the collection which can really be boiled down to one word, "outstanding". Granted, it is

outstanding in an international nature. I think that for a moment we do need to think about the fact that — coming from an ecclesiastical background, I am somewhat amused that I have to talk about parochial interests, but I am a bit concerned that the hon. Member for Clover Bar has been stressing the fact that we really should have much more Canadian content with regard to this particular collection. Again, the minister for Spirit River — not the minister; I think that comes because sometimes I see him pontificating more than I ever did in any pulpit. The Member for Spirit River-Fairview wants to talk specifically about Alberta content. I really believe we should rise above this narrow, parochial approach to art in this particular discussion and, in fact, turn around and compliment our minister for being able to deal with a collection which is indeed world renowned.

When we're talking about art forms, we're talking about something that transcends boundaries, something that transcends any provincial or national border. The art form is dynamic; it is fluid. It grows on you as you have put the printed word on the page, as you have taken the photograph, as you have painted on the canvas. [interjection] The whole thing develops more than you, the artist, ever realized. I am sure you would have within this Assembly alone 78 different interpretations of any kind of work of art, any kind of photograph, any poem. There is this whole kind of dynamic aspect when you try to make any judgment with regard to any art form whatsoever, including this particular collection.

With regard to this particular collection, I must say that, yes, there are critics from within the photographic field. But they themselves have their own particular approaches to the art form of photography that they wish to have the public accept. In the end the real critics of any art form are those who choose to buy it, or those who choose to go and view it. They are the ones who have that appreciation — granted, many different types of appreciation — for the same kind of art form.

Within this province we have already started a number of other very valuable collections of world repute. In this regard we would mention not only the collection at the Glenbow museum in Calgary but collections at the University of Calgary such as the Nickle coin collection, which is of great quality, and its value has increased considerably. At the University of Calgary . . .

MR. SPEAKER: I hesitate to interrupt the hon. member, but I must draw attention to the Assembly that the time allotted for the designated motion has elapsed.

MR. NOTLEY: Mr. Speaker, on a point of order, could we have unanimous consent, as we did last week, to carry on? I am sure various members would love an opportunity to state their position.

DR. BUCK: And the minister.

MR. R. SPEAKER: Speaking on the point of order, Mr. Speaker, I would certainly want to support that. I think it would be a good opportunity for the minister to speak on the matter. A number of questions have been raised that are unanswered at this point, and certainly should be answered by the minister. I'm sure the minister has prepared herself to outline the concerns

she has, and to support the proposal of spending \$1 million on these photographs.

MR. KING: Mr. Speaker, the point of order is not a point of order, because we are at 4:30. The rules require that unless there is unanimous consent of the House, we should switch. I for one am not prepared to give that unanimous consent, as I have very considerable interest in the Bill which is next on the Order Paper. I think the hon. members opposite might have some interest in it as well. [interjections]

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: There not being unanimous consent, we must proceed to the next order of business.

DR. BUCK: [Inaudible] . . . of hiding the minister, Mr. Speaker, is all I can say. [interjections]

MR. SPEAKER: Order please.

MR. NOTLEY: Hiding behind the rules.

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

Bill 214
An Act to Amend The School Act
(No. 2)

MR. PURDY: Thank you, Mr. Speaker. I move second reading of Bill 214, An Act to Amend The School Act (No. 2).

In essence, Mr. Speaker, this Bill amends The School Act to allow representation on school boards where an Indian reserve is situated within that jurisdiction. If 10 per cent of their students attend a school, they would then be allowed to elect a representative to that board.

This Bill has been discussed by various groups in the province for the past 25 years. It has been discussed by the native people and brought forward as a recommendation from the Saddle Lake Band, and from the Enoch Band in the Stony Plain constituency, which I represent. It has been discussed by local school boards throughout the province. I brought it forward to this Assembly in 1976, I believe. We didn't get a full debate on it that time; that's why it's back.

The Bill seeks to give a voice to native people who presently have no control over the education of their children. In the Stony Plain constituency, the Enoch Band has opened a school to serve the needs of its children, yet the parents have no official voice in the way the school is run and in the education of their children. It is a basic tenet of our democratic system that any person through his responsibility has a voice in matters which affect him. The Bill seeks only to extend this to the education of our native children.

School divisions within Alberta range from virtually no native population to as high as 68 per cent of the children coming from a reserve within that district. Approximately 13 school divisions have a native enrolment of 10 per cent or greater, with a number more following in the 5 per cent range. The measures which I propose in this Bill can be seen to affect the

native community throughout the province, giving them greater participation in the role of determining their children's education.

I'd like to share with members of the Assembly, Mr. Speaker, some of the school jurisdictions which have a high population of native people: the counties of Parkland, Vulcan, Ponoka, Wheatland, and St. Paul; Cardston, Willow Creek, Fort Vermilion, and Northland school divisions; Exshaw and St. Paul school districts; Glen Avon protestant separate at St. Paul; and Pincher Creek, High Prairie, Cold Lake, Grand Centre, Valleyview, and Ponoka separate school districts — for a total enrolment last year of just over 6,000 students. So there are a lot of students enrolled. In the province in 1970 only about 9,000 native students were attending the school system, so a significant number are incorporated in our public system at the present time.

Representation on the school board would facilitate communication between the band members and the school authority. The band members would be better informed of the situation in the school, and would be made more aware of the problems the native students are facing. Two such problems are truancy and the curriculum. When a child is truant, the band representative would be well informed of the problem and its ramifications. He could be present at meetings at which it was discussed, and would be able to offer solutions that might be better suited to the needs and wants of that native community.

Similarly, the representatives would bring a unique viewpoint to the board when it dealt with curriculum for native students. Special curriculum needs would be better known by the board as a result of the native trustee. In addition, the trustee could fulfil a liaison role between the parent and the board as a whole. The concerns of the parent would be known to the board, as well as the board's concerns being more effectively known to the parents.

As a final point, Mr. Speaker, the increased awareness of education, its potential, and its problems would be fostered within the native community as a result of more direct involvement in the school system, which would hopefully encourage a greater number of Indian students to stay in school past grade 9; the point at which the majority now leave school. It is well recognized that education is a primary need for the economic betterment of the bands. In the long run this Bill can only help to improve native education and the economic position of the bands within Alberta.

[Mrs. Chichak in the Chair]

A unique situation just arose in the county of Parkland, and I'd like to congratulate the board of education in that county. They recently made a move, by resolution, to allow a representative from the Enoch Indian Band to sit on the school board. This person will have no vote but will be able to sit there and monitor and discuss problems being encountered in this one school in the county of Parkland.

With those few remarks, Mme. Speaker, I would urge all members of the Assembly to support this Bill.

MR. BOGLE: Mme. Speaker, it's a pleasure to rise today to make some comments on Bill 214. An Act to Amend The School Act, and to add my support to the comments made by the hon. Member for Stony Plain.

This is not the first time this item has been debated in this Legislature. However, I feel that some of the information provided earlier today by the hon. Member for Stony Plain has reached this floor for the first time.

Mme. Speaker, before commenting on the current situation, I think it might be important to review some of the historical background of the educational system on Indian reserves in this province. As I'm sure all members are aware, the formal treaties between the representatives of Her Majesty the Queen and the various Indian bands in Alberta were signed in 1876, 1877, and 1899. Those treaties, of course, were treaties 6, 7, and 8.

With the conclusion of those treaties, the way was formally opened for various missionaries, on behalf of the federal government, to extend the schooling systems to treaty Indians. There was a great deal of activity by missionaries of the Roman Catholic, Anglican, and Methodist faiths in particular, as well as some others. People like Father Lacombe, Revs. George and John McDougall, Bishop Pinkham, Rev. Samuel Trivett, and others were very active in the educational lives of the Indian people.

Mme. Speaker, we saw a dual school system developing in a number of areas. To use an example, on the Blood Reserve in southern Alberta the Roman Catholic and Anglican churches each operated their own schools. In other areas it might have been a Methodist church and one of the other churches.

In the late 1940s, through the 1950s, and accelerated into the 1960s, there was a movement away from the old residential school, a desire by Indian parents to see their children educated alongside the youngsters who lived off the reserve. To accommodate these youngsters a number of agreements were made between the department of Indian Affairs, on behalf of the reserves, and local school jurisdictions. But no provision was made for adequate representation on the school boards. At present, as has been adequately alluded to by my colleague, we see approximately 6,000 treaty Indian youngsters who live on reserves and are attending schools off reserves.

Some important and significant steps have been made in the development. We can look to the Lesser Slave Lake region, where the Indian bands form a regional council under the able leadership of Chief Walter Twinn. That body has negotiated with the school jurisdictions on a direct basis, rather than leaving the negotiations to the Department of Indian Affairs and Northern Development and the local school jurisdictions. We can look to the very exciting example on the Enoch Reserve, where a school has been built on a reserve by a school jurisdiction, to serve both reserve and non-reserve children. I, along with the hon. member who represents the constituency in which the school is located, had an opportunity to visit that school and see an excellent example of youngsters working side by side on a curriculum complimentary to both cultures.

On the other hand, Mme. Speaker, there are examples where youngsters from reserves are in a school within a jurisdiction for a year and then moved to another school. Unfortunately, they're not allowed to make the friends and contacts that are so necessary. Again, I had a personal opportunity to speak with teachers in a school in which this is happening. That dislocation, on a year-by-year basis, is certainly not in the best interests of the students involved, and of course the end

result is tragic.

We can also look to improved curriculum, which can take place through the Department of Education. A program was introduced by the hon. minister's predecessor and is accelerating under this minister, whereby a greater emphasis is being placed on native curriculum in the province. That will help with regard to both this current situation and schools throughout the province, in particular northern Alberta and isolated communities in the areas covered by the Northland School Division.

We can improve communication. If the boards are made up of Indian as well as non-Indian members, matters discussed and decisions made by the boards will be better understood, and there will be better decisions. Again, we're referring particularly to the criteria set out by the hon. Member for Stony Plain. If a number of treaty Indian children are in a school, the parents of those children should have the same rights and opportunities as other parents to ensure that their children's needs are properly met and their rights are safeguarded. We can do that through improving the decision-making ability.

Mme. Speaker, what are the alternatives if we do nothing and continue with the status quo? Speaking personally, I think they're pretty obvious. We can look to a time when treaty Indian people will say, if we are not given an opportunity to share in the decision-making of the schools, we'll find a way to build our own schools and ensure that they're staffed by Indian people — where the counsellors are Indian — and they'll be on reserves. That would be a tragedy, because we do live side by side; we are one area. I am convinced that Bill [214] will help to strengthen the concept we as a government believe in: that treaty Indian people should be, and are, like other Albertans, and that we can live side by side, respecting one another's culture, heritage, and traditions, and we can share and learn from one another.

Mme. Speaker, I'd like to conclude my remarks by strongly endorsing Bill 214 and the member who has brought similar legislation before this House in the past in an attempt to right a wrong which presently exists in our system.

Thank you.

MR. THOMPSON: Mme. Speaker, I too would like to commend the Member for Stony Plain for introducing this Bill one more time. It must be the fourth time he's introduced it, so he must really believe in it. I'm sure he believes in the adage, if at first you don't succeed, try, try again.

Basically, I would like to talk about the Indian reserve in my area, the Blood Reserve. I talked on this Bill before, and I'd like to give you the history of integrated schools in the Cardston district. Before 1948, as the hon. minister just mentioned, Indian children were educated by church schools. In 1948, the parents of four children came to the school division and asked if their children could enter the school at Cardston. They were allowed to do this. Then in 1954, an agreement was signed by the Indian department and the school division to allow 150 children from the Blood Reserve into the school division. Now, over 700 Indian children come to the Cardston school division.

I would like to commend the federal Department of Indian Affairs and Northern Development. They have entered into an agreement to pay the full costs, not

only operating costs but also capital costs, for their share of the children educated in the system.

It varies from year to year, but at this time from 20 to 25 per cent of school children educated in Cardston school division come from the Blood Reserve. That's a considerable number.

I would like to mention that last spring the hon. Minister of Social Services and Community Health was the guest speaker at the Cardston high school graduation exercises. He saw at first hand how many Indian children graduate from high school. Over a dozen were there, and three or four of them got scholastic awards. At the time I couldn't help but think that if an Indian trustee were there to give the awards to these children, it would have made it just that much more meaningful to the students.

I feel that the people of Alberta have a responsibility to try to attract the Indian people into the general stream of life. I think that if an Indian trustee were appointed to the board in Cardston, it would give them a better feel of the problems of education and better insight into how local governments are run. I have been a trustee in the Cardston school division for nine years, and the people in my area came to me with their problems. I can't help but think that, when you have 700 students from one area with no local trustee, there have to be problems, but the school board itself is just not aware of those problems. It would be a real advantage to the people on the Blood Reserve to have a trustee to bring their local problems to.

I was surprised when the Member for Stony Plain read off the list of school jurisdictions that would be affected by this Bill. I had no idea that there were that many school jurisdictions where 10 per cent of the student population is Indian. I thought we were fairly unique down there, but apparently this is a problem all over the province. I can see that if a Bill like this is put through, it would make a real difference to many jurisdictions and have a real impact on them.

Mme. Speaker, I hope that in the near future the Department of Education will act on this matter.

At this time I request leave to adjourn debate.

MME. SPEAKER: Are you ready for the question on the adjournment?

HON. MEMBERS: Agreed.

Bill 216
An Act to Amend
The Alberta Energy Company Act

MR. R. CLARK: In rising to take part in second reading of Bill 216, I want to say if I might, Mme. Speaker, that it had been my intention to make just a comment or two with regard to the previous Bill. If I might have this latitude, I commend the hon. member for his efforts. I note that Bills similar to this have had second reading on previous occasions. I would hope that after getting to this stage on numerous occasions, the Bill could now find its way into The School Act next year. As long as that "may" portion is in the Act, it would allow the native people of the province to make a choice, which I think is proper. I commend the member for bringing the matter forward.

Mme. Speaker, dealing with Bill 216, I'd like to make five points very quickly. First of all, I'd like to talk very briefly about the history; the principle we see

involved in the Bill; what it does as far as that principle is concerned; why the legislation is necessary; and then some comments outlining the broad general area of coverage as far as the Alberta Energy Company is concerned.

This is the third year this Bill has been presented to the Assembly. It's my hope, Mme. Speaker, that in the 35 minutes we have here this afternoon, members will at least look at the Bill seriously and comment rather directly on the principle, which I think really is making a publicly owned company, publicly accountable.

We have in the Alberta Energy Company, as I'm sure hon. members know, a company which is 50 per cent owned, really, by the Heritage Savings Trust Fund and 50 per cent owned by people across the province as individual shareholders. If I had my particular preference, and I've stated this previously, I would see the 50 per cent owned by the government made available to Albertans, through treasury branches, credit unions, and the conventional lending institutions. I think it's important to move in that direction. I've made that suggestion on other occasions in the Assembly, and the government has chosen not to move in that direction. So what we're talking about here today is a publicly owned company being made publicly accountable.

What does this legislation do, Mme. Speaker? It allows the Legislature to debate who will hold the government proxy in voting at Alberta Energy Company meetings. In this Assembly in previous Legislatures, we have repeatedly been told by the previous Minister of Energy and Natural Resources that Mr. Mitchell, the president of the Alberta Energy Company, will hold the government proxy. No direction is given by the Alberta government as to how Mr. Mitchell is to handle the proxy which is in his back pocket. In fact, it's a proxy that allows Mr. Mitchell to control the affairs of the Alberta Energy Company. When one goes to a meeting having the government proxy in one's back pocket, which is a bit more than 50 per cent, that obviously says that regardless of what anyone else at the meeting may or may not want to do, that proxy, which is the government vote, controls the meeting. If we're going to give that kind of power to anyone, that person should, at the very least, have direction from the Legislative Assembly, and the Legislative Assembly should have at least a voice in who that person should be.

As I say, Mme. Speaker, this would allow the Legislature to debate who will hold the government's proxy in voting at the annual meeting. If it were the choice of the Legislature that Mr. Mitchell, the president of the company, would continue to exercise that proxy, the Legislature would also debate how those voting rights were to be exercised.

I perhaps should stop here and point out to hon. members of the Assembly that the holdings of the Alberta Energy Company are by no means small. There's the 100 per cent ownership of the oil sands pipeline, and \$78 million dollars invested in 270 miles of 22-inch pipe which transports oil from the Syncrude plant to Edmonton. As far as forestry is concerned, the energy company holds a 40 per cent joint venture ownership, a \$28 million lumber manufacturing facility, and 14 million acres of timber resources. As far as coal is concerned, Mme. Chairman, a 25 per cent venture ownership, a \$92 million . . .

MME. SPEAKER: Would the hon. Leader of the Opposition please use the proper parliamentary address.

MR. R. CLARK: Mme. Speaker, I don't recall what I used that wasn't proper. If I used Mr. Speaker instead of Mme. Speaker, I apologize most profusely. I got so . . .

MME. SPEAKER: Perhaps we could just inform the hon. leader that he's referring to the Chair as Mme. Chairman, and it's really the Speaker.

MR. R. CLARK: The point, Mme. Speaker, is extremely well taken.

Now, Mme. Speaker, in speaking to the Chair, and through the Chair to hon. members, I remind members that the Alberta Energy Company has sizable coal interests, a 25 per cent joint-venture ownership; in addition to that, certainly 66.66 per cent ownership in the Syncrude utilities plant. They also have ownership of the Primrose oil and gas rights, some \$58 million committed for the 2,000 square-mile area, with petroleum and drilling rights potential; 33 per cent joint ownership of the ethylene gathering system; then the Suffield gas and oil production in the southeast corner of the province.

So what we're talking about here today, Mme. Speaker, is giving direction to the proxy vote, which we believe should be determined by this Assembly.

Mme. Speaker, the Bill also provides that, where for some reason the Legislative Assembly doesn't meet prior to the annual meeting, the Minister of Energy and Natural Resources himself or herself would go as the representative of the government of Alberta. I think it's fair that hon. members would ask the question: why is this necessary? In principle, public direction of publicly owned companies is natural, and I believe it to be democratic and proper. In practice, as I've indicated, Mr. Dave Mitchell, the president of the company, has gone to the annual meetings without any instruction from the Legislature or from the government. We don't believe that's in the best interests of the Energy Company, the government of Alberta, or the Legislative Assembly.

[Mr. Purdy in the Chair]

Mr. Speaker, basically the proposition we're putting before the Legislature in second reading this afternoon is that this Legislature should give direction as far as who shall exercise the proxy votes at the annual meeting of the Alberta Energy Company, and should also give general direction to the individual or group who will be exercising the proxy vote. In essence what we're talking about is far greater public accountability as far as the Alberta Energy Company is concerned.

In conclusion, Mr. Speaker, I would remind members of the Assembly that on numerous occasions in this Assembly, we've at least tried to get a little more accountability as far as the Energy Company is concerned by having the Assembly find out, by means of a motion for return, the salary of Mr. Mitchell, president of the Alberta Energy Company. We haven't even been able to have that much accountability to date. It's from the standpoint of accountability that we propose this motion before members this afternoon.

I should say candidly, Mr. Speaker, that I'm under no great illusion that members from the government side

are going to jump up and enthusiastically accept the proposition here. It's basically a matter of accountability; we believe that accountability to be important.

MR. SINDLINGER: Mr. Speaker, I'll jump up right now to speak to Bill 216, because the principle involved in it is very important. The hon. Leader of the Opposition has asked members to give serious consideration to this Bill. I have given consideration to it, and I'd like to direct some comments in that direction.

Before I begin, though, the hon. Leader of the Opposition has pointed out that this is the third year this Bill has been brought before the Assembly. In that regard it's much like the Bill we just discussed; it's the third time that Bill has been brought before the Assembly. The first speaker to address that, the hon. Member for Cardston, had an old adage for the member sponsoring the Bill: if you don't succeed, try, try again. Inasmuch as this is the third attempt for this one, I have an old German adage I could present for the benefit of the Assembly: *Jader Anfang ist Schwer*, which I'm sure the hon. member to my right knows. Every beginning is difficult, but after the third strike, buddy, you're out. [laughter]

Seriously, Mr. Speaker, this is an important Bill. There's an important principle here — accountability. But I believe the Bill goes a lot further than that; its purpose is more legislative control. The question I have to pose: is more legislative control necessary with regard to the Alberta Energy Company? When he introduced this Bill, the hon. Leader of the Opposition pointed out that in effect 50 per cent of the company is owned by the Alberta Heritage Savings Trust Fund. That being the case, I would submit that there is adequate opportunity, through the select committee of the Legislature which reviews the annual report of the trust fund, to review the operations of the Alberta Energy Company.

If we're remiss in any way in not reviewing the Alberta Energy Company through the Heritage Savings Trust Fund, I think that's the fault of those members who comprise the select committee on the Heritage Savings Trust Fund. I have to take as much responsibility for that as every other member on that committee. I'd like to address that subject later on when we come to second reading of the appropriations Act.

Going on with Bill 216, at this point in time I think there's a real concern here with government interference in the private sector. In going over the transcripts of the previous debate on Bill 216, the hon. member of the opposition brought up this point time and time again. At that time he was very concerned with the role that government was playing in the private sector. The concern rested with the interference of government in the private sector.

We know that the Alberta Energy Company is somewhere between a private enterprise and a government enterprise; 50 per cent of its shares are owned by the Alberta government. We have to ask ourselves why something like this happens. Why do we have to have the government involved in the Alberta Energy Company? Why is the government involved in any other enterprise in Alberta? The answer simply is that we in Alberta, because we're small in numbers, with a population of just over 2 million, do not have the opportunity to participate in the private sector as we should be participating.

Things have changed since the old days when

Adam Smith proposed his laissez-faire doctrine, where private enterprise and competition should determine what happens in the market place. Things have changed so much that individuals no longer have an opportunity to participate in the market place. When we talk about megaprojects of \$5 billion for an oil sands plant, or \$10 billion for a pipeline; or when we talk about the transportation infrastructure, air lines, railways, seaways, and things of this nature, private individuals cannot participate in that to the extent they would like to. Furthermore, they don't have the ability to protect the public welfare. I believe it's for those reasons that the government has to take an active role in development of things of this nature.

So I think the Alberta Energy Company is a good cross between private enterprise and government enterprise; it's not entirely government or entirely private. On one hand it gives the government a modicum of participation in the private sector; on the other hand it gives the citizens of Alberta and Canada an opportunity to participate in large-scale projects such as those undertaken by the Alberta Energy Company. I think the Alberta Energy Company is pioneering in the respect that it gives the government an opportunity to participate, yet that company itself can operate in the private sector without undue interference from the government.

For those reasons, Mr. Speaker, I would urge my colleagues to vote against this Act.

MR. PAHL: Mr. Speaker, in rising to respond to Bill 216 of the hon. Leader of the Opposition, I don't have any German, but I do have some questions. The number of times that this Bill has risen, by the hon. Leader of the Opposition's own admission, prompts me to go back to 1974, five years ago. I wonder what happened to the opportunity to bring in this Bill in the first two years.

I think it's important to note, Mr. Speaker, that the Alberta Energy Company was created with the thought of creating an opportunity for widespread ownership and corporate participation in the province so that, among other things, it might be able to foster a better understanding between our citizens and our economic system. The experience, when the shares were offered for sale, of the over-subscription of this by the citizens of Alberta would tend to make me think that this concept has been supported by the people of Alberta.

Going back again to the 1974 formation of this company, perhaps it's important to remember that at that time the government stated clearly that its intention was to participate in ownership, not in management. It was also the policy of the government then, and remains so, that neither Members of the Legislative Assembly nor members of the public service will be on the board of directors. Although the government has the right to elect members to the board of directors, its intention to be in the minority is clearly stated. The control of equity at 50 per cent means that the many minority shareholders in the company will have effective participation and control of that company.

And here, I think, is the important point: the Alberta Energy Company will be expected to yield good results as an investment for its owners. Those owners are the people of Alberta with a 50 per cent share, and shareholders, almost entirely Albertans, with a limitation on their holdings. So it's a matter of providing a

return to those shareholders.

I'll borrow a thought from the hon. Member for Calgary Buffalo. He stated that the days of Adam Smith, where the invisible hand operates to govern economic affairs, are long gone, and I would argue that, in this case, they're not. The accountability that the hon. Leader of the Opposition is so concerned about — to be accountable in the market place — is regulated very well. That accountability is one of profit. I would submit to this Legislature, Mr. Speaker, that the share price reflected over the years has shown that Alberta Energy has certainly shown good accountability in the market place.

I would close by saying that I think the hon. Leader of the Opposition not only has not followed the spectacular success of the Alberta Energy Company very well but has shown a certain amount of lack of faith in the shareholders, who are representative of the people of Alberta and have not, in my understanding, presented any opposing views at the annual public shareholders' meetings. On the basis of performance, I would suggest that the accountability is there with respect to shares in a market and would urge members not to support this Bill.

Thank you.

MR. ZAOZIRNY: Mr. Speaker, in rising to speak to Bill No. 216, I want to remove any suspense that may be lingering in the mind of the Leader of the Opposition and let him know right up front that my intention is not to support this piece of legislation. Having taken that position, I think the most appropriate measure I could then adopt, having heard the previous two speakers make all the salient points and many more that I hadn't thought of — but certainly all the ones that I had — is to commend them and be seated. However, I do think I will ask hon. members of this Assembly to bear with me for some additional remarks.

When considering Bill 216, I think it is entirely appropriate that we review the purpose for which the Alberta Energy Company was established, and that has been referred to by other speakers. Namely, it was created as a vehicle for resource development and public participation. I think it was in fact something of a master stroke on the part of this government, in bringing together those two very desirable goals. The Alberta Energy Company has provided a unique opportunity for Albertans, and the success story that it is is widely known and requires no further comment.

The Alberta Energy Company was established by this government with enthusiasm for the concept but with a real concern to ensure that at the very least we minimize any possible interference with the market place. This government is very supportive of the concept of private enterprise, and I think the Alberta Energy Company reflects a real balancing of those mutual concerns.

The hon. Member for Edmonton Mill Woods has spoken well in terms of the guidelines, provided by way of a letter from the Premier of the province of Alberta to the president of the Alberta Energy Company, which was dated October 9, 1974 and tabled in the Assembly. The hon. Member for Edmonton Mill Woods has spoken well on the most salient parts of that letter.

I must confess a certain degree of surprise with the position adopted by the hon. Leader of the Opposition in bringing this Bill forward. I suppose my surprise is

compounded by the fact that he's now done it three times. When I last checked the policy of the party which he represents, I understood that it too was a party which purported to favor private enterprise. I believe, in fact, that the hon. leader is on public record as having stated that they do not favor the holding of shares in the Alberta Energy Company because they view it as an infringement on the market place and an interference with the concept of free enterprise.

How the hon. Leader of the Opposition gets from that position, with one rather great leap backwards, and adopts the posture that if we have that company, we're really going to have government involved in the day to day operations is of considerable puzzlement to me. I was hoping that during the course of his remarks the hon. Leader of the Opposition would have clarified the matter and removed the cloud that I think hangs over his bringing this Bill forward. However, I regret that that cloud was not removed, and I do have some difficulty with his now adopting the posture that government should get involved. It seems to me that surely the position adopted by our government is the most appropriate one — striking that balance between the need for a vehicle for resource development and the need for public participation, with an absolute minimum of government interference.

[Mr. Speaker in the Chair]

With respect to the suggestion that there is need for more accountability because of the 50 per cent ownership of shares in Alberta Energy Company by the government of this province, I again must refer to the remarks of the hon. Member for Edmonton Mill Woods, who raised the very salient point that the other 50 per cent of those shares are owned largely by Albertans. I am sure that at the regular annual meetings of that company are well attended. To my knowledge there has been no instance ... I would call upon the hon. Leader of the Opposition, if he could, to provide us with one example of where the 50 per cent share interest of the Alberta government was voted in a way which was contrary to the wishes of a substantial number of the other 50 per cent of the shareholders. I don't think he's able to do that, and I do think that provides very fine evidence that in fact the present arrangement is working very well.

Again, I suppose the ultimate measure of the success of the operation of mechanisms in place is the market place. I was highly interested in the amount of enthusiasm members of the opposition showed, some time ago, about the question of the value of the shares. With the recent rise in interest rates and a corresponding drop in the values of many shares, including, at least for a time, the Alberta Energy shares, they seem to have lost their enthusiasm. The principle seems to be: it's okay if you own them when the price goes down, but if the price goes up, you're bad fellows. I have some difficulty with that kind of posture. But I do think that ...

DR. BUCK: Do you have any, John?

MR. ZAOZIRNY: No, I don't, and I sure wish I did. Gosh, I'd be much the wealthier for it.

DR. BUCK: Maybe you have a conscience.

MR. ZAOZIRNY: I appreciate the representations made on my behalf by the hon. member. But thank you very much; I can carry on alone.

In conclusion, I would say to the members of this House that I believe that the present mechanisms are working well. I think it would be highly inappropriate for government to interfere in the day to day operation of this company which is benefiting all Albertans and, in fact, benefiting this country of Canada. On that basis, I would encourage other members of this Assembly to defeat this Bill.

DR. REID: Mr. Speaker, this afternoon two hon. members have brought back Bills which they've introduced — on one occasion on four occasions, and on this occasion for the third time. I seem to remember that an ancient Scots king called Robert the Bruce said something about, if at first you don't succeed, try, try, try again. It's already been quoted. But I'm not sure whether the hon. Leader of the Opposition represents the spider or the fly on this occasion.

The hon. leader has gone through the history of the Alberta Energy corporation at some length, but I think that history has to be put in the context of the time at which this corporation was first founded. The concept was first expressed some six years ago by the Premier of the province, and as we know, the Act came into force approximately five years ago.

At that time the possibility of building the first large, world-scale oil sands plant was in some doubt. One major American shareholder had pulled out of the consortium. Oil prices, if you remember, were not at their current world level, and I don't think at that time anybody foresaw them going to their current level. And the possible profitability of the Syncrude experiment, if you can call it that, was certainly not assured. The Suffield Block was an unexplored area in the southeast of the province, and the only sure bets in the portfolio proposed for the corporation appeared to be the pipeline and the power plant.

When the Act was introduced by the previous Minister of Energy and Natural Resources, among his remarks at second reading were that the need fulfilled by the corporation probably could not have been met through any existing mechanism available to government, and that the government had a responsibility to fill that need. At the same time he also made some remarks about the government, and therefore the people of Alberta, controlling the rate of development of the oil sands and the royalties from the leases. Incidentally, I think those remarks should be brought to the attention of some other governments in this country at this time.

Mr. Speaker, there are several safeguards in the Act as it was brought in. The Crown, through the government of Alberta, owns 50 per cent, really neither more nor less. It can appoint no more than four directors to the board of directors. These are on an annual appointment. They're not on a long-term basis; they have to be reappointed. Then of course there is a provision that not more than 1 per cent of the remaining 50 per cent can be owned by any one individual.

As another member has already mentioned, that initial 50 per cent was oversubscribed by Albertans; and thus far, in marked contrast to the Alberta Gas Trunk Line issue, the vast majority of that 50 per cent has remained with Albertans. Incidentally, for the benefit of the hon. Member for Clover Bar, like the hon. member

proceeding me, I unfortunately didn't get in on the basement price.

AN HON. MEMBER: You could have.

DR. REID: I could have and should have.

DR. BUCK: You have a conscience, too, Ian.

DR. REID: Conscience? I don't need one. I don't have any, Walter. Obviously the 50 per cent ownership can function as a controlling interest, but it has not done. There has never been any evidence of this government trying to exert that controlling interest in the manner to which it has been alluded. The chief executive officer and the board of directors, including that minority number appointed by the government, have functioned essentially as if this were a privately owned company. Because of that, the Alberta Energy Company has functioned as an excellent interface between private industry, government, and private investors. It has been able to do that because it has been left, to all intents, independent of government interference. It's rather interesting that the Leader of Opposition party who introduces this Bill is the same person who has on several occasions, and on his own statement today, suggested that the government should sell its shares to private investors.

It's an old adage that you can't sit on both sides of the fence; you get hurt. I think the hon. leader is liable to get into that situation when he on one hand suggests selling the shares and on the other hand suggests converting those shares into essentially a Crown corporation owning half of the Alberta Energy Company. If you're going to have the private enterprise system which his party so avidly espouses you really have great difficulty in going along with Crown corporations where they are not necessary.

In my first speech in this Legislature I think I expressed the philosophy that government should be involved only where the individual person cannot do the job better. I think the Alberta Energy Company has so far been an excellent example of that. It has enabled the government and the people of this province to be involved in a megaproject which they would not have been able to get into individually. I think they have fulfilled the philosophy, as I see it, and I certainly have great difficulty in supporting a Bill which would in effect convert this into essentially a Crown corporation. There are people after me, Walter.

For that reason I feel that I cannot offer any support to this Bill and would urge the members of this House not support it on this occasion, as before. Thank you.

DR. PAPROSKI: Mr. Speaker, rising to make a few comments on this particular Bill and opposing it from the outset ... I'd like to make a number of comments, but because of the time I beg leave to adjourn debate.

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

SOME HON. MEMBERS: Agreed.

MR. HORSMAN: Mr. Speaker, by way of dealing with House business in the sitting which we will be undertaking this evening at 8 o'clock, I would like to advise members of the Assembly that initially in committee we

will deal with a number of Bills which I think it's fair to say are non-contentious items.

MR. NOTLEY: You'll miss 44?

MR. HORSMAN: We will start with 45 and 46 through ... for a period of time. Following some committee consideration, we will move to second reading of Bill 74 and others in order.

MR. R. CLARK: Might I say to the Acting Government House Leader that the list provided is great, except for Bills 66 and 68. If possible, could we hold those two?

MR. HORSMAN: Yes, Mr. Speaker, Bill 66 was not proposed to be dealt with in committee.

Mr. Speaker, I move we call it 5:30.

MR. SPEAKER: Before putting the hon. Deputy Government House Leader's motion, in view of the intention to meet in committee this evening, would hon. members agree that when they return to the Chamber at 8 o'clock they will be in Committee of the Whole?

HON. MEMBERS: Agreed.

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

HON. MEMBERS: Agreed:

[The House recessed at 5:28 p.m. and resumed at 8 p.m.]

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

[Mr. Purdy in the Chair]

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

Bill 45 **The Mental Health Amendment Act, 1979**

MR. DEPUTY CHAIRMAN: Mr. Minister, do you have any comments?

MR. BOGLE: Mr. Chairman, when the Bill went through second reading, one question was asked in regard to a possible study being undertaken at the University of Alberta and jointly commissioned and/or funded by the department or one of the agencies of the department. I have had an opportunity to look into that in some detail. Although some enquiries have been made by representation from the University of Alberta to the Mental Health Advisory Council concerning the development of a program or study, no formal application has yet been received by the council.

MR. R. SPEAKER: Mr. Chairman, to the minister. We are amending Section 50.1(6) in the old Act:

Notwithstanding subsection (4) or any other law, the Minister, a person authorized by the Minister, a

physician or a therapist . . .
We're amending this Act to take out the section, "or a therapist may disclose", and it goes on.

MR. DEPUTY CHAIRMAN: Order please. I can hardly hear over the noise of the members in the House.

MR. R. SPEAKER: I wonder if, in reviewing that part of the legislation, the minister found that there have been any problems or concerns, even by the minister himself, in having the capability of disclosing information with regard to a client. There is quite a latitude there and quite an opportunity for the minister to do whatever he feels necessary. Does the minister feel that that's a necessary responsibility, and has the minister in his capacity used that section of the Act?

MR. BOGLE: Mr. Chairman, the minister may release such information through a ministerial order. In the approximately seven months that I have been the minister, no such order has been given. There would have to be some unusual circumstances for that to come into play. The normal route that is followed is, of course, through the physician. That is in the Act now and will remain. These amendments would broaden that somewhat, to give the right to authorize that information to the patient under certain circumstances, and to the Public Guardian for information pertaining to The Dependent Adults Act.

MR. R. SPEAKER: Mr. Chairman, would the minister have any indication of where that type of power is or would be necessary, and would there possibly be future amendments? I had planned to move an amendment to take out the word "minister" plus the others and just leave "a physician". But possibly there is some reason for it. Maybe between now and the spring session the minister could consider that section. A further amendment may be necessary.

Could the minister indicate any reasons that he can think of why it would be used or is actually very, very necessary?

MR. BOGLE: Where it is recommended that a patient in a mental institution have a guardian appointed, the present Mental Health Act would not allow any medical or psychologist's report to be sent to the Public Guardian. In these cases, the Public Guardian would be forced to seek an independent examination from a physician or psychologist not working within the mental health division. This amendment would vastly simplify that process and eliminate the duplication of that work. That's the basic reason for the amendment dealing with the Public Guardian.

In the case of the individual patient, I outlined during second reading the circumstances under which the physician, who is still in a very important and primary position, must be satisfied that the patient has been fully advised of his rights and is making this action under his own free will, that consent has been given voluntarily, and that the patient is fully capable of understanding what he is doing. All those factors must be satisfactorily met in the view of the physician in order for the information to be released through that particular method.

[Title and preamble agreed to]

MR. BOGLE: Mr. Chairman, I move that Bill No. 45, The Mental Health Amendment Act, be reported.

[Motion carried]

Bill 46

The Irrigation Amendment Act, 1979

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

MR. HYLAND: Mr. Chairman, I believe I dealt at length with the Bill in second reading. If any hon. members have a question, I will attempt to answer it; but otherwise, I think about everything has been said.

[Title and preamble agreed to]

MR. HYLAND: Mr. Chairman, I ask that Bill 46, The Irrigation Amendment Act, 1979, be reported.

[Motion carried]

Bill 61

The Alberta Order of Excellence Act

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

[Title and preamble agreed to]

MRS. LeMESSURIER: Mr. Chairman, I move that Bill 61 be reported.

[Motion carried]

Bill 65

The Weed Control Act, 1979

MR. DEPUTY 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. TOPOLNISKY: Mr. Chairman, I move that Bill 65, The Weed Control Act, 1979, be reported.

[Motion carried]

Bill 67

The Real Estate Agents' Licensing Amendment Act, 1979

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

MR. ZAOZIRNY: Mr. Chairman, I'd like to address a question to the hon. minister with respect to Bill 67. I believe it is in respect of Section 29 of that Act. I would like the hon. minister to comment, if he might, on the rather dramatic change that section entails. I would suggest to the hon. minister that that section as revised will extend far beyond the traditional concept of the fiduciary relationship that exists between an agent

and a principal, and will in fact put a person in the real estate industry, either an agent or a salesperson, in the situation where that salesperson is required to disclose to an owner of property if they have any negotiations whatsoever under way for the subsequent sale of that same property to a third party under any circumstances, regardless of whether there is a listing agreement or whether the salesperson is involved as a potential seller under a multiple listing sales arrangement, or in fact where there may be no listing agreement whatsoever — under those circumstances and beyond, I would appreciate the minister's comments on that section, simply because they do extend far beyond the traditional legal concept of fiduciary relationship. Perhaps the minister could advise if that section is put forward with the concurrence of the respective real estate associations in this province.

MR. KOZIAK: Mr. Chairman, those comments by the hon. Member for Calgary Forest Lawn are, of course, very accurate. They do go beyond what might normally be termed the fiduciary relationship, the relationship of trust between an agent and a principal, because here we have a requirement imposed upon a person who is in the occupation, in the profession of acting as a real estate agent or salesman, to disclose in writing certain facts to the owner of real estate where such principal and agency relationship does not exist. That is significance in two respects, I suppose: first, in that it reaches me and then is put forward for the approval of this Assembly by the Alberta Real Estate Association itself.

In putting this forward, I think I have to speak with a considerable amount of pride in that organization for having considered this, and having felt that an amendment of this nature would be significant in raising the level of appreciation the general public has of the real estate industry. So what we have here is a move by an organization representing licensed agents in the province to increase and improve their general image before the public, and such an amendment will do that.

MR. GOGO: Mr. Chairman, I'd like to ask the minister with regard to Bill 67 and the penalty section of the Act. It seems to me, Mr. Minister, there's an area here of consistency. If the penalties are insufficient, we have made a practice of increasing them. That's agreed. But I happen to think that raising them by 10 times, from \$500 to \$5,000, is excessive.

I wonder if the minister would mind commenting on how many prosecutions came under that Act last year and how many requests he's had from the administration of justice or whoever. Raising it 10 times, to \$5,000, I suggest is a very significant increase and almost a change of principle in terms of the consistency of raising these penalty clauses. How many requests has he had to raise this so substantially?

MR. KOZIAK: Mr. Chairman, the hon. member raises some interesting considerations. However, in dealing with the matters at hand and the nature of offences created by the Act, particularly the amendments being put forward requiring disclosure, I don't think I would feel that the requests for increases or the number of prosecutions are really relevant to the level of penalty we should consider appropriate for the judicial system to consider in imposing a penalty where a conviction has been obtained under this Act. We have to remember

that, in this day and age in this province, we're dealing with substantial property values. We're no longer talking about — when I was back in school, going to university — homes that were \$14,000. We're talking about homes that are \$140,000. We're talking about commercial premises that could be in the millions. The fines that can be imposed under this Act have to reflect that.

The determination of the exact amount of the fine is to be left to the judiciary. We don't have a minimum fine that is that hefty, but the maximum is there in those isolated instances where a large amount should be available for the judge as the penalty in certain circumstances.

MR. GOGO: Well, Mr. Chairman, with respect to the minister, I'm not arguing whether a house is worth \$1 million or \$25,000. To me it's consistency. If we've had 27,000 convictions, and people have said, the fine's not adequate, and raise it; fine, I would accept that. I just don't like the idea of perhaps somebody in some department adding zeros onto something on a matter of principle because they think it looks better because property values are worth more. If there are abuses in the Act, I don't question that. I just question what seems to me to be a change of consistency: you double other things, but suddenly multiply by 10 in arriving at this fine. That's all.

MR. KOZIAK: Mr. Chairman, the hon. member puts forward a suggestion that if there are, I believe he used the figure 27,000 convictions, he would be prepared to support an increase to \$5,000 from \$500. I think if that were our approach, there would be 27,000 disgruntled people out there. I would rather that this legislation act to prevent the offence ever occurring in the first place. We choose penalties in our legislation to discourage the offence's occurring more than, I think, penalizing the offender.

MR. ZAOZIRNY: Mr. Chairman, to the minister. Taking note of those penal provisions, could the minister advise the committee whether additional sanctions may be imposed with respect to enforcement of Section 29, in addition to the monetary sanctions, because of course if those are the only sanctions, compliance may in fact turn on the magnitude of the transaction. I would simply ask for the information from the minister with respect to other penal sanctions in the Act as it will be in its final form.

MR. KUSHNER: Mr. Chairman, to the minister for clarification with regard to Section 40. By repealing clauses (a), (c), and (e), and since the amendment makes no reference to bonding, is that further to mean that bonding is no longer required?

MR. KOZIAK: First of all, with respect to the question posed by the hon. Member for Calgary Forest Lawn, there are provisions in the Act. I wouldn't want to anticipate the judgment of the superintendent of real estate or an appeal board that could be constituted under the Act. But there are provisions under the Act: in Section 9, dealing with the appeal board; and earlier, dealing with the superintendent's rights to suspend and to cancel a licence.

As a matter of fact, we do have an amendment in the Bill that permits the appeal board, when it hears a case,

to substitute a finding of suspension instead of cancellation. We've added that additional flexibility to the appeal board in the other means of providing for penalties under this Act. I think that deals with the concern the hon. member raised.

The hon. Member for Calgary Mountain View, in his concern with respect to Section 15 of the Bill amending Section 40 of the Act, refers to the repeal of clauses (a) and (c). If the hon. member would look at Section 6 of the Bill, which provides an amendment to the Act, Section 8.1, which permits the minister to make regulations in those regards.

MR. KUSHNER: One further question to that, Mr. Minister. With regard to bonding once again — I have to phrase this properly. An application for bonding at present is made through a bonding source or a bonding company. Now, I've had representations plus a personal experience, and I've also had representations from builders, that when a bond application is made through a bonding company, a document is further signed, over and above the bond, indemnifying the bonding company if a claim is made. This indemnification is in the form of a personal guarantee by the principals of the company that is making application for the bond, therefore rendering the actual bond ineffective by virtue of the indemnification agreement towards the bonding company if a claim is ever lodged against the bond.

I was wondering maybe — well I better not say it, because I'll get it again. I really don't understand how that situation has developed. If my interpretation of the problem is correct, is there anything in the Bill — and I can't seem to locate anything — to rectify the situation, if in fact there is a problem?

MR. KOZIAK: Mr. Chairman, the Bill does not deal with the issue raised by the hon. member. Further, I would say that in fact there isn't a problem, because the purpose of the bond is not to protect the person who is being bonded but to protect some innocent third party. The bonding company, for a fee payable by the person being bonded, will assure the performance of certain conditions by the person being bonded in favor of the third party. Now, to ensure that the bonding company isn't out money, they will — in addition to charging the fee, which is a percentage of the figure on the bond — ensure that they're entitled to collect from the person they're bonding.

As far as the third party is concerned, that protection is provided by a certain sum of money which is set aside, and is going to be there regardless of the circumstances a year or two down the road of the person being bonded. For a number of reasons, that person may no longer have those funds. That would be a problem between the bonding company and the person they bonded. That's where the risk comes in, and that's why premiums are charged. But the alternative would be for the individual to put up the exact amount of the bond in cash, or Canada savings bonds, or something of that nature.

MRS. CHICHAK: Mr. Chairman, I'd like to make some brief comments in one area and in the other have a clarification for a better understanding of just what is happening with that particular section.

The first comment would be relevant to the matter of disclosure. I think the industry welcomes the amend-

ment to include not only agents but as well people in the sales field who do not necessarily have the responsibility of an agent. I think that is a worth-while amendment and one that I know is welcomed by the majority, if not all, of the industry.

The amendments under Section 40 bother me to some extent. The clauses are being almost totally repealed, insofar as the regulations that may be determined. The hon. minister indicated that these are still provided for under other sections, that the minister may make such regulations, particularly with respect to the matters of bonding, licensing, and even educational standards. But if in fact this changes the whole aspect of where the applications go, and if under this legislation it's left to a totally different body, where it does not come before the Lieutenant Governor in Council at all or, in any event, for final approval, I would have some real concerns. I wonder if the hon. minister could explain whether that will happen.

It seems to me that a few years ago, when I served on the committee studying regulations and legislation procedures in the province, the committee came to some conclusions that there were areas where there really ought not to be a switchover so that regulations can be made by a minister alone without the approval of the Lieutenant Governor in Council. That committee expressed the concern that in too many areas in our legislation we were moving in the other direction. So from that point I really have some concern. Perhaps the minister will want to comment on it.

MR. KOZIAK: Mr. Chairman, the regulation-making authority with respect to those regulations that are to be made by the Lieutenant Governor in Council is found in Section 40. There's been a shift to ministerial regulations with respect to forms and forms and amounts of bonding. This would appear under Section 6 of the Bill, providing for a new Section 8.1 to the Act.

The question of the experience, training, education, and examination of applicants for licensure would still remain with the Lieutenant Governor in Council. However, when it comes to such things as forms, we find that these can change more rapidly; adaptations are necessary on a basis which may require less time. For the convenience of the industry, those provisions are found in ministerial regulations, which are also published in the *Gazette*, under Section 8.1. That is basically consistent with the approach we have in the Department of Consumer and Corporate Affairs and elsewhere, when it comes to the regulations dealing with forms.

MRS. CHICHAK: Mr. Chairman, I would just like to ask the minister to consider one aspect of that. It's not the matter of forms that need to come before the Lieutenant Governor in Council for his perusal. Of course in its daily practice and application the industry would, I think, be most conversant with the most efficient and applicable form for the industry to use according to its needs.

My concern is with respect to bonding. I would sincerely like to ask the minister to consider that bonding — the setting of bonding, the type of bonding — should remain under the purview of the Lieutenant Governor in Council. Could the hon. minister consider including that aspect with the other one? I

have no problem with all those other matters and think they are quite appropriately transferred.

MR. KOZIAK: Well, Mr. Chairman, when we're talking about forms under Section 8.1, we're not talking about the forms the industry uses in its day to day business. We're talking about forms necessary for use by the superintendent in the administration of the Act. Those are two considerably different sets of forms.

With respect to the bonds, we have before us Bill 41, a piece of legislation presented to this Assembly by the hon. Member for Grande Prairie, Mr. Borstad, dealing with an amendment to The Licensing of Trades and Businesses Act. There again, that discretion is found with the minister, because it's necessary, having regard to the variety and nature of circumstances that may come before us from time to time. Of course these provisions make it that much easier for us to respond to the needs of the industry on a shorter time frame.

MRS. CHICHAK: Mr. Chairman, I'm sorry to pursue this point a little further, but probably Bill 41, which the hon. minister used as an example, doesn't sit any easier with me than this one, with respect to the matter of bonding alone. Sometimes — and I don't want to use this particular industry as an example. But with regard to any industry, I think that over time many people have found that so often even the industry, for whatever reasons, has very good intentions and direction in that particular regard. That's not to say that in any event the Lieutenant Governor in Council, in considering representation in that respect, would feel that that was in the best public interest.

Looking at the matter from the point of view of professions and any area that requires bonding, I think that in any respect bonding as such should, although may be accepted by the Lieutenant Governor in Council as presented and recommended. I feel very strongly on that particular point. The ultimate decision should still really lie with the Lieutenant Governor in Council, and not solely with the influence on a minister, the many pressures that we know can be placed on an individual minister.

MR. NOTLEY: Good point.

MR. KOZIAK: Well, Mr. Chairman, this Assembly is one in which hon. members may disagree, and we choose to disagree.

[Title and preamble agreed to]

MR. KOZIAK: Mr. Chairman, I move that Bill No. 67, The Real Estate Agents' Licensing Amendment Act, 1979, be reported.

[Motion carried]

Bill 65
The Weed Control Act, 1979

MR. DEPUTY CHAIRMAN: It has been called to the attention of the Chair that there was an amendment to Bill 65. Is the hon. member sponsoring the Bill in? We'll back this up and take care of the amendment.

Are there any comments to be offered regarding this amendment?

MR. TOPOLNISKY: That's a government amendment, Mr. Chairman.

MR. R. CLARK: Mr. Chairman, it may be a government amendment, but the government member is piloting, or weeding, the Bill through the House; a little more explanation than that before we can accept the amendment, that we already missed.

MR. DEPUTY CHAIRMAN: It was given to the members on the 23rd. I wonder if the hon. member who is sponsoring the Bill could explain the amendment.

MR. TOPOLNISKY: Mr. Chairman, Section 25 is amended. After the word "mortgage" we add "or of which he is the purchaser":

A municipal secretary shall, on the request of the mortgagee or purchaser of land, provide him with copies of all notices given under this Act that relate to lands on which he holds a mortgage.

This is added on:

or of which he is the purchaser.

[Motion on amendment carried]

Bill 69
The Motor Transport Amendment Act, 1979

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

MR. KROEGER: Mr. Chairman, I tried to cover the essential points and meanings of the Act on second reading. I don't think there is anything new to add. As I would read it, it's mostly good news. Unless there are some questions, I will leave it at that.

[Title and preamble agreed to]

MR. KROEGER: I ask that Bill 69 be reported.

[Motion carried]

Bill 70
The Department of Social Services
and Community Health Amendment Act, 1979

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

[Title and preamble agreed to]

MR. BOGLE: Mr. Chairman, I move that Bill 70, The Department of Social Services and Community Health Amendment Act, 1979, be reported.

[Motion carried]

Bill 71
The Occupational Health and Safety
Amendment Act, 1979

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

MR. NOTLEY: Mr. Chairman, I have several questions I'd like to put to both the sponsor of the legislation and the minister.

As I read the Act, I think there are a number of positive features. For example, Section 13, an employer must now give written notice to the authorities 48 hours after an accident: that's a step in the right direction. I think the increase in fines is probably going to be useful in terms of improving health and safety conditions throughout the province.

But, Mr. Chairman, I'll try to summarize those areas that concern me. Section 19 places the onus on the director of medical services rather than the employer, as was the case in the two previous Acts. It's my understanding that under the regulations there is going to be a listing of hazardous occupations. If that is the case, I would like that confirmed in *Hansard*, so we know exactly what the situation is. I think that will go some distance to alleviate concerns that have been brought to my attention, if we are, by regulation, going to outline those industries that are considered hazardous occupations.

Section 19.1(a): the director may require the worker to be properly qualified to work in a mine or quarry. The suggestion from some of the miners who have contacted me is that, in fact, instead of "may" it should be "shall".

The registration time has been increased from 10 to 30 days. I know that to a certain extent that's an arbitrary figure, but I would ask either the sponsor or the minister to indicate why the increase in time? Is there some sort of effort to conform with other legislation on this matter, or what is the reason?

Section 20, joint worksites: there's still no reference to mandatory worksites as recommended by the Gale commission. That's an argument we can have. We had that same debate several years ago when The Occupational Health and Safety Act was passed, but I just draw it to members' attention again. I presume that sort of debate will continue in the future.

Section 24(c), prosecutions: the cutoff one year after an offence has been committed. As I understand it, there was no cutoff period in the legislation we're repealing. I wonder what the rationale is for introducing a cutoff period for prosecutions. Normally this would not be a problem; I can understand that. But formerly, as I understand it, there was no cutoff period.

Then, Mr. Chairman, Section 29, the question of the regulations under the two Acts we are repealing. I guess I would like to know first, what will happen to those regulations? Will they be transferred as a whole to the new Act? Considering the problems this government has had with lack of consultation with the firefighters, what consultation took place, if any, with the affected unions in this case? If there was none, why wasn't there any? As well what consultation took place with management?

While I'm on my feet, if we haven't transferred the regulations yet — and it's my understanding we haven't, Mr. Minister and Mr. Member sponsoring the Bill — will we get a commitment at this time that there will be consultation before the regulations are transferred?

I want to deal with three other concerns that have been brought to my attention. What happens to the safety committees which are now mandatory under the mine safety Act? We had some discussion on the qualifications of the inspectorate when the Bill went

through second reading and, as I understand the minister's remarks at that time, he indicated there would be no downgrading at all of the qualifications of the inspectors. I think it's very important that we have an assurance that not only the calibre of inspectors but the quality of inspection be maintained as a result of this change.

Finally, Mr. Chairman, I would ask either the minister or the member sponsoring the Bill to comment on the suggestion made, I believe, by the United Mine Workers, the United Steelworkers, and the Alberta Federation of Labour, that there should in fact be a miners' branch of Occupational Health and Safety. It is my understanding that that is presently the situation in Germany and the United Kingdom. Several other provinces have a separate miners' branch for occupational health and safety. In view of the fact that mining, hopefully, is going to become a more important industry in the province as we deal with the extraction of our substantial coal reserves, it would seem to me that the suggestion that we set up, if you like, a miners' branch of Occupational Health and Safety merits some serious consideration by the government at this time.

MR. DEPUTY CHAIRMAN: Before the minister responds, could we have a little more order in here? We can hardly hear anybody who's trying to make a response to this Bill or ask a question.

MR. DIACHUK: Mr. Chairman, I tried to keep track of the questions the hon. member has asked. If I missed any we'll revert to the question. With regard to the listing of the hazardous occupations, it is the intent that these will be listed in the regulations when they are reviewed. As I've indicated, the regulations will all be reviewed toward the end of February or March. In the meantime the regulations and the staff were transferred to my officials in April of '78, and they have functioned under those regulations. Until there's any change, Mr. Member, those same regulations will continue to apply.

With regard to the extension of the 10 days to 30 days, under Section 19, that is only to permit more time for the chief medical officer, so he doesn't have that short 10 days to get this notice to the employer. Actually it enlarges the Act. If members would look at the former Act, it only required that, "... the employer of that worker shall, within 10 days of the commencement of that worker's employment, register with the Director of Medical Services ...".

We now have added that in the case of occupational diseases or any concern that the Occupational Health and Safety people or the Director of Medical Services may have about a certain industry, they can ask that employer to have all or some of the staff examined, even periodically. So rather than have one portion where "the employer within 10 days" and another portion where "the employer within 30 days," the advice was to permit department officials to have a little more latitude. They need that 30 days to implement the requests.

The hon. member and I have debated mandatory worksites. I still hope we will succeed, as we have in past years, with close to 140 joint worksites established by ministerial order. The goal for 1979 is to establish an additional 100, and the success will be examined and reviewed. Maybe a year from now the hon. member may

be right, and he may say to the minister, well, yes, the success from the study that is being done by the Occupational Health and Safety Council — the Alberta Federation of Labour, under the grant, are reviewing the effectiveness of the joint worksites. So we will continue debating mandatory worksites.

With regard to Section 24, in the case of cutoff period . . . I'm just quickly trying to look at my notes. Would the hon. member refresh me on that question with regard to Section 24? I've lost the exact meaning of the question.

MR. NOTLEY: Yes, Mr. Chairman. As I understand it there is a cutoff period of one year as far as prosecutions are concerned, whereas I understood that in the former legislation there was no cutoff period. Now, in 999 out of 1,000 cases, I don't think this is going to be a problem. But I wanted the rationale for inserting a cutoff period, as it relates to the occasional exception where in fact it may be required.

MR. DIACHUK: My advice was that the Attorney General's Department was able to commence prosecution within six months. We've now extended it, permitting my officials to take action up to one year. It gives the officials and the Attorney General's Department staff a greater length of time to prepare the action against a party that violates the Act, be it the employer or worker. So it just permits us more time to commence action. We were advised that the six months they have been working under have been too restrictive, that they didn't prepare properly on some occasions and have lost their cases because of rushing into court.

Section 29: as I've indicated, the regulations have been transferred. The mining inspectorate has worked under the same regulations and will continue until some revision is recommended. These revisions will be reviewed with the parties concerned; that is, the mining employers and the United Mine Workers trade union movement.

With regard to what happened to the safety committee, yes, under the mines act they did have a safety committee of only miners. Rightfully or wrongfully, we have presently in The Occupational Health and Safety Act a joint worksite committee that employees' and employers' representatives serve on. We are confident that in order to achieve what we want in health and safety, we should have both parties. I'm advised that the other system — where only the mine employees served on the committee and met with the inspector, and then the employer was advised what the concerns were — was working very effectively. We'll be monitoring that to see if having an employer representative on it restricts it in any way. But in order not to have two types of committees, we're going to move along with what Occupational Health and Safety now has under statute. That was raised with me by representatives of the United Mine Workers, and we discussed that.

The qualifications of inspectors was answered a couple of days ago. The intention is to maintain the same standard of mining engineers in that inspectorate, and not to water down the quality of inspections either. As for the suggestion for a separate mines branch, this would be totally opposite to what the Gale commission recommended. We don't know the effectiveness of the examples used by the hon. member in the other provinces. It hasn't been raised with me. Just this week it was first brought to my attention that there is such an

example in some other provinces, in some other jurisdictions. I'm looking into it to see just how effective the program is in those other provinces, those other jurisdictions where they maintain a separate mining branch within Occupational Health and Safety. The intent is still to identify, to have mining engineers within that inspectorate, who are qualified people. The positions will be in that category. As I've indicated earlier, we believe that in consultation with the rest of the engineering people and the rest of the people in the inspectorate, the mining inspectorate will be that much stronger when carrying out work in their respective fields.

MR. NOTLEY: I can take it then from the minister's remarks today that there will be consultations with respect to regulations. So there's no problem. The minister nods his head; I don't want any uncertainty over that.

MR. DIACHUK: Mr. Chairman, this is the intent: the regulations will not be changed until consultation with the Alberta Federation of Labour, representatives of the mining sector, when the final draft of the regulations — at present they're using the regulations now in effect, and will continue until the changes. So there will be consultation.

MR. NOTLEY: Mr. Chairman, Mr. Minister, I'm very glad to hear that. With respect to the safety committees, there's certainly some argument, as the minister has suggested, that if you're moving into The Occupational Health and Safety Act, we should attempt to recognize the merits of joint safety committees. As the minister indicated, we have had committees that have worked very well.

I guess the point I would like to have clarified is: since we're not talking about a mandatory committee, have we any indication from management at this stage with respect to the operation of a joint worksite committee? Is there any problem at all with respect to the operation of these committees? We wouldn't want to phase out the committees under the present Act, then find we have to persuade and cajole and, sometime down the road, mandate a committee. Is the minister in a position to advise us where things stand on that matter?

MR. DIACHUK: Mr. Chairman, I would gather that the hon. member is referring only to the committees in the mining section. This recommendation was made by the inspectors, from the mining engineers who are on staff. They're confident it won't weaken it. As a matter of fact, it would strengthen it to have the employer represented, as is being done in all other joint worksite committees.

I can assure the hon. member — because it was raised to me by the United Mine Workers. I assured them that I will be watching that area of the joint worksite committees even closer because we are involving the employer in that joint worksite committee. Up till now, they've only been employees. I asked them: were they really satisfied it was successful when they didn't have the employer representative there? They felt they were able to communicate to the inspector. Their concern is that, with the employer representative, the management, on there the inspector may not be as willing to discuss things with the employees. I assured them that

the concern they raised will be monitored. I'm sure the hon. member will let me know if it's weakened in any way. But the intent is to have more prompt, speedier implementation of concerns that miners have because the management or the employers are represented on the joint worksite committee.

MR. NOTLEY: Mr. Chairman, I just have one additional comment. With respect to the miners' branch of Occupational Health and Safety, I would hope the minister wouldn't close the door on that, but in fact that the government would assess what is taking place on this particular matter in other parts of Canada.

I don't really believe that a separate miners' branch within Occupational Health and Safety really conflicts with the principle of The Occupational Health and Safety Act. As a matter of fact we are already recognizing that, in a sense, because in any event we're going to have an inspectorate trained and oriented toward inspecting mines. So it seems to me there are some arguments in favor of a miners' section. I would just hope the minister would sort of take that as notice and review what is occurring elsewhere, and wouldn't close the door on it at this time.

MR. R. CLARK: Mr. Chairman, I hadn't planned to become involved in this area. But having regard to the fact that the minister is answering the questions rather than the sponsor of the Bill, I'd like to ascertain from the minister: we've had the Gale commission and the legislation that came in, in '76. I take it this is seen by the minister's department as — if I might use the term — a legislative clean-up of any problems that have developed since '76, along with the area that was being discussed with the Member for Spirit River-Fairview.

If that's so, Mr. Minister, I think that right now might be an opportune time to get some sort of overview with regard to your assessment of how we stand in the overall situation as far as occupational health and safety in the province is concerned.

I ask the question because, where it may have been unfair last spring, the minister has now had a chance to be there for a period of time. The minister will recall the X-ray matter, raised here in the House last spring. Then there's the ongoing question of handling hazardous materials, which doesn't totally fit in the minister's department; it's the Minister of Environment's also. But I think it would be helpful to get some overview from the minister's viewpoint, now some months after the minister has taken his office, as to the adequacy of the way the department is able to meet its responsibilities.

MR. DIACHUK: Mr. Chairman, to the hon. Leader of the Opposition. We have had a very active summer. Some of the debate that took place the other day on the foundation for occupational health and safety ... Indications are that we've had a increase right across Canada, Alberta very much so, of some 14 per cent in accidents reported by the Workers' Compensation Board. My officials have been a lot more active this summer in responding to needs. We have ongoing educational programs. Tomorrow, in the Legislature, I will announce the Alive trailer program, a concept that was evolved over the last couple years.

But to respond directly, it seems the more active we've got, the larger work force we had in Alberta.

We've had an increase in accidents and fatalities, but we've had a large increase in the work force. That debate took place on Tuesday, I believe, and was reflected on.

With regard to X ray, that legislation will be reviewed next session. They advise me that as of October they caught up with all backlog, as was highlighted last spring. They're back into the preventative program now, the program of improving. We are hoping some X-ray facilities will be examined annually, some every two years: a periodic, regular inspection of X-ray facilities. They are now getting back to what they set aside trying to catch up on backlog over the summer. They also have some new staff members in the work force; vacancies replaced over the summer.

I can give assurance that X-ray and radiation legislation will be reviewed next year. There are some proposed changes, but we didn't move on them this year.

MR. R. CLARK: Mr. Chairman, from the remarks the minister just made I can assume the government felt there was a need to move in this area or they wouldn't have established the administrative mechanism they did, and placed the minister where they did. But I take it from the minister's remarks that he now feels his department is able to meet adequately the reasonable requirements as far as occupational health and safety are concerned in Alberta at this particular time.

I am really trying to ascertain: does the minister now feel confident he can meet that responsibility as far as working people across this province are concerned? On one hand, Mr. Minister, if you're not, then obviously I would ask: what are the priority areas for next year in addition to that X-ray area? On the other hand — I'll be very candid — if the minister feels that things are in the shape they should be now, obviously that gives us a benchmark to look back on as far as the future is concerned.

MR. DIACHUK: Mr. Chairman, I welcome the comments of the hon. Leader of the Opposition. I can only indicate that more manpower is what I'm hoping for, and we'll be dealing with that through budgeting and so forth. I welcome any help I can get from members of the opposition, because there's always a demand. I feel confident that my staff is dedicated. Every time I work with them and meet with them they're doing their work very diligently and excitedly; they like their work. We have some good people, from the educational program in prevention of farm accidents to the more professional staff involved in X ray and radiation, and there is even involvement with the oil field accident study, which is on right now and, it is hoped, will be reported to me in early December. They're all very involved.

They do indicate that we need more help and manpower, but the manpower isn't available. In the recruitment of the two staff members we've managed to gain, we had to get them from other parts of Canada where they were available. They weren't available in Alberta.

MR. R. CLARK: Just to proceed with one last area, Mr. Minister, in light of the fact that I interpret the minister as saying that he now has the legislative mandate to do what he really feels has to be done. He's short of manpower in some select areas. Mr. Minister, I think

we could finish the assessment if the minister could indicate those select areas where in fact we're not able to meet our obligations today.

MR. DIACHUK: Mr. Chairman, I generalized. Every one of us, and I'm no exception, would like to have more work force to get out to visit more of the 4-H Clubs and labor organizations throughout Alberta and address them on educational programs, on prevention. We're fulfilling every request that comes to us; some not as punctually as we would like, particularly in the educational program.

I don't want to pre-announce tomorrow's announcement, but I will be making an announcement with regard to the Alive trailer, which will be parked here on the Legislature Grounds tomorrow as part of the educational package my officials are in.

[Title and preamble agreed to]

MR. LITTLE: Mr. Chairman, I request that Bill 71, The Occupational Health and Safety Amendment Act, 1979, be reported.

[Motion carried]

MR. CRAWFORD: Mr. Chairman, I move the committee rise and report progress.

[Motion carried]

[Mr. Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration, and reports. Bills 45, 46, 61, 67, 69, 70, 71; and reports Bill 65 with some amendments.

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

HON. MEMBERS: Agreed.

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

Bill 74 **The Legislative Assembly** **Amendment Act, 1979 (No. 2)**

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill No. 74, The Legislative Assembly Amendment Act, 1979 (No. 2).

Mr. Speaker, as has been well known for some weeks now, the commission headed by Mr. Justice Tevie Miller, appointed earlier this year by resolution of this Assembly, in September provided to the government, to you, sir, and to the Leader of the Opposition, a report in regard to their recommendations covering salaries and allowances with respect to members of the Assembly.

Mr. Speaker, in referring to the resolution passed last June establishing the commission, consisting of Mr. Justice Miller as chairman and Mr. Coutts and Mr. McGregor as members, I think it might be useful to refer briefly to the report, if I might, and cover some of the observations made in it, but of course not at

length, because all hon. members have had the report.

One of the commission's observations I want to refer to is on page 2, where it is indicated that in order to get an accurate assessment of the work and time demands required of members of this Assembly in the various capacities in which they serve, a number of interviews were conducted with members of the opposition and former members of the House who had both Assembly and cabinet experience. Those interviews were undertaken by members of the commission — just noting, in saying that, that they did not discuss the matter with members of the government who were still in office at that time. The observations went on to give the views of the commission in regard to heavy responsibilities that do exist, including the unique position in Alberta where the heritage trust fund, which does not exist in other provinces, is an additional responsibility.

The commission pointed out another important observation in saying they recognized the difficulty of the task they had been given. They pointed out that in the course of their investigations, the committee had been unable to come across any universally accepted formula or approach in regard to the question of fixing or adjusting compensation for members of this Assembly or for other elected officials. I won't go into the details of the comparisons with other jurisdictions in the country, Mr. Speaker, but the commission felt those comparisons were material to the work they were doing, and were indeed relevant to their deliberations. The commission then studied the comparative amounts across the country in respect to the year 1978, and made certain recommendations.

Mr. Speaker, perhaps I need not add more at this point, except to say it is the government's policy, as it was on previous occasions when similar commissions sat — under Mr. Justice O'Byrne in 1972, and under Mr. Justice Prowse in 1975 — to adopt the recommendations in the form that they are made. In substance, and in any large interpretation of that expression, that has been done. Any variations are extremely minor and relate only to the timing of one of the adjustments recommended in the report. In that case, the government's recommendation to the Assembly would be to delay one of the adjustments for one year. So when I say the recommendations are followed, they're followed fully in their spirit and intent. Any change that has been made is the reverse of a benefit to any member of this Assembly.

Mr. Speaker, I'm not denying the difficulty faced by the commission in making a difficult judgment that the members here, I believe, would prefer not to make themselves. The commission has made those recommendations. The proposal in this legislation is that those be adopted in their essence, and that is the basis upon which Bill 74 has been presented.

MR. SPEAKER: Before recognizing the hon. Leader of the Opposition, I wonder whether the hon. Government House Leader plans to consider the question of Bill 74 being a money Bill. I'm not aware of the recommendation of His Honour the Honourable the Lieutenant-Governor having accompanied the Bill. We have the hurdle of Standing Order 69 and the even more stringent text of the British North America Act in this regard. I wonder if we are competent even to debate the Bill without having the recommendation of His Honour attached to the Bill.

MR. CRAWFORD: Yes, Mr. Speaker. I have sought the advice of Legislative Counsel in respect to that matter since Your Honour raised it a number of days ago, and regret the fact that the opinion apparently was not provided to you, sir. I believed that it was in the meantime.

Going from memory though, the Legislative Counsel's office pointed out to us that because of an amendment to The Interpretation Act a couple of years ago, a Bill which does not make a specific charge upon the General Revenue Fund but in fact only has as one of its provisions that certain funds be expended, is not, by that alone, a money Bill. The result of the view I've referred to, given to us by senior counsel, is that the provisions of the British North America Act were indeed fully considered, and both the recent senior Legislative Counsel and the present Acting Legislative Counsel came to the same conclusion: that the money Bill in each case is the Bill that actually appropriates the funds and not the one that provides a general means whereby that might be done.

MR. SPEAKER: I certainly would like to consider those opinions. At the moment I still have some misgiving about the possibility of this being a money Bill. All I can say is that the Assembly may wish to continue to discuss the Bill with the possibility that we might later find that I feel obliged to consider it a money Bill.

MR. R. CLARK: Mr. Speaker, I take it, sir, from your comments that the Speaker will give a ruling in due course and that the debate on second reading will continue.

MR. SPEAKER: We may not be debating second reading, as it might turn out, but I suppose the discussion would be valuable anyway.

MR. R. CLARK: Mr. Speaker, there may be members who may not share the same degree of enthusiasm as has been expressed by the Chair.

Mr. Speaker, I'd like to make five points in dealing with Bill No. 74. I say very candidly to you and to members of the Assembly that I find this one of the most difficult pieces of legislation that we deal with every four years. I think that view was indicated somewhat in the report the committee made last September.

The second point I'd like to make, Mr. Speaker, is that following the report being made public, we attempted to canvass or acquire the views of a number of people with regard to the recommendations of the committee. I say quite candidly that in the course of the committee's work, I had the opportunity, at the request of the committee, to meet with the committee. I gave them what I regarded as my recommendations. Candidly, I have been very surprised at the small amount of reaction that has been received since the committee's report became public.

As some hon. members recognize, from time to time I write a series of articles under the caption of Opposition Viewpoint that go into a number of rural papers across the province, and there are several occasions when I get rather active response to the points of view put forward there. Not long ago, I took the opportunity to outline the recommendations of the committee. I relate this to you, Mr. Speaker, and to members of the Assembly, in the very small response I have had as a

result of asking for people's opinion on that. Now I suppose one can interpret that two ways. One may say that the public perhaps is more prepared than I initially thought they were to accept the recommendations of the committee. Or, on the other hand, I suppose one might say that some people feel it doesn't do any good to make your views known because we aren't prepared to listen in this Assembly. I'll leave the interpretation to the individual member. But I did want to make the point to members of the Assembly about the kind of response that was received.

Mr. Speaker, the third point I want make was touched upon by the Government House Leader. I think it's important for all members to recognize that since the four years when this touchy process was dealt with last time, we now have a Heritage Savings Trust Fund in the vicinity of \$5 billion. That does add to the responsibility of all members of the Assembly, regardless of where they sit and whether or not they're members of the select committee that views the Heritage Savings Trust Fund. I should also point out something that's perhaps not as readily understood as it should be by many of us: the province also has an accumulated surplus in excess of \$2 billion, which becomes another part of the overall responsibilities.

The fourth point I'd like to make, Mr. Speaker, really deals with the role of the committees we have in the Assembly. I refer specifically to the Public Accounts Committee. I made these comments in Public Accounts Wednesday last, when I made the suggestion that it seems to me now with the new Auditor General situation we have in the province and the new Controller arrangement — the Controller being an employee of Treasury — that it calls upon all members of the House, once again regardless of where they sit, to have what I would refer to as some additional responsibility as far as Public Accounts are concerned. That is a change that has gone through in the past and in essence is just becoming effective now. But it does add to the responsibilities of members, wherever they find themselves sitting in the Assembly.

I'd like to make two more points, Mr. Speaker. Members will recall — and members found this somewhat distasteful — that at the conclusion of the spring session I asked the Premier if the Conservative Party was paying members of the government side of the House who were not cabinet ministers some financial consideration for the work they were doing on caucus committees. If I recall the answer the Premier gave us at that time, he indicated that yes, those kinds of payments were being made to some members for what some would deem extra responsibilities. It would seem to me, Mr. Speaker, very, very wise for the government to cease that practice in light of the recommendations and the new salary arrangements which are included in this particular Bill. I raise the point once again, as I did on that occasion, that with that arrangement MLAs really have an arrangement of serving two masters, one being their constituents and the other being the political party they belong to. In principle, Mr. Speaker, I think that is wrong.

Mr. Speaker, very frankly, this is a difficult matter for each of us as MLAs because the bottom line really is voting on our own salary. I as an individual plan to vote in favor of the recommendations that are before the House. I base that on the additional responsibilities that I think all members find themselves in. Also I'm making the point to the government that I think the

government would be extremely wise to stop the payment to government caucus and task force people.

I also say that included in this Bill for the first time is a commitment to open constituency offices. Once again, I know this will not be easy for all members. But it would seem to me that with the additional remuneration and with the money being available for constituency offices, there should be very few occasions when constituents, whether they're in my constituency or other constituencies across the province, find themselves in a situation where they're not able to make contact with their member of the Legislature on a very direct and rapid-fire basis.

MR. NOTLEY: Mr. Speaker, in rising to take part in what may be a Bill and may be a discussion, I'd like to say first of all that as members of the Assembly we really do have a difficult choice to make. But it seems to me that the bottom line is that we have appointed an impartial commission. That impartial commission has evaluated the work of being a member of the Legislature and has arrived at certain conclusions as to what the remuneration should be. That being the case, Mr. Speaker, while it may be tempting for some of us to say, well, we should take less than that, we should only take whatever guidelines are applied, were members of the Assembly to do that, we would be destroying the whole concept of an impartial commission. Mind you, Mr. Speaker, it seems to me that politicians are the only group in collective bargaining that might conceivably take less than the conciliators offer. But in this particular instance we have, if you like, an impartial commission that has made recommendations, and it seems to me that it is rather difficult for us as members of the Assembly to say, notwithstanding the impartial consideration of the commission we won't proceed with implementing it.

I do think, however, that there are a number of other matters that have to be said. I certainly would agree with the observation made by the Leader of the Opposition that we have to elevate the role of the member of the Legislature. That involves not only the work of being a member of the Assembly during the four to five months a year that we sit in this House, but requires a reassessment of our total approach to committee work. I would say to the members of the House, let us examine some of these special select committees. Let's examine the function of the Public Accounts Committee, as the Leader of the Opposition has suggested. Let's take a look at the Heritage Savings Trust Fund Committee. One of the recommendations I presented to the committee was that we hold public hearings. Quite frankly, one of the discussions we held in the committee was that we begin our consideration of the Heritage Savings Trust Fund right after the spring session, and that the Provincial Treasurer make an effort to get us the kind of information we as a committee need so we can begin the work right after the conclusion of the spring session.

Mr. Speaker, I think members of at least one select committee were rather embarrassed in the latter part of September; at least, I must confess that I was embarrassed. I think we've made too many committees work too closely together. Because of the time frame, we found we had a conflict between the special committee studying The Workers' Compensation Act and The Heritage Savings Trust Fund Act. The net result was that when we had the Alberta Federation of Labour, the

chief labor organization in this province, appearing before the committee on workers' compensation, I believe only three hon. members were present. Other members had to be present for the Heritage Savings Trust Fund Committee.

That's the kind of thing that wouldn't be necessary if in elevating the role of the member of the Legislature, we began to see committee work as not just something crammed into a few weeks before a session or right after, but functioning, if you like, throughout the year.

I've never seen the sense or the argument in having the study of Public Accounts when the Legislature is in session. It seems to me the best time to study Public Accounts is between sessions, so we have an opportunity to go into it in some detail. In my view, Mr. Speaker, this business of having committee meetings where we're running from one committee to another, and we have the work of the session, is not the most productive way to fulfil our overall public responsibilities.

The suggestion has been made, and it's contained in the report, that the idea of constituency offices is a step forward. I happen to agree that it is.

Mr. Speaker, I would say to members of the Assembly that in fact what has happened, whether we want to admit it or not, is that we in Alberta have now moved to a position — with a \$5 billion budget, a \$5 billion heritage trust fund, and almost 40,000 people employed by the government of Alberta — where whether or not people act as full-time members, I think the responsibility of being a member of the Legislature has become, de facto, full-time. Mr. Speaker, whether or not people are full-time members is between the individual member and his or her constituents. Just as we have a number of Members of the House of Commons who carry on all sorts of other activities, that is between them and their constituents. But the responsibility of being a Member of the House of Commons is considered a full-time responsibility. I submit that we have come to the point in Alberta where we should cross that bridge. If we were to publicly cross that bridge, I suspect it would be a much easier job explaining this particular salary increase to some of the sceptics.

I find it difficult to understand why there could be agreement between both parties represented in the Legislature in the province of British Columbia that in fact the position of being a member is a full-time position, when their budget is not a great deal bigger than ours, nor their population significantly larger than that of Alberta.

In short, Mr. Speaker, I think we have to recognize that as a consequence of the growth of the province, we have come some distance from the days when being a member of the Legislature would mean sitting in the House for five or six weeks, from the middle of February until the latter part of March. To seriously fulfil the responsibilities today, it seems to me that we do have to go beyond that.

Mr. Speaker, I just want to make one final comment. We've had battles in this House before with amendments to The Legislative Assembly Act that allow government backbenchers to serve on various boards and commissions. I would say to members of the Assembly that, quite frankly, that's the wrong approach. We should be legislators. We should elevate the role of being legislators. The function of the select and standing committees of this House should be

increased.

Mr. Speaker, I think the business of moonlighting has caused a good deal of controversy. I say very seriously to members, let us take a look at whether government members should be on this commission, that board, and what have you, if we pass the legislation. It's not necessary. Our primary function is not to be mini-administrators. Our primary function as members of the Assembly is to represent our constituents and consider the policy options that face the people of Alberta. I say without any reservation that in this particular time in our province's and country's history, we need people who see this as their primary responsibility.

As a consequence, I intend to vote for Bill 74.

MRS. EMBURY: Mr. Speaker, I'm very pleased to have this opportunity to speak in support of Bill 74. As the Attorney General has reiterated, the premise of this legislation is based on the recommendations of a three-man committee appointed by a resolution in June 1979. The Attorney General also reiterated the manner in which the committee went about gathering information and background for its outlined objectives.

I want to make a couple of extra points in that regard. One was that the members of the committee also spoke with spokesmen for organized labor, the business community, and consumer-oriented groups. The committee carefully reviewed the reports of similar committees set up in Alberta in 1972 and 1975 to examine these same areas. Increasing workload and responsibility, already been alluded to, have been placed on elected officials and upon those charged with the task of administering the affairs of the province of Alberta in these buoyant and challenging times. The general feeling was that decisions made by these elected officials at this critical junction of the province's development will have a profound effect upon future residents of Alberta, and indeed to an ever-increasing extent upon the rest of Canada.

The committee pointed out the ever-increasing use of members' time and counsel on legislative committees, special task force committees, and caucus committees. As a member of the Legislature, elected for the first time in March 1979, I support this recommendation.

I am a member of legislative and task force committees, and I'm also chairman of a caucus committee on health and social services. I must admit there are a lot of responsibilities in regard to that role. It's a very challenging position. The committee has been very much involved in reviewing legislation, recommending policies, and in the interesting position of receiving delegations from throughout the province. This opportunity has given us a chance to meet a lot of new people representing provincial associations across the province, to hear their concerns, and to receive some of the recommendations, ideas, and suggestions they have.

I would also like to state at this time that as a chairman of a standing caucus committee I really don't recall having been paid for this position. In fact, I would like to assure the Assembly that on many occasions as chairman of this committee, expenses have been incurred quite gladly by me, but out of my own pocket.

At this time I would also like to say that I have received a fair amount of input from the constituents of

Calgary North West. I am pleased to report that they endorse wholeheartedly the recommendations of this committee, and support what I am saying today.

It was evident that working on committees meant that an average MLA had to be involved in many tasks on virtually a full-time basis for a total of seven months of the year. Granted, depending on our own individual constituencies, the pattern, the style, and how much time we will spend in dealing with constituency matters both within the boundaries of our electoral division and in assisting constituents in their dealings with the provincial government, it does vary for each of us. But the factor there is that a lot of time is spent on this. So we are virtually on call 24 hours a day, seven days a week.

For the reasons I've outlined to you this evening, I would heartily recommend that the members of the Legislature support second reading of this Bill.

MR. BORSTAD: Mr. Speaker, I would like to rise to speak in support of Bill 74, The Legislative Assembly Amendment Act, 1979 (No. 2).

Being from one of the more distant rural ridings, I realize the time involved in doing the job as a member — the committee work and working for my constituents. I might say that I've had to divorce myself from my own business in order to do this, to do the job rightfully expected by the constituency. I am fortunate that I can supplement my income from my own business, but I don't believe this is right. There are, and will be, many elected to the government who may not be able to do so.

Over the '72 and '75 reports the Miller report has traced the history of the increasing workload and responsibility which is being placed on elected officials. There has also been a trend to longer sessions. Justice Miller and his committee have completed, I believe, a very objective study and report, which I totally support. I therefore urge members to support Bill 74.

MR. KOZIAK: Mr. Speaker, I also rise to speak on Bill 74. Not enthusiastically, I must say like my colleagues in the Assembly, because we are dealing with a difficult matter. As the hon. House leader pointed out, the legislation follows the report of an independent committee under the chairmanship of Mr. Justice Miller. This is the same approach used in the previous two terms I have served in this Assembly.

The report wonders about whether there could be a better way of doing this, whether there could be another approach to this very difficult and ticklish subject. I also wonder. If there were a better way, I would say, great, let's follow it. But I'm sure we are faced with as difficult a matter as assemblies before us in this province have been faced with, and as assemblies in other provinces are constantly faced with. It may be that, like democracy, it may not be the best form of government, but what else works? I think we are faced with a system that does work. We have a three-man independent commission, headed by a justice of the Queen's Bench, that has studied the matter carefully and provided us with recommendations.

In the final analysis, Mr. Speaker — with no disrespect to the Member for Clover Bar — the buck stops here. We have the ultimate responsibility. If we shifted it to somebody else, we would be denying our constituents the opportunity to voice their concerns, and for us to act responsibly on those concerns.

In accepting the recommendations as articulated in Bill 74, as we're all aware, we are providing for an increase in our salaries, indemnities, and expense allowances. I thought, though, that I should stand up and dampen the expectations of my creditors, and perhaps my wife and family, if they think that the passage of this Bill is going to mean a 70 per cent increase in the money I bring home, as is suggested in some quarters. I think we should recognize that what we're dealing with here, Mr. Speaker, is a four-year, no-cut, no-trade contract. We're not talking about something that applies for 1979; we're talking about something that will take us to the next election and beyond. When we consider that, we're aware from the Bill and the recommendations that 1979 will bring a fairly substantial increase. We look at 1980 and, as the House leader pointed out, no increase is provided. Subsequently there would be increases of no more than 5 per cent in each of the subsequent years or, conversely, decreases of up to 5 per cent in each of the subsequent years, if the all-items consumer price index either increases or decreases beyond the 5 per cent figure.

We should recognize that if the consumer price index for 1980 is 9.8 per cent, the increase is still going to be 5 per cent. If in '81 it is in the double-digit figures, 12 per cent, it's still going to be 5 per cent. This is a four-year contract we're providing for.

Since the committee was dealing with 1978 as the base year in fixing its calculations for the increases it was recommending, I thought I should take a look at the combination of salary, indemnity, and expense allowance a minister of the Crown would receive, because that was the figure I was most acquainted with. On April 1, 1978, that came to \$46,211. I then took the calculations that were provided for in the report, and pursued them through the next five-year period to take us to April 1, 1983, which would be, if we hold true to form, about the next time a new Assembly sits. Applying those calculations, I arrived at a figure of \$68,504. Now, that's implementing all the recommendations of the report. Those percentages, when calculated over a five-year period, amount to a total of 41.7 per cent, or 8.3 per cent per year.

Just to make sure my mathematics were correct, using the base of \$46,211 in 1978, I applied an annual escalation clause of 8.3 per cent. My calculations found that that would amount to \$68,847, or \$343 more than the maximum which would be provided if we accept the recommendations set out in the legislation. So I am satisfied that the 8.3 per cent figure I'm using is accurate.

If we apply that concept to those Members of the Legislative Assembly who do not receive a salary such as the Leader of the Opposition, the members of Executive Council, the Speaker, the Deputy Speaker, and the Deputy Chairman of Committees, it works out to about a 12.6 per cent annual increase over the same period of time. I applied that same concept. I took the base of \$18,225 on April 1, 1978, and using the 12.6 factor annually, found that that amounted to \$32,987 on April 1, 1983, which is \$1,527 more than what is actually recommended by the Miller committee what is provided for in the legislation. When I say 12.6 per year that's actually high.

I raise this because we are concerned in this Legislature. We as government are concerned about such factors as guidelines that we feel are necessary in the fight against inflation and that we ask be applied by

those in the public service. We've indicated that as a government we should not lead the private sector in wage and salary increases. So these calculations are there for the life of our contract, and we compare them with, say, a 6 to 7.5 per cent guideline that applies with respect to the civil service, or that we asked be used in raises for municipal and school employees.

I recall vividly that while I was Minister of Education, we asked school boards to implement a 6 to 7.5 per cent guideline and the amount of funding we had to provide to permit the school boards to accomplish this was substantially higher than that. We were looking at something around 9 to 10 per cent in order to accomplish that. And there's a reason for it. The 6 to 7.5 per cent guidelines apply only to the base salary increase. In addition to that, in most school jurisdictions there are either 10 or 11 annual steps upward for experience — doing the same job they did the previous year, but because of the loyalty they have in staying on for another year, or the additional experience they've gained, which they share, there's an additional reward and payment.

For an individual employee, that can be substantially more when added to the 6 to 7.5 per cent figure. It's normally closer to 10 to 12 per cent. Of course the same applies when there's an improvement in the educational qualifications a teacher brings to the post; further additional payment is provided. In the public service there are the same provisions for movement up, depending on loyalty, on service, so the 6 to 7.5 per cent figure doesn't apply.

Hon. members who have spoken pointed out rightly that there's another aspect to this which is very important. When you're doing another job, the reclassification process takes place. Members of the Legislature have assumed a much greater responsibility than was before them the last time a commission studied and reported on these matters. The Prowse commission, that reported after the 1975 election, reported prior to the passage of The Alberta Heritage Savings Trust Fund Act. That Act is now in existence. It has provided for a fund well in excess of \$5 billion. Over the course of our no-cut, no-trade contract, we expect that that will be substantially increased and, accordingly, provide greater responsibility on the members of this Assembly. The report itself makes specific reference to this, on page 4:

It has been pointed out that in the past few years the responsibilities of the members have been vastly increased in all areas of Government activities and by the very existence of the huge Heritage Trust Fund.

So members of this Assembly have an additional responsibility that did not exist at the time the last commission reported to this Assembly.

Further to that, if we look at the report, we are not leading the rest of the country. This Assembly, if it were to accept — and I agree with the members who have spoken in support of Bill 74, and I also will support Bill 74. By implementing those recommendations we will not be leading the country. We will be behind the remuneration provided in the province of Quebec and in our neighbor directly to the west, the province of British Columbia; neither of which has the responsibilities associated with the Heritage Savings Trust Fund.

When I hear about this illusory 70 per cent increase in salary, I'm reminded of a story that I think I heard

here in this Assembly a number of years ago. At that time the hon. member recalled a study that was being prepared on the effects of isolation in some of the northern lumber camps. I guess it was a sociologist who was interviewing subjects and, as a result of those interviews collecting data which were then expressed in report form. During the course of the interviews in one particular lumber camp employing 50 men as lumberjacks and two females as cooks, the sociologist found that there was an amorous relationship between one of the lumberjacks and one of the cooks. The resulting finding that appeared in the report was that in northern lumber camps 2 per cent of the men seduced 50 per cent of the women. Which brings me to that old truism — I don't know who stated it, but I recall it — there are lies, damned lies, and statistics. Having regard to this illusory 70 per cent, I think we can add to that: there are lies, damned lies, statistics, and an illusory 70 per cent.

Mr. Speaker, the report and the implementing legislation provide for reasonable recommendations, and I urge all hon. members to support it.

MR. STEVENS: Mr. Speaker, in speaking in support of Bill 74 in this discussion, there are some comments outside this House which in a simplistic and erroneous fashion attempt to equate the recommendations, as proposed by the Miller report and as precisely contained in the Bill before us, for salaries and allowances to be paid to MLAs and legislative officers to public sector wage increases. I need not remind the hon. members here of the independence of the Miller committee, but I would like to restate that the committee's recommendations are unanimous. We know the committee comprised Mr. Justice Tevie Miller, Mr. Bud Coutts of the International Brotherhood of Operating Engineers, and Mr. William McGregor, president of Numac Oil & Gas. What a difficult assignment these persons undertook on behalf of this Assembly and the people of Alberta. These gentlemen reviewed present trends in the fields of compensation paid to elected public officials, not only in Alberta but throughout Canada. They examined the 1978 compensation paid to MLAs and cabinet ministers of all legislative assemblies across Canada. They included the federal House and larger cities. More significantly, as noted tonight by the Attorney General, they did conduct interviews, as mentioned by the Leader of the Opposition, the leader of the NDP in Alberta, and several persons who've had recent House and cabinet experience. They didn't meet with the present government members, as noted tonight, but they did speak to organized labor, business and community leaders, and consumer groups, as noted by our Member for Calgary North West. And we know they reviewed the 1972 and 1975 reports. They looked at the increasing workload and responsibilities being placed more and more on MLAs, particularly on all members of this House, as noted by the hon. Leader of the Opposition, whether government or opposition members, as Alberta undergoes this buoyant and challenging time.

The report clearly identified the unanimous and personal conviction, not only of the members but of all those interviewed, without exception, that the people of Alberta need, deserve, and should do everything possible to attract the best of our citizens into public life. Admittedly, as the Member for Edmonton Strathcona observed, the committee was not in agreement as to

how to reach this goal. But the committee did note the that vast majority of our citizens who serve in public office do so out of a sincere desire to serve the people of this province. The authors expressed their concern that many persons have left public office because they could no longer afford to remain at the present levels of compensation, nor could they afford the financial commitment and sacrifice. The report expresses the serious concern that such a trend could have on the affairs of Alberta.

On page 12 of the report, the committee addressed how the Legislature should address the problem of salaries and allowances for the balance of [1979] and for the next four years, as we've discussed. No exact comparison can be made between provinces or between members, their workloads, their commitments, and their responsibilities. But they did recommend a basic salary of \$21,000 per year, equivalent to the salary now enacted for MLAs in British Columbia, but with a lower expense allowance of \$6,176, the same as the Alberta 1978 allowance for MLAs, but less than the B.C. allowance of \$10,500. They did so unanimously, with the opinion that the changing circumstances affecting MLAs, reflected in an increased workload, time commitment, and responsibility, merits and demands an increase in the basic indemnity at this time.

These are in excess of the 1978 wage guidelines for the public service of Alberta. But in addition, the committee, recognizing the pattern of the four-year review that we have, proposed a four-year contract which would see MLA salaries and allowances linked to the consumer price index for Edmonton and Calgary, but with a cap of 5 per cent. But in the Miller report, if the index commencing in 1980 rose or decreased 5 per cent over the preceding year, that cap would apply and there would be an increase or decrease of 5 per cent. But the Bill we're discussing tonight does not propose the introduction of this 5 per cent cap until 1981, recognizing the November effective date and the likelihood of a greater than 5 per cent increase in the CPI this year. If members of the House support this Bill, the recommended salaries and allowances will then be fixed until the 1981 adjustment review date.

I should note, Mr. Speaker, that we have the recognition by the Miller committee of the changing and increasing workload and duties of each MLA. As noted by Justice Miller and his committee colleagues, attending sessions and working on committees is now about a seven month, full-time basis here in Edmonton for the average MLA, not only seven months, as has been observed outside, but seven months here. In addition, as described by the Member for Grande Prairie and brought out by the Miller report, each MLA serves his or her constituency on call virtually 24 hours a day and within the constituency is at meetings or travelling to attend to constituents' concerns.

In the case of our employees, I would like to assure the House that if an employee, his or her supervisor, or the bargaining agent, the Alberta Union of Provincial Employees, on his or her behalf, believes that the position in question has increased responsibilities or a change of duties, or the job has changed significantly, we have a classification review process. The employee and the supervisor write a revised job description that outlines the increase or change in duties, and it is forwarded to the personnel office for review. Our staff not only review that and discuss it with the department, but many times interview and discuss the proposal with

the employee. Our staff may consult with the employee and the department many times. But they will evaluate that proposal, and where a change is warranted due to a change in duties or an increase in responsibilities, a new classification is approved. If it's not believed to be warranted, the employee is advised, and he or she may appeal to a classification appeal board. That board is made up of three people: a chairman acceptable to the employer and to the Alberta Union of Provincial Employees, and a representative from each of the two parties. Their decision is binding on all, the employer and the employee. For management and excluded employees, we have a similar but separate arrangement, where senior officers do the same thing.

In all cases, we study the various work levels, compare positions, and look at duties and at salaries. These reclassifications are common. Duties are changing; they are increasing in Alberta. It's an ongoing process. In 1978, we had 4,137 such reclassifications approved; 1,631 were reviewed but not approved. That's 4,000 changes. Those adjustments in salaries are in addition to salary increases we arrive at through the bargaining process and in addition to the annual merit adjustments for those of our employees who qualify.

Mr. Speaker, we in Alberta are very fortunate. We have a capable, dedicated provincial service. I'm very confident that our provincial employees will recognize that these adjustments for MLA salaries and allowances are indeed something different from a regular annual salary review. They reflect a new, independent look at the increased duties and the growing responsibilities of the members of this House.

Thank you, Mr. Speaker.

MR. GOGO: Mr. Speaker, I would like to — although it probably is not necessary at this point. I think we've heard from probably all sides of the House as to dealing with The Legislative Assembly Amendment Act with regard to members' indemnities in principle. Perhaps in a very brief time I could attempt just to touch on some of the points raised in a matter of endorsing.

The Attorney General pointed out, I think, the consistency this government has followed for a good number of years — indeed, the Assembly has seemed to accept it — that is, the one of the independence outside the Assembly in having distinguished citizens of Alberta look at the matter, which is obviously very close and quite sensitive to many of us, having that independent commission do its own investigation, if you will, to arrive at what they think is just and fair compensation for members of the Assembly. The Attorney General, I think, put it very well when he pointed out who those members were: a judge of the Supreme Court, a member of organized labor, who certainly can speak from much knowledge with regard to the labor movement, and a member of management. Mr. Speaker, it's important to consider, as was pointed out several times, that the opinion voiced in the report was unanimous.

Mr. Speaker, the other point I'd like to make with regard to consistency is that this is a consistent system that the government has believed to be right. They followed it consistently both in 1972 and 1975. They've agreed in principle, I believe, always to accept as a maximum whatever that committee reported. From my knowledge they haven't always accepted the maxi-

mum, but indeed they have taken something less.

I'm pleased to see the Leader of the Official Opposition endorse the report. He's pointed out a matter that's important to all of us: the increasing role of responsibility and workload of members. And that's been endorsed by other members who have spoken. I was pleased to see him add that encompassed in this report is provision for the equivalent of a constituency office. I suggest this is in recognition of the increased workload and responsibility of the member.

The Member for Spirit River-Fairview endorsed the principle of the Bill as well; that is, it's time we recognized the responsibility and workload. He made a couple of interesting points. One was the apparent conflict — and I can understand that when one is a member of a minority party and sits on several committees, that obviously has to be difficult. I suppose that's one occasion when a split personality could be an asset, because he could sit on several committees at the same time.

He did raise a point, though, that I would like to comment on later; that is, the new policy of this government with regard to having members of the government sit as chairmen on various boards and commissions. Obviously he was looking in my direction when he raised that point.

The Member for Calgary North West, always a refreshing voice to hear from this corner of the House, has pointed out again that not only does she bring intelligent conversation and debate to the House but indeed, I think, a great degree of beauty. I don't think anybody could argue with the points the hon. member has made. I simply point out that here is one member — and I'm sure there are others — who has discussed it with the people who sent her to Edmonton. I think it's important to realize that Edmonton doesn't elect very many members from other parts of the province; it's constituents who do. I suggest it's the constituents' views that are important, and here we have the Member for Calgary North West who talked to them, and they appear to endorse her.

I found the Member for Grande Prairie very interesting. I was listening to his comments. He got to the point when he said he came a great distance to come to Edmonton, and his workload here has resulted in divorce — from his business. It was that pause that made me jerk up and pay closer attention. I'm pleased to see it's really not a domestic thing, but indeed one of those crass commercial operations that's affecting him.

Mr. Speaker, the Minister of Consumer and Corporate Affairs, who has a very analytical and mathematical mind — obviously as a result of his experience as Minister of Education in this House — spelled out in percentage terms in reality what the increase was. I'm indebted to him for that, because now we have a clearer understanding that the mythical, illusory, or whatever, increase that some people seem to think is involved has been made very clear.

Finally, Mr. Speaker, the Minister responsible for Personnel Administration, I think, put it very well when he said that members of the Assembly, in effect signing a four-year contract, don't have the freedom and opportunity that other people in government service do. In other words, if they believe they're capable of doing more than that which they were originally hired to do, they have that opportunity to make application to have their job reclassified, new job descriptions written, and, assuming they're fortunate in hav-

ing their supervisors and superiors recognize that, be classified up. As the Minister of Consumer and Corporate Affairs pointed out, within Education we have perhaps a dozen increments. They can be compensated in a tangible way for good conduct and long service.

In closing, Mr. Speaker, I'd like to point out an observation I've made in the past six months. As a father of five children, at age 47 I've managed somehow, I guess, to raise those children. I was fortunate to buy a house back in the days when house prices were reasonable and mortgage rates were somewhat reasonable. But we're in a different era. When I was young — when I was younger — I recall that we looked at the holder of a mortgage as that kind of guy with a droopy mustache and black hat. He was the sort of person to be avoided. We've seen full circle somehow. You're just not with it unless you go into debt and borrow money.

Mr. Speaker, I think we've somehow arrived at a point in our society where it's become extremely difficult to raise a family, expect to feed and clothe them, purchase a house, and still be a Member of the Legislative Assembly of Alberta. I look around, and I'm excited when I see the new faces in this Assembly. Bearing in mind that 55 per cent of Albertans are under 25, surely the time has arrived — I think it has, and the people have recognized that and have sent some of these young fellows and ladies to sit with us in this Assembly. I think they've left some rather promising careers, only to discover that the so-called 12- or 16-week commitment — they virtually end up with that in the first month, when you look at the schedules of committee meetings. So I think it is not only just but fair that Judge Miller and his committee recognized this and made those recommendations.

Finally, Mr. Speaker, this report we're considering, and the response to it by government members and, indeed, members from the other side of the House, has consistently been followed from the first to the last page, with some very minor exceptions.

As we've heard in the past from the Member for Calgary Millican and from the Member for Clover Bar, who is not here tonight, and appeared to be coming from the Member for Spirit River-Fairview, there tends to be a habit of closing some of the debate with poetry. An hon. member from somewhere in the House has sent me some poetry, and perhaps it would be appropriate if I closed with it. It relates to the reference to moonlighters by the Member for Spirit River-Fairview. By definition, moonlighters are — I don't know what. But perhaps it's poetry. It's from someone named Anonymous, and it's addressed "From One Moonlighter to Another":

How light is the moon?
How does one light the moon?
Surely by now you must be able to see the way,
by the light of the moon.
Is your path lit by moonlight?
How much light does the moonlight light,
if the moonlight could light moon?

Thank you, Mr. Speaker.

MR. SPEAKER: Are you ready for the question? I should say that I'm putting the question with some reservation. I wasn't privileged, until a few moments ago, to share fully in an exchange of opinions which

took place between Legislative Counsel and the Law Clerk.

[Motion carried; Bill 74 read a second time]

Bill 75

The Trust Companies Amendment Act, 1979

MR. OMAN: Mr. Speaker, in putting forth Bill 75 for second reading, I would simply like to point out a couple of the facets of this Bill which I think the Assembly should be made aware of.

It does a number of things as far as trust companies are concerned, in order to make their activities come into focus with present requirements. The one thing I would bring to the Assembly's attention first of all is the fact that previously there has been — I don't know if one would call it a loophole — a lack in The Trust Companies Act, which did not require companies incorporated outside the province of Alberta to file with the director their by-laws or any change in the by-laws. As a result, some companies then operating in Alberta were not known to the director as far as their complete operations were concerned. I think this may simply have been an oversight in the original Act, but this brings companies incorporated outside Alberta in line with companies incorporated in Alberta. I think it's only fair and right that this should happen.

The one thing among others that I find impressive about this Act is that it tends to streamline the time involved in taking out a mortgage. If any of you have been involved in this, you know that time is worth a lot of money, particularly in business transactions concerning real estate. Whereas before, the company that was going to make a loan or mortgage to an individual would have to give an indication of all the legal, appraisal fees, and so on in writing to the person involved, and then have him come back 24 hours later to sign the contract, the way this is done now is that at the time the contract or mortgage loan is applied for, the company involved can give an estimate of appraisals, legal fees, and other disbursements, and if there is no substantial change in that figure, they do not have to have that 24-hour notice. Therefore it reduces the time involved in granting a mortgage by a day, or perhaps two or three days. I think that's a money-saving as well as time-saving aspect; just simply bringing the things into focus.

One other thing that has been done that should have been done a long time ago is that, as we are aware, the legal age in Canada has been reduced from 21 years to 18 years for a long time, and the Act is really catching up with reality at this point in time.

There are some other aspects of the Act. One thing, of course, is that it now provides trust companies with the right in Alberta to enter a little more into the areas, and I think provide competition to the banking fields, in which they can make loans to businesses.

Mr. Speaker, I think the amendment speaks for itself, and I think it is worthy of our support.

[Motion carried; Bill 75 read a second time]

MR. CRAWFORD: Mr. Speaker, considering the hour, I would like shortly to move that we adjourn until tomorrow. Before doing so, I would just indicate to hon. members that it is intended tomorrow to do second reading of The Alberta Heritage Foundation

for Medical Research Act and, if there is time after that, to commence second reading of The Alberta Heritage Savings Trust Fund Special Appropriation Act, 1980-81. If there is further time, we would in all likelihood go to third readings of Bills on the Order Paper. It is not intended to have committee tomorrow.

[At 10:18 p.m., on motion, the House adjourned to Friday at 10 a.m.]