

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, November 13, 1979 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF BILLS**Bill 74****The Legislative Assembly
Amendment Act, 1979 (No. 2)**

MR. CRAWFORD: Mr. Speaker, in light of observations you previously made in regard to whether Bill 74 was a money Bill, I would like now to present the message of His Honour in respect of that Bill.

This being a money Bill, His Honour the Honourable the Lieutenant-Governor has been informed of the contents and recommends the same to the Assembly.

head: INTRODUCTION OF SPECIAL GUESTS

MR. ISLEY: Mr. Speaker, it is my pleasure to introduce to you, and through you to Members of the Legislative Assembly, the reeve of the municipal district of Bonnyville. He is accompanied by his wife, Kate, and a friend, John Antoniuk. They are seated in the members gallery, and I would ask that they stand and receive the welcome of the House.

MRS. LeMESSURIER: Mr. Speaker, it's a pleasure for me to introduce to you, and through you to members of this Assembly, students from the Alberta Vocational Centre accompanied by their group leader, Ada Nanning. I'd like them to rise and receive the welcome of the House.

DR. CARTER: Mr. Speaker, I would like to introduce to you, and through you to members of the Legislature, 30 grade 9 students from Sherwood school located in the interesting area of Ogden, within the equally interesting constituency of Calgary Millican. They are accompanied by one of their teachers, Mr. Ron Eremenko.

In addition, a word of appreciation should be expressed to the South Calgary Rotary Club, which sponsored this educational trip. Incidentally, the Member for Calgary McCall is a member of that organization.

I would ask that the students and their teacher rise and be welcomed by the Assembly.

head: MINISTERIAL STATEMENTS**Office of the Premier**

MR. LOUGHEED: Mr. Speaker, I would like to report to the Legislature on events which transpired yesterday

in Ottawa relative to energy matters and oil and gas pricing in particular.

We were very pleased that all provinces, except Ontario, essentially concurred both that oil prices must rise steadily towards world commodity values and that the provincial ownership rights over resources be fully respected.

There were no negotiations on price between the federal government and the government of Alberta while I was in Ottawa. These negotiations will resume at a meeting between me and the Prime Minister tomorrow afternoon in Saskatoon, where we will be joined by our respective ministers of energy.

There is one specific point on the negotiations, Mr. Speaker, that requires some clarification. Views have been expressed that the petroleum industry's share of increased prices could be of such a magnitude that it could not be fully invested effectively, and that their profits generally will increase substantially, particularly for the major oil producers. We are generally inclined to hold our royalty rates at their present levels, but intend to be in a position to reassess periodically whether or not the industry's share of increased prices is reinvested in finding new energy supplies for Canadians. The federal government shares this concern and has been discussing with us various ways of taxing increased profits by petroleum producers, particularly if the funds are not reinvested. It should be noted, though, that the petroleum industry in Canada has an excellent record, between 1974 and 1979, in reinvesting.

The Prime Minister stated in the House of Commons last night, on reporting on the conference yesterday, that, and I quote:

We proposed a special tax on incremental oil company profits to help finance Canadian energy development. Officials of our government will be consulting with provinces and the industry to design the most effective tax.

Mr. Speaker, I have however made it very clear to the Prime Minister on a number of occasions that federal tax measures cannot be designed as a means of skimming off resource revenues which belong to the people of Alberta. We are not prepared to agree to stage in wellhead price increases of crude oil unless the province's ownership rights of its resources are fully respected, and this includes the revenues from the sale of those resources. Put another way, we will not agree to staging in wellhead price increases if any effort is made by the federal government to alter, directly or indirectly, the revenue flows or distribution of the province from these resources without the province's concurrence.

Mr. Speaker, we have made it abundantly clear to the federal government that we would not in principle find acceptable a federal royalty upon Alberta's oil; that is an entirely different matter from federal tax measures on the profits of petroleum producers.

There is an important matter of basic principle involved here. I propose to re-emphasize this position with the Prime Minister again tomorrow, so that he understands Alberta's fundamental position on the limits of federal taxation measures.

At the same time, Mr. Speaker, I'd like to table a copy of the notes of my opening statement yesterday at the conference.

head: ORAL QUESTION PERIOD**Energy Talks**

MR. R. SPEAKER: Mr. Speaker, I'd like to direct my question to the Premier. It's with regard to the statement and the negotiations that I understand will proceed tomorrow with the Prime Minister, and following with other premiers.

The indications from the conference are that it is the desire that oil prices should be increased by \$1 in January and \$3 in July, and then \$2 every six months until the Chicago composite price or a percentage thereof is reached. Could the Premier make any comment with regard to that at this time?

MR. LOUGHEED: Mr. Speaker, it's a fair question from the hon. member. I presume he's reading from a document made public by the federal government yesterday, headed "Outline of Proposed Initial Stage of National Energy Strategy". These involved matters presented by the federal government. For our part, we are not prepared to respond in the Legislature as to any specific pricing regime which is still the subject of negotiation.

MR. PAHL: A supplementary question, Mr. Speaker. Although I appreciate it's not the negotiation, would the Premier or the Minister of Energy and Natural Resources be able to clarify whether option four was actually presented during the negotiations?

MR. LOUGHEED: Mr. Speaker, I'd refer that question to the Minister of Energy and Natural Resources.

MR. LEITCH: Mr. Speaker, option four, as it has been referred to, which was a \$1 per barrel price increase on January 1, 1980, and \$3 per barrel every six months thereafter, was never proposed to us in that form. Very early in the discussions, there was a proposal for such increases, but it included a skimming or a return of certain portions of that revenue to the federal government. As all Members of the Legislative Assembly would be aware, that position was wholly unacceptable to the province of Alberta.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier. In the statement to the Assembly the Premier has indicated that the federal government would like to implement a special tax. There was also indication with regard to the formation of a national energy bank.

Could the Premier elaborate further on the possible relationship of those two areas?

MR. LOUGHEED: Mr. Speaker, I'm sure the hon. member appreciates the difficulty that in part we're dealing with negotiations that seem to be in the public arena and in part with negotiations that have not been. On that question, though, I believe it is in the public domain, so to speak.

As far as Alberta is concerned, we have taken a position in the same way that I responded here to the select committee of the Legislative Assembly, in September I believe. We would consider loans to any such national energy bank from the Heritage Savings Trust Fund as merely an extension of our Canada investment division, provided they were guaranteed by

the government of Canada and provided they went at prevailing interest rates, having regard to that particular guarantee. We are not prepared to be an equity participant in such a national energy bank, but that isn't to say that we might not work with the national energy bank in a co-operative, perhaps joint-venture way in specific energy projects in various parts of the country.

Senior Citizens' Programs

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Social Services and Community Health. It's to follow up the question I asked last week with regard to the legislation being passed by the federal government, where widows and widowers who were on spouses' allowance — they were discontinued six months after death of the pensioner.

Will these particular people, who are now going to be on the spouses' allowance, qualify for the assured income supplement from the province?

MR. BOGLE: Mr. Speaker, when asked the question several days ago, I indicated that I would take it as notice. We're currently attempting to get clarification from the federal government as to their legislation. Once that's been completed, we'll assess it to determine the impact on our policies, and make whatever adjustments the government feels necessary.

MR. MANDEVILLE: Mr. Speaker, a supplementary question to the hon. Minister of Housing and Public Works. When they're reinstated on the spouses' allowance, will the widowers and widows qualify for the senior citizens' home improvement program? If so, will they have to make application for this?

MR. CHAMBERS: Mr. Speaker, the policy in that area has always been and continues to be that if one of the parties dies and they have applied for a pioneer repair grant — in other words, one spouse is over 65 and one is under, and the party over 65 applies and then dies — then the spouse under 65 continues to have that grant.

MR. MANDEVILLE: A supplementary question to the Minister of Municipal Affairs. Will these same recipients qualify for the renters' assistance now enjoyed by our senior citizens?

MR. MOORE: Mr. Speaker, I believe those matters are contained in the legislation that provides for the renter assistance rebate, which was most recently amended last spring. Our position there, I would think, is that the remaining spouse, if under 65 years of age, would not qualify in succeeding years for the additional renter assistance benefit. However, the same situation would apply where a couple applied for the senior citizens' renter assistance and, before the application might have been processed or the cheque in hand, one of the partners — the one over 65 — passed away. My memory, at least, is that we have not stopped payment in those cases, but have continued to follow through and honor the application.

Transport of Chemicals

DR. BUCK: Mr. Speaker, my question is to the hon. Minister of Transportation. It's to follow up a question

I asked earlier in the session as to the movement of hazardous chemicals within the province. Can the minister indicate what steps, if any, have been taken in consultation with the minister's federal counterpart as to the movement of hazardous chemicals in this province?

MR. KROEGER: Mr. Speaker, we are talking to the federal people and urging them to move with what is now Bill C-17, keeping in mind that the movement of these kinds of goods tends to be interprovincial. Unless there's a federal statute covering it, it would be very difficult to handle it provincially. I am now drafting a letter to the hon. Mr. Mazankowski, inviting him to step up the timing on C-17.

DR. BUCK: Mr. Speaker, to the minister. In the movement of chemicals intraprovincially, has the minister received any recommendations or done any studies on the moving of chemicals within the province by unit trains with so-called experts riding on those trains?

MR. KROEGER: I would refer that question to the Minister of Economic Development.

MR. PLANCHE: Mr. Speaker, the question asked was interprovincially. That's the one that the previous minister responded to.

DR. BUCK: Mr. Speaker, to the hon. member. Within the province — intra.

MR. PLANCHE: I'd like to take notice of that and check back through the files, Mr. Speaker.

MRS. FYFE: A supplementary question, Mr. Speaker. Could the Minister of Transportation advise how Bill C-17 would affect Alberta as to safety in transporting materials?

MR. SPEAKER: Order please. The Bill is undoubtedly public knowledge. Surely the hon. member would be able to make her own assessment.

DR. BUCK: A supplementary question to the Minister of Transportation. Has the minister received any representation from the town of Fort Saskatchewan as to a cost-sharing program to put controlled crossings within the municipal limits of Fort Saskatchewan to prevent, say, large transports running into slow-moving trains?

MR. KROEGER: Mr. Speaker, I recall having some conversations with people from Fort Saskatchewan. I don't recall a request in writing, but yes, we have been talking.

DR. BUCK: Mr. Speaker, a supplementary question to the Solicitor General. In light of the fact that an emergency mechanism is in place in Fort Saskatchewan as far as the plants and the citizens go, can the minister indicate what procedures are in place to evacuate the correctional institute in Fort Saskatchewan in the event of an emergency?

MR. HARLE: I'd have to take that question as notice, Mr. Speaker.

DR. BUCK: Mr. Speaker, to the Minister responsible for Workers' Health, Safety and Compensation. Has there been any direction to make sure that, in the movement of hazardous chemicals, containers are properly labelled so firemen fighting fires in the nature of hazardous chemical materials will know what they are dealing with?

MR. DIACHUK: Mr. Speaker, that is part of the concern and the consideration that my officials have had in proposing the amendments now in Bill 71.

MR. MOORE: Mr. Speaker, I wonder if I might provide some additional information in my responsibilities as minister responsible for Disaster Services with respect to the matter of transportation of dangerous goods.

Members mentioned Bill C-17, the federal legislation which died on the Order Paper before the last federal election and which, in my understanding, is due to be introduced again in this session of Parliament. I would like to say that in connection with that proposed federal legislation a national dangerous goods code was established which is, in essence, regulations that might be applied when the federal legislation is passed. That national dangerous goods code is now being carried out across Canada by the dangerous goods branch of the federal Department of Transport.

In co-operation with the federal Department of Transport in that branch, the Alberta Disaster Services Agency has developed a number of initiatives to deal with transportation of dangerous goods in Alberta. Over the last 18 months, they have developed a three-day dangerous goods instructors' course, into its eighth session, I believe, at the end of this month. So far it has seen some 140 candidates including fire, police, and municipal representatives. Both railways have been involved in that course, as well as federal, provincial, and municipal officials and people from industry, including a number from the industrial complex in the Fort Saskatchewan area.

In addition, the transportation safety branch of our own Department of Transportation has been working extensively with the Disaster Services Agency in order to correlate data respecting the transportation of dangerous goods and to undertake to ascertain what kinds of accidents occur and their causes. The special accident-investigating team of that branch has investigated a number of accidents thus far.

Mr. Speaker, after the enactment of federal legislation, which we hope will occur in the next six to eight months, I believe the province of Alberta will be in a position of being able to fall directly in line with the national code being established for the transportation of dangerous goods, and to have a lot of things like instructors' courses and a central data-collection system that locates the movement of dangerous goods throughout our province. It's my belief that we'll have all those things in place when the federal legislation is proclaimed, so that we'll have a workable system which will result in some continuity right across Canada.

In conclusion, Mr. Speaker, I say that I trust members appreciate that in the transportation, as opposed to the storing, of dangerous goods it is essential in our view that we have national legislation and a nationally co-ordinated program. I think we can be a part of that.

DR. BUCK: Mr. Speaker, a supplementary question to the Minister of Transportation, to follow up a question I asked earlier in the session. The by-passing of Fort Saskatchewan and the cross-linkage of the CNR and CPR lines — can the hon. minister indicate if any progress has been made in this direction?

MR. KROEGER: Mr. Speaker, is the hon. member referring to railway intersections? Then I'm afraid I'll have to refer that to the Minister of Economic Development, because the railway doesn't fall in the area of the Department of Transportation.

DR. BUCK: Mr. Speaker, the question then is to the Minister of Economic Development. This has to do with the crossing over of the CNR line and by-passing Fort Saskatchewan and taking the CPR line, which is within a few miles of the CNR line. Has there been any consideration or advisement to the agencies involved, CN and CP, as to the rerouting of hazardous chemicals around the town of Fort Saskatchewan?

MR. PLANCHE: Mr. Speaker, I recall that Dr. Horner, before he left, had engaged in some lengthy discussions on that subject. The people from Fort Saskatchewan have made an appointment to meet with me, next week I think, and I presume that's what we're going to discuss.

DR. BUCK: Mr. Speaker, to the Minister of Economic Development. In the minister's department, have there been any considerations or advisements to the federal agency that these trains not be linked up with trains carrying inflammable containers, such as the situation in Mississauga?

MR. PLANCHE: That's an important question, Mr. Speaker. I'll have to take that as notice and check through the correspondence again.

Edmonton Research and Development Park

MR. PAHL: Thank you, Mr. Speaker. My question is for the Minister of Housing and Public Works, but apropos of Disaster Services I'd like to advise the Minister of Municipal Affairs that we in Edmonton Mill Woods have some empathy for the people of Mississauga, and we're pretty good at getting out.

My question to the Minister of Housing and Public Works is with respect to getting people into Mill Woods. I wonder if the minister could enlighten the House as to whether there have been any major clients in the Edmonton industrial research park located in Edmonton Mill Woods.

MR. CHAMBERS: I would have to take that as notice, Mr. Speaker.

Interest Rates — Municipal Loans

MR. ZAOZIRNY: Mr. Speaker, my question is to the hon. Minister of Municipal Affairs. It relates to a response he gave in the House last week with respect to the interest rate charged on municipal loans. My question arises from the plebiscite which is close at hand in the city of Calgary regarding the civic centre.

I wonder if the minister could assure the Assembly this afternoon that there has been absolutely no change

in government policy with respect to interest rates to be charged to municipalities in the province.

MR. MOORE: Mr. Speaker, indeed I can. There has been no change whatsoever in government policy with respect to the financing by the province of municipal undertakings.

The situation is that the Municipal Financing Corporation has funds provided to it from the Alberta Heritage Savings Trust Fund and lends to municipal governments at what could be considered a preferred interest rate, when one considers that a municipal government by itself on the open market would in most cases pay considerably more than the amount currently paid through the Municipal Financing Corporation. I believe the Municipal Financing Corporation rate at present is 11.125 per cent, that corporation of course being the responsibility of my colleague the Provincial Treasurer. In addition, we provide an annual subsidy that brings the effective interest rate down from whatever the municipal corporation's rate is to some 8 per cent. That has now been provided, I believe, for four years. As I indicated in the House last week, during the course of each budget year we discuss and consider the extent to which that additional subsidy below the 11.125 per cent is provided.

I'd only conclude by saying that a municipality like Edmonton or Calgary, in the case of plans they have in terms of their financing, has a very preferred rate of interest at the existing Municipal Financing Corporation borrowing rate as compared to what a good number of other entities or people might be expected to pay today. So I don't believe, Mr. Speaker, that the arguments with respect to the validity of the civic centre in Calgary or the convention centre in Edmonton should be based on an interest-rate argument, when in fact in today's circumstances the municipalities, without the subsidy, have an interest rate probably 4 per cent below the prime lending rate in Canada.

MR. ZAOZIRNY: A supplementary question to the minister. After the assurance that there has been no change in policy, could the minister also assure the Assembly that there is no present intention to change that policy in future?

MR. MOORE: Mr. Speaker, I really cannot do that. I said last week in the House and would say again that the amount of subsidy provided from the Department of Municipal Affairs budget has to be reviewed each year. Any changes that might occur in that would be introduced by the Provincial Treasurer on the tabling of the budget.

MR. ZAOZIRNY: If I could, a final supplementary. Perhaps my question wasn't entirely clear, Mr. Speaker. I'm not asking whether the policy may change down the road. I'm simply asking the minister if he can assure the House that there is no present intention to change that policy.

MR. MOORE: Mr. Speaker, on a matter such as that I would prefer to keep my intentions to myself and discuss them with the Provincial Treasurer. In due course, early next year I would expect, the budget will be tabled in the Legislature and then members will know.

Coal Development

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Energy and Natural Resources. Could the minister indicate whether he or his department or the Energy Resources Conservation Board have been approached by Fording Coal with regard to mining coal at Bow City?

MR. LEITCH: Mr. Speaker, I don't recall any discussions about mining coal at Bow City.

ORDERS OF THE DAY**head: WRITTEN QUESTIONS**

MR. HORSMAN: Mr. Speaker, I would move that the question and the motions for returns on the Order Paper stand and retain their place.

[Motion carried]

head: GOVERNMENT DESIGNATED BUSINESS

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

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

[Mr. Appleby in the Chair]

MR. CHAIRMAN: Will the Committee of the Whole Assembly please come to order.

Bill 47**The Mobile Equipment Licensing Repeal Act**

MR. CHAIRMAN: Does the hon. minister have any comments?

MR. MOORE: Mr. Chairman, no. I believe I outlined on second reading the purpose of the repeal of the Act. I would be pleased to answer any questions there might be from members on committee study. But it has a rather short clause, and I would recommend that members support the principle of removing this licensing requirement and fee by adoption of the Bill.

MR. CHAIRMAN: Are there any other questions or comments?

MR. R. SPEAKER: Mr. Chairman, can the minister indicate what type of income or revenue picture has changed with regard to the municipality in the repeal of this Bill? Does it have any effect on their revenue? And was there consultation prior to initiation of this repeal Act?

MR. MOORE: First, on the revenue: during 1978 we collected a total of \$3,433,039, distributed to virtually all 350 municipal governments. On average, the amount is less than 1 per cent of the municipal tax levied, although in some particular municipalities it

becomes a fair bit higher, and in some, of course, a lot lower. In some of the improvement districts — for example, ID18 — it represented almost 16 per cent of the total municipal tax levied. But in that case we were dealing largely with things like Syncrude and GCOS bucket wheels. We have an option there of levying tax against those as machinery and equipment or as mobile equipment. We will take the option of levying the tax in another way. So a few of what might have been considered very large pieces of mobile equipment will, in fact, continue to be taxed.

Generally speaking, it was a very uneven flow of revenue. If a municipality for some reason had a large construction project in it one year, it might amount to 10 per cent of the revenue, and the next year it would fall to 0.01 per cent. My information is that we sent out a cheque to one municipality in 1978 for 17 cents. They must have moved a backhoe through town before lunch one day.

That's about it. On average, it's less than 1 per cent of the total revenue municipalities collect. It's hard to suggest that some municipalities collect more on average year after year, except to say that the benefits to rural areas probably are a little greater than they are to towns and villages that lie within those rural areas.

The member asked one further question about consultation. I discussed the matter with the president of the Alberta Urban Municipalities Association before it was enacted into the Legislature. I also discussed it with the Alberta Association of MDs and Counties prior to the Bill being introduced. In both cases, they expressed the view that it was difficult to lose the revenue, but at the same time they recognized that the system was really rather outdated and a very expensive way to collect tax. Without wanting to put words in their mouths, I think both organizations recognized that it was an appropriate move for government to repeal this Bill and do away with that particular tax.

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, I move that Bill No. 47, The Mobile Equipment Licensing Repeal Act, be reported.

[Motion carried]

Bill 56**The Alberta Labour Amendment Act, 1979**

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

[Title and preamble agreed to]

MR. YOUNG: Mr. Chairman, I move that Bill 56, The Alberta Labour Amendment Act, 1979, be reported.

[Motion carried]

Bill 53**The Department of Education
Amendment Act, 1979**

MR. CHAIRMAN: Are there any questions, comments, or amendments?

[Title and preamble agreed to]

MR. KING: Mr. Chairman, I move that the Bill be reported.

[Motion carried]

Bill 66

The Planning Amendment Act, 1979

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

DR. BUCK: Mr. Chairman, I'd like to ask one or two questions of the Minister of Municipal Affairs. Can the minister indicate what consultation has taken place between the minister or his department and the city of Edmonton as to this Bill? Maybe we can get the discussion started there.

MR. MOORE: Mr. Chairman, major discussions that I held prior to the introduction of this legislation were with the Urban Municipalities Association and the Association of MDs and Counties. In addition, all major municipalities with planning departments, including Edmonton and Calgary, were quite involved in the process that led to the introduction of this Bill, in terms of their review of the operations of The Planning Act from the fall of 1977 until the present.

As I think I indicated on second reading, I received something like 150 different proposals with respect to amendments, which as you might imagine were scaled down to something significantly less than that. It was our view that in many cases adequate time had not been provided for the review in trying to make the legislative work properly.

Since the introduction of the legislation, discussions relative to various sections of the Bill have been held between staff of my department and staff of the city of Edmonton. The city did raise a number of concerns with respect to the Bill, some of which were as a result of a lack of understanding by the city of certain sections. For example, they had a concern with respect to the Minister of Municipal Affairs' authority in special areas. They were mistakenly of the belief that "special areas" referred to special planning areas, rather than the special areas in southern Alberta. There were, however, some legitimate concerns of the city of Edmonton, and I will just respond to a couple of them while I'm on my feet. It might save some further questions.

The first was with respect to our definition of utilities. As members would know, there was no definition of utilities in the 1977 Act. We have established a definition of utilities in Bill No. 66. The specific purpose for establishing that definition was to ensure that municipal governments did not enter into a situation with developers where they forced the developer to provide services under the guise of utilities, such as rapid transit, cost of arterial roadways, and that kind of thing. It's our view, quite simply, that those major costs of things like rapid transit and arterial roadways should be paid from the general revenues of municipal government and from provincial grants available for those purposes, and should not be a direct charge on property being developed today.

In that regard, the city of Edmonton, from my understanding, has a different point of view. They

think that everything they can charge to a particular development should be charged. My only response is simply that we disagree. We don't believe it's very conducive to young families trying to buy homes if we add \$4,000 or \$5,000 to the price of a lot, by way of these additional charges, that people who already live in this city and others did not have levied on their residential lot.

In another area, the city of Calgary expressed the viewpoint that utilities should include the installation of telephones and power. Later I got a clarification from the mayor of Calgary, that they were referring not to telephones but only to power. At any rate, I have said to those and to the city of Edmonton that our Clause 5 in the legislation provides that the Lieutenant Governor in Council may prescribe "other things", in addition to what is named to be utilities, as a built-in safety valve. We had a very difficult time with this definition of utilities, wanting to be sure it was not too restrictive, yet wanting to be sure we didn't get into a situation where a municipality would come along with a seemingly very reasonable proposal that should be included, and we wouldn't have the ability to do it. It's not my intention to use that clause without some due regard for the consequences. But I thought it essential that we have some flexibility in defining additional matters that might be defined as utilities if a case were made that seemed to be reasonable.

The only other part of the Bill that is causing some concern is this whole matter of the rights of an individual who happens to be an adjoining landowner to be heard at some process in the subdivision application approval. We took the approach that we would unduly restrict progress on the initial application for subdivision if we allowed that every adjoining landowner might be heard. So we said the subdivision-approving authority will hear a subdivision application and approve it without regard to notifying the adjoining landowners, or whatever. But once they've made that approval, they must advertise it, and say this is what we've approved. The adjoining landowners would have a period of 14 days in which to file an appeal, and then could be heard at two different levels of appeal: one at the subdivision appeal board level and the other at the provincial planning board level.

The concern being expressed is simply that the notifying of adjoining landowners of a subdivision approval by letter is a task they did not have to undertake before, and it indeed costs them money, takes some time, and is an additional problem that municipalities didn't have to cope with before. I hope the records of municipal governments, in terms of the land titles and so on, will be of a sufficient nature to allow them to notify adjoining landowners of subdivision approvals without any great costs, and that that can be done. I have said to a couple of municipalities who have been concerned about that, I'd like to try it and see how it works. If it seems entirely too onerous we might at a later date make amendments to ensure that such notification can take the form of a newspaper advertisement. But, having been through this newspaper advertisement bit before, I sometimes wonder about the validity of half a page in the *Edmonton Journal* that simply says, here are all the subdivisions and they have legal descriptions. How owners know that that's next door to them, I don't know. So I've been reluctant to accede to the requests that we change that particular section in the Bill. I'm not sure if it's written in here, but —

whether it's in here, or in the other Act, or wherever it is — the intention is that the notification would have to be in a direct way: in other words, by post, or hand-delivered, or something.

So that's the other area causing concern. I don't think it's going to result in any delays, but some additional costs. It's been cited that there may be a subdivision application of, say, 30 or 40 acres in an outlying part of the city — an area that's not yet been developed, that might be ringed by individual lots — and you might have to serve 200 notices that a subdivision has been approved. But surely that sort of situation wouldn't occur very often. I can't think of too many places where you would have to notify that many landowners. In most cases you'd be notifying less than a dozen landowners, and in many cases only one or two. Certainly in the rural areas where some of our problems in this regard are, oftentimes you are looking at only one or two landowners who adjoin the property. It's my view that in this day and age, people who have property adjoining property that's going to be subdivided and developed have some right to be heard. We're not suggesting they have the right to direct the development, but only the right to have their objections stated and to have a body make a decision as to whether the objections they have, in terms of the devaluation of the property and so on, are substantial enough that it warrants, on the appeal process, the turndown of a particular application.

We touched on the two major issues involving the city of Edmonton. The second one involves more than the city of Edmonton and its concerns, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions or comments?

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, I move that Bill No. 66, The Planning Amendment Act, 1979, be reported.

[Motion carried]

MR. HORSMAN: Mr. Chairman, I would like to move that Bill No. 56, The Alberta Labour Amendment Act, 1979, which has just been considered by the committee, be brought back before the committee for further consideration.

[Motion carried]

Bill 56

The Alberta Labour Amendment Act, 1979

MR. YOUNG: Mr. Chairman, until the hon. Leader of the Opposition can get his files and get back to the Assembly, perhaps it would serve a useful purpose for me to reiterate the main objective of Bill 56.

I guess the best place to start would be to say that the construction industry in Alberta will be facing a very major challenge as a total industry. The objective of Bill 56 is to try as much as possible to normalize the situation with which the industry must deal on some of the larger projects, if the participants in the industry so wish. There is no question that some of the very large projects increase the challenge to the industry, not in a straight percentage rate, I think, but in terms of a geometric proportion. When we assemble groups

of people in the order of 3,000, 4,000, and 5,000 in a construction project on a single site, that is a very great challenge in terms of the economic activity it generates. It creates side effects and after effects across the province, and it generates some very tremendous challenges in terms of manpower and recruitment of the specialized manpower that is necessary. It generates some very great challenges in terms of the labor relations on those sites. We have to respect the fact that in many instances we will be dealing with employees recruited from outside the province to assist in the construction of those projects for a specific period of time.

Those kinds of projects are also subject to some pressures which do not accrue in the normal sense of construction as we know it; that is, the kind of pressure created when we all know — the construction workers know, and the public generally is well aware — that these are the sorts of projects necessary to produce a very essential element in terms of our national objectives, in this case non-conventional oil. So they are subject to a series of pressures which construction in the normal sense does not have to deal with.

Having in mind those very particular sets of pressures and constraints, the objective of Bill 56 is to enable the development of a certainty, if you will, as to labor stability on those projects, if the parties are prepared and willing to do that. By so doing, I believe we normalize as much as possible the collective bargaining scene in the construction industry. I realize there can be two views of that, and that it is a judgment decision. But if this were not the situation, I think the pressures on the bargaining table would be even greater than those pressures which accrue because of site legislation.

I would very much like to have all hon. members keep separate and apart the pressures which arise from the economic activity. It's very easy to confuse the economic activity and the fall-out from that activity, which is a normal part of these large projects, with the specific type of labor relations scene for those projects.

Mr. Chairman, I reviewed in some detail the main elements of Bill 56. I await questions at this time.

MR. R. CLARK: Mr. Chairman, I'd be remiss if I didn't say to you and to the minister that I appreciate bringing the Bill back. My only excuse was that I was speaking to the municipal leaders of the province at the municipal convention.

First of all, Mr. Chairman, as I indicated on second reading, I am not enthused about this piece of legislation. Frankly, Mr. Minister, I had hoped that the officials of the Department of Labour and you would be able to come to some conclusion other than carve-out legislation, if I can use that term. I think it would be really important if, in the few minutes available for the Bill this afternoon, we could get some indication of the kind of discussion process the minister went through.

I'll be very frank. We sat down with the Alberta construction group. I'd say at the outset that we were very impressed with their sincerity, recognizing that they see the problems from a somewhat different point of view than the government does. I believe they sat down with the government MLAs — I'm sure they met with the minister — and explained their concern. One of the portions of their presentation that impressed me very much was their attempt to look at what happened in the Syncrude carve-out, then to try to take the

conclusions from there and apply them to a third or fourth plant. I think it's important to recognize that those conclusions were perhaps more difficult to draw out, if I might use that term, because of the imposition of the national wage and price guidelines.

Mr. Minister, could you indicate to the House the kinds of options that were considered and the kinds of discussions that went on? I can very reluctantly buy this approach, I suppose, if I am convinced that it's the last alternative. But I'm very hopeful that the minister and his department would have been able to work out some type of approach other than the carve-out, if I could use the term.

MR. YOUNG: First of all, Mr. Chairman, to respond on the process. I had anticipated that it would be a very difficult decision to make. In April, and I think it fair to say April because I wasn't in office much before that, I commenced meetings with all sectors of the industry — union, non-union, international contractors, general contractors, subcontractors — as many different interest groups as I could contact. I indicated to them that a difficult decision had to be made, and that in view of its difficulty I thought we would proceed on the basis of a two-part decision-making structure. First of all, I would ask all parties to the industry and all interested parties to examine the question of whether or not the construction industry, given that there may be a development of the nature that we can contemplate, which is Alsands, the Cold Lake project, or a variety of others, whatever the industry participants might foresee — given that possibility, did there need to be special legislation? Without the former Bill 52 or Bill 56, would The Alberta Labour Act as it now stands be adequate to serve the needs and interests of the participants in the construction industry? If the answer would be that there should be some particular legislation, please indicate to me what the preference would be. Once I had a good view of and had participated in a discussion of that nature with the different sectors in the industry, I would then arrive at some kind of decision as to yes or no, there would or wouldn't be special legislation. If the answer was yes, the general direction we were thinking, and ask for input to make that particular direction as best we could fashion it.

That's the process that was followed. I don't mind saying I had many, many, many meetings, briefs, and submissions. We examined all the different possibilities that could be dreamt up. I think the Alberta Construction Labour Relations Association itself presented five or six different alternatives. I could go into them; they ranged all the way from, no, we didn't need any special legislation — I think that clearly would be one of their preferred alternatives — to subjects such as the Lorenville project in New Brunswick, that kind of approach. At the bottom line I think it's fair to say we concluded, as is obvious, that there should be some special legislation.

We reviewed with the participants the various alternatives brought forward. I think the best response I can make to the hon. Leader of the Opposition is that either there is special legislation which in the first sense is optional — the parties may or may not. That is, there has to be good will within the industry; that's a prerequisite to the success of any special legislation. So it had to be made optional.

Secondly, I think it would be fair to say that many suggestions from outside Alberta, experiments that

have been tried elsewhere, may not have been that successful even where they were tried. Certainly in the Alberta context, which is considerably different from some places — the history, the background, and the perception the parties have of the situation — we felt it was not suitable; it couldn't be grafted onto the Alberta situation and work that well.

We then went to the old legislation, Bill 52, and tried to examine that in terms of modifications that could be made to remove some of what I would like to identify as the greatest problems. In my view one of the greatest problems was the understanding in the industry. I don't wish to be unfair to any parties, but the fact of the matter is that the legislation came in late. Some commitments were made, and it then made it very difficult to avoid certain types of misunderstandings, especially having in mind the tremendous steps that have been made by way of tripartite consultation in the construction industry — there is some very major progress in that respect. We thought we should try to build on that and at the same time try to assure that we keep moving in that direction.

So we think the process of application for designation, the procedure and opportunity for discussion with interested parties of various facets of that potential designation, will remove some of the concerns which arose from the Syncrude experience and will keep a freer flow of information within the industry and a better sense of co-operation, if I may use that expression.

Maybe I should stop there and see if that answers at least part of the question.

MR. R. CLARK: Mr. Chairman, to the minister: yes, the first part.

The second part dealt with the attempt by the Alberta Construction Labour Relations Association to do an assessment of the Syncrude project, and the impact that this carve-out in fact had. I will just pose the next question, Mr. Minister. It seemed to me that here we have a group that attempted to evaluate the effects in, I think, a pretty realistic way. It seemed to me that in light of the legislation going this way, it would be extremely worth while for the department to, if I could use the word, contract out a group to do an assessment of the impact of this particular approach.

As I indicated in my earlier question, I think the impact of wage and price controls certainly changed the dynamics as far as the Syncrude venture was concerned. Mr. Minister, I think it would be a very positive step and would be building on what I'd like to refer to as bridges of understanding between the industry, the government, the union, and other construction groups in the province if in fact the minister caused some of the universities or some consulting firm that has some understanding of what's involved here to do an assessment: of the impact during the course of the Cold Lake or the Alsands project.

It seems to me, Mr. Minister, that a logical thing would be to come back and have a look at that work. I'm not suggesting that that kind of assessment would take hundreds of thousands of dollars; I don't think that would be necessary at all. But if it could be seen as a third party, because I was impressed with the work done there in an attempt to do that kind of assessment. As I pointed out in our discussions with them, there is some question as to how objective they are, too. And I make that point with the very best

intention. Is the minister prepared to consider that kind of independent appraisal, if I might use that term?

MR. YOUNG: Mr. Chairman, perhaps I should add a bit to what I've already described as to what we tried to do, and reflect upon — I'm sure the hon. Leader of the Opposition knows that the Alberta Construction Labour Relations Association did contract with Professors Jenkins and Riddell at the university to analyse at least two points as best they could in terms of the impact of Bill 52 on the Syncrude project.

The first point they were to look at was the impact of the no-strike, no-lockout agreement on strike activity. The conclusion the professors arrived at was that because of the lack of data, the short time frame, and all the other variables that feed on it, it was not possible to arrive at any objective, non-debatable conclusions. So there was no conclusion that the Bill did in fact have any impact on strike activity, and I really think that's as we might expect. I really think it would be difficult to show that a Bill of that nature produces more strikes in other facets of the industry. That's conditioned as much by attitudes and economic events, I think, as by anything else.

The second item they looked at was the impact of that Bill on wage settlements during the period, and they concluded that it did have an upward effect. But what they don't deal with, and here we get into a statistical debate, is a fact which I think is pretty fundamental and, to me, is the overriding piece of evidence if one looks at the wage rates for three trades in 1970, 1975, and 1979 — I believe they are plumbers, electricians, and carpenters which I have examined — and looks at union rates in three different centres, Vancouver, Edmonton, and Toronto. In 1970 Toronto had the highest union hourly wage rate for all three trades; by 1979 Toronto was still the highest. In 1970 Vancouver was in second spot; Vancouver is now in third spot and Edmonton is in second spot. So there was a shifting of position.

But again, if we have regard to the level of economic activity that prevailed in Alberta, certainly as opposed to Vancouver — Toronto had a fair amount of construction, but it did not have the boom Alberta did — we would expect that in order to attract tradespeople we would have made some wage gain. Relatively speaking, some wage gain was made, but it wasn't what I would consider unexpected or out of the way. I think what they did was identify that in fact there was a relative change, and I think we should expect a relative change. So I have to say that while I respect the professors' efforts and acknowledge the impact of the wage controls in effect during that period, I am not surprised at their conclusions and would accept them as a normal part of the expected spinoff from the economic activity.

With respect to further analysis, I really believe it's a pretty subjective area. It might be interesting for all hon. members to know that in the industry we have the Alberta Construction Industry Industrial Relations Council, which is made up of three government representatives — I'm the chairman of it — three senior trade union representatives, and representatives from the contractors and from the owners. ACLRA has two representatives on that council. It meets approximately monthly.

Among the other activities it is engaged in is a critique of major construction projects in this province,

the most recent being Syncrude. We were just concluding our critique of the Syncrude project when this legislation came along. We examined many different aspects of Syncrude: how it was carried out, the labor relations program, the training of apprentices, the involvement of local labor and the opportunities for that, camp conditions. I believe some 50 different items are examined in terms of that critique.

You can imagine that by meeting monthly we got to be fairly familiar with one another, so the level of open discussion is now very high. As a consequence, when we did get to the impact of the legislation we had some fairly free discussions. So free, that those discussions then went on to question what we were proposing by way of legislation. In fact, the legislation in the broad concept was first discussed at that table. It was then discussed in somewhat greater detail, although not nearly in the detail of the Bill here. But what I would call the fundamental package was all there in principle. Those principles were discussed, and ACLRA was part of that discussion. I'm pleased to be able to report that while we did not have unanimity, I believe it fair to say that the preponderance was supportive of the position we're taking.

Perhaps it would be useful and a good opportunity for me while I have the floor to reflect to hon. members that a task force in the industry has come up with a bargaining approach for the industry. On October 4, I believe, in Red Deer, fairly unanimous agreement was determined on a new approach which, in my view, would be very effective in eliminating some of the strikes which occurred in the last two rounds of collective bargaining, particularly in the construction industry. The proposition in a nutshell is that as all save one of the collective agreements of the 17 trades expire at the same time — that one expires one month later, as I recollect — they will all commence bargaining at the same time. The Department of Labour will make available our regular conciliating staff, who will be there on an as-needed basis. They will operate within certain time frames. At a point in time the parties, labor and management, have agreed that we will insert in the bargaining process our conciliation staff. They will then begin to function as conciliators. By the time the collective agreement expires, the agreements will either have been signed or the parties will be in a position legally to either strike or lock out.

All parties in the industry are of the same mind, that it is very important to improve the productivity of the industry, and very important to improve the public perception of the industry as well — I think that would be a fair comment. We believe we can improve productivity by the fact that we don't have a series of sequential strikes, with one trade bringing down a project or at least hampering it by going out on strike or being upset about the bargaining process.

While it isn't industry-wide bargaining, it's getting very close to it. It's done by mutual agreement. It is our hope that on that basis the industry will police itself. This is what they have committed themselves to do, police themselves so hopefully they will arrive at collective agreements without difficulty. If they don't, the difficulties will occur in a very short time frame and the industry will be settled down and able to work full out for the duration of the collective agreements.

Heretofore our experience has been that there have been a series of breakdowns in collective bargaining, a series of work stoppages. A work stoppage of one

trade severely hampers and pulls down the productivity of all other trades, because you get a lot of down time, a lot of upset, and a lot of rescheduling; it causes all kinds of extra costs. That's what we're working to now. Given that as a very real approach to be tried in 1980, I would think that, especially if that approach carries on, any comparisons with what may have happened under other legislation would be different because we have a totally different perception and commitment on the part of the representatives of industry themselves to try to make, if you will, a much better labor relations scene in the province.

So while I'm not adverse to the kind of study you mention, it is so subjective and has so many other variables — I mentioned the one very large variable that I would see impacting upon it — that I really don't know what value it would be and what information of a non-debatable nature it would generate in the present circumstances.

MR. R. CLARK: Mr. Chairman, just one last comment to the minister. As I indicated initially, I'm not by any stretch of the imagination wildly enthusiastic about this legislation. I certainly think it would be far better if we didn't have to bring this legislation forward.

Mr. Minister, I would simply like to make this point. It seems to me that for the last megaproject — if I could use the term — in the province we went the route of the predecessor to Bill 56, 52 I guess it was. Now on the next possible megaproject we're going this route here. The situation we're now in is that the cabinet will have the legislative mandate. Once an application is made to the cabinet by the parties, the cabinet will be in a position to make the decision whether any heavy oil or tar sands project, not only in northeastern Alberta but in the Wabasca-Desmarais area and over to the Peace River country in the future, will be subject to this kind of legislation.

I can see it may well be that on a project like the pipeline coming down from the north, the government will be requested to have a special piece of legislation possibly in effect. The real point I'm trying to make, Mr. Minister, is I think that what we're doing by the former piece of legislation and this piece of legislation is that for any huge project in the province, we're really saying, look, our Labour Act doesn't suffice, and we're prepared to carve it out. Now in essence we have carved out all the heavy oil or oil sands projects from here on with this piece of legislation, really without attempting to have — if I can use the term — an independent look at the impact. Now I recognize, Mr. Minister, there can be different assessments of the impact. We can become involved every day in the Assembly here on arguments as to what's factual and what isn't.

My plea is this: now we're to a stage where every tar sands project, every heavy oil plant project is carved out, despite the fact that it may be difficult in making the judgment I think it would be worth while to attempt to have some independent group make a judgment. If I can be so frank, Mr. Minister, it's somewhat like your department or our office making a judgment on the effectiveness. To some extent, it's a matter of looking at it from the eyes of the beholder, isn't it? I can see that a number of subjective judgments are involved in that kind of assessment, Mr. Minister. But I still would make the point that I think an attempt to have an independent look, at least at the

next plant that comes along, would be extremely helpful.

I would ask you, Mr. Minister, to reconsider what I hope is not a decision but a feeling at this time, and that over the next period of time you may feel moved to move in that direction. I think it would be very worth while, given the fact that we've now carved out all the heavy oil plants. Also the attitude of industry being what it is, on other megaprojects which come down the pike I would think the tendency there would be to say, look, this is the route we've gone on heavy oil plants; why shouldn't we look at a carved-out route here? I think somewhat of an independent assessment would be valuable not only to the department, Mr. Minister, and to the Legislature, and likely valuable not only for some labor peace, but also it would be the kind of information that would be very good to be able to have available for groups like the Alberta Construction Labour Relations group, who albeit represent basically smaller contracting firms — well, I agree, Mr. Minister, yes and no; but at least Alberta- and Canadian-based to a very great degree, let's put it that way — as opposed to a point of view that I'm sure comes to the minister from Bechtel and groups like that, who are much more worldly, one can use the term, from the standpoint of being involved in projects like this all around the world.

MR. YOUNG: Mr. Chairman, I'd just like to reflect on two or three comments that were made. First of all, I wouldn't wish to leave the impression that this legislation will automatically be applied to all the non-conventional, heavy oil plant construction projects, if I can use that expression. It won't be applied automatically.

MR. R. CLARK: The route is there for the applications.

MR. YOUNG: That is right. The owners may apply, but there may well be some circumstances when they would not qualify for that possibility.

I would have to think long and hard about any project that wasn't of a duration that at least went beyond the time frame of a collective agreement, which in the construction industry is normally two years, and that didn't involve a fairly large number of employees during that time as well — to use just two criteria.

The old legislation did allow an automatic possibility to any additions to plants. In fact, the Great Canadian Oil Sands addition, which can be completed in less than two years and which I understand isn't going to exceed more than a couple of hundred million, is going to be able to avail itself of the old legislation. I believe.

In future, that kind of project would be looked at pretty carefully, because it would be the objective not to allow so many projects that there's a possibility of destroying the collective bargaining table which would normally prevail in the industry. Whatever else, there has to be some opportunity there for both parties to try to arrive at a mutual agreement as to what the wage, salaries, and working conditions should be. That is really what we're trying to protect. There's a difference in judgment as to the best way of doing it, and I acknowledge that. But at the bottom line, that is one of the objectives I have for this legislation.

With respect to the independent assessment, while

not committing myself to undertake that, I would again remind the hon. Leader of the Opposition that I do hope to maintain the tripartite council, the Construction Industry Industrial Relations Council, and I would expect that it will be watching what's happening fairly closely and would raise questions or concerns. I know, and I'm sure the hon. leader is aware too, that the Alberta Construction Labour Relations Association made a number of pieces of information available. In fact, they generated a great deal of research for my attention. I have to say it was all carefully read, and we did some research on our own within the department to serve, if you will, as an independent reference to some conclusions they arrived at on their main concerns.

I would also indicate that Alberta is so significant in the construction scene now that the Canadian executive board of the construction unions is having a sharp eye on what happens in Alberta, and I have had meetings with them in Alberta. I am sure they, along with the Canadian Construction Association, are looking very closely at the legislation and will be following the use of that legislation, the evolution of it, very closely.

So I think it fair to say that I will be reviewing the legislation on a fairly continuing basis, whether I like it or not, just to try to be assured that what we in fact are doing, will, under the various situations that may arise, prove to be the best resolution of a very difficult challenge. I'm happy to give that undertaking; I'm sure it's going to happen as a matter of course.

I'll consider the independent assessment, because I don't know who, in this issue, is truly independent, given that there have been a number of studies of the construction industry by the various experts in Canada in the labor relations field. Many of them have been involved in one way or another in studies of the construction industry, and I think most of them would bring to the table various predispositions one way or another. But we'll continue to monitor that and examine its feasibility and desirability. But in closing, Mr. Chairman, I am sure there are enough interested parties that any single concern they have will be identified to my attention very early on.

MR. MACK: Mr. Chairman, I feel compelled to make a few comments. As recently as last week I had a meeting with three major representatives of major trade groups. They requested the meeting primarily on this particular matter. I have also been in a couple of meetings with representatives of ACLRA and have had the opportunity to assess the concerns they have expressed. I felt that some of their concerns may have some merit, particularly those that indicated there was a shift of tradespeople from one project to another during a job action. In communicating with the various major trades, I posed the question: when there is a job action, is there actually a shift of a group of people on a weekly basis to the major project on the megaproject, for example, where there is the carve-out agreement? They clearly indicated that this did not occur, certainly not on the organized basis that had been indicated to us.

The other aspect we had in our discussions with representatives of ACLRA is that I had asked them the question: since there is only approximately 30 per cent of that particular construction industry that's organized and 70 per cent unorganized, what impact would private entrepreneurs in that particular field

have on the construction field during job action of a particular trade? They had not addressed that question. I submit to you, Mr. Chairman, and to hon. members that that aspect was either overlooked — and I can't imagine it being overlooked, because it really does play a major role in the overall. Where do people go when a service withdrawal or a strike occurs on a particular jobsite? As tradesmen they either do things on their own which they can do on part-time jobs, or they go to the private entrepreneur who obviously would be able to take on more work during that particular period of time. But the representatives of ACLRA indicated that that was a question they did not assess and really had very little analysis of, which we believe does play a very major role in the impact as far as absorbing people is concerned.

The other is that people don't necessarily stay within their trade during a situation of this nature. Those who in fact do go and work elsewhere during job action will go into any type of employment. Certainly, although the concern raised by ACLRA representatives that in fact a carve-out agreement on a major megaproject is aiding and abetting the difficulty in arriving at an acceptable agreement with groups or trades that would be out on strike, when you take a look at the total sum it just does not equate.

I commend the hon. minister for going into great detail in explaining the research that he and his department conducted, the various meetings they have had in attempting to show sincere appreciation of real concern of what a carve-out project may do in the overall scene. I think it's very forward planning on the part of the government, at least to provide particularly those very, very costly projects some labor peace and stabilization, particularly if they have had the ability to get at least passive acquiescence if not elated acquiescence to the major trades on this project. It would appear to me that basically it would go against the normal labor practice to agree voluntarily to adopt a carve-out project. Yet I believe the kind of experience and the kinds of leaders we have in the province of Alberta on the labor side recognize the difficulties, that one trade actually affects the other by having whip-sawing of one going off one week and another group going off another week.

I felt compelled that I should add to the debate, Mr. Chairman, that I support the Bill. I think it's innovative, forward planning. I think it will prove to be very effective in the province of Alberta in terms of saving many hundreds of thousands of dollars for major employers and employees as well.

Thank you.

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

[Motion carried]

MR. R. CLARK: Mr. Chairman, might I pose through you, sir, to the Government House Leader the possibility of, once the hour is over, our using until 5:30 for government business. We on this side of the House would certainly be agreeable if that's agreeable with the government.

MR. HORSMAN: Yes, Mr. Chairman. It was our intention to extend the time, but we have no option but to proceed this way in view of the rules.

MR. CHAIRMAN: For information I have to point out that in order to extend our time we would have to have direction from the Assembly.

MR. R. CLARK: Let's get so directed then.

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports Bills 47, 53, and 66. Also the committee reports progress on Bill 56.

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

HON. MEMBERS: Agreed.

MR. HORSMAN: Mr. Speaker, I move that the rules be suspended in order that the remainder of the afternoon until 5:30 be devoted to government business.

MR. SPEAKER: The motion of the hon. deputy leader requires unanimous consent. Is there any dissent in the Assembly?

HON. MEMBERS: Agreed.

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

[Mr. Appleby in the Chair]

MR. CHAIRMAN: The Committee of the Whole Assembly will please come to order once again. We'll continue with our discussion of Bill 56. The hon. Member for Bonnyville wishes to comment.

MR. ISLEY: Thank you, Mr. Chairman. I would like to speak in support of Bill 56 as a representative of a constituency that may have a megaproject. I think I also speak for the people of the local area who may be affected.

In supporting it, I would say the following: I've listened to the arguments put forward by the proponent of the project as to why there should be such legislation; I've listened to the arguments against it by the construction industry, with respect to the impact it has on wages and strike havens. However, my major reason for supporting it and, I believe, the major reason the people in the area feel it is necessary have more to do with the social implications of labor unrest. I think we all agree that the communities will have their hands full gearing up for the boom, preparing services, and developing recreational facilities. The last thing we should foist upon the local people are a lot of workers who have idle time as a result of strike situations.

With that, Mr. Chairman, I support Bill 56.

MR. YOUNG: Mr. Chairman, I gather you're very close to calling the question. If I could just say to the hon. Member for Edmonton Belmont and the hon. Member for Bonnyville that I appreciate their comments, and use this opportunity to express the appreciation I have for the number of participants who have been involved in trying to sort out what is potentially the best approach to these megaprojects. We have had

the co-operation of well over 20 different groups in the construction industry, all of whom I believe I have met with and most, if not all, of whom have presented submissions to us as a department. Some, including the Alberta and Northwest Territories Building and Construction Trades Council and the Alberta Construction Labour Relations Association, have met on more than one occasion, sometimes on many occasions.

It has not been an easy piece of legislation to develop. I do believe that all parties have shown a tremendous sense of responsibility to the industry as a whole. They recognize the challenge to the industry, and I am very optimistic about the positive approach which I believe all will take. Despite misgivings that some may have, I have been assured that they will endeavor to do their very best to make this legislation work for the success of the industry in the challenges which confront it.

MR. CHAIRMAN: Are there any further questions or comments on Bill 56? This Bill was reintroduced to the committee, so we'll follow the procedure of approval once again.

[Title and preamble agreed to]

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

[Motion carried]

Bill 34

The Teachers' Retirement Fund Amendment Act, 1979

MR. CHAIRMAN: There is an amendment to Bill 34, which is now being circulated to all hon. members. Would there be any questions or comments with respect to the amendment?

MR. D. ANDERSON: If I might briefly make some comments with respect to the amendment. It's not a significant one; it merely crosses out the term "full-time" in the current section relating to those persons who might be able to take advantage of the Teachers' Retirement Fund. This is done primarily to allow those operators of early childhood services, who in fact are very often half-time individuals, to contribute to the fund and therefore receive benefits from it. That's the only ramification of this amendment. I believe it is not important. I would like to move that that amendment be accepted.

MR. CHAIRMAN: Are there any other questions or comments regarding the amendment?

[Motion on amendment carried]

MR. CHAIRMAN: Now we'll consider the amended Bill No. 34. Are there any questions or comments with respect to the Bill? Does the sponsor wish to make a statement?

MR. D. ANDERSON: Mr. Chairman, I don't think I could make many more remarks than already indicated during second reading of this Bill. The first and second changes are merely definition changes in order to bring the Bill up to date. The third change is one

which would make it easier for teachers with respect to the registered retirement savings plan; the fourth, in terms of the transferability of the plan; the fifth, again, in terms of bringing it up to date; and the final one ensuring that the board, when determining the benefits of that particular fund, has an opportunity to take into account contributions a teacher makes, if they're not full contributions.

I would have no other comments, Mr. Chairman, but would be more than willing, as I'm sure the minister would, who's not here, to answer questions.

[Title and preamble agreed to]

MR. D. ANDERSON: Mr. Chairman, I move that the Bill as amended be reported.

[Motion carried]

Bill 57
The Oil and Gas
Conservation Amendment Act, 1979

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

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill No. 57, The Oil and Gas Conservation Amendment Act, 1979, be reported.

[Motion carried]

Bill 59
The Petroleum Marketing
Amendment Act, 1979

MR. CHAIRMAN: Are there any questions, comments, or amendments?

MR. LEITCH: Thank you, Mr. Chairman. I would like to make a brief comment because I noticed on checking *Hansard* that I left an incorrect impression with the Legislative Assembly during second reading. I referred to the Petroleum Marketing Commission as purchasing, when what I really meant to say was that it took delivery. The Petroleum Marketing Commission is not really a purchaser; it's an agent for the sale of Crown production, which is that volume of production determined by royalty levels, and the agent for the sale of the lessee's portion of the production. During second reading I inadvertently referred to the commission purchasing when actually I had in mind the commission taking possession.*

MR. CHAIRMAN: Are there any other questions or comments?

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill No. 59, The Petroleum Marketing Amendment Act, 1979, be reported.

[Motion carried]

Bill 60
The Natural Gas Pricing
Agreement Amendment Act, 1979

MR. CHAIRMAN: Are there any questions, comments, or amendments respecting this Bill?

MR. R. CLARK: Mr. Chairman, I thought this would be an appropriate time to ask the minister if he could bring us up to date as to where the discussions are between Alberta and a number of the other provinces, especially with regard to Part 2.1 of the Act. Market Development. If my memory is accurate, I believe it was last week that considerable public comment was made, not only by some people from the Petroleum Marketing Commission but also from some people who were, shall I say, less than wildly enthusiastic about shifting from oil to natural gas — the province of Ontario. So this may be an appropriate time to get an updating as to where those discussions are.

MR. LEITCH: Mr. Chairman, without repeating extensively the comments I made on second reading, I can just briefly review the present situation. The concept of an incentive natural gas pricing scheme was introduced and agreed to at the first ministers' meeting, I believe in November 1978. Since that time, we've been working on a plan that we thought would be the best from Alberta's point of view, and the most acceptable to other provinces. We had proposed a reduction in the price of new volumes, or additional volumes, of natural gas to 75 per cent of parity, as opposed to the price of 85 per cent of parity with oil, which is applicable to the now-flowing volumes of natural gas.

Submissions have been made to us, notably by the province of Quebec, that that reduction in price was not large enough to push out oil in that province. They provided us with some studies in support of their position. We have reviewed those, and have not reached a final decision as to what price reduction might be required to push out the significant volumes of oil that we are contemplating. When I say push out oil, Mr. Chairman, I'm really referring to displacing oil that is now being used for heating purposes and things of that nature.

This is part of the discussions we are continuing with the federal government with respect to energy, because there may be a role in this plan for the federal government. That has not yet been determined. There are references to an incentive natural gas plan in the document tabled in the House today and tabled by the federal government in the federal House last night.

To sum up in a sentence where we are at the moment, I would say we're in negotiations, with both the other provinces and the federal government. As to when those negotiations might end, I simply couldn't predict, Mr. Chairman.

MR. R. CLARK: Mr. Minister, what's the position of the government of Alberta with regard to who is to pick up the difference between the 85 per cent BTU equivalent and Alberta's position, as I understand it, of 75 per cent, to — I think the minister used the term — push out oil in the province of Quebec. The figures I've seen indicate the province of Quebec is talking in terms of 65 per cent. Any ballpark figures, Mr. Minister, as to the number of dollars involved at 75 per cent — the Alberta government's position? What kind of

*See page 1105, left column, paragraph 9 and right column, paragraph 1

funds are we talking of, on the bottom line, whether that amount of money comes from Alberta, from a combination of the Alberta government and producers, or from the federal government in the course of any tax that may be imposed? What kind of figures are we looking at? And, Mr. Minister, would you be in a position to give some indication to the committee as to the magnitude of the impact this could have, from the standpoint of how many barrels of oil we hope to free up for higher priority use if we're successful, one, in negotiating a scheme here and, secondly, in having the push-out effect?

MR. LEITCH: Mr. Chairman, there were a number of questions there. The first was, who would bear the difference — really, the loss of revenue — between the 85 per cent and such lower percentage as these new volumes of gas may be sold for? The answer is that it would be borne in total by the Alberta producers, and by the provincial government in the sense that it would receive a smaller royalty. So we've not been talking about a contribution by the federal government or others with respect to that difference. If the federal government is involved, it would be in the area of transportation, as opposed to the selling price of the natural gas. The legislation here would authorize the Petroleum Marketing Commission to accumulate the fund that would lead to the reduced price, and then distribute that fund to the distribution companies in the various provinces. The distribution companies would use that as they saw fit to increase their sales.

The prime reason for our reaching the conclusion that that was the best plan was simply that any other plans had us involved, in one way or another, in determining the price at the burner tip in other provinces, or determining the price of natural gas in other provinces so far as the consumer is concerned. In our view, that would be getting involved in their jurisdiction. So the short answer to the question is that the cost of the reduced revenues would be borne pro rata by Alberta producers, in accordance with their volumes of production.

I think it important to keep in mind that the whole matter of gas sales and gas pricing is a package, and we can't look at each little part of it in isolation. From that point of view, we need to keep in mind that the difference between the 85 per cent, which is the Canadian price of natural gas, and the export price at which we're selling to the United States — which is a very significant difference, very large sums of money involved there — all flows back to the Petroleum Marketing Commission, and through them to the producers in Alberta. So we can't look at this totally in isolation. Members of the committee will be aware that, unlike oil, we have no export tax on natural gas.

The hon. Leader of the Opposition asked me for two other estimates: one, what this reduced revenue might total and, secondly, the volumes of oil that might be pushed out by an incentive natural gas pricing screen. The two are, of course, tied together, because the more oil you push out the larger the volumes of gas you're selling, and the larger the size of the reduced revenues between the 85 per cent and whatever price this incentive natural gas might be priced at.

The estimates in both those areas would vary quite significantly, depending on who is doing the estimate, and on how far east in Canada we would extend the natural gas transmission system. It'll be one number if

we extend it only to Quebec, and a somewhat larger number if we extend it to the Atlantic provinces. But in round numbers, Mr. Chairman, I think we can talk of \$500 million by way of the difference in revenue over about nine years, which would be the lifetime of the program as we now envisage it, and in the order of 100,000 barrels of oil per day, perhaps somewhat higher, being displaced by these additional volumes of natural gas.

MR. R. CLARK: Mr. Chairman, to the minister. Are any negotiations going on now with the various maritime provinces?

MR. LEITCH: Active negotiations are not going on now with the maritime provinces. They of course are interested in getting natural gas, but there is the very major question of the cost of the transportation facility to get it from Quebec City, if the line were extended to Quebec City, to the Atlantic provinces. So we're having discussions with the federal government about this entire energy package. That part of the plan is a component of those discussions, but we haven't been actively negotiating with the Atlantic provinces on this aspect of the proposal.

MR. R. CLARK: Mr. Minister, is the extension of the pipeline from Quebec City, to use the minister's example, to the maritimes the kind of thing that might very well fit under the energy bank kind of discussions, or whatever federal term is in vogue today, to see us move to national self-sufficiency? Is this the kind of thing the federal government in essence could put quite a bit of money into? Does the minister see the federal government having a role to play in that kind of extension?

MR. LEITCH: In the various discussions about the energy bank, Mr. Chairman, the financing of these transportation facilities has been discussed as an area in which the bank might be involved.

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill No. 60, The Natural Gas Pricing Agreement Amendment Act, 1979, be reported.

[Motion carried]

Bill 75

The Trust Companies Amendment Act, 1979

MR. CHAIRMAN: Are there any questions, comments, or amendments?

[Title and preamble agreed to]

MR. OMAN: Mr. Chairman, I move that Bill No. 75, The Trust Companies Amendment Act, 1979, be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports the following Bills: 56, 57, 59, 60, and 75. The committee has also had under consideration and reports with some amendments Bill No. 34.

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

HON. MEMBERS: Agreed.

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

Bill 35
The Alberta Heritage Savings Trust Fund
Special Appropriation Act, 1980-81

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill No. 35.

This Bill is a short piece of legislation. Its purpose is to continue the flow of 30 per cent of the non-renewable resource revenue of the province into the Heritage Savings Trust Fund during the period April 1, 1980, to March 31, 1981, pursuant to Section 5 of The Alberta Heritage Savings Trust Fund Act.

Very simply, I would urge hon. members to vote for this Bill and thereby continue the flow of these revenues into the Heritage Savings Trust Fund, so that we can continue to build this unique savings account for future generations. I would welcome the views of members on all matters relating to the fund and to the Bill.

[Motion carried; Bill 35 read a second time]

Bill 77
The Alberta Heritage Savings
Trust Fund Amendment Act, 1979

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill No. 77.

This Bill is straightforward and contains essentially two elements. Firstly, it adds flexibility to the Alberta investment division of the fund in that it opens options which are not now available with respect to future investments. Members will recall that with respect to investments in this division of the fund in the past, two tests had to be met in addition to the test of yielding a reasonable return or profit: any investment contemplated for that division had to meet the test of strengthening as well as diversifying the Alberta economy. That has been satisfactory over the last two or three years, but I submit to hon. members that the fund has now reached a new stage of maturity. We have to consider broadening this provision of the Act by amending it to read that such an investment could strengthen or diversify the Alberta economy.

Mr. Speaker, an example of the need for or desirability of greater flexibility relates to the fact that the two key elements or foundation stones of the Alberta economy today remain agriculture and energy, even though we are in the process of diversification. There-

fore it would seem desirable that it be possible to make investments under this division that would purely strengthen the agriculture area of the province, or purely strengthen the economy through an energy investment, because some might suggest that that's not meeting the test of diversification. I believe it's important in the years ahead to have this flexibility for that division of the fund, so that investments could be made which only strengthen and may or may not diversify the fund.

In closing, I would only add in respect of this element of the Bill that that was one of the recommendations of the select committee, the report of which was tabled in the Assembly just recently. It was one of the very straightforward recommendations capable of quick action.

Mr. Speaker, the second proposal made in the Bill is to clarify, by an amendment, the breadth of review of the committee. The committee, as set forth with respect to the parameters in Section 13(3) as it now reads, can review and report concerning the investments of the fund. I think it has always been contemplated that that review and report would relate not only to existing investments but to possible future alternative investments as well. There was a recommendation of the committee to that effect. The second purpose of this Bill is to implement that very useful recommendation.

MR. R. CLARK: Mr. Speaker, might I just make two comments with regard to second reading of this Bill. Dealing with the last matter the Provincial Treasurer raised, that of the question of the review of the select committee, I welcome the amendment in that area. I think it's very appropriate.

Secondly, Mr. Speaker, I'd like to deal with the first issue the Provincial Treasurer raised, the question of "strengthen and diversify" as opposed to "strengthen or diversify". I raise this question now because I get a feeling from what the Provincial Treasurer said here and in the select committee that the government is now leaning far more toward the strengthening of the economic affairs of the province than toward the diversification. I think it would be most regrettable if, in fact, it is now the government's feeling that the fund has now matured — to use the Provincial Treasurer's term — to a point where this change is needed.

I would hope, Mr. Speaker, that the government has the same commitment to this question of diversification today as it had when the Bill was first introduced prior to the 1975 provincial election campaign. Very much of that campaign, and very much of the discussion around the Heritage Savings Trust Fund, wasn't only the strengthening of the Alberta economy, but that commitment to diversification was very, very important. I would look to this occasion for a very unequivocal commitment from the Provincial Treasurer that this change being proposed here doesn't lessen one iota the government's commitment to diversification, as diversification was outlined in the Assembly by the Premier on that occasion, and as it was discussed across — I was going to say the hills and dales of the province — the province in the course of that '75 election campaign. Very much of the government's legislation and commitment to Albertans at that time was to strengthen and diversify, not strengthen or diversify.

It may be a subtle change to some, but I see it as having the potential for a very major change. That's why I ask the minister on the occasion of second

reading of this Bill about what some would see as a minor amendment, but what could in fact be a very major shift in government policy. I would hope we would get assurance from the minister that that isn't the case.

MR. OMAN: Mr. Speaker, I welcome the proposed amendment. I have a couple of comments I'd like to make, and perhaps some questions to which the minister may want to respond.

One of the things I've been wondering about lately is with regard to the public service pension fund, and whether the proposed amendment might be able to undertake something which I would like to propose. As I understand it now, our fund, which takes in not only provincial employees but many of the municipal and civic employees around the province and other jurisdictions, is an unfunded fund. In other words, the contributions to it simply go into the General Revenue Fund and the payments come out of it, if that's correct. At this time, I'm sure the contributions exceed the payments.

But as I understand it, our senior citizen population right now is somewhere around 8 per cent of the total. We are now in the baby boom area as far as the working force is concerned, but I understand that probably in 25 years the component of senior citizens, or pensioners at least, would be up somewhere around 15 per cent. I would suspect, therefore, that the payments at that point would exceed the contributions by quite a bit. If I understand correctly, this is one of the dangers to all public service pensions across Canada, even the Canada pension plan, whereby the contributors will have sunk to a level perilously close to being unable to carry it.

I'm wondering if it wouldn't be wise for the provincial government, particularly with the high profile of the Heritage Savings Trust Fund, to diversify perhaps into something like a separately funded pension fund. If indeed in the years to come, say by the end of the century, our revenues are going to be lower, so that we wouldn't have that much income, wouldn't it be better to guarantee our pension system for the future by a funded regime? I don't know the amount of money that would be involved, but certainly it would then be at arm's length; it would have its own investment policy. It seems to me, therefore, that this would be a legitimate use. I wonder if the Provincial Treasurer might see this as opening the door to such a thing.

By the way, I was flying back from Manitoba last weekend and, in trying to make my time useful, I picked up an article from no less an authority than *En Route*, published by Air Canada. That article, called Future Trends and Opportunities, indicated some of the things that are going to be happening. I'd like to quote briefly. Indicating what might be happening in the future, it said:

... if energy doesn't interest you there is no shortage of other problems to consider. Take bureaucracies, for instance. More and more of our work force is being swallowed up by inefficient bureaucracies. One of the great challenges of the 80s will be to try and reverse that process. "Anything that can increase the productivity of the service sector, particularly in government," says John Guest, "should do well. There's a strong public demand for less growth in the number of government employees without a reduction in any ex-

isting services, so some method of doing that will have to be found.

Now, maybe we'll be surprised if it actually is. But if that takes place, I think our pension funding would be all the more in danger. I suggest this is a possibility for taking care of that concern.

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

HON. MEMBERS: Agreed.

MR. HYNDMAN: Briefly, Mr. Speaker, comments have been made by the Leader of the Opposition and the Member for Calgary North Hill. With respect to those of the Leader of the Opposition, I think we can assure him that there will be no contemplation of reducing the commitment of the government to the concept of diversification, as expressed when the original Heritage Savings Trust Fund Act was brought before the Assembly and, indeed, as was expressed effectively, I think, by the Premier in his speech on October 10 this year. This amendment will enable investments to be made not only in the area of diversification, not only to continue in the area of diversification, but also in respect of areas, particularly in existing sectors of agriculture and energy, where there could be a strengthening without diversification. I don't think that will result in any measurable reduction in our commitment to diversification.

I think it has to be remembered, Mr. Speaker, that it is essentially the private sector engine in the Alberta economy which has to take the initiative in respect of diversification. Large amounts of money can only do so much to generate diversification artificially, and that approach will not work. However, we will continue with entities such as the Alberta Opportunity Company, and continue the various approaches, as evidenced most recently, I think, by the new Ministry of Economic Development, which relates very much to economic diversification.

On the suggestion by the Member for Calgary North Hill, it is true that at the moment there is not the traditional form of actuarial funding of the public service pension plans of the province. It is important that the integrity of those funds be carefully buttressed at all times and seen to be in that form of security. I think the suggestion by the hon. member is certainly worth considering. He suggests the Heritage Savings Trust Fund as a funding source; that could be one possible avenue. I think there could be others as well. It's a useful suggestion, and I will certainly bear it closely in mind.

[Motion carried; Bill 77 read a second time]

Bill 64

The Statute Law Correction Act, 1979

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill 64, The Statute Law Correction Act, 1979.

[Motion carried; Bill 64 read a second time]

Bill 68

The Highway Traffic Amendment Act, 1979

MR. PAYNE: Mr. Speaker, as sponsor of Bill 68, The

Highway Traffic Amendment Act, 1979, I move second reading of this legislation.

As hon. members may recall, when I introduced the Bill I indicated that its predecessor legislation, The Highway Traffic Act, 1975, no longer reflects the updated requirements for vehicle equipment as set out by the Canada motor vehicle safety standards, and therefore requires updating. The largest number of individual amendments, Mr. Speaker, are related to vehicle equipment safety standards. A further significant area requiring amendment deals with vehicle modifications or customizing which produces vehicles outside standards for safe operation. Finally, changes are required in the Act to deal with inconsistencies in traffic operations legislation which have been causing concern to motorists and enforcement agencies alike. There is a fair amount of material in the legislation, and I thought it might be useful for me to take a moment or two to summarize what I regard as some of the more significant principles of the legislation.

There are amendments that will specify those vehicles which will require equipment — side markers, equipment identification, clearance and turning signal lights, and operation requirements — for example, improved side lights for large trucks turning across traffic. Visibility requirements for brake and turn lamps have been upgraded to improve the visibility of these vehicles, and the establishment of warning distance for highway operation at highway speeds. As I've indicated earlier, these amendments simply bring the equipment in line with the Canada Motor Vehicle Safety Act. They basically require higher intensity warning light systems. Mr. Speaker, the amendments specify those vehicles which will be required to be equipped with windshield wipers, defrosters, window washers, and such special protection as mud flaps.

Mr. Speaker, standards have also been proposed to ensure that critical visibility requirements aren't impaired by glazing, tinting, or the application of murals and other means of blocking vehicle windows required for visibility and safe operation. The intention here is to ensure that the application of such decorative material doesn't impair driver visibility and cause unnecessary safety hazards.

An amendment is also proposed that would prevent the alteration of vehicles, and the operation of these vehicles on highways, where bumpers or the vehicle has been raised to heights which expose the fuel tanks and result in high-level contact with cars in parking areas and so on. Evidence exists that vehicles that have high rear ends expose their gasoline tanks to immediate contact with a vehicle at the rear. I should point out to you, Mr. Speaker, and to the hon. members that the plan for the proclamation of the amendment is that one year would be allowed to permit those who have modified vehicles to bring them to approved standards.

The amendments also prevent the removal of any seat belt installed in the vehicle as original equipment. In other words, if the vehicle is sold, the second owner must be given the opportunity, without additional expense, to use the seat belts with which the vehicle was originally equipped.

Two amendments deal with requiring obedience of speed limits, whether established by statute, ministerial order, or municipal by-law. This has been extended to include the municipal by-law. Mr. Speaker, we are also proposing that the requirement for stopping when approaching a school bus displaying alternately flash-

ing lights be extended to roads in towns and villages where the speed limit exceeds 50 kilometres, or 30 miles, per hour.

We also propose to make it an offence to operate a vehicle so as to unduly disturb residents of any residential area during night hours. This refers to noise, and is intended to extend the terms to cover residential areas wherever they may exist, not just in cities.

A new section is proposed to extend the present coverage to federal lands — this would include parks, federal Crown airports, and so on — covering the erection of signs and signals, the application of road markings, to be consistent with travel in the province on lands under the authority of the provincial government.

A proposal has also been included to extend police authorization to search a motor vehicle where they have reasonable and probable grounds to suspect that radar detection devices are being employed to evade police activity in speed control. This amendment, Mr. Speaker, appears to follow the intent of the present Act, which provides the police authorities with the right to seize such devices, but has not previously given them the clear right to search.

In summary, Mr. Speaker, as I've indicated earlier, these amendments are primarily to update and clarify existing sections which have been difficult to interpret and enforce. As I've also indicated, it is intended that a period of time be allowed from proclamation to enforcement in those areas where equipment modifications of any significance may have to be made.

DR. BUCK: Mr. Speaker, there are some good things and some bad things in this Bill. With all due respect to the new minister and to the member presenting the Bill, I've never seen a Bill that tries to cover so much of the waterfront.

What we're discussing here is the principle, and I cannot find out what principle is involved in this Bill. Are we looking at vehicle safety? Are we looking at enforcement of — how noisy your muffler is? Are we looking at turn signals that have to be on the right- and left-hand sides of the front of the vehicle? Are we telling the federal regulating agencies how they are going to go about doing this? Mr. Speaker, if I've ever seen a Bill that requires to be taken back and redrafted, this is it.

MR. PAYNE: Mr. Speaker, I'd be happy to respond to that rhetorical question.

MR. SPEAKER: Perhaps after the hon. Member for Edmonton Norwood has had a chance to enter the debate.

MRS. CHICHAK: Mr. Speaker, I'd just like to make a few brief remarks on this Bill. To begin with, I think that a lot of the principles, as I see some of them — and I'm not going to take away from the hon. member sponsoring the Bill being able to respond directly to the hon. Member for Clover Bar. But I think that by and large, many sections of this Bill deal with vehicle safety in its many respects: the ability to have the vehicle in a condition in which it would be safe to operate; as well, the removal of some alterations made to vehicles by owners which in fact do have considerable impact on the safe operation of such vehicles. I'm pleased that a number of these items are included in

this legislation.

Mr. Speaker, the point I really wanted to make with respect to this Bill is that although it provides different time frames for application and enforcement of various sections of the Bill coming into effect, I have a concern that the many areas being covered in this legislation are such that we can see a lot of very irate citizens if enforcement is applied following this legislation without many motorists being made well aware of the contents of this Bill, and that in fact we have passed it.

So I would like to make a recommendation or a suggestion to the hon. minister under whose jurisdiction this legislation falls that there be a very well put together public communication program bringing forward the different time frames when those aspects of the legislation that come into force in order that the motoring public is not caught unaware of what in fact has happened here. To simply advertise that there has been legislation requiring certain improvements or conditions of vehicles is not adequate when you bring so many points into effect.

I think some of the amendments in this legislation will have a considerable impact with respect to insurance coverage, which is rather important.

Mr. Speaker, I just wanted to make the point that I hope the hon. minister will have his department put forward a very extensive communication and education program with respect to the areas raised in this Bill.

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

HON. MEMBERS: Agreed.

MR. PAYNE: Mr. Speaker, I welcome the opportunity to respond to the comments of both the Member for Clover Bar and the Member for Edmonton Norwood.

The former suggested, Mr. Speaker, that we consider redrafting this legislation because it deals with a variety of matters. May I suggest that's rather specious logic, in making such a recommendation. I'm very happy to admit that the legislation does cover a wide variety of subject matter, but frankly, I would simply regard that as a very comprehensive piece of legislation. I would hasten to remind the hon. member that through this comprehensive approach to this important piece of legislation, there is one common objective running throughout; that is, to improve the safety factor in the operation of motor vehicles in this province. Surely he must recognize that this will work to the benefit of all Albertans, especially those who drive on Alberta's roads and highways.

As to the comments of the Member for Edmonton Norwood, that's a very reasonable suggestion. It's one that did occur to me earlier in my discussions with departmental officials. I did in fact elicit from them an indication of their public communications plans for some of these provisions, as the member has indicated.

If I could give you just two or three illustrations, I have a tabular report indicating the timing and the content of these public communications programs. They'll deal with quite a wide variety of subjects, such as the updating of side marker lamps, the equipment update of side reflex reflectors, the hazard warning lamp provision, and so on. At least a half dozen of these are contemplated.

If I could make just one other comment, all the provisions, of course, will not be simultaneously effec-

tive. There are varying time frames for compliance, and I think this will also address itself to the concerns raised by the hon. member.

With those two responses, Mr. Speaker, I would move second reading of Bill 68.

[Motion carried; Bill 68 read a second time]

Bill 76

The School Amendment Act, 1979

MRS. OSTERMAN: Mr. Speaker, I move second reading of Bill No. 76, The School Amendment Act, 1979.

There are a lot of sections in this Act, and I will try to refer briefly to the ones that I think are of more significance than others. I could probably say that a good percentage of the amendments come about as a result of and as a direct response to concerns raised by the Alberta School Trustees' Association.

In Section 5, briefly the amendment is there because there aren't always 2,000 electors in a district. So we now have the percentage added 25 per cent. Also in Section 5 dealing with meetings as a result of petition, the meeting will have to deal with concerns directly identified with the petition.

In Section 32 (2) (e) and (f), this is just making this particular section consistent with The Municipal Government Act.

In Section 35, a judge will now be in a position not to have to dismiss a trustee if the trustee has made a *bona fide* error in judgment. This section will also now come into line with The Municipal Government Act. There still can be action against a trustee whether or not the trustee resigns or has been defeated in an election. If there has been a contravention of this section, an application against that trustee or former trustee may still be made.

In Section 49, the minister may call a by-election if in the opinion of the minister the official trustee has served his or her purpose, and the jurisdiction is now in a position to warrant an election, even though an election may not be due. There may be a by-election called by the minister.

In Section 63, we now have a situation where, if challenged, a corporation must declare every year their declaration as to their funds going to the public school district. This will mean that the corporation doesn't have to make this declaration every year; their declaration will stand until they change it.

Section 64, which is certainly very significant, now takes the undeclared corporate assessment and distributes it from a resident property ratio to a resident pupil ratio.

In Section 65, the early childhood services serve children under the age of six years, of course. That is under The Department of Education Act. School boards, which now in many instances have more and more to do with ECS programs, will now be in a position as a result of this amendment to charge tuition fees and transportation, putting them in the same position as they are with their regular services.

Section 76 just allows a board to hire for one full, complete term a teacher who has been retired.

Section 87 deals with the board of reference. The board of reference will now be able to make an order dealing with procedural or technical irregularities concerning any application brought before them, as well as with the main concerns dealt with in the

application. As was brought to my attention, a board of reference is always someone who is a judge of the Court of Queen's Bench. Ordinarily as a judge they have the ability to do that, but they sort of have to put on their judge's hat in order to deal with these other procedural or technical irregularities. They will now be able to do that as the board of reference.

Section 101 just deals with short-term loans that until this point in time have come under the jurisdiction of the Local Authorities Board. This will exempt them from that particular area.

Section 129 slightly improves the cash flow to municipalities. They will be required to make their payment in August instead of May, and there will be only the two payments, August and November. So some moneys should be accruing to them as a result of interest on the money that they'll be holding a little longer.

Section 142 certainly is one of the major amendments, I would say, in that the minister will be in a position to make tuition agreements where a boundary change has been brought about as a result of provincial action and an agreement hasn't been reached. Certainly we can elaborate on some of these things a little more in committee.

Mr. Speaker, I passed over one section that I believe I should have referred to. When there is a strike, we are changing the percentage here from 60 per cent to 75 per cent. Basically what we're talking about is that no school board should be in a position where they might be perceived to make money or in actuality make money as a result of a strike. I apologize for missing that section.

Section 146 is just a change from calendar days to school days, so there won't be any argument in the case of a suspension. We're talking about a five-day suspension where Saturday and Sunday might be construed as part of that suspension; we're talking just about school days.

Basically there is some improper grammar in Section 168, and it has been corrected.

Section 173 now deals with loitering and trespassing as grounds for someone to be asked to leave a school. Until this time they've had to prove that somebody was actually disturbing in the area of the school. This will give school authorities far more leeway and authority to make sure that undesirables are not locating themselves in the school area.

We intend to enact Section 17(b) but not proclaim it, with the hope that over the winter some of the outstanding problems that have given rise to this section can be resolved at the local level.

Thank you, Mr. Speaker.

MR. R. CLARK: Mr. Speaker, just two brief comments with regard to the Bill before us. When we get into committee, I'd ask if the sponsor of the Bill or the minister could indicate which amendments have the approval of the Alberta School Trustees' Association and the ATA? In introducing the Bill, the hon. member indicated that most amendments had the support of those two organizations. I think it would be very interesting to know which ones do and which ones don't. For a number of years the practice has been that both organizations would have an opportunity to express their point of view there.

Mr. Speaker, during the course of committee I would also like to get some rather detailed explanation from

the minister, specifically with regard to 142, and also the last section mentioned by the hon. sponsor of the Bill, the portion where in fact we'll pass legislation and then rather hold the axe. If local school boards are prepared to wither under the axe, the axe will not be dropped. I think it would indeed be interesting to explore those areas. If we could have those three pieces of information when we get into committee, it might enable the discussion to move along more quickly.

MR. HIEBERT: Mr. Speaker, with reference to Bill 76 I would like to comment on the amendment to Section 64. This amendment, which provides for more equitable apportionment of the undeclared corporate assessment, certainly has been long overdue. With approximately 25 per cent of local school board revenue being generated through the supplementary requisition based on assessment, coupled with financial constraints and declining enrolments, separate school boards have encountered definite financial hardship in providing equal opportunity for their youngsters. Furthermore, this particular amendment should assist in allaying the energies and dollars expended in trying to resolve this matter before the courts. So, based on fairness and equitable distribution, the split of the undeclared corporate assessment on the basis of student enrolment rather than on the assessment base is certainly justified and welcomed, Mr. Speaker.

MR. KOZIAK: Mr. Speaker, I want to make a few remarks as well. I was concerned that perhaps we would move past second reading of this Bill without remarks of the nature made by the Member for Edmonton Gold Bar being placed on the record. This is extremely significant. I'd like to commend the hon. Member for Three Hills for bringing forward this legislation, which really concludes the recommendation this Assembly made a number of years ago pursuant to a resolution placed on the Order Paper by the hon. Member for Edmonton Beverly.

Mr. Speaker, it's significant, particularly in these times when we are on the threshold of some substantial developments in this province involving capital investments of many, many billions of dollars — the significance that that then has, of course, on the assessment available for the local jurisdiction where such investments are being made. For example, consider what happens north of Fort McMurray at the Syncrude site. There we have a substantial investment of capital by a number of companies and governments in a consortium. The question of distribution of assessment as between the two systems serving that area is significant.

Now, we must realize that in certain cases a portion of that investment is government investment; the Canadian government has an investment, and the provincial government has an investment. How else can you determine the appropriate distribution of those investments for assessment than on a per-pupil basis? After all, the governments represent all the people in the province, all the people in the country. The same argument applies equally with Syncrude, where the government of the province of Alberta has a substantial investment in that company through the Alberta Heritage Savings Trust Fund, and many, many thousands of Albertans — I believe somewhere in the vicinity of 60,000 — also hold shares in that company. This would create a great difficulty in determining the

apportionment of the assessment of that plant that should be made as between the public and separate school systems.

Mr. Speaker, it's a wise move, and one that will definitely assist school boards in the province in fulfilling their role and mandate. Again, my congratulations and commendation to the hon. Member for Three Hills for bringing forward this very important piece of legislation, fulfilling a commitment to this Assembly.

MR. KING: Mr. Speaker, like my colleague and my predecessor, I would not like the occasion of second reading of this Bill to pass without the opportunity to make a few brief remarks. While I am certainly prepared to provide to the hon. Leader of the Opposition some of the information which he requested earlier, and will do that at committee stage, I think it is also appropriate to speak directly to some of the concerns which I think he was trying to raise indirectly, and would like to take just a moment to do that.

I had noted, not with respect to formal submissions from the ASTA or the ATA but with respect to informal submissions that had come to me from local school boards, that the provisions dealing with petitions and meetings resulting from petitions are a direct response to a local situation and to requests which we have received from both school boards and electors. The provisions dealing with conflict of interest and disqualification are in direct response to submissions we have received from the Alberta School Trustees' Association. The provisions dealing with by-elections where an official trustee presides in the absence of a school board are a direct response to a particular local situation. The provisions that deal with undeclared corporate assessment are, as my colleague has said, consistent with government policy. They are designed to achieve equity. They are consistent with government policy which was stated in this House as early as 1977 in debate on a resolution, followed by an amendment to the Act in 1977, and another amendment to the Act in 1978. Certainly they are supported by at least some local school boards, which are going to be the beneficiaries of the reallocation of financial resources.

In that regard, Mr. Speaker, it had been indicated upon first reading of the Bill, and I would like now to make clear the government's intention to provide a compensatory funding program to school boards across the province which are going to lose income as a result of this redistribution. The features of the plan are this: it will have effect for five years; it will provide to what we might call loser school boards 100 per cent compensation in the first year, 80 per cent in the second, 60 per cent in the third, 20 per cent in the fourth. The cost over the five years is estimated to be in the order of \$10 million. The cost in the first year, for the province as a whole, is estimated to be \$2.8 million. In passing, I would take issue with comments in the Calgary media that the loss to one school board alone was going to be \$3 million to \$4 million in a year. We estimate the loss across the province as a whole to be \$2.8 million in the first year.

The plan has been approved by the cabinet, which support I very much appreciate, and will come into effect on January 1, 1980. Department of Education staff have prepared financial information available to all the affected school boards. Meetings will be conducted by staff of the department with those affected

school boards in early December so that all of them can be completely aware of it in detail, aside from the comments I have made here this afternoon.

At this time, Mr. Speaker, I will not continue with my comments about the extent to which this Bill reflects initiatives that have come to us from local school boards or local communities, except to say that by and large those are the genesis of the proposals contained in this Bill.

Clearly, there are two exceptions. One is the amendments to Section 64 of The School Act. As I have said, a number of school boards are in favor of the proposals. An even larger number believes that the proposals are equitable, even though they are going to lose financially in the short term. A very small number of boards, perhaps only one, argue that the proposal is inequitable. I reject that argument now, and would be prepared to make clearer the grounds of my rejection at committee stage, if any hon. members would like to hear that.

There is one other, and that is the amendment to Section 142. I would like to take one moment to explain that, if I could. It has two features. The first deals with boundary changes. Mr. Speaker, in most cases boundary changes originate locally, and are adjudicated by a quasi-judicial body, the Local Authorities Board, which has in its authority to consider all the implications that result from a boundary change, and to attach such conditions to that boundary change as it believes are necessary in order to provide equity in the circumstances.

Mr. Speaker, there are rare occasions when boundary changes result from other circumstances: when they are not the result of a local initiative, and when they are not the result of an adjudication by a quasi-judicial body which deals with the ramifications of the boundary change. We are discussing boundary changes between local jurisdictions which are the result of an action of the provincial government. In the last seven years there has been one of those. That was the boundary change between the county of Thorhild and the MD of Sturgeon.

There is no question that as a result of that boundary change, which was done for good and sufficient reasons in terms of municipal responsibility, there was an incidental fallout which had the effect of imposing itself on the educational attainment of a very small number of students. We're talking about some number between 20 and 60. There is no question that their education was affected by something done by the provincial government. There is no question that an opportunity existed to resolve that difficulty locally, and that for whatever reason the issue was not resolved locally.

It is my view, Mr. Speaker, and I believe it is the view of my colleagues in the government, that in such cases where the change is the result of a provincial action, where the opportunity exists for local resolution, and where the local government does not take up the resolution of the problem, a responsibility accrues to the province to rectify those situations, irrespective of the number of students involved. That is the intent of the first part of Section 142 of the Act.

With respect to the second part, which deals with Section 150 instruction — that is to say, instruction in a language other than English — I would only remind members of the statement made by the Premier as well as the other first ministers in New Brunswick in 1977,

reaffirmed in February 1978 in Montreal, that this province as well as others would make our best efforts, where numbers warrant, to provide education to the Francophone community in the language of their home and culture. This is referred to as the best efforts policy of this government.

Mr. Speaker, I believe we have enjoyed considerable success with that policy in the last 18 months. To the extent we have enjoyed success, I believe it has been attributable to the positive co-operation of local school boards. Much has been done, and school boards throughout this province can be particularly proud of what has been achieved on behalf of the province. Nevertheless, again, a very small number of circumstances remain in which, although the possibility of local resolution exists, local resolution of the problem is not occurring.

With this amendment, Mr. Speaker, we desire to move those situations off centre. We desire to take something else to the situation, as a representation of the dedication of provincial government to the effect of that policy in this province. Having done this and having declared our conviction in this way, we hope the resolution of the problems will in fact be effected locally and will not require the intervention of the province.

Thank you, Mr. Speaker.

[Motion carried; Bill 76 read a second time]

MR. HORSMAN: Mr. Speaker, when the House reassembles this evening at 8 p.m., I would move that it be in committee for further consideration of Bills, starting with Bill 74.

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

HON. MEMBERS: Agreed.

[The House recessed at 5:31 p.m. and resumed at 8 p.m.]

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

[Mr. Purdy in the Chair]

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

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

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

There is an amendment, Mr. Minister.

MR. CRAWFORD: Mr. Chairman, the amendment which has been circulated in respect to Bill 74 simply accommodates the required language, in the sense that "salaries and expenses" is not a full description of

what should be referred to; it should be "allowances, salaries, and expenses" in order to accord with other wording in the Act.

[Amendment agreed to]

MR. DEPUTY CHAIRMAN: Any further comments on the Bill itself?

DR. BUCK: Mr. Chairman, I'd like to make one or two points. I'd just like a point clarified on the constituency offices. I feel this applies to people who have to serve a rural constituency. The way the legislation is before us, I'm not exactly sure if there's any limitation as to how these funds can be expended. Using my constituency as an example, I feel that rather than having one central constituency office, it would have a lot of merit if I were to split that funding up into four equal portions, be it on staff or on space. Is there sufficient flexibility that that can be done, Mr. Minister?

MR. CRAWFORD: Mr. Chairman, my belief is that there is sufficient flexibility. The drafter of the Bill as printed and submitted follows rather closely the wording used by the Miller commission, and we thought that was appropriate. However, at the time of drafting, consideration was given to the question the hon. member asks. My belief is that since the interpretation of it would clearly allow for part-time offices, the purpose would be so that they could be in more than one location, and that is with particular reference to the needs of a rural constituency.

DR. BUCK: Mr. Chairman, to the minister. Another point has always bothered me the three terms I've sat in this Legislature — I made representation to the former Premier of this province. I've always had the feeling that several constituencies in this province need special consideration. I'm just bringing this point up. In some of the constituencies — I'll use the one of Mr. Weiss, the hon. Member for Lac La Biche-McMurray. I think there are probably about five, maybe six, constituencies in that same situation, where they have a very large area to serve. I think that when we make a recommendation to a committee, be it four years down the road or whenever the next independent committee is struck, they give some consideration to looking at some type of extra travelling allowance for these constituencies that have large areas to serve, in that sometimes they have to charter airplanes to get to some of these isolated communities.

Mr. Chairman, it has always sort of stuck in my craw that some of these members who have these large, large constituencies to serve are not being treated too fairly, in that they are getting the same salaries or indemnities as the other members, but they have much larger, more difficult constituencies to serve. So I would say to the hon. minister that I think we as a Legislature should look at this, address ourselves to it, and possibly give some direction to a committee that is looking at the problem next time.

MR. CRAWFORD: Mr. Chairman, I'm sure that's a fair comment. I have no prediction to make as to whether either the hon. member or I will be here when the matter comes up again, but I do think that when a future commission — assuming that's the course followed — does follow it, something like that might

form part of its terms of reference. I think it deserves a specific look.

The only ameliorating circumstance that has arisen over the years is that more transportation in the sense of airfare, where there's a scheduled air line, and the allowance in respect to gasoline available to members, which wasn't the case, say, a decade ago, does help to some extent. But I agree it's something that should be looked at more specifically.

MR. NOTLEY: There are a couple of questions I'd like to put to the minister sponsoring the Bill, if I may. First, Mr. Minister and Mr. Chairman, what discussions have taken place with respect to the use of provincial buildings? I know that the Members' Services Committee was looking at this, but the entire question was really deferred until Bill 74 was introduced in the Legislature. It would seem to me that where space is available in provincial buildings, that is the obvious place the MLA's office should be located. When people go in to do business with the various government departments, it strikes me that having the one-roof facility should also, where practical, include the MLA's office.

The second point: I realize some provision is made in staffing the office and setting it up. I would ask the minister sponsoring the Bill whether any specific consideration has been given to making available, at least for each constituency office, the statutes of the province as well as the Bills that have been passed in the last 10 years. I say that because wherever you go, especially in rural areas, you run into people who just can't get easy access to the statutes. I have kept a set in my home, and would want to do so, because I get people calling me at home. But if you're going to have constituency offices that will be useful, especially in the rural areas, they should be equipped with a set of the statutes of the province.

MR. CRAWFORD: Mr. Chairman, my first reaction is that it wouldn't be a formidable expense to consider providing copies of the statutes to constituency offices. Since the question of constituency offices is newly arisen, matters like that will come up and should be considered in conjunction with it. With respect to that point specifically, though, and in respect of the first one with regard to the use of provincial buildings, my feeling would be that no firm policies should be arrived at without the intervention of the Members' Services Committee.

As to the use of provincial buildings, I would not want to commit my colleagues to a view on the subject, but one or two observations might be made. One is that the existence of the allowance for constituency offices may make the alternative suggested by the hon. member less pressing than might have appeared to be the case before. The other is that the question of the Legislature and the duties of the member in respect to the Legislature are presumed, I think, to be independent of any involvement as a member of the government or otherwise; he has duties that relate specifically to the constituency as a representative. I don't say that because of that it's less appropriate to consider the suggestion with regard to provincial buildings, but it is a factor and is something I would think the Members' Services Committee could be most helpful on.

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill 74 be reported as amended.

[Motion carried]

Bill 44

The Firefighters and Policemen Labour Relations Amendment Act, 1979

MR. DEPUTY CHAIRMAN: There is an amendment. Are there comments or questions to be offered with respect to any section of this Act?

MR. NOTLEY: Mr. Chairman, to begin where we left off before, I have a couple of questions in my mind, and they really flow from the meetings that took place prior to the introduction of this Act. Perhaps I could outline my understanding of the meetings, and then we could ask for a response from the minister.

It is my understanding, Mr. Chairman, that the minister phoned the president of Local 209 several days before the session opened, and asked to have a meeting. Subsequently, the president of Local 209 suggested to the minister that perhaps it would be better that the meeting be held with the Alberta Fire Fighters Association, if there was in fact going to be a review of the Act.

Mr. Chairman and Mr. Minister, it's my further understanding that on October 10, the day the Legislature reopened, Mr. d'Esterre phoned the vice-president of the Alberta Fire Fighters Association at 3 o'clock in the afternoon, about one-half hour after the Legislature had reopened, and suggested that a meeting take place, and that the following day, the same Mr. d'Esterre phoned the president of Local 209 to request a meeting with the minister. That was the meeting the minister referred to last week.

The reason I raise that, Mr. Chairman — it's my understanding that that meeting took place on October 11, between 4:30 p.m. and 7 p.m. — is that as I look at the Order Paper, the Bill was already on notice. If the Bill was on notice before the meeting with the firefighters took place, how can we suggest there was any kind of consultation? Not to have consultation with the firefighters before the legislation was drafted, in my view, can only lead to problems down the road. It's an invitation to trouble.

Before going any further, Mr. Chairman, I would invite the minister to either confirm these dates or advise us what his memory is of the chain of events leading to the meeting he referred to last week.

MR. YOUNG: Mr. Chairman, I don't have my diary with me. Had I realized that that might be useful to the consideration of this Bill, I could have brought it down. But I wasn't aware that that would be an essential ingredient of the discussion of the substance of the Bill this evening.

I can only report what I reported before, Mr. Chairman; that is, that the court decision came down, I believe, in March 1979. Up to the point at which a court action was initiated as to the interpretation of the legislation, there had not been a problem with the legislation, in terms of the ability of fire departments in all areas except Edmonton to use, to interpret, and to mutually agree to and evolve what were very good and

apparently deemed to be very practical working relationships as to the administration and organization of the department.

In short, Mr. Chairman, in the case of Calgary — not unlike Edmonton — where there are over 800 firefighters, it was deemed reasonable on the part of the firefighters' local and on the part of the city administration to have three deputy chiefs. That was the agreement they arrived at in consultation one with the other. They further arrived at an arrangement whereby they were satisfied as to the promotional requirements and procedures for individuals who would be eligible potentially to become deputy fire chief.

That, then, was the arrangement we had until a dispute between the city of Edmonton and Local 209 caused the matter to go to court. It should be known here that while this seems to be an issue in principle, it was not such an issue in principle that even in Edmonton prior to the court date there had been an acceptance of two deputy fire chiefs, which is one more than the legislation provided for, according to the local. It would appear even the local saw the reality of the situation and was willing to acknowledge there should more than one deputy chief.

I can't be certain, but it was my understanding that the real problems arose when the city apparently tried to appoint in a manner and through a procedure which was unacceptable to the local. So the local challenged the law as it then stood and obtained an interpretation contrary to that which was had been in vogue and used by the various fire departments up to that point in time. That produced a situation in which the arrangements that had been worked out with both police and firefighters in other cities, and at least in the case of the police force in the city of Edmonton, were no longer legal if challenged.

I have to say, Mr. Chairman, that when the matter was first brought to my attention I couldn't believe we had a problem of this nature, and it was some time before my officials were able to gain the appropriate amount of my attention. But when I realized the gravity of the situation from the various legal opinions I was receiving, I then agreed that we would consider an amendment.

Mr. Chairman, what I think is important is to realize that the situation which Local 209 in particular now does not like was the situation which Local 209 in particular precipitated.

Moving then to the consultation, which the hon. Member for Spirit River-Fairview wishes to indulge in, I would only say that it had been my understanding that there was some consultation earlier on. I believe that to be the case. It is clear that it was not what both I and the firefighters would have wished it to have been. Lest there be some confusion, however, I want to reiterate that I had but one meeting of the municipalities, of any municipalities, before the legislation was introduced, and one meeting with firefighters. Prior to the attempt which the hon. member mentions, there was an unsuccessful effort to reach the president of the Alberta Fire Fighters Association. It was unfortunate that he was out of town. It's no fault on his part, and it took us a while to realize what was happening.

I believe there was some other consultation. I'm afraid it was unofficial consultation. So I am at that point where, without going to get my diary, I can't verify for the hon. member other than to say I had two meetings. If the date is right — which I'm not certain

about, within a couple of days — the hon. member's information with respect to the hours of the meeting is right. It was a very long meeting. It went from about 4 or 4:30 p.m. through to 7:30 p.m. at least, a very full meeting. We examined the issue in depth vertically and in extreme horizontally, and I think we examined it from any other angle it could be examined from. Mr. Chairman, I believe that will respond to the hon. member.

MR. NOTLEY: Mr. Chairman, if I can follow along for a moment. With great respect, Mr. Minister, in my judgment anyway, that really doesn't absolve the government from the charge that there really wasn't adequate consultation. Because we're dealing with people who are protecting life and limb, people who are the heroes today in the Toronto area as a result of a very dangerous fire on a tanker derailment. In my view, we're dealing with people where, as a government, if you're not going to say to these people, you have the ultimate or else, then we do have to say we will go the extra mile and then the extra mile beyond that to make sure there is consultation.

What you're telling us, Mr. Minister, is that there really wasn't consultation. At best, there was some kind of informal liaison, you say "before". But when it comes to actual consultation, where the minister sits down with representatives of the firefighters and says, we are going to open up the Act, and this is what we are going to do: as I understand it, that did not occur until the eleventh, when Bill 44 was already on the Order Paper. Now unless this government has a new approach to drafting legislation — that is, they put the Bill on the Order Paper before they've got the legislation drafted — I can only conclude that the legislation in fact was ready to go before the meeting took place. I say to you, Mr. Minister, that it is simply not good enough for the Minister of Labour or any other member of the cabinet to claim you have consultation when we have a *fait accompli*.

Now I want to deal with this business of the Act and the history for a moment. As I understand the history very briefly, prior to 1969 it was called The Fire Departments Platoon Act. At that time, only the chief was outside the bargaining unit. In 1969 the municipalities wanted the Act opened up to remove everyone above district chief. At that particular time in the city of Edmonton, it was in the neighborhood of 15 people; it would now be in the neighborhood of 25 people. In 1969 the union's position was, no, we want to maintain the status quo. The saw-off, as a result of the delay in the legislation that was made reference to in Mr. Pugh's remark — which I don't need to read into the record again, because I think it was read last time by both Dr. Buck and me — was the chief and the deputy, but never any more than one deputy.

Now what happened subsequently? We had negotiated arrangements, but in the case of Edmonton they applied to add one more deputy chief. It's important to recall, Mr. Minister, that that particular decision, while it had the acquiescence of the union, didn't have the support. As I recollect, the city promised in 1971 that there would be no more than two deputy chiefs. The union said: we'll acquiesce to that; we won't challenge it. Then the city began to use junior captains in the two deputy chief positions. A junior lieutenant and a firefighter of 14 years' experience was being groomed for the position of deputy chief to protect promotional

policy.

It was at this juncture that Local 209 decided they would seek clarification of the Act. Now, Mr. Minister, you've been saying they have challenged the Act. It was at this juncture that they sought clarification of the Act. Their position was upheld. It was taken to appeal court. And as I understand the court of appeal, the majority decision accepted the interpretation of the Act that Local 209 had argued for all along.

A number of questions were asked. To properly debate this subject, Mr. Chairman, question number one:

... whether, pursuant to Section 2(c) of The Firefighters and Policemen Labour Relations Act as amended, the city of Edmonton is empowered to designate more than one individual as deputy chief. Thereby excluding the said individual or individuals from the bargaining unit represented by the International Association of Firefighters Local 209.

That was the first question asked. The majority decision on that question was no.

The second question:

... whether pursuant to Section 3 of The Firefighters and Policemen Labour Relations Act as amended, the city of Edmonton is empowered to deny more than two individuals the rights therein enumerated, by designating the said individuals chief or deputy chief.

Again, Mr. Minister, the court said no.

Now there was a dissenting judgment. But the dissenting judgment, as I see it, really doesn't confirm the position you've indicated in this House. On page 2 of the dissenting judgment:

The issue here however, is not this city's right to appoint such officials, but as to whether the additional deputy chief

in this case the deputy chief of operations

and the newly advertised positions are to be classified as members of the respondents' union or not, having regard for the provision of the Act.

So what occurred, Mr. Minister, was not a happy situation where everybody was satisfied until nasty old Local 209 took the thing to court. We had a clarification. And the clarification, Mr. Minister, was that the union's position was correct.

Having said that, it seems to me that in a sense we've been told in this House that there would have been no problem if there hadn't been a challenge. What do you expect? There was a disagreement, a very serious disagreement. The obvious and responsible thing for Local 209 to do would be to seek legal clarification. That legal clarification was sought, and the majority decision was in favor of the union's position. That being the case, it seems to me that after the union has taken the initiative and obtained the clarification, we are saying: whoops, what the courts have found is the case all along; we really don't mean it that way, so without proper consultation, calling in the key people the day after the Legislature reconvenes, we will change the Act to make what was a practice in other areas legal if it was challenged. But as I understand it, it would take a challenge to put the thing into any degree of prejudice at all. And if there's no disagreement in the other departments, then the likelihood of a challenge isn't there.

I come to the bottom line. Mr. Chairman and Mr. Minister. The court case was in March. We've now gone through seven and a half months. I just fail to

see why it is so impossible to wait an extra three and a half months. Bring the legislation back in the spring session so we can properly debate it and the consultation can take place, so the firefighters feel that not only has justice been done, but it is seen to have been done.

MR. COOK: Mr. Chairman, I was going to ask a couple of questions just for information. Last day I made some remarks. I was a little confused on some of the negotiation process, and I'm still fuzzy. [interjection] Just for the record and for the House, could the minister outline the events that led to the appeal court decision? I wonder specifically about the initiative of Local 209 in challenging this and, secondly, the initiative of the city administration in taking it to the appeal court or to the court process.

Secondly, Mr. Minister, I wonder if I could ask who initiated the request for the legislation. Was it the city? Or did it come from within the Department of Labour, staff members who were handling this case?

Finally, could the minister advise the House whether there's been consultation with other city administrations that would be affected; for example, Calgary, Lethbridge, or Sherwood Park?

DR. BUCK: Mr. Chairman, the hon. Member for Edmonton Glengarry is not carrying his two-by-four tonight, so I guess I can get up and make a few comments.

Mr. Chairman and members of the committee, I will not go through the information laid before us by the hon. Member for Spirit River-Fairview. But I would just like to remind the hon. minister that we are servants of the people; we are here to serve the people. In serving the voter and the people of this province in their best interests, I think the hon. minister has not indicated to us why this legislation cannot wait for three and a half months. Before I will vote positively for a Bill, the hon. minister is going to have to convince me why this cannot be held until we have full and open consultation. The minister has not been able to convince me that we have had that kind of full and open consultation.

Mr. Chairman, the hon. minister seems to be trying to get the point across to some government backbenchers that this was a problem created just by Local 209. If the hon. members of the government backbenches will look at the information that has been handed to them, the other unions in this province unanimously asked that this legislation be held. It's not just the one union; all the unions are asking the hon. minister to hold this.

Mr. Chairman, I have other questions and concerns that I will be bringing up later. But I do wish to remind this Legislature that Bills like this would never appear on the Order Paper if this House were evenly divided.

AN HON. MEMBER: Hear, hear.

AN HON. MEMBER: Oh, Walt.

DR. BUCK: It's fine for you to be able to say that. But this type of controversial legislation would not be brought in. The minister would have to convince this Assembly and the people involved in the dispute that the legislation is needed right now. He has not been able to do that. Surely the hon. members in the back

benches cannot be telling their minister to hold it, because if they are getting the same representation as we are getting, they would hold this legislation.

MR. NOTLEY: Exactly.

DR. BUCK: Because the representation being made to the government backbenchers is exactly the representation being made to us in the opposition.

MR. NOTLEY: It's unanimous.

DR. BUCK: So I cannot understand how the members in the back benches can sit there in all conscience — in all conscience, I say, Mr. Chairman — and support the legislation before us. Who are they serving? Are they serving their people, or are they serving their party?

So I would like to say, Mr. Chairman, that we are asking the minister to hold the legislation until the spring session. If we are here to serve the people, surely that legislation should be held.

MR. YOUNG: Mr. Chairman, first of all I think we've been over quite a bit of this subject on more than one occasion. However, perhaps I should refresh the memories of hon. members with respect to the question that I believe the hon. Member for Edmonton Glengarry asked: how did this develop? My understanding is that for some number of years, the best part of a decade, some increasing dissatisfaction has been brewing in the Edmonton situation between the firefighters' union Local 209 and the city administration. That dissatisfaction has been exercised by a challenge to legislation at a given point in time.

Now, whether the challenge would be the cure for the problem — it doesn't appear to have been because, as I am given to understand by both parties, the problem has gotten progressively worse since the court decision came down. So nothing really happened with respect to the Edmonton problem as a consequence of the court decision. And let's keep that in perspective, because I think it's very important.

The hon. Member for Spirit River-Fairview talks about safety of the public and the importance of firefighters. I agree with and feel very keenly about all these things, the same as I agree that policemen are often heroes and have a dangerous job to do. I have already pointed out that in connection with this legislation, policemen were affected by the court decision. Do we find any policemen complaining? No we don't; we don't find one. I ask members to reflect on that matter.

Mr. Chairman, I think we have a very unfortunate situation in Edmonton. It is a situation of inability of Local 209 and the city administration to agree on a series of problems they mutually have acquired. I am as dedicated and as interested as any member in this House. Furthermore I have the ultimate responsibility to make sure that the public interest is assured with respect to firefighting and labor relations, and it is my intention to do just that.

Accordingly, despite the efforts of some hon. members to confuse the issue, I have done my level best to distinguish between a local Edmonton problem and a problem which is province-wide. The problem which is province-wide arises because, as a consequence of the court decision, we need to make legally right and permissible what the parties by mutual agreement had

worked out over a decade. Despite all the history, hon. Member for Spirit River-Fairview, they worked it out over a decade. They evolved a system of mutual agreement. Regardless of what the judges said the legislation meant, the parties mutually agreed that it meant something else, and they proceeded to act realistically. Looking at their situation, they agreed that a fire-fighting force of 800-plus men and, in some cases, much smaller forces, should have more than one deputy chief. They mutually agreed on that.

In Calgary they went even further, and I give them full credit for doing so. They worked out a system by which they had mutual agreement on the determination of how many deputy chiefs there would be. Then they had mutual agreement on a second point: what basic qualifications a candidate for deputy chief would have to have. Further, they did a third thing: they mutually agreed on the appropriate kind of training program.

They did those three things by mutual agreement, acting in concert, with the public interest in mind, and with the idea of making their work place, the fire department, the best, most desirable place to work in that they could achieve. They succeeded in all that.

In Edmonton we have a dispute. They challenge the legislation and get a court decision that what was worked out in Calgary isn't permissible under the law as we have it.

Now I ask all hon. members: what kind of sense does it make, that we should allow an interpretation of legislation to reverse very healthy, positive, mutual relations in labor relations and conduct of our fire-fighting forces, if we're talking about the public interest? I ask you all to think on that.

So that is the reason for the legislation. It is a legal reason, pure and simple. We're talking about one "s" in dispute. One "s".

Mr. Chairman, I have tried to approach the Edmonton problem in a different way. I have secured the agreement of the president of Local 209, the mayor of the city of Edmonton, the chief commissioner, and some of the other commissioners now, to provide to them our senior labor management advisory people to try to assist in a consultation process which would, among other things, get agreement on a proper training program. I have heard from both parties that that's their objective. They are unable to do it. Surely, with the common interest they have, it can be achieved, and I fully believe it can. But it has to be treated as something separate and apart from the problem we have before us. Hon. members, I trust all will address that, and that we keep it separate and apart from this matter before us.

I have spent over 10 hours in consultation with either the provincial firefighters or with the Local 209 firefighters. It is not an easy problem to solve. If it had been easy, I would have the answer. Mr. Chairman, I have agreed, and I have made a commitment in writing to the president of the Alberta Fire Fighters Association, that I would have a meeting at the most convenient time — I believe we have an agreement now — in the month of January. We would not proclaim this part — the one "s" — before the month of January, at least before that time, and at least before we have that meeting, unless it is challenged in court. We would proclaim the portion dealing with policemen immediately, because there is no question, no dispute at all with respect to policemen.

So, Mr. Chairman, I think I have gone a long way to listening to all parties. I have to confess I've listened but once to the municipalities, because the legal advice I have received suggests that we have a problem on which, unless we want to undo the good work which has been achieved by mutual effort to this time, we had better act.

Mr. Chairman, I repeat again that I have had three meetings with the Alberta Fire Fighters Association. We have explored a series of concerns, not all of them related to legislation by any means. I have tried to put in place some assistance to aid Local 209 and the city to overcome some very long standing difficulties which they have. I am convinced that that is the appropriate solution for that particular problem. I really don't know what more I can do at this stage to overcome a problem of the nature which the hon. member suggests there is.

MR. NOTLEY: First, Mr. Chairman, the minister's statements would carry a good deal more force if we had a situation where the only local concerned about it and protesting the legislation was Local 209. But that is not the case. We have unanimity among every local of firemen in the province of Alberta saying, hold the act. [applause]

MR. DEPUTY CHAIRMAN: Order in the gallery, please.

MR. NOTLEY: Not even one of the locals is saying, we think the minister is reasonable and we'd like this clarified. Without exception all the locals are saying, hold the legislation.

Then we get the second point. The minister has now said, we're not going to proclaim the legislation until after a meeting in January. This appeal judgment was on March 9, a little more than eight months ago. For eight months it was apparently not so vital that we move on it. If it had been so critical, Mr. Chairman, we would have dealt with it in the spring session of the Legislature. If it was that critical I can't imagine that this government would have been so cavalier as to say, well, we'll just let it slide to the fall.

So we let it wait for eight months, and now we're going to let it wait for another two months. It's almost certain that the spring session of the Legislature will start in late February or early March, unless we aren't going to have legislatures any more, or whatever the case may be. So we're looking at a spring session of the Legislature in early March, seven or eight weeks more. I say to the minister, why in heaven's name are we getting into this corner? You have the unanimous position of the Alberta Fire Fighters saying, hold the legislation over. If you want to deal with a separate Act as far as the policemen are concerned, and proclaim it, fine, we can do that. That will not be the most difficult thing in the world.

It seems to me that we're getting ourselves in this corner for seven or eight weeks of having the legislation in force. For the life of me, Mr. Chairman, I can't follow the logic of that. Why is it that we have to do it? The minister says, we've got to overcome any ambiguity in the law: it could be challenged. Of course it could be challenged. But it's not going to be challenged in the other places, because they've developed satisfactory situations. It's obviously not going to be challenged by the unions, because all the locals in the

province are saying, hold it over. So they're not going run out tomorrow and challenge it. Obviously it's going to be satisfactory to the municipalities. So what is this great fear?

Moreover, Mr. Chairman, if we really wanted to look at legislation that could be challenged, we just talked about whether a Bill, I think it's Bill 59, that the Minister of Energy and Natural Resources is going to be dealing with a little later is constitutional. We'll have to wait and see. It could be challenged too. But we're almost certainly going to pass it, notwithstanding that, despite the fact that it could be challenged. Mr. Chairman, why do it when you have unanimous opposition?

The minister says, we have to develop a better attitudinal position. Sure we do. But a better attitudinal position is surely going to be based on sitting down and talking with people before the legislation is drafted, Mr. Minister, not the very day it appears on the Order Paper. With great respect to you, what a cavalier way to treat firefighters in this province.

Surely if this is such an urgent matter now, the legal advice the minister got would have convinced him that he had to move much earlier. Yet we don't have this movement until the Legislature is in session. Then all of a sudden we're committing to: damn the torpedoes, we're moving ahead. I say to you, Mr. Minister, with greatest respect, that is not the way to develop a workable, positive labor relations environment between municipalities and firefighters in this province.

I conclude by saying that the arguments presented by the minister have failed to deal with the central points: lack of consultation, and why it is necessary to pass this legislation when, at most, we're going to be dealing with a period of seven or eight weeks when it would be proclaimed.

MR. R. SPEAKER: Mr. Chairman, I say this to the minister: I've tried very hard to understand exactly the reasons we can't hold this legislation and bring it back in the spring session. The conclusion I come to at this point in time, after listening to the minister explain his position, is that the government and the minister and his officials do not trust some of the local firefighter organizations in the province of Alberta. That's the conclusion I come to at the present time. Mr. Chairman, I think that's a very unfortunate situation, because in order for harmony to exist and for all parties to agree on something even in January, we have to have trust at this point in time.

The only reason I can see that the minister is so adamant in passing the amendment at this point in time is that he feels that between now and January, one of the locals will challenge the existing legislation, and if he doesn't have in hand the requested amendment, he can't say to them: if you challenge us, I bring in the amendment, and that's the end of you. He has that threat at hand at all times. Now, Mr. Chairman, I think what we're saying is that if we start from that assumption at this point in time, in January the people requesting changes and concerned about the legislation at this time haven't one hope at all of getting the changes they desire. The amendment we're going to pass during this Legislature, that the minister's requesting us to support, will be the same legislation and the same ideas that will be supported by the minister in January and will not change. So

what will be the discussions at that point in time? I don't think they will amount to very much.

So the reason I think the minister and the government want the legislation at this time is that they don't trust the locals. Even the Calgary one, that seems to be agreeable with the position of the minister, may want to do something. Some other locals may challenge it. The trust isn't there, so we need this legislated weapon to use between now and January. Mr. Chairman, I don't think that's a good enough reason for us to support it and pass it in this Assembly.

In my own interpretation, there's no way I can support it, and certainly I think other members of the Legislature who have firefighter organizations in their constituencies should assess what they are doing as responsible legislators at this point in time. If it's legislation to be used as threats, that's one thing; if it's legislation to solve a problem and bring harmony in an organization, that's another. But I don't think we are really doing the latter at the present time.

DR. BUCK: Mr. Chairman, I'm sure the hon. minister is conversant with most of the facts. But when the minister compares the Calgary and the Edmonton situations, I think it's only right that the hon. government backbenchers should be aware that in the Calgary situation officers of captain's rank of at least five years' seniority are the only ones who can write for deputy chief, whereas the chief in Edmonton has allowed members with only one year's service to write for deputy chief. Also I think the government backbenchers should be aware that the fire department has brought in outsiders for jobs that in the ordinary sequence of events really belong to Local 209; that is, the chief of communications and the chief of services. I'd like the members, the government backbenchers, to be aware that the local is grievancing the mechanic's position. But if the local should win, placing an "s" behind "deputy chief" and making it "chiefs" could annul that situation.

I believe the minister should take some things back to his caucus. It's quite obvious the government backbenchers are going to listen to what the minister and the government tell them. So if the minister will not consider holding the legislation until the spring, I think it's only fair to his own backbenchers that he at least take it back to caucus and explain it to the backbenchers so they understand, and not have them just listen to what the government whip tells them they should do. If they are responsible members of this Legislature, they will ascertain the facts.

MR. WEISS: Mr. Chairman, I object to the innuendoes and accusations that I am sitting as a member of this back bench not fully conversant and intelligent enough to know what I understand and what I don't understand. I fully believe that I act according to the way I feel and believe is right, and neither the minister nor the whip is telling me how I vote, how I act, or how I listen. I would like the hon. member please to refrain from using the words he has.

DR. BUCK: Mr. Chairman, I would ask the hon. member, if he is conversant with the facts as they apply to Calgary and Edmonton, to recite those facts to the members of this Assembly. I challenge that hon. member that he is not conversant with the facts. He, or members of the back benches, have not indicated why

this legislation should be brought in, and I don't think the minister has convinced his backbenchers of why there is such expediency and immediacy for this legislation. So I would like to say that if the government is afraid of losing face by backing down and saying we'll bring it in in the spring, at least take it back to the caucus and bring it back tomorrow, Mr. Chairman.

MR. NOTLEY: First, Mr. Minister, I understand that legal opinions on the arrangements elsewhere, in particular in the city of Calgary, are that where you have an agreement there's nothing illegal about that. The government's whole case for moving ahead is that if we don't ram this legislation through, somehow the situation elsewhere in the province is going to change overnight. Mr. Minister, you have agreements. Those agreements aren't going to be broken in the next three and a half months. My understanding is that that is the legal opinion of more than one lawyer. So why the rush? That really has to be explained to us before we can pass this legislation.

I go back to the arguments raised before. What is at stake here in Edmonton is something that has developed over a period of time. There's no question about that. It's in part an attitudinal situation. But when the minister rose, as he did on the 7th, I felt — and perhaps the way you put it was not the way you felt the situation was. But the way you put it, you seemed to place most of the responsibility for that situation on Local 209.

I don't see how anyone looking at the situation in Edmonton in the last eight or nine years could place all the responsibility for that situation on Local 209. As matter of fact, I think Local 209 has been more than willing to try to work with the legislation agreed to in 1969. And remember it was a saw-off in 1969. In 1971, when the city wanted to add a deputy chief, the union wrote and said, no, that's not the way we interpret the law. But because the city came back and said, just a minute, we want no more than two, there was acquiescence. But then we got a little niggling around the edges and this whole business of leapfrogging over people who have been in the service. How can you possibly have effective service in any kind of public occupational field if you disrupt the promotional system? The city was just asking for trouble.

Instead of ranting and raving, the union went to court and said, give us an interpretation of the law. They got an interpretation. The city didn't like it, and they appealed it. And the appeal court, two to one, supported the position of Local 209. The suggestion that somehow everything would have been hunky-dory if it hadn't been for this test ... It wouldn't have been hunky-dory at all, because the city would simply have been successful in niggling away at the edges of the legislation. And what had been achieved honorably in other places as a result of mutual negotiation would have resulted in a de facto situation in the city of Edmonton where people were removed from the bargaining unit.

How can you expect Local 209 to act in any other way? It's this sort of bottom-line position, Mr. Minister, that has created a feeling of unanimity among firefighters in this province, some of whom have a different relationship with their respective departments than Local [209] does with the city of Edmonton.

You know, when I see some of the resolutions here

for example, the resolution to the Alberta Provincial Fire Chiefs Association convention on June 11 to 14, 1972 — I just have to say that this is the kind of provocation which I think we have to read into the record too, since we've talked about Local 209 asking for a clarification. Let me read this:

WHEREAS the Firefighters and Policemen Labour Relations Act ... provides that the "bargaining unit" means the Firefighters and the Fire Department of a Municipality, excluding the Chief and the Deputy Chief, and

WHEREAS this same Act provides for Policemen of a Municipal Police Force who hold the rank of Inspector or higher to be in one bargaining unit and Policemen who hold ranks lower than that of Inspector to be in a separate bargaining unit,

THEREFORE BE IT RESOLVED, that this Association request the Minister of Labour to amend the aforementioned Act to provide separate bargaining units for those members of a Municipal Fire Department who hold the rank of Captain or higher, excluding the Fire Chief and Deputy Fire Chiefs and those members who hold ranks lower than that of a Captain.

Mr. Chairman, a statement like that presented to the fire chiefs' convention is so totally at odds with the trade-off in 1969 that it can do nothing other than lead to problems, to bad feelings, and eventually to the clarification that was sought in the courts.

Mr. Chairman, I would just suggest to the members that in my view we have not heard a reasonable explanation of why this Assembly should pass the legislation. Therefore I would like to move the following amendment: that Bill 44, The Firefighters and Policemen Labour Relations Amendment Act, 1979, not be reported during this session.

MR. DEPUTY CHAIRMAN: We have an amendment in front of the House that we have to deal with first. Then we'll come back to this amendment.

Are you ready for the question on the government amendment dated October 24? The amendment to the Bill is:

That Section 4 is struck out and the following is substituted:

- 4 (1) This Act, except Section 3, comes into force the day on which it is assented to.
- (2) Section 3 comes into force on the day to be fixed by proclamation.

[Motion on amendment carried]

MR. DEPUTY CHAIRMAN: We have an amendment from the Member for Spirit. River-Fairview. I'll just wait until all members have a copy of that amendment.

MR. NOTLEY: Mr. Chairman, just so we can proceed with the amendment. It's very simple; it's a hoist. It's that The Firefighters and Policemen Labour Relations Amendment Act not be reported during this session. It's a simple hoist.

DR. BUCK: Mr. Chairman, I'd like to speak on the amendment. I think that we will now see if government backbenchers really will speak as the hon. Member for Lac La Biche-McMurray has indicated [interjections] that they are free to vote as they please in this

Legislature, and that they are free to vote as they feel the facts are. Mr. Chairman, we'll see how free they are to vote.

MR. DEPUTY CHAIRMAN: Are you ready for the question on the amendment proposed by the Member for Spirit River-Fairview?

[Mr. Deputy Chairman declared the motion on the amendment lost. Several members rose calling for a division. The division bell was rung]

[Three minutes having elapsed, the House divided]

For the motion:

Buck	Notley	Speaker: R.
Clark, R.		

Against the motion:

Adair	Fyfe	Osterman
Anderson, C.	Gogo	Pahl
Anderson, D.	Harle	Paproski
Batiuk	Hiebert	Pengelly
Bogle	Horsman	Planche
Borstad	Hyndman	Reid
Bradley	Isley	Russell
Campbell	Johnston	Schmidt
Carter	King	Shaben
Chambers	Koziak	Stevens
Chichak	Kroeger	Stewart
Clark, L.	Kushner	Stromberg
Cook	Leitch	Thompson
Cookson	Lysons	Topolnisky
Crawford	Magee	Trynchy
Cripps	McCrae	Webber
Diachuk	McCrimmon	Weiss
Embury	Miller	Young
Fjordbotten	Oman	

Totals:	Ayes - 4	Noes - 56
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[Interjections]

MR. DEPUTY CHAIRMAN: Order in the gallery please, or we'll clear it.

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

[Three minutes having elapsed, the House divided]

For the motion:

Adair	Fyfe	Osterman
Anderson, C.	Gogo	Pahl
Anderson, D.	Harle	Paproski
Batiuk	Hiebert	Pengelly
Bogle	Horsman	Planche
Borstad	Hyndman	Reid
Bradley	Isley	Russell
Campbell	Johnston	Schmidt
Carter	King	Shaben
Chambers	Koziak	Stevens
Chichak	Kroeger	Stewart
Clark, L.	Kushner	Stromberg
Cook	Leitch	Thompson
Cookson	Lysons	Topolnisky
Crawford	Magee	Trynchy

Cripps	McCrae	Webber
Diachuk	McCrimmon	Weiss
Embury	Miller	Young
Fjordbotten	Oman	
Against the motion:		
Buck	Notley	Speaker, R.
Clark, R.		
Totals:	Ayes - 56	Noes - 4

[Title and preamble agreed to]

MR. YOUNG: Mr. Chairman, before I move to report the Bill, I have for distribution to hon. members the letter of October 31, which I supplied to Mr. Willetts, president of the Alberta Fire Fighters Association. If hon. members so wish, it's available.

Mr. Chairman, I move that Bill 44, The Firefighters and Policemen Labour Relations Amendment Act, 1979, as amended, be reported.

[Motion carried]

Bill 64

The Statute Law Correction 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. CRAWFORD: Mr. Chairman, I move that Bill No. 64, The Statute Law Correction Act, 1979, be reported.

[Motion carried]

Bill 68

The Highway Traffic Amendment Act, 1979

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

DR. BUCK: Mr. Chairman, I just don't think we can put this Bill through committee without the minister responsible reporting. As I said this afternoon on second reading, in principle we seem to be trying to cover the entire water front. I felt at that time that the Bill seemed to be rather hastily drafted, in that we were trying to cover just about everything we could possibly think of on the front, the side, the top, and the underside of an automobile. I believe it's the responsibility of the minister to indicate to the committee exactly what he is trying to do in this legislation.

MR. KROEGER: Mr. Chairman, in response to the question from the Member for Clover Bar, we're trying to revamp an existing Bill, clean it up, and make it more meaningful. If the member would like to go into specifics, we can do that. But as for the comment that it's all-encompassing, we are dealing with items that were in the existing Bill. There's really very little new in it other than just an adjustment and a clean-up, if that's a useful term. I would have to leave it to the member to ask specifics. Nothing is intended in the

way of overreaching in the Bill. It's a matter of straightening it out.

DR. BUCK: Mr. Chairman, one section that disturbs me is where we are looking at bumper heights. Can the minister indicate what we are going to do in the situation where we use load levellers — when the automobile or the vehicle is at a certain level, and then we use load levellers when we're pulling trailers and such? Can the minister indicate how this situation would be handled?

MR. KROEGER: As I have experienced the way they work, load levellers won't distort the level of bumpers to the degree that is indicated in this Act as it is now constituted. Actually, what we're talking about here in that regard is a matter of modification, whereas the load leveller is a support instrument.

DR. BUCK: Mr. Chairman, maybe the minister can explain the section on seat belts, Section 47(4) I believe. Has the government taken a position on what the status of seat belts will be in relation to this Act and as it relates to government policy?

MR. KROEGER: I haven't looked up the particular item in the Act that is being referred to, but the intent is that if seat belts have been removed ... Did the member say No. 47? Well, it just means what it says, that seat belts are not to be removed. It doesn't relate to seat belt legislation as it has been discussed before. It doesn't have anything to do with the concept of mandatory seat belt legislation. It prohibits the removal, because the Canadian safety standards require that cars be equipped with seat belts. Therefore, they must not be removed.

DR. BUCK: Maybe the minister could take a few minutes and indicate to the committee just what monitoring goes on in the province as to how safe our vehicles are, as far as the program that's in place at this time is concerned. I believe that if we are going to be making wide-ranging legislation such as this, it is incumbent upon the minister or the Solicitor General to indicate to us what practices are in place at this time to make sure that cars that are on the highways right now and that have not been modified are safe. Maybe the minister can give a brief dissertation on what is in place at this time to keep unsafe vehicles off the road. What monitoring is in place?

MR. KROEGER: Mr. Chairman, if a car were to be inspected and found deficient, as outlined in this Act, the Solicitor General's people would simply require that car to come off the road.

DR. BUCK: Mr. Chairman, to the hon. Solicitor General, can the Solicitor General indicate to us what monitoring is in place at this time? If we're worried about the modified vehicles on the road, maybe we should be worrying about some of the unsafe vehicles on the road that are not modified. In this omnibus legislation that the minister is proposing and that we have before us, we seem to be worrying about vehicles that are modified, but I'd like to know what the government's doing about enforcing safe standards on vehicles on the road that are not modified. Can the Solicitor General give us some information?

MR. HARLE: Only in general terms, Mr. Chairman. Obviously, whatever the legal requirements are, the police forces in the province have to use their discretion and their observation of vehicles, and they are continually laying charges for vehicles that do not meet the requirements.

DR. BUCK: Mr. Chairman, I'm just trying to ascertain in my own mind — if the program we now have in place does not keep off the road the driver who is unsafe because of mechanical deficiencies, bare tires, and poor steering, what do we have in place to enforce the legislation that's before us at this time? It's fine to bring in legislation. I agree with a lot of this; I don't agree with a lot of it. But I would like to know what we're going to do about enforcing it. If we don't have an adequate enforcing system in place now, are we going to be having officers running around with tape measures to check if the bumpers are a centimetre too high or a centimetre too low? What mechanism is in place?

MR. KROEGER: If the member is making specific reference to bumper heights, yes, that's exactly what will happen. Cars will be checked to make certain that they meet the specifications as set out by the Canadian safety standards. We're not talking about changing anything as far as these cars are concerned except that they conform to Canadian safety standards. When and if this is proclaimed, if a car were obviously out of line, too high or too low — it goes both ways — that car certainly could be stopped and measured, and that person charged.

DR. REID: Mr. Chairman, I have another concern over Section 47(4) that I would like to address to the minister. This section as written would prohibit removal of the original seat belts and substitution of a better type of seat belt. I'm thinking of the substitution of the inertial type or of a shoulder/lap belt combination in place of a lap belt.

The other thing that concerns me is that it would prohibit the removal of air bags if they become standard equipment — there are considerable problems with air bags in that they have no effect in lateral collisions — and the substitution of a good seat belt mechanism, which in actual fact is a better mechanism in most collisions. Air bags are very effective in head-on collisions but not in tail-end or lateral collisions. I was wondering if the wording is not a bit too prohibitive and if there should be allowance for the substitution of an equivalent or better system than the original equipment.

MR. KROEGER: I'm sure this couldn't constitute a problem. For instance, if a seat belt that was original equipment were frayed, and you undertook to change it and put in a new one, this Act wouldn't prohibit anything like that. That would simply be a replacement. Beyond that, I would also be very certain that no one would ever be charged if he put in a better seat belt than the original equipment, if anyone wanted to do that.

MR. R. CLARK: To the minister, would it be fair to say that this piece of legislation then puts into good repair — if I might use that term, and it's not well phrased — the whole question of automobile safety in

Alberta? Or is it the intention of the minister to be back next spring, or perhaps next fall, with another go at this? I really want to ascertain if this is basically an overall look at automobile safety legislation in the province or if it is a piecemeal approach.

MR. KROEGER: I'm not prepared to say that this is the be-all and end-all. I think it will take care of a lot of deficiencies we now have. Just as a comment rather than a statement of fact, I'd be interested in some approach to vehicle inspection as a follow-up to this. I can't tell you what form that could best take, but I think something could be instituted that would make it a little more cohesive; perhaps make it more mandatory to bring cars up to standards.

MR. R. CLARK: Mr. Minister, some months ago you made statements with regard to compulsory seat belt legislation. I assume that with the section my colleague referred to, with regard to making it illegal to remove seat belts, the government has made the decision that before long we'll see compulsory seat belt legislation, will we?

MR. KROEGER: Not necessarily. This is something we've discussed. Actually, I'm not sure about having made statements; I've responded to questions. Certainly, a lot of discussion has been carried out in various ways. No decision has been taken that we will go to mandatory seat belts at any specific time. I certainly indicated my interest in the subject after being involved in it. I've had no hesitation in saying that seat belts work, but I've always drawn the distinction between whether seat belts do the job and making them mandatory. As yet, we haven't approached the point where we're ready to make that decision.

MR. R. CLARK: Then I take it, Mr. Minister, that one can conclude from that comment that the minister doesn't have a position as to whether seat belt legislation is desirable or not. I ask the question very frankly, Mr. Minister, because . . . I said earlier that comments had been attributed to the minister; if that wasn't the case, I'd be pleased to have the minister straighten the record. It would seem to me that if we're looking at rather getting our whole safety legislation into place, and if the government is going to move on seat belt legislation, this would have been a logical time to bring the matter forward. That's really why I pose the question. I think it would be helpful now if we knew where the minister stood in the matter.

MR. NOTLEY: He has the evidence, just not the support in caucus.

MR. HORSMAN: Move an amendment, Bob.

MR. R. CLARK: I'm not the minister.

AN HON. MEMBER: Let us know where you stand.

MR. DEPUTY CHAIRMAN: Order please. Order please.

MR. KROEGER: Mr. Chairman, I have no difficulty at all in commenting on this. But I also can't speak for every member of this House nor for every citizen of the province. So while I've made it very clear that I believe

seat belts do the job, I certainly can't take a position for everybody in the House and say we should or must go with mandatory seat belts. I guess there has to be an educational process that hasn't been completed.

MR. NOTLEY: In the caucus.

DR. BUCK: Mr. Chairman, I would like to ask the minister a question or two and make a suggestion. I'm not convinced that in this legislation we are genuinely interested in having safe vehicles on the highway. I say with great hesitancy that I think with this legislation we're really trying to pick on a particular group of people in this province. I say that very hesitantly, but I feel I must say it.

My young son came home with all that junk on the back of his window, and I said to him, that will go off immediately . . .

AN HON. MEMBER: It's still there.

DR. BUCK: It's tough enough . . . No, it's not still there. It's tough enough to do a head turn without getting wiped out, without looking through the cracks to see if somebody is coming upon you. Father said, it will be removed, and it was removed, [applause]

MR. R. CLARK: Walt, you want to savor that moment.

MR. NOTLEY: [Inaudible] . . . what it means to do what they're told, Wally.

DR. BUCK: But at the same time, when I was trying to explain to my young son that you have to be able to see where you're going, he said, okay, Dad, that's fair ball. I said, you know the windows are painted so that you can't see in if you're trying to identify if it's one driver or two drivers, or if they've switched positions — that sometimes does happen when a police officer is chasing you. I've known this to happen at 90 miles an hour; drivers have switched positions.

AN HON. MEMBER: You shouldn't have done it.

DR. BUCK: Not in my case. But my young son came back to me and said, now Dad, what is the difference between having the windows obscured in a van and having some of these camper units where you cannot see except through side-view mirrors? And I had to admit the kid was right. You know, what is the difference?

So I think, Mr. Minister, in all fairness we have to look further and a little more deeply than we have in this legislation. So I hope we shall take a little bigger look.

Mr. Chairman, the last representation I want to make to the minister and to the members of the committee is that I think our driving habits and standards of driving need to be upgraded. Mr. Minister, I made this representation to the former minister, and I'm making it to you. Now that we have our drivers' licences coming up when our birthdays come up every five years, I think there would be some merit, when we send the licence out for renewal every five years, that we send out the driver's manual with a self-administered test. That will force the person at least to read the driver's manual and send back the self-administered test. You have to look in the book to be able to answer those

questions. Mr. Minister, you and I know the old saying, you must have got your licence by mail. We all know that that was exactly the way many people in this province got it. You went and paid your \$2 and you got your driver's licence.

As driving becomes more complicated. I think it's incumbent upon us as legislators to see that some of these drivers are upgraded. I know we cannot go to compulsory driving courses. We just can't pick that up. But I think there would be a great deal of merit if we would send the book out, just as we do for young people taking their learner's and the driving test. They have to read the manual, and then let them send the self-administered test in. They might have to get 75 per cent, because if you read it out of the book, you should be able to get 100 per cent. I believe that would not cost us a lot of money and would not require any additional staff in your office. I think it would serve a purpose, at least a small step in upgrading our driving habits in this province.

I thank you, Mr. Chairman.

[Title and preamble agreed to]

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

[Motion carried]

Bill 76

The School 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. KING: Mr. Chairman, the hon. Leader of the Opposition asked at second reading whether we could provide information as to which of these amendments had been requested either by the ASTA, the ATA, or some other organization. I'm afraid that over the dinner hour I was not able to get written information that would provide that. I'm prepared to make a statement as to my recollection of this, section by section. Alternately, I could provide that information in written form to the leader at a later date. I'd do whichever he would prefer.

MR. R. CLARK: Section by section.

MR. KING: Mr. Chairman, then to do it section by section, those sections which deal with petitions and public meetings which flow from petitions are not the result of any official representation from either the ASTA or the ATA. They are the result of representations which came to us from citizens in two different jurisdictions. In meetings which I personally held with the boards in those affected jurisdictions, they expressed interest in and support for the concept of these amendments. The jurisdictions we're referring to are the Calgary Board of Education and the Calgary Roman Catholic Separate School Board. Those are the amendments to page 4, Mr. Chairman.

Section 5 of the amending Bill, which deals with conflict of interest, is the result of representations made by the Alberta School Trustees' Association, most recently by resolution at their convention last week in Calgary. That of course is not as to the detail of the amendment but to its principle. Those are sections 5, 6,

and 7 of the amending Bill.

Section 8 of the amending Bill is not the result of any official representation; it is the result of our experience in the Westlock School Division, where we have a trustee in place, and where representations were made to us from the community that perhaps he could be replaced by an elected board before October 1980. When we had that question under consideration, we discovered it was not legally possible to have a by-election for an entire board. In that circumstance, we would legally be required to wait until October 1980.

Sections 9, 10, and 11 are the three sections which make operative the redistribution of undeclared corporate assessment. They are not the result of any representation we have received. As I said, they are the result of policy decisions which were made and affirmed in this House.

Section 12 is the result of representations made to us by a number of individual school boards which operate early childhood services programs. One that comes to mind is the Edmonton Public School Board. Some boards throughout the province had received a legal interpretation or an informal interpretation, that under the Act they were not permitted to charge tuition or any other fees. They individually made the representation to us for a change.

Section 13 is the result of representations we received from both the Alberta School Trustees' Association and the Alberta Teachers' Association.

Section 14 is the result of a representation which we received from a judge of the Court of Queen's Bench who has sat as a board of reference on a number of occasions.

Section 15 was internally generated. It is the result of an apparent conflict between the regulation provided by the Local Authorities Board and the regulation provided by the Department of Education. We have a written statement from the Local Authorities Board that it causes no administrative problems or problems in principle with them.

Section 16 is the result of representations we received from municipalities. It is often the case that they have not struck their mill rate by May 1 and are therefore not in a practical position to make the payment required of them by law. Just as a matter of practice, they have been making these payments later, often in June or July. Technically they have been in contravention of the Act.

Section 17 is internally generated, the result of a policy decision made by government caucus. Section 18 is the result of a representation from the Alberta School Trustees' Association. Section 19 was internally generated, the result of an apparent misinterpretation which occurs around that section of the Act as it is presently worded. Section 20 is the result of representations from both the Alberta Teachers' Association and the Alberta School Trustees' Association, as well as individual boards. Section 21 relates directly to my earlier comments about Section 142 of the Act and reflects a policy decision of the government.

Mr. Chairman, the balance of the sections are entirely consequential on the ones I have earlier described.

MR. R. CLARK: Mr. Chairman, I might express my thanks to the minister. Could we go back to Section 8 and ask what the minister's expectations are as far as the Westlock board is concerned?

MR. KING: As a result of representations I received directly and indirectly from a variety of interested people in that division, we have made the decision that the trustee will continue to act until the time of the elections in October 1980.

MR. R. CLARK: Is that, if I can use the term, a commitment? It's the government's expectation that all subdivisions in the Westlock school board will be up for election in November 1980?

MR. KING: Barring some absolutely unforeseen development between now and then, yes, that is our intention.

MR. NOTLEY: Mr. Chairman, if I could go back to Section 5, with respect to petitions for public meetings. At present Section 5(4) reads:

- (a) ... elect four persons ... and
- (b) by resolution of the meeting identify the areas of concern to be studied by the committee.

Apparently we're now changing that to:

... identify the areas of concern related to the purposes and objectives stated in the petition, that are to be studied by the committee.

I wonder if the minister might give us a bit of background on that. I raise it because I've had some experience in my own constituency with meetings of this nature. In at least one case, while there were sufficient people to petition for a meeting some very useful things came out of the public meeting that really were not related directly to the petition itself, and I think made it possible to resolve what was a pretty touchy, difficult situation.

Are we not foreclosing the ability of a committee set up under this section of the Act to de-pressurize the kind of situation which invariably gives cause to the petition for a public meeting in the first place?

MR. KING: Mr. Chairman, in one of the situations to which I alluded earlier — and under the circumstances I would prefer not to be specific about it — the argument was made that many people had signed a petition which alluded to a particular set of problems. Their signatures on that petition validated the public meeting, but at the public meeting there was discussion about and consequently resolutions about issues which, when they signed the petition, they had not anticipated would be under discussion; and issues which, had they anticipated their being discussed at the meeting, they would not have signed the petition in support of. So the suggestion was made that the petition be worded in such a way as to make clear to those who signed what question would be under discussion at the public meeting.

This does not preclude discussion on more general matters. This simply precludes those more general matters being referred to the committee for extended consideration and recommendation. In other words, at the public meeting you can still discuss in a general way and express concerns such as you have described.

Of course, there is also the possibility of putting a saving clause on the petition. In other words, it would be legal, even the way this section is written, for the petition to read: to discuss (a), (b), (c), (d), and such other matters as the participants at the meeting may determine. That simply draws attention to the fact that

anyone considering signing that petition must be aware that his signature may then be in support of something which is unknown or not anticipated at the time he puts his signature to the petition. So he can sign, but he will then be signing in the knowledge that his signature may lend support to that activity at the meeting.

As I said a moment ago, the other thing to remember is that this does not preclude discussion of more general issues. In the absence of what I call the saving feature of a petition, it would simply prevent those from being referred to the committee which is created out of the meeting.

MR. NOTLEY: Mr. Chairman, I think that as long as taxpayers realize that in the wording of a petition, the meeting can have a larger area, if you like, providing the petition has this additional "and such other matters as may be discussed". The reason I'd like to draw that to your attention, Mr. Minister, is that while you're right in saying that the meeting can discuss other problems in a general way, I think the fact that the meeting can refer those problems to the committee, and the committee can then evaluate them . . .

I know of one instance that I can talk about with some degree of accuracy. The things referred to the committee gave the committee the latitude, I think, to reconcile what was a very difficult situation. We don't have these meetings unless you have a very intense situation. It may be that a principal is fired; it may be that a problem has split the community right down the centre.

I don't object to the legislation, providing there is an escape hatch so that that meeting is not just an exercise in a very narrow confine. It could be, in fact, a more productive exercise, so that the committee in turn is able to evaluate what the options are and, I think, make it possible to reconcile some of the differences.

MR. KING: The hon. member makes a very valid point. I would only say that, as is the case with a lot of legislation, you're simply constructing a framework; you're not constructing the superstructure at the same time. There will be exceptional circumstances. In the department we have made the decision that we will publish a pamphlet or brochure which will describe in layman's terms the effects of these sections of the Act and will also describe by example the best way in which these sections have been used in specific situations around the province, because they do perform an important safety-valve function such as you have described. To ensure that they are well used by communities actually requires that you go beyond the law and describe the intention and the experience in other situations, and we are going to do that.

MRS. CHICHAK: Mr. Chairman, just on a point before us at the moment, I wanted to make a couple of comments to recognize the provision being made in this legislation. When a petition is prepared and circulated and signatures are being obtained, I think the important factor to recognize is that when a petition is presented, the names are on that petition for a specific matter or matters. If that petition doesn't include all other matters that may be raised at a meeting or put to a committee, the signatures on that petition cannot be used when other issues are being raised at the meeting, taking advantage of the meeting that is being

held and the citizens that have gathered for the purpose of the meeting. The use of the signatures will be applicable only to those aspects described in the petition, and it would have that validity. Other matters would be considered as having been raised in the course of the meeting but not necessarily with the support and back-up of all the signatories to the petition, unless, of course, all the signatories are present and taking that stand.

To make that very clear, if I put my name on a petition for a specific subject or specific matters, the committee that is going to be presenting the petition on my behalf may represent my views to the meeting but cannot use my signature to present other views on which they did not have any dialogue with me. Therefore, they can't take that as an additional lever, so to speak, for other issues. I think that if those two are very distinct and clear, certainly I would not see dialogue on other matters at a meeting as being precluded, so long as they are put forward in the proper perspective.

MR. R. CLARK: Mr. Minister, with regard to Section 17, I had some concern expressed to me with regard to this question of the minister in essence directing where students may attend. From the explanation we've had and from looking at the legislation, I take it that this is only in a situation where a change in boundaries has been approved by an order in council. It would be only under those conditions. We wouldn't find the minister, if I could use the term, trotting around the province, directing school boards as to where they might send students within a school system.

Mr. Minister, I like the comment that was, related to me, that at the trustees' meeting in Calgary, I think the minister said that he felt there hadn't been an inordinate amount of interference by the minister in questions of local jurisdiction. Perhaps we will forego that argument for another occasion, other than to say that I think it would be a serious mistake if the minister's departmental people got involved in the question of trying to tell school boards where attendance boundaries are going to be, and so on.

On the other hand, Mr. Minister, if this is in the Act solely to deal with, for example, the Redwater situation, which the minister alluded to earlier today, and if we could have that kind of assurance from the minister, certainly some of the fears expressed to me are alleviated.

MR. KING: Just to be perfectly clear, Mr. Chairman, this section applies only to situations in which the boundary between two local jurisdictions has been changed. It does not apply under any circumstances to boundary changes within a jurisdiction. It applies only where the boundary between two divisions has been changed. Further, it applies only where that is the result of a provincial government initiative. This will not have application where a boundary change is the result of an annexation proceeding, for example.

So I can say to you that, given those limits, to the best of my knowledge this would apply only in the case of the boundary situation between the county of Thorhild and the MD of Sturgeon. That's the only application it would have in the province.

Having said that, I just want to remind hon. members that there are in fact two parts to this. A later amendment, Section 21 of the amending Bill, has the potential of providing the same opportunity with re-

spect to Section 150 on language instruction, but it is not our intention to proclaim that at the present time.

MR. R. CLARK: Mr. Minister, if I correctly understand the last comment the minister made, that would relate only to the commitment the minister indicated earlier, dealing with language. That's really under Section 21 of the Bill before the House.

MR. KING: Again, I am very aware of the concern the hon. leader alludes to, that we might in the legislation create too sweeping an opportunity for intervention by the minister. I don't desire that that should happen, and I don't want anyone to have the impression that it is happening. So with respect to boundary changes the section was very narrowly worded. With respect to language instruction it was also very narrowly worded, so that it applies only to instruction pursuant to Section 150 of the Act, which is language instruction. It therefore relates directly to the comments I made on second reading about desiring to evidence concrete support for the policy statement most recently made by the first ministers on February 22, 1978, in Montreal.

MR. R. CLARK: I assume, Mr. Minister, that Section 21 would be used only as a last resort, if I might use the term, after the departmental officials and everyone else, including the minister, had met with the groups involved. This is absolutely a last resort section.

MR. KING: Absolutely. Not only will departmental officials be involved in those situations, but the affected MLAs and I personally.

MR. R. SPEAKER: I've had one phone call with regard to Section 64. I believe that's Section 9 of the Bill. I wonder what projections the minister has done with regard to — the concern was not for the first three or four years, but that possibly five, six, seven, eight, or nine years down the road, there would be quite a shift in the amount of funding available to the public school system. That was the concern of one person who phoned. Has the minister done some calculations, projected some possible shift of funding and just what might happen? Or does it look like it may be fairly equitable after this transition period, as it potentially is now?

MR. KING: We did only what might be described as superficial analysis of the longer term — five, six, or seven years. We didn't go any further because on the basis of that we were satisfied that over five years the growth in the assessment base of the jurisdiction would compensate for the loss in absolute dollar terms. Now, the proportionate redistribution continues unchanged into the future. So on the one hand, when we adjust the proportion from one jurisdiction to another, that will have effect indefinitely into the future. But in terms of the dollar loss and the eventual recovery of it, we expect that — for some jurisdictions in two years, for some in four or five, but for all of them within that time — they will recover the dollar value out of the growth in assessment.

[Title and preamble agreed to]

MRS. OSTERMAN: Mr. Chairman, I move that Bill 76, The School 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 Bills 64, 68, and 76, and Bills 34 and 44 with amendments.

MR. SPEAKER: Before asking the House to approve the report, I should perhaps refer to the fact that a number of these Bills received second reading today and went to the committee on the same day. There seems to be a moot point as to whether committee is really a stage, but it's usually referred as such. Possibly the Assembly might wish to indicate unanimous approval of that step having been done. Is it the wish of the Assembly?

HON. MEMBERS: Agreed.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, tomorrow after the report of the Private Bills Committee, it may be possible to bring those Bills for second reading. I think the House would hope that could be done, if the committee can complete one more meeting before 2:30 p.m. Other than that, the work proposed as Government Bills would be the ones remaining on the Order Paper that are short of third reading. I think we won't be able to do Bill 62 tomorrow because of the Premier's absence. Other than that, it will just be generally what's on the Order Paper.

MR. R. CLARK: Might I ask the Government House Leader if it's the intention to do second readings first — primarily The Architects Act and The Health Occupations Act — or, in fact, to go into committee first?

MR. CRAWFORD: Mr. Speaker, the question of second reading of those two Acts is still under consideration. So we would be going into committee first.

Mr. Speaker, I move the House now adjourn until tomorrow at 2:30 p.m.

HON. MEMBERS: Agreed.

[At 10:12 p.m., on motion, the House adjourned to Wednesday at 2:30 p.m.]