

**LEGISLATIVE ASSEMBLY OF ALBERTA**Title: **Wednesday, November 14, 1979 2:30 p.m.**

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

**PRAYERS**

[Mr. Speaker in the Chair]

**head: PRESENTING REPORTS BY  
STANDING AND SELECT COMMITTEES**

MR. ZAOZIRNY: Mr. Speaker, as chairman of the private Bills committee of the Legislature, I hereby report that the Standing Committee on Private Bills has had under consideration the undermentioned private Bills and begs to report the same with the recommendation that they be proceeded with: Bill Pr. 1, The Newman Theological College Amendment Act, 1979, Mr. Hiebert; Bill Pr. 5, The Merchants and Traders Assurance Company Amendment Act, 1979, Mr. Knaak; Bill Pr. 6, The Prairie Trust Corporation Act, Mr. Sindlinger; Bill Pr. 7, The Highfield Trust Company Act, Mr. Sindlinger; Bill Pr. 8, The University of Alberta and St. Stephen's College Perpetuities Act, Mr. Cook; and Bill Pr. 10, The Our Lady of the Rosary Hospital, Castor Act, Dr. Paproski.

The Standing Committee on Private Bills has had under consideration the undermentioned private Bills and begs to report the same with the recommendation that they proceed with amendments: Bill Pr. 2, The King's College Act, Mr. Mack; and Bill Pr. 11, The Western Union Insurance Company Amendment Act, 1979, Mr. Planche.

**head: INTRODUCTION OF BILLS**

**Bill 72**  
**The Appropriation**  
**(Alberta Heritage Savings Trust Fund,**  
**Capital Projects Division)**  
**Supplementary Act, 1979**

**Bill 73**  
**The Appropriation**  
**(Alberta Heritage Savings Trust Fund,**  
**Capital Projects Division) Act, 1979**

MR. HYNDMAN: Mr. Speaker, I request leave to introduce Bill No. 72, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Supplementary Act, 1979, and Bill No. 73, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1979. These being money Bills, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of these Bills, recommends the same to the Assembly.

These two Bills are presented each year, Mr. Speaker, pursuant to the Committee of Supply study of the estimates of the capital projects division of the Heritage Savings Trust Fund.

[Leave granted; Bills 72 and 73 read a first time]

MR. CRAWFORD: Mr. Speaker, there is a proposed further appropriation Bill in regard to the Heritage Foundation for Medical Research, in respect of which the notice is not as long as required for it to be introduced without the consent of the House. I would ask at this time that members give their consent for my colleague to proceed with introduction of that Bill.

MR. SPEAKER: Is it unanimously agreed?

HON. MEMBERS: Agreed.

**Bill 63**  
**The Appropriation**  
**(Alberta Heritage Savings Trust Fund,**  
**Capital Projects Division,**  
**The Alberta Heritage Foundation**  
**for Medical Research) Act, 1979**

MR. HYNDMAN: Mr. Speaker, I request leave to introduce Bill No. 63, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division, The Alberta Heritage Foundation for Medical Research) Act, 1979. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, this Bill follows from the Bill on the Heritage Foundation for Medical Research which was recently given second reading.

[Leave granted; Bill 63 read a first time]

**head: TABLING RETURNS AND REPORTS**

MR. KOZIAK: Mr. Speaker, it is my pleasure to table the annual report for the Department of Consumer and Corporate Affairs for the fiscal year ended March 31, 1979.

MR. SCHMIDT: Mr. Speaker, I beg leave to table the '78-79 annual report of the Alberta Agricultural Development Corporation.

MR. YOUNG: Mr. Speaker, I would like to table the annual report of the pension benefits branch of Alberta Labour for the period April 1, 1978, to March 31, 1979.

MR. HYNDMAN: Mr. Speaker, I wish to table the annual report of Alberta Treasury for the fiscal year ended March 31, 1979.

MR. ADAIR: Mr. Speaker, I would like to file the report of the Agriculture North seminar, sponsored by the Northern Alberta Development Council, held in Peace River November 22-24, 1978.

**head: INTRODUCTION OF SPECIAL GUESTS**

MR. D. ANDERSON: Mr. Speaker, it's with a great deal of pleasure that I'd like to introduce to you, and to the members of this Assembly, a grade 9 class from Bishop Pinkham junior high school in my constituency. This class is accompanied by its teacher Mr. Keith Hansen.

This is Mr. Hansen's second time in the Assembly this year. He is also a member of the youth and education advisory committee for the Member for Calgary Currie. I'd ask that the class now rise and receive the traditional welcome of this House.

DR. PAPROSKI: Mr. Speaker, I'd like to introduce to you, and through you to members of the Assembly, some 32 grade 6 students from Inglewood school located in the constituency of Edmonton Kingsway. They are accompanied by their principal Mr. D.E. Hudson, teacher Mr. Ivan Holmgren, and a parent, friend, and assistant for the tour group, Mrs. Shirley Powell. I welcome them, and I would ask them now to rise and receive the applause of the Assembly.

MR. WEISS: Mr. Speaker, it's my pleasure to introduce to you, and through you to members of this Assembly, a class of 29 grade 10 students from J.A. Williams high school in Lac La Biche, one of the key centres in my constituency. They are accompanied by their teacher Mrs. Beniuk and Miss Wadsworth. I would ask that they rise and receive the cordial welcome of this Assembly.

DR. C. ANDERSON: Mr. Speaker, I'd like to introduce to you, and through you to members of the Assembly, Mr. Robert Bouchard and Mr. Rudolf Cote, two council members from the county of St. Paul No. 19. Would they rise and receive the welcome of the House.

MR. L. CLARK: Mr. Speaker, I would like to introduce to you, and through you to members of the Assembly, three members of the county of Starland, Mr. Waters, Mr. Hampton, and Mr. Swallows, accompanied by their wives. They are in the members gallery, and I would like them to rise and receive the greeting of the House.

#### head: **MINISTERIAL STATEMENTS**

##### **Department of Social Services and Community Health**

MR. BOGLE: In the fall of 1978, in direct response to requests from interested and informed community organizations and individuals, a steering committee was formed under the able chairmanship of Dr. E.J. Penikett of Calgary to formulate a proposal for an institute of gerontology in Alberta.

Mr. Speaker, I am pleased to table today the report of the steering committee for an institute of gerontology. I heartily encourage all members of the Assembly to study the report in the knowledge that this government is committed to the programs which are designed to preserve independence, dignity, and community involvement for our elderly.

Important contributions to the work which has already been done were made by the Provincial Senior Citizens' Advisory Council and the Alberta Council on Aging. It is my intention to provide copies of this report to them and indeed to all individuals and organizations who made submissions to the committee. We look forward to receiving comments from all members of this Assembly as well as from other groups and individuals throughout the province who share our government's interest in this very important area of concern.

##### **Department of Environment**

MR. COOKSON: Mr. Speaker, it's a special day for me today, because I'm going to try out my new bifocals.

AN HON. MEMBER: Next.

DR. BUCK: Now you can read some of those reports. Jack.

MR. COOKSON: Mr. Speaker, I haven't given my ministerial yet.

The Environment Council of Alberta's report and recommendations on the environmental effects of forestry operations in Alberta has been under consideration since it was released this spring, by questions and debate in the House, review by various government agencies, the Alberta Forest Products Association, and the Natural Resources Coordinating Council. In the last few months, I received many reviews and comments, generally in substantial support of the recommendations.

First of all, I wish to compliment the panel members and staff of the Environment Council of Alberta for their hard work in completing the task assigned to them.

One significant observation, common to various responses, is the length of time that elapsed between the original decision to hold the hearing and the hearing process. During the interim, some events took place which were supportive of the ECA recommendations. Of extreme importance in considering the Environment Council of Alberta report are the commitments previously made in government's announced policy for resource management of the Eastern Slopes and actions implemented as a result of the major study on the environmental effects of timber operations, under the Schultz report.

Notwithstanding the above comments, the report includes many important issues. To acquaint ourselves with the issues in the report, my colleagues the hon. Minister of Energy and Natural Resources and the hon. Associate Minister of Public Lands and Wildlife and I toured the Eastern Slopes this summer, from Grande Prairie to Kananaskis Country. As a result of further review, and following personal inspection of our forested areas, I wish to make the following comments.

I agree fully with the ECA that good communication and cooperation are imperative among departments and agencies having interests and responsibilities in the management of Crown lands. The principle of integrated resource management is also supported by the ECA. This important principle continues to be endorsed by government, as evidenced by the November 1978 Natural Resources Coordinating Council approval and implementation of the integrated resource management system of the Department of Energy and Natural Resources. In conjunction with interdepartmental referral systems, the government believes that the existing system maintains a strong commitment to integrated resource planning and management as a system for managing Alberta's public lands and resources.

Mr. Speaker, because of implementation of the system I've described, we feel that additional advantages which might be gained by having a single department of resources would be much more than offset by the serious disadvantages which would flow from having such a large and complex department.

The very comprehensive review by the ECA has covered the main issues affecting the oil and gas exploration

and development industry insofar as environmental impact is concerned, and concluded that additional hearings should be conducted. We have given serious attention to this recommendation and are of the opinion that it would not be appropriate to have additional hearings at this time because the problem does not appear to be as extensive as outlined in the report; the Department of Energy and Natural Resources is working with a joint task force of the Canadian Petroleum Association and the Independent Petroleum Association of Canada to review requirements which apply on oil and gas development activities where they take place on public lands; operators are required to submit plans of their proposed exploration programs for review and approval; operating conditions have been prescribed for protection of wildlife, fisheries, and watershed; and where applicable, provisions for salvage of merchantable timber are required.

Other means of reducing any adverse environmental impact are being pursued, including: taking additional time to review proposed exploration programs in areas such as the Eastern Slopes — and local sensitive areas and regulation amendments to provide for this are now under consideration; joint industry/government initiatives to ensure a higher level of planning and supervision by industry itself in the area of training for contractors and equipment operators; and modifications of exploration equipment and methods to reduce line widths and resulting damage are being thoroughly investigated with industry.

In summary, the government will maintain the current mineral rights tenure system, which gives rise to a highly competitive oil and gas industry, as a cornerstone of government policy, but everything possible will be done to reduce environmental damage and losses of other resources.

Since the ECA report has been received, several initiatives have been taken to improve the coordination of resource management. The fish and wildlife division has been brought over to Energy and Natural Resources and reports through the same deputy minister as do lands, forestry, and resource evaluation and planning. Common regional boundaries have been established for the renewable resource management agencies, so that lands, forestry, and wildlife management on public lands will be coordinated at the field level. It is hoped to establish a small resource planning office in each region. Seven regional wildlife managers are being established to represent fish and wildlife concerns at a senior level, in a coordinated way, within each region. A review of the charges for oil industry timber damage supports the Environment Conservation Council of Alberta recommendation that they are too low, and this matter is now under active review. The Department of Energy and Natural Resources has completed an assessment of dues charged for timber harvested by the forestry industry, and the question of whether they should be increased is now under consideration.

Finally, the government is in agreement with the Environment Council of Alberta that it is necessary to maintain a high level of commitment to the following sets of principles: one, high standards of forest management; two, maintenance of an aggressive and highly competitive petroleum and natural gas industry along with adequate forest protection; three, recognition of the importance of recreational and tourism use of public lands; four, commitment to integrated resource management of public lands; five, increasing regional role in resource planning and management; and six, commitment to public in-

volvement in integrated resource planning. These principles are currently guiding government action in forest land management.

## head: ORAL QUESTION PERIOD

### Court System — Bail

MR. R. CLARK: Mr. Speaker, I'd like to direct the first question to the Attorney General. It's to follow up the question I posed to the Attorney General last Friday morning, dealing with the release of individuals on bail and an extended time between when the bail is granted and when the cases are heard. I related to the most regrettable incident that took place in Edmonton last week. I asked the Attorney General:

Would the Attorney General investigate the circumstances and report to the Assembly whether in the opinion of the Attorney General's Department there was an undue delay in the case getting before the court and, if there was ... [what was] the reason for [the undue delay?]

My question to the Attorney General: in light of the seriousness of the matter before us, is the Attorney General in a position today to indicate to the Assembly if that investigation has been completed? And can the Attorney General indicate to the House the findings of the investigation that the Attorney General hopefully has finished?

MR. CRAWFORD: Mr. Speaker, I think the reference to investigation throughout the hon. leader's question is rather too strong for the circumstances. I listened carefully to the manner in which the hon. leader restated his question today, and certainly have no objection to providing information to the House showing the reason, according to the information provided to me, for a delay in a particular case, whether or not that case involved circumstances similar to the very serious one the hon. leader has dealt with today. I have to say to him that I do not yet have the report. I would hope to have information on that before the House rises, perhaps as early as tomorrow, and will look into the matter for him again.

I did want to say that when we're dealing with matters with reference to the court, the reference to the potentiality of an investigation as such by government is not appropriate.

MR. R. CLARK: A supplementary question to the Attorney General. Is he in a position to indicate to the Assembly if, once bail is granted to an individual, and that individual is waiting for the trial to be heard, there have been a number of long delays, especially in the area of cases related to the type we were discussing Friday?

I don't know about the Attorney General's office, but certainly a large number of people have contacted our office wanting to get some understanding of why there is this kind of long delay. The kind of case we're talking about is the one I raised Friday with the individual — at least, alleged — who has been before the courts on something like 13 different occasions for sex-related offences.

MR. CRAWFORD: Mr. Speaker, there is no question of the importance of the matter raised in the hon. leader's question. I acknowledge that. I think, though, that some understanding of the situation in this sense, that each case

is of course a case on its own . . . I notice the hon. leader has referred to the fact that a person who was charged — the hon. leader didn't name him but referred to a case which he had previously referred to — had been before the courts before. That is not a matter ordinarily before the jury, if there is one, or the judge, except under unusual circumstances.

Despite the very valid concerns, I think I would want to caution the hon. leader with regard to urging upon the government and the courts anything that sounds like anything other than the due process of law and the opportunity for persons accused to raise whatever defences may be available to them.

I think, in the original context the hon. leader put it, the issue is perhaps the most important aspect of it, in the sense of delay, because justice long delayed may indeed be an injustice, not only to the persons who feel aggrieved or concerned but also to the accused himself.

I would add only one other thing at this point: the more serious and more difficult cases tend to take a little longer to bring to trial because of the need for preparation by all parties. I think, when the matter was originally raised insofar as it might be a responsibility of the government, the concern was in regard to the workload of the courts. I indicated last time I felt that aspect was not involved here in any unusual way, and that I would be pleased to look into that aspect of it. In other words, Mr. Speaker, I suggest that the progress of cases through the criminal courts in Alberta is, on the whole, expeditious. The fact that an individual case may perhaps take months to come to trial is very often the result of other matters. Whether, in the particular case the hon. leader has referred to, it was pending for that long is one of the inquiries I will report on.

MR. R. CLARK: Mr. Speaker, has the Attorney General caused discussions within his department on the question of bail and the attitude that the Crown prosecutors have been taking with regard to bail in sex-related charges?

MR. CRAWFORD: Mr. Speaker, I think I could assure the hon. leader that in sex-related cases, where it appeared from the information available to Crown counsel at the time — and usually the information would be adequate to come to that conclusion — that an application for bail should be absolutely opposed in the strongest terms, those steps are taken. Crown counsel do not concur lightly in a decision that, based on the facts available to them, would appear to be one that would cause any danger to arise. They do their best under the circumstances and do oppose bail applications in cases where it appears that should be done.

At the same time, since the hon. leader's question asked me about specific meetings among Crown counsel within the department, I have no doubt that that matter is discussed at the regular meetings Crown counsel have. I've not discussed it specifically with them, but the reason would be that I honestly don't believe they are following any course other than the one I've described, nor would they.

MR. R. CLARK: Mr. Speaker, last Friday I also asked the Attorney General if he would be in a position to indicate to the Assembly what representation the Alberta government made to the October 25 and 26 meetings of administrators of justice and correction, a federal/provincial conference held in Ottawa. My question was: what specific proposals or recommendations did the gov-

ernment of Alberta make to the federal government at that conference with regard to the question of bail?

MR. CRAWFORD: Mr. Speaker, limiting the question in the sense of bail, as the hon. leader just has, that was not discussed as an agenda item. The item closest to that would be the beginnings of discussions which were certainly held at the meeting and upon which I'd previously had one occasion to hear the views of the new federal Minister of Justice; that was the need for a revision of certain aspects of criminal procedure as well as the substantive provisions of criminal law as expressed in the Canadian Criminal Code. I think all ministers of justice or attorneys general in Canada have concluded that those discussions will take some considerable time. I would say to the hon. leader once again that the importance of that issue is recognized, and it's a matter that would undoubtedly come up in regard to discussions with respect to criminal procedure. But I think it would be wrong to indicate that there would be any easy way a revision of procedures, which must be very carefully done and will take time, would assure a happy result in all individual applications for bail.

MR. R. CLARK: Mr. Speaker, a supplementary question. Did the Attorney General indicate that the question of bail was not on the agenda, or that Alberta was not able to get it on the agenda?

MR. CRAWFORD: Mr. Speaker, the item on the agenda related to whatever overall consideration should be given to the criminal law of the country with respect to both offences and bail. That would come under procedure. But the discussion was general enough so that no specific representation was made with respect to bail while I was at the meeting.

#### **Weather Modification**

MR. R. CLARK: Mr. Speaker, I'd like to direct the second question to the Minister of Agriculture. It deals with the weather modification report the minister tabled in the House a few days back.

Is the minister now in a position to indicate what procedure he will follow in arriving at a conclusion whether the basic recommendation of the report, which says the program should go ahead on an expanded basis, will be followed through?

MR. SCHMIDT: Mr. Speaker, without repeating exactly what was stated the other day, the recommendations of course bring forth the material, the experience gained over the five years the program was in effect. Having had the opportunity to discuss with the board the directions, both in the past and in the area of which they themselves would like to see the future, the considerations at the time have to be of the nature that, first, should the program continue? If it does, I suppose the next question that has to be asked is, should it continue in its present form or should it be expanded?

I think, as I stated the other day, there is sufficient evidence before us throughout the world that there are areas that, if one is to look at weather modification in its truest form, one should expand the program to take into consideration those aspects in which other Albertans have shown an interest. There are areas in the province which are interested in weather modification, but in a different form than has been taken over the last five years in hail

suppression; and indeed an interest on behalf of all Albertans in the growth and, I suppose, the degree of achievement that has been made in some limited way in snow pack, as it would lend perhaps to this province in what it could do for us in the Eastern Slopes in guaranteeing a source of water, the Eastern Slopes being the total supplier of our watershed.

If one were to look at an expanded program, those would be three areas one should look at; in other words, some system of moisture modification, a continuation of hail suppression, and a look at the feasibility and some work to be done in the area of snow pack as it would relate to the Eastern Slopes. That, of course, is going on at the present time.

MR. R. CLARK: Mr. Speaker, will the minister be in a position to indicate to the weather modification people and to others interested whether the government will have made a decision on this to affect the 1980 crop year?

MR. SCHMIDT: Mr. Speaker, if one is to meet the requirements of the 1980 crop year, it's almost imperative that a decision be made relatively soon, because a certain amount of preparation has to go into effect over the winter months and early spring. Hopefully the decision would be forthcoming relatively soon, so that that type of preparation, if it were to continue, would have that opportunity to be going on for the '80 season.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Minister of Agriculture. There are groups in the province who would like to make representations on the three areas the minister mentioned. Would the minister see departmental officials calling upon those parties to make presentations, or should the groups themselves take the initiative to make presentations to the minister?

I ask the question because most of these groups have already made presentations to the minister. I wonder if there is any need to make further presentations, or whether the department would seek new information they might need at this time.

MR. SCHMIDT: Mr. Speaker, we've had the opportunity to meet with many interested groups that cover a very broad spectrum of weather modification. I suppose the only advice I could give at this time is that the decision as to whether the program should be continued would have to be made first. If that decision were made, hopefully I would then have the opportunity to contact individual groups that we have already had the opportunity to discuss weather modification with, and indeed those who may be interested and whom we haven't met, to see the degree and the direction we should be going.

DR. BUCK: Mr. Speaker, a supplementary question to the minister. Can the minister indicate if there have been any discussions with our neighboring provinces to the east about weather modification and snow pack, as to jurisdictional problems that may be involved if we are modifying the weather in this area — how it will affect weather in areas to our east?

MR. SCHMIDT: Mr. Speaker, in reviewing and considering the future ...

MR. NOTLEY: [Inaudible] turn off the water.

AN HON. MEMBER: There's a storm brewing.

MR. R. SPEAKER: Give them a rain check.

AN HON. MEMBER: Give 'em hail, Dallas.

MR. SCHMIDT: I'm not too sure whether it's raining or not, Mr. Speaker.

If one were to consider the future of weather modification, indeed, you'd have to take into consideration the comments by various states in the United States and the activities that have been going on in regard to liability and the degree of liability.

As to whether we've had discussions with neighboring provinces, the answer is no, not at this time. Interest has been shown in other provinces in the area of modification; indeed, toward their own directions. I suppose it would have to be a balanced judgment and view, but certainly one that one couldn't take lightly in reviewing the total area of responsibility and liability in what weather modification could mean to this province, our sister provinces, and the United States.

#### Vehicle Registration

MR. NOTLEY: Thank you, Mr. Speaker. I'd like to direct this question to the hon. Solicitor General. It flows from reports that concern an international car theft ring.

Has the minister or officials of the department had an opportunity to review the tapes concerning those reports?

MR. HARLE: Mr. Speaker, three officials of the Solicitor General's Department examined the CBC report.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is the government planning to make any changes in the procedures of the motor vehicles branch with respect to registration, as a consequence of the reports?

MR. HARLE: Mr. Speaker, not at this time. We don't have all the facts yet, so it's far too early to be able to tell whether there should be any changes.

MR. NOTLEY: Mr. Speaker, a supplementary question to the Solicitor General. Is the Solicitor General in a position to advise the Assembly whether all out of province vehicles registered in Alberta have their serial numbers examined, as I believe is the case in the province of Ontario at the moment?

MR. HARLE: As far as we know, that is the situation. That's the direction to the clerks, private issuers, and treasury branches that handle registration of vehicles.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Is the minister advising the Assembly that the instruction is that the officials should, in fact, physically check the car as they do in Ontario, or just take the word for the serial number from the applicant?

MR. HARLE: No. The system, Mr. Speaker, is either a physical examination by a member of the staff of the Solicitor General's Department or, in the case of private issuers or treasury branches where no branch is available in the immediate area, it must be examined by a member of the RCMP or other police force, and certificates are completed indicating that physical examination.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. What facilities are in place at the present time to provide for crosschecking with the police departments concerning out of province people who apply for vehicle registration? At the moment is there any procedure to automatically crosscheck with police departments so we don't get the kind of situation that occurred in this recent report?

MR. HARLE: Perhaps the system is not designed with that in mind. I think it would be fair to say that you have to realize that there are many, many types of vehicles from different manufacturers and countries. The system relies to a considerable extent on information being fed into it which is then available should a crime be committed or suspected to be committed. That then enables law enforcement officials, police agencies, to make certain checks. It is not a system that is designed of itself to prevent fraud.

MR. SPEAKER: Might this be the last supplementary on this topic. We have notice of about 15 other questions, and I'm afraid we won't finish.

MR. NOTLEY: Mr. Speaker, to the minister. What discussions have taken place among responsible ministers in other provinces with respect to efforts to synchronize registration procedures across the country, so that we don't find one province or another suddenly becoming the centre for this kind of questionable operation?

MR. HARLE: At the moment, everything that is in place from the point of view of law enforcement was designed in about 1977, prior to my time, of course. Since I have been minister there have not been any meetings that I'm aware of on that particular subject.

#### **Architects Legislation**

MR. HYLAND: Thank you, Mr. Speaker. My question to the Minister of Housing and Public Works is related to Bill 31, which has been on the Order Paper for some time. Mr. Minister, I would like you to advise the House of whether you intend to proceed through the various readings ...

MR. SPEAKER: Would the hon. member please use the ordinary parliamentary form.

MR. HYLAND: I'm sorry, Mr. Speaker, I'll try again. Would the minister please advise the House if he intends to proceed through the various readings with reference to this Bill and receive Royal Assent on it?

MR. CHAMBERS: Mr. Speaker, members will recall that the Bill was introduced in the spring with the idea of getting public input. I think it's fair to say we've had a fair degree of public input.

DR. BUCK: Mostly adverse.

MR. CHAMBERS: No, I wouldn't say that, Walter.

No doubt members are also aware of the representations by the engineering profession. I think the amendments that were circulated here a few weeks ago would have resolved those differences pretty well, such that that aspect would have been all right. However, recently we have had representations from other professions and

there is sufficient concern ... It's the first Bill of its kind, and we want it to be a model Act. Therefore, because of these concerns, we've decided not to proceed with the Bill this fall.

#### **Health Occupations Legislation**

DR. BUCK: Mr. Speaker, a supplementary question to the minister of social development. Can the minister indicate if Bill 30 will receive the same fate?

MR. BOGLE: Mr. Speaker, I assume the hon. member is directing his question to me.

As hon. members know, Bill 30, The Health Occupations Act, was introduced in the spring and allowed to sit over the summer. Unfortunately we did not receive much input during the months of July, August, and September. There has been considerable input, particularly in the latter half of October and the first part of this month. Much of that input has been very supportive of the principle of the Bill, with recommendations for changes to various aspects of the legislation. But because of the timing of our session and other factors, Mr. Speaker, the Bill will not proceed this fall.

#### **Water Pollution**

MR. ZAOZIRNY: Mr. Speaker, my question is directed to the hon. Minister of Environment. It flows from the very welcome announcement by Commissioner Welin of the city of Calgary that the city proposes to proceed with a \$70 to \$80 million expansion of its sewage treatment facilities and spend some \$14 million to remove phosphorus from the effluent.

My question to the minister is simply: what steps has the minister taken to work with the city of Calgary to ensure that in fact the phosphorus and weed growth problem will be eliminated?

MR. R. CLARK: He's doing a study on it.

MR. COOKSON: Mr. Speaker, the Member for Calgary Forest Lawn, through his tenacity both inside and outside the House, has certainly kept the problem of the Bow River in the forefront, and I'm appreciative of that. The question, of course, is what we are doing in terms of cooperating with the city of Calgary. I might suggest to the member that recently we had correspondence from the city of Calgary asking if perhaps the Department of Environment might participate in an interim project which essentially would assist in the removal of phosphorus. We have the letter on file, and as yet we haven't responded to it.

MR. ZAOZIRNY: A supplementary question to the minister. As a result of the situation in Calgary and on the Bow, does the minister propose, when granting licences for the emission of effluent into our rivers and lakes, to put in place any limits on the amount of phosphorus content that can be dumped?

MR. COOKSON: Mr. Speaker, around 1971/73 the federal government set down certain regulations with regard to the phosphate content of soaps. Soap is probably the main pollutant in terms of phosphate. Plants for the removal of phosphate are primarily in eastern Canada and the United States. In western Canada we have yet to be involved in that. I'm hoping that, if we manage to

survive this fall session, I will have an opportunity to review some of the work being done in other parts of North America. It could very well be that we will be looking at a licensing procedure which will designate terms of input of various nutrients to the waters.

#### **Quebec Referendum Debate**

MR. D. ANDERSON: Mr. Speaker, my question is to the hon. Minister of Federal and Intergovernmental Affairs. Could the minister indicate if the government is familiar with an alternative to the sovereignty association concept called the third option, supported by six members of the Quebec National Assembly and designed to give Canadian provinces substantial autonomy. If the minister is familiar with this concept, could he indicate if it's the position of the Alberta government to support such a concept?

MR. JOHNSTON: Mr. Speaker, I hesitate to comment on my understanding of what Mr. Tremblay has presented in Quebec, except to say that several options are now being suggested. Whether his is the third or the fourth or the fifth option, I'm not altogether sure, but I think it's fair to say that it deals with the duality of the cultures in Quebec and recognizes that there can be some opportunity for dealing with renewed change in the role of the provinces within a constitutional position. Beyond that, I would hesitate to give more information to the House.

MR. D. ANDERSON: Mr. Speaker, a supplementary question to the hon. minister. Will the minister undertake to find out the details of that particular plan and determine with the government whether or not this province is willing to support such a concept?

MR. JOHNSTON: Mr. Speaker, I think among the elements which the province of Alberta must carefully weigh in terms of the very important referendum question are not just the ones which have been exhibited to date. In fact the position of the Liberal party must be seen to be very important to the whole debate. We will watch for that one as well.

While I am dealing with the question of sovereignty association, Mr. Speaker, I might just note that in fact the position of the western premiers has been very well received, not just in western Canada but certainly in Quebec. In terms of our feedback, the people of Quebec welcomed the opportunity to have our position restated. It has received a very wide distribution in the media in Quebec as well.

MR. D. ANDERSON: Mr. Speaker, one further supplementary question. Is the minister in a position to indicate whether the Alberta government will actively participate in the referendum debate, particularly the aspect of sending bilingual Albertans to that province?

MR. JOHNSTON: Again, Mr. Speaker, I don't think I can outline in any greater detail the role Alberta might take in the referendum strategy. In fact, I might note that there are three by-elections in Quebec today. I'm sure the people of Quebec will be making their position clear one way or another in part today as well.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister of Federal and Intergovernmental

Affairs. Has the government of Alberta given any consideration to the impact of splintered options — whether it's the third option of renewed federalism — splintering the federalist pro-Canada vote in the province of Quebec?

MR. JOHNSTON: Mr. Speaker, we're considering that along with other roles contemplated to be taken by the major actors, in particular the federal government. But I can say yes, we have.

#### **Hydroelectric Development — Peace River**

MR. BORSTAD: Mr. Speaker, my question is to the Minister of Utilities and Telephones. There has been much discussion about the Peace River dam over many months. I wonder if the minister could advise the Assembly what plans are being made toward building a dam on the Peace at Dunvegan?

MR. SHABEN: Mr. Speaker, I'm unable to be more specific than to say that we are proceeding with the study of any possible downstream icing effects raised at the time of developing a plan for the dam at Dunvegan. It may be possible to move more quickly than the completion of the study so that the planning can begin, keeping in mind that it's a very important energy development in the province and that it is timely, in view of our discussion of energy requirements across Canada.

But as for a specific time, it's not possible. Members should bear in mind that hydro developments require a lead time of from 12 to 15 years.

#### **Electric Power Rates**

MR. BORSTAD: Mr. Speaker, I have a supplementary. Because of the high cost of power in northern Alberta, is the minister considering ways of reducing those costs by some sort of differential power rates throughout the province?

MR. SHABEN: Mr. Speaker, I'm examining, and have been since early April, quite a number of options — about 12 — that relate to our electric energy system in the province. It would be premature for me to comment on any one of the 12 options.

#### **Hydroelectric Development — Peace River**

*(continued)*

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. What discussions have taken place with the British Columbia government vis-a-vis the decision of B.C. Hydro to apply to build a dam adjacent to Fort St. John? Have any discussions been undertaken with the B.C. government to see whether a joint project at Dunvegan which would not flood valuable agricultural land in B.C. would be feasible, from not only Alberta's long-term interest but also British Columbia's?

MR. SHABEN: Mr. Speaker, the government has had discussions with the British Columbia government with respect to the type of development we would propose at Dunvegan. As hon. members know, we looked at three types of dam at Dunvegan. As for discussions on the development in British Columbia, I've had one discussion with the minister from British Columbia on a broad range of subjects, but only briefly on this matter.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Is the minister in a position to assure the Assembly that any adverse downstream effects were evaluated by the government during those discussions, and that we have assurance that B.C. will assume whatever adverse downstream effects the province of Alberta suffers from a dam constructed at Fort St. John?

I raise this in light of discussions that took place in this Legislature before the 1971 election concerning the B.C. dam at that time.

MR. SHABEN: Mr. Speaker, I expect there'll be ongoing discussions with the British Columbia government on power projects that would affect either Alberta or British Columbia in any manner.

MR. NOTLEY: Mr. Speaker, a supplementary question, if I may, to the hon. minister. Has the minister received a binding agreement from the government of B.C. to cover any adverse downstream effects, as was demanded by the Leader of the Opposition in 1971 with respect to the Bennett dam? Do we have a binding agreement with respect to this proposed dam, now being put forward to the B.C. water resources board?

MR. SHABEN: As I indicated earlier, Mr. Speaker, I expect to have continued discussions with the government of British Columbia with respect to hydro development, in their province as well as ours, if there is likely to be any effect whatsoever on either province.

MR. SPEAKER: Might this be the hon. member's final supplementary on this, followed by the hon. Leader of the Opposition.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. At this time has there been clearcut discussion on the downstream effects of the proposed dam at Fort St. John? Did the minister make it clear that the Alberta government would in fact be insisting upon an agreement that B.C. would compensate Alberta for any of those costs?

MR. SHABEN: Mr. Speaker, I thought I'd answered that in the early part of my answer by saying that our discussions covered a broad range of subjects, including this matter, but not in any great detail.

#### **Electric Power Rates** (continued)

MR. R. CLARK: Mr. Speaker, I'd like to direct a supplementary question to the hon. minister. It flows from the answer given to the Member for Grande Prairie on the question of differential rates.

Is the minister considering the approach that's been used in northern Ontario for differential utility rates?

MR. SHABEN: Mr. Speaker, I indicated that there are a number of options. When I started looking at this question — it's related to a number of others, and that's the whole electric system in the province. It includes the rationalizing of the R E A s, the question of rates, and the fact that we have a rather unusual system of electrical energy delivery and generation in this province. We have four companies, two municipally owned and two investor-owned. We have situations with respect to Calgary, Lethbridge, and Red Deer, who buy at the gate and

distribute their own power. It's a very complex system that has worked quite well.

There are some difficulties. As I indicated, I'm looking at probably 12 different options, and looking for a way to deal with a number of the questions, not only the question raised by the hon. Member for Grande Prairie. One of those options would be one of the methods in use in other parts of Canada.

MR. R. CLARK: Mr. Speaker, specifically, has the minister reviewed the Ontario system, where a differential rate has been established as preference for people in northern Ontario? Has the minister specifically looked at that alternative?

MR. SHABEN: Mr. Speaker, we've looked at alternatives being used all over North America, including what is being used in northern Ontario. We're in the process of boiling them down.

#### **School Construction — Mill Woods**

MR. PAHL: Thank you, Mr. Speaker. My question is directed to the Minister of Education. It results from a copy of a petition I received, signed by 448 citizens of the Meyonohk and Tipaskan districts of Edmonton Mill Woods. The petition was directed primarily to the Edmonton Public School Board and flows from the concern for the delay ...

MR. SPEAKER: In view of the short time, possibly the hon. member might avoid this indirect means of redirecting the petition to the Assembly and come directly to the question.

MR. PAHL: Thank you, Mr. Speaker. Could the minister please advise the Assembly whether he's received notice of this pressing need and, if so, what action the citizens of Edmonton Mill Woods can expect from him or his department?

MR. KING: I received a copy of the petition in my office yesterday afternoon, Mr. Speaker. In passing, I would like to observe that in addition to containing a substantial number of signatures, it had supporting documentation which was well written and very informative.

It is my understanding that the Edmonton Public School Board has met and decided to proceed as quickly as possible with four schools, one of which is the school alluded to by the hon. member. Nevertheless, the Edmonton Public School Board continues to operate under what is called the old school building funding formula. It simply requires a more extended time line from the date of the initial decision to the date the school is available for use by the community.

I have had one meeting with the chairman and the superintendent of the Edmonton Public School Board, and I am hopeful they will decide shortly to opt into the new school building funding formula. If and when they make that decision, all subsequent decisions about where to build, what to build, and at what cost are made solely by the local school board, in this case the Edmonton Public School Board. At present, until the Edmonton Public School Board makes the decision to opt into the new program, they are unfortunately constrained by the requirement to pass things through the Department of Education, and that inevitably takes some time. The decision lies with the Edmonton Public School Board.



**Grain Transportation**

MR. BATIUK: Mr. Speaker, it was welcome news when the Minister of Economic Development recently announced the government's ...

SOME HON. MEMBERS: Question.

MR. SPEAKER: In view of the short time, could the hon. member forego the praise and come directly to the question.

MR. BATIUK: Mr. Speaker, in view of the announcement by the hon. Minister of Economic Development of the government's commitment to ...

MR. SPEAKER: Order please. Does the hon. member wish to ask a question? Could he please construct something that would end with a question mark.

MR. BATIUK: Mr. Speaker, could the hon. Minister of Economic Development advise the House that he has assurance there will be enough pulling-power with 1,000 cars the government has committed plus another 6,000?

MR. PLANCHE: Mr. Speaker, the western region presently has more than enough locomotives to handle its cars. I think by 1985, without some redeployment from the east, there may be a shortfall of about 50 locomotives.

MR. BATIUK: A supplementary, Mr. Speaker. I was just made aware that there will be a production of a great number ...

MR. SPEAKER: Could the House be made aware of the hon. member's supplementary question.

MR. BATIUK: Mr. Speaker, could the minister advise whether this is right, and what number they would be?

MR. PLANCHE: I'm sorry, I didn't get the question, Mr. Speaker.

MR. BATIUK: Could the minister advise whether a number of mini-hopper cars are going to be produced and, if so, how many?

MR. PLANCHE: Mr. Speaker, altogether about 7,000 hopper cars are expected to be brought into service by 1985.

DR. BUCK: Mr. Speaker, a supplementary question. Is the minister in a position to indicate what rail upgrading is taking place, or what discussions are taking place to upgrade the rail system so it can carry this extra volume of traffic?

MR. PLANCHE: Aside from normal maintenance, I'm not certain there is any program for rail upgrading. I would have to take that as notice.

DR. BUCK: Mr. Speaker, the minister seems to be quite enthused about the cars ...

MR. SPEAKER: Order please.

**Day Care**

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Social Services and Community Health. Is the department, supposedly through the minister's advice, accelerating enforcement procedures or clamp-down procedures on the standards for day care centres in the province of Alberta?

MR. BOGLE: Mr. Speaker, there has been no acceleration of that process, but the licensing of day care centres in the province has been going on. Any day care centres that do not meet minimum requirements are not licensed and are not allowed to operate as legitimate day care centres.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Under unusual circumstances, is it possible for the minister to extend the notice of shutdown date longer than eight days, to give the group a longer time to fix up the building or do whatever is necessary in notice given by the department?

MR. BOGLE: Mr. Speaker, that authority is in the hands of departmental officials. They do not need to come to the minister for it. Where there are unusual circumstances, extensions may be granted. I'm aware of some cases where that has in fact happened.

MR. R. SPEAKER: Mr. Speaker, with regard to a specific example, yesterday the Nanton day care centre was given notice of eight days to close down, but there is no indication of further days given for the group to meet the qualifications. Is the minister considering that specific matter, and will the minister consider giving a longer notice date?

MR. BOGLE: Mr. Speaker, the question of a day care centre in the Nanton community was raised with me by the Member for Highwood. It is my understanding that more than eight days was given in their original notice — I believe two weeks. Again, in a meeting with the hon. member for that constituency this morning, I said I'd review the matter further.

DR. BUCK: A supplementary question to the minister. In light of the fact that there is very little notice in many instances, could the minister indicate to the Legislature what steps were taken in the situations that apply to the Fort Saskatchewan day care centre?

MR. BOGLE: I'm relying on memory, Mr. Speaker, but I did have an opportunity to look very briefly at the file with regard to a day care centre in the town of Fort Saskatchewan. Correspondence between the health and fire inspectors' offices and the licensing branch of the department has been going on over a period exceeding one year, I believe.

You get to a point where you can allow no further delays, Mr. Speaker, and that was one case. After reviewing it personally, I felt ample opportunity to bring their centre up to adequate standards had been given to the operators of the day care centre. It was not done; the licence was terminated.

MR. SPEAKER: The time, for the question period has elapsed, but if the Assembly would agree, the hon. Minis-

ter of Government Services would like to supplement some information previously requested.

HON. MEMBERS: Agreed.

AN HON. MEMBER: A very short one.

#### **Energy Conservation**

MR. McCRAE: Thank you, Mr. Speaker. Several days ago the Member for Clover Bar asked about the very effective energy conservation program we are utilizing in government buildings. I wanted to respond to him today with some particulars.

Mr. Speaker, the program was implemented in 1976. The idea, of course, was to reduce energy consumption without adversely affecting the function of the building. It has been a very effective program. Just a moment on some details: in the period '75-76 to '78-79, a three-year period, we were able to reduce energy use — that is, natural gas and electrical consumption — by 16 per cent, a \$2 million saving to the taxpayer. The goal for the '79-80 fiscal period is an additional 3 per cent reduction in total energy consumed per square metre of building, an estimated saving of \$260,000.

#### **ORDERS OF THE DAY**

MR. PURDY: Mr. Speaker, yesterday I omitted to report on behalf of the Committee of the Whole a certain Bill which had received consideration by the committee and which the committee had duly approved to be reported. Therefore, at this time I wish to report Bill 74 with some amendments.

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

HON. MEMBERS: Agreed.

[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 35 The Alberta Heritage Savings Trust Fund Special Appropriation Act, 1980**

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

[Title and preamble agreed to]

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

MR. R. CLARK: Mr. Chairman, before we move to have the Bill reported, I should ask the Provincial Treasurer:

yesterday during second reading of the Bill, we had some discussion with regard to the question of "diversify and strengthen" the Alberta economy. Mr. Minister, during the comments made in the Heritage Savings Trust Fund committee by the Premier and also later on by you, a comment was made with regard to what appeared to me more emphasis on the saving aspect of the fund and much less on the strengthening and diversification of the fund.

This may not be the appropriate place. If we'd sooner discuss it under the other piece of legislation, fair ball. But if the minister wants to answer it here, what I really want, Mr. Chairman, is some assurance that the government isn't now placing a great deal more priority on the fund as a savings account, as opposed to its being used to strengthen and diversify the economy of the province.

MR. HYNDMAN: Mr. Chairman, I would not see any change in the priorities developed over the past three years. However, I think I should underscore what I said and what has been said in previous months, and years in fact: the primary purpose of the fund is as a savings account for the future. The goal of the fund in respect of diversification is important but secondary.

MR. R. CLARK: Mr. Chairman, to the minister. What we now understand is that the government's position clearly is: one, the fund is a savings account, and strengthening and diversifying the economy of the province is a second priority.

MR. HYNDMAN: Yes, Mr. Chairman. That's essentially what has been stated, and that continues to be the position.

MR. CHAIRMAN: Having heard the motion that the Bill be reported, do you all agree?

[Motion carried]

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

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

MR. NOTLEY: Mr. Chairman, I'd just like to make a couple of observations. I want to say just a word or two on this business of diversification, because this is where we change the Act from "strengthen and diversify" to "strengthen or diversify". I didn't have a chance to be here yesterday afternoon, when the matter came up in second reading.

However important the Heritage Savings Trust Fund is as a saving mechanism, I would respectfully disagree with the government's position. I think the primary emphasis should be placed on diversification and that the second part of it would be saving for the future. My position is just the other way around from the government's. The government is saying we should be primarily looking at the savings aspect, and then diversification would be an important but secondary element. I would just see that reversed. I said that in committee, Mr. Chairman, and I think in fairness I should say it in the House. I don't think the minister is going to convince me or that I'm going to convince the minister.

The one positive feature of this Bill that I would like to comment briefly on, Mr. Chairman, is with respect to the

role of the Heritage Savings Trust Fund committee. I think the change from reviewing "investments" to "or any alternative investments" is a useful one. I certainly support that. I think it gives us broader scope, and as a consequence we can fulfil our responsibilities as a committee of this Legislature in a more successful way.

MR. GOGO: I just want to make a comment to the minister after the comment from the Member for Spirit River/Fairview.

On Bill 35, I thought the minister made abundantly clear that the whole purpose and the whole concept of the Heritage Savings Trust Fund in the province of Alberta is that it's still not a sin to save money. We are receiving perhaps more than abundant income from the sale of something that clearly is disappearing at an alarmingly rapid rate. Surely, Mr. Chairman, the whole concept of the Heritage Savings Trust Fund is to accumulate funds today from that rapidly depleting resource revenue, whereby the options can be with the government tomorrow. Whether or not it will diversify certainly should be secondary to the accumulation of adequate funds to carry out some of the social programs this government is committed to for future generations.

Mr. Chairman, I would like the minister to confirm that indeed the intent and purpose of the Alberta Heritage Savings Trust Fund is to accumulate today those resources and revenues that are rapidly disappearing, so we can continue programs we've brought in for Albertans for the future.

MR. KNAAK: Mr. Chairman, my remarks, too, are partly stimulated by both the Member for Spirit River/Fairview and the Leader of the Opposition. It concerns what is probably a misunderstanding about the role of the Heritage Savings Trust Fund. Certainly it's a government priority to diversify and strengthen the Alberta economy. What we're talking about here is: what role does the trust fund need to play in diversification? When you have a pile of money, which in effect is a savings account when the resource revenue expires, in what way should the trust fund be used to diversify the economy? There are possibilities. Some of those have been announced, and the government is considering others. Really, the suggestion that comes forth from Leader of the Opposition and the Member for Spirit River/Fairview is that, in some way, moneys should be expended. The suggestion is never made, but it has to be implicit: that we try to bring in a shoe factory, a TV factory, a Bricklin factory. Surely that's not what we want to do. We don't want to expend funds trying to diversify.

The other suggestion that comes forth in this kind of statement . . . What has happened? To what extent have we diversified not by using the trust fund, but by in fact using the normal government procedure? We have heavy oil development. We've become a financial centre in western Canada, a head office centre. We have a petrochemical industry. We have a much stronger resource and agricultural sector than we had previously. Surely, when we're talking about strengthening and diversifying, we're talking about strengthening and diversifying on the natural advantages of the base we now have. The trust fund is not absolutely necessary when we have such a significant budgetary commitment to accomplish that objective.

So I just wish to restate that it is a government priority to diversify the Alberta economy; but it is also a government priority to maintain the trust fund for that time when the natural resource royalties run out.

[Title and preamble agreed to]

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

[Motion carried]

#### Bill 40

#### The Partition and Sale Act

MR. CHAIRMAN: There is a series of amendments. These have been circulated, I understand.

MR. R. CLARK: Yes. Just now.

MR. CRAWFORD: Mr. Chairman, I thought I might begin by taking a few moments to go over what is before hon. members. I know it will require some explanation, and perhaps some time. I regret the fact that they came in as late as they did. But that was a direct result of the fact that the drafting was still being done just after noon today.

There's a reason for that too, Mr. Chairman. Since the Bill was given second reading, very extensive consideration has been given as to what changes might be made in order to meet some of the concerns expressed at that time. I don't know what I can suggest, in the sense of allowing time for hon. members to become more fully acquainted with them, but what I would like to try is to give an explanation of what is involved. Then hon. members will perhaps indicate if more time is likely to be required.

The amendments with respect to anything prior to Section 16 of the Act reflect only some technical changes made as a result of recommendations made on behalf of the legal profession. As has been described from time to time, the partition and sale legislation is primarily a practitioner's Act. A few issues came up in regard to dower, discharge of encumbrances, and the like, which we were advised on behalf of the legal profession needed clarification. That has been done. Basically, that is page 1 of the proposed amendments; As an example, the Bill, as previously drafted, indicated that an order might be made for the discharge of an encumbrance in connection with the partition. Clearly it was intended that the discharge of the encumbrance be with respect to the land being partitioned. The sort of concern that came forward was that it should be made perfectly clear that, for example, an encumbrance which covered a number of parcels would only be discharged in respect to the parcel being partitioned. That was one example of the type of thing that it was suggested should be clarified. The first page achieves that.

The change to Section 14 is one that I think was generally agreed upon, and was recently the subject of a resolution at the Association of Municipal Districts and Counties convention in Edmonton. That changes "may" to "shall" in directing what the court will do in Section 14. Once again, that would fall into the class of amendment that was recommended to us basically by the practitioners with respect to partition cases.

The more important part that follows — more important in that it was the subject of very extensive controversy when the Bill was presented in a similar form last year and during second reading this year — I would like to go through with some care. In doing so, I would like to describe the process that has taken place involving the parties concerned in the actions where titles are to be

quieted as a result of the operation of Section 16. Section 16 would end certain legal proceedings on both sides. It would end certain legal proceedings challenging partition orders, and end any counterclaims for damages on the part of people who had received partition orders and had been sued by municipal governments.

After second reading a caucus committee, chaired by the hon. Member for Drayton Valley, was asked to meet with representatives of the Municipal District of Foothills, and that meeting was held. The delegation from the Municipal District of Foothills made a strong impression, I think, and a number of points that were thought to be valid.

Shortly thereafter, the persons involved on the other side of the proceedings — not all, but specifically Mr. Wensel and Mr. Sutherland, who is his legal counsel — appeared before the same committee and made a number of other representations. I mention that because that was the atmosphere. I think hon. members would be interested to know that what was to be set in motion was, if possible, a reconciliation of the concerns expressed.

We had earlier considered, of course, the possibility of doing nothing, and simply allowing the legal proceedings to proceed. The concern was the length of time and the cost involved in that, insofar as it would affect any innocent third parties. At the time we realized that allegations were made — and this was the subject of discussion before the caucus committee — that some people had taken unfair advantage of partition provisions with respect to The Planning Act, partition provisions that enabled them to avoid the spirit if not the letter of The Planning Act.

Since that was the concern, the discussion with Mr. Wensel and Mr. Sutherland became one as to whether they would be prepared to meet the normal planning conditions with respect to their lands. They said they had earlier offered that, but that the convoluted proceedings going on caused discussions in that regard to cease, and that they had not recently reiterated their offer to the municipal district to meet planning requirements. However, they were prepared to reiterate that offer in the present circumstances, and did so.

We then were faced — I guess that is as good a way of putting it as any — with the fact that we had some of the people who were potentially involved agreeing to meet the planning requirements, and no discussion or real exchanges with other parties who might be in the same position, some of whom would be known to us, some of whom would not; some of whom would be innocent third parties, but some of whom also were involved in legal proceedings that had been stalled similarly to the ones involving Messrs. Wensel and Sutherland.

Given those circumstances, the suggestion came forward from the caucus committee, and now becomes a proposed government amendment, that a requirement be placed upon any person who was involved in a partition order that would have been in place at May 20, 1976, the critical changeover date. Only the orders prior to May 20, 1976, have been relevant in the sense of curing past legal confrontations. So to bring all of those in, that date is used in the amendment.

The amendment proposes that for everyone who was involved then and still is as of November 12, 1979, the owner of that land or a part of it would be bound by provisions of The Planning Act. That *prima facie* establishes the requirement to comply with the spirit as well as the letter of The Planning Act. All subsequent provisions are there for the purpose of relieving, in all fairness, any

difficulties that might have been otherwise experienced by innocent third parties or by people against whom the municipalities may have determined not to proceed as a result of various circumstances — either location or, I think in one case, retransfer back into a title. There may have been other instances where voluntary settlements were actually made; I think cases also exist where some people voluntarily had made settlements.

So to relieve against any hardship in such cases, we've provided that unless the local authority serves a notice to comply by June 30, giving them some seven and a half months from now, they will have no further right to raise their claims. We think that's fair, because as far as we know legal proceedings have actually been commenced with respect to all cases where there was a concern. Legal proceedings are there because there was a concern. Clearly the municipalities will know in which cases they must serve a notice by June 30. We believe that what will happen is that notices will either be served or prior to that time a voluntary arrangement will have been met in light of commitments made during the meetings that followed second reading.

Now the balance, after the limitation placed upon getting proceedings under way, is a proposal for an arbitration tribunal whereby a person who has made no promise and may be caught by the putting back in place of The Planning Act requirements — till that time they may have been able to take the legal position that those Planning Act requirements didn't apply to them — those people, who may be served with a notice prior to June 30 and have not made an arrangement prior to the coming into force of this, would then be able to go to an arbitration panel which would determine in a final way what the parties should do. Mr. Chairman, everything else that follows, from the bottom of page 2 through page 3 and the top of page 4, has to do with the way in which an innocent person may appeal what he would deem to be a hardship if the municipality chose to proceed against him, as distinct from the other highly controversial ones which we believe were cleared up as a result of this. So this is that other group of people who may or may not be served with a notice. But if they are for some reason, in order to retain the value of quieting of titles, and the fact that we don't want to launch in somebody else's case another parade or sashay through the court systems, with potential appeals and the like, clouding of a few remaining titles — in order to avoid all that and make the quieting of titles consistent, it's provided that when the arbitration panel makes a decision, that would be final and binding and would end the matter.

I deliberately made a long explanation, Mr. Chairman, because I apologize again for the fact that the amendments came in so late. But I assure the Leader of the Opposition that, except for the procedures of the appeal board — the manner of appointment, the jurisdiction it would have, for example, to summon witnesses, the fact that it might reduce or waive certain provisions in regard to planning and make a final decision in that or dismiss an appeal and require them to be dealt with in full — those are the provisions, along with certain time limitations and references to The Arbitration Act, that appear in there. I assure the hon. leader that just now I have described fully and in detail everything else that is of substance at all in this proposed amendment.

I would urge hon. members to look favorably upon the proposed amendments, Mr. Chairman. In this form I believe they would resolve a matter which has been controversial and has caused some stress and strain, in

particular with one municipal government although others could be in the same position, and with certain individuals whose legal battles would end with the passage of this legislation.

[Mr. Purdy in the Chair]

MR. R. CLARK: Mr. Chairman, to the Attorney General. I want to say at the outset that I appear to welcome the amendments put forward by the Attorney General today. Just having received the amendments not more than half an hour ago, they appear reasonable on the surface.

But I would say to the Attorney General that, having regard for the fact the House isn't going to adjourn today anyway, I would appreciate very much an opportunity, obviously, for any other member to take part in the debate, but that we not report this Bill out of committee until I've had an opportunity to place the proposition before the people who brought the matter to my attention earlier, to get an opportunity for their assessment. That's no reflection on the Attorney General, but simply an opportunity to be provided to those people to get their reaction to the proposition as has been put forward somewhat past the eleventh hour, shall I say, as far as the Bill is concerned. I'd like to withhold any further comment until I've had the benefit of that kind of reflection.

MR. CRAWFORD: Mr. Chairman, I certainly have no objection to indicating, based on the hon. leader's suggestion, our intention to report the matter out of committee tomorrow or Friday or however long we're here, but I'm now guessing tomorrow. Hopefully that will give the amount of time required. I would concur, though, that if there are concerns on matters other than what's just been put before the House on such short notice, I would be prepared to deal with those now in order to save time tomorrow.

MR. R. CLARK: In responding to the Attorney General, might I simply say that we've already sent a copy to the individuals. Certainly I would see no reason that we couldn't have a response late this afternoon or early tomorrow morning.

MR. DEPUTY CHAIRMAN: Is it the wish then that we'll hold the Bill with the amendments until tomorrow?

HON. MEMBERS: Agreed.

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

MR. R. CLARK: Mr. Chairman, could I ask the Government House Leader if it's the government's intention to move ahead with Bill 49 during this session or to let it die on the Order Paper?

MR. CRAWFORD: Mr. Chairman, the difficulty I have is the absence of the Minister responsible for Culture, due to government business in eastern Canada. It may be that an amendment would be placed before the House tomorrow afternoon in respect of that, in the event the minister is back, which I believe will be the case. In order to avoid the concern about lack of time to consider it, I would be pleased to share with the hon. leader today a draft of what is proposed in respect of that Bill as well.

MR. DEPUTY CHAIRMAN: You've heard the motion of the Government House Leader that we report progress. Do you all agree?

[Motion carried]

[Mr. Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration Bills 35 and 77, and reports progress on Bill 40.

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

HON. MEMBERS: Agreed.

#### head: PRIVATE BILLS (Second Reading)

##### Bill Pr. 1 The Newman Theological College Amendment Act, 1979

MR. HIEBERT: Mr. Speaker, I move second reading of Bill Pr. 1, The Newman Theological College Amendment Act, 1979. The purpose of this Bill is to expand the board with certain designations. No special powers are requested.

[Motion carried; Bill Pr. 1 read a second time]

##### Bill Pr. 2 The King's College Act

MR. MACK: Mr. Speaker, I move for second reading Bill Pr. 2, The King's College Act. The purpose of the Bill is to incorporate King's College and grant it certain powers in instruction of liberal arts, theology, sciences, and education.

[Motion carried; Bill Pr. 2 read a second time]

CLERK ASSISTANT: Bill Pr. 5, The Merchants and Traders Assurance Company Amendment Act, 1979 — Mr. Knaak.

MR. CRAWFORD: Mr. Speaker, in the absence of the hon. member, I wonder if we might proceed with 6 and 7, instead of 5.

##### Bill Pr. 6 The Prairie Trust Corporation Act

MR. SINDLINGER: Mr. Speaker, I move second reading of Bill Pr. 6, The Prairie Trust Corporation Act.

This is a Bill to incorporate a trust company, and the manner of incorporating trust companies is a little different from that which is normally done. I should point out that I introduced this Bill as a vehicle of convenience. I was neither an advocate nor an opponent. I'm now a proponent of the Bill, but in considering it something has come to my attention which I'd like to bring to the attention of Members of the Legislative Assembly.

I'm referring now to The Trust Companies Act and am looking at Part 1, Section 7(3), which states:

Where a petition is made to the Legislature for a

special Act, the petitioners shall furnish to the Private Bills Committee of the Legislative Assembly, satisfactory evidence that, in the locality in which the head office of the proposed company is to be situated, there exists a public necessity for a trust company or for an additional trust company.

Mr. Speaker, when the petitioners appeared before the Private Bills Committee they talked about their background and discussed the merits of their proposal, but at no time did they ever present the committee with any evidence, never mind satisfactory evidence, that in fact there did exist a public necessity for the trust company. Considerable debate occurred in the committee about the ability of committee members, first, to ask for such information and, second, to digest that type of information, the question being: was there adequate expertise among the members on the committee to assess whether the petitioners had, in fact, complied with this part of the Act? We discussed it at length and decided that there had been ample precedent when Bills of this nature had come before the committee to pass it and send it on to the Legislature.

But I think members ought to bear in mind that there must be a special reason for an Act for trust companies alone, and there must be a reason this particular subsection is in the Act. I would suggest that we give consideration to some amendment to this Act in the future or comply with the stipulations. It isn't a matter of discretion for members of the committee. It says that these things "shall" be done, and they weren't done.

MR. ZAOZIRNY: Mr. Speaker, if I might comment with respect to the very important matter raised by the hon. Member for Calgary Buffalo. I do so in my capacity as chairman of the Private Bills Committee, as well as the member representing the Calgary Forest Lawn constituency.

This matter was raised very effectively by the member during the committee's hearing. I think it's fair to say that on a very literal reading of that section, one might draw that conclusion and that interpretation of the words "satisfactory evidence". But having made that comment, I would suggest to hon. members of this Assembly that, in fact, evidence was adduced to the committee and to the satisfaction of the committee, as seen by their determination on that matter, by the mere presence of the petitioners and their indication that there was a strong market situation which would justify the entry of another trust company in the market place. I think the market place is the best possible evidence of the need for another trust company.

So, with respect, I would suggest that while the interpretation placed on the precise words in Section 7(3) of The Trust Companies Act by the hon. Member for Calgary Buffalo is a possible interpretation, certainly there is another interpretation to be placed on it and that is the interpretation this member, as well as others, placed.

As well, I would draw to the attention of the Assembly some of the rather perverse — if I might use the term — results that would flow if in fact we gave credence to this very literal interpretation of those words. We could then have a situation where trust companies which had been established through a federal charter or through a provincial charter in another jurisdiction would be entitled to come to this province, to register extraprovincially — which is a fairly simple process — and to conduct business in this province without any such test being put to

them. Whereas, in this case, if we have Alberta people coming forward saying, we want to start a new business in Alberta, we want to help build the economy in this province, and that literal interpretation were placed on those words, we might have some considerable difficulty in allowing them to proceed. Surely that is not the intention of the drafters of that piece of legislation.

Having made all those comments and assured the members that in the mind of this member we are certainly not going contrary to the section of the Act in proceeding with this Bill, I do acknowledge the interpretation placed on those words by the hon. Member for Calgary Buffalo, and feel that that was an entirely appropriate observation to bring before this Assembly.

MRS. EMBURY: I'd also like to add my comments, although I'm afraid they will probably just reiterate what the hon. Member for Calgary Forest Lawn has stated.

As a member of the Private Bills Committee, I was very pleased when the hon. Member for Calgary Buffalo raised his concern about the section of the Act. It gave me the opportunity to listen very carefully to the presentation in the committee. I felt completely satisfied that they were fulfilling my interpretation of that section of the Act.

[Motion carried; Bill Pr. 6 read a second time]

#### Bill Pr. 7

##### The Highfield Trust Company Act

MR. SINDLINGER: Mr. Speaker, I move second reading of Bill Pr. 7, The Highfield Trust Company Act.

In moving this Bill, again the same situation applied there. At the time I was neither an advocate nor a proponent of the Bill.

I would make the same comments about the petitioners in regard to this Bill. I listened with interest to the comments made by the two other members a few minutes ago and have to agree that a ridiculous situation could result from a strict interpretation of Section 7 of the legislation. Nevertheless, that subsection is there, and it's pretty explicit. It says: "the petitioners shall furnish . . . satisfactory evidence . . . there exists a public necessity". I would submit that the mere fact people showed up to petition for these Bills does not represent satisfactory evidence.

MR. ZAOZIRNY: Mr. Speaker, without wishing to prolong the debate on this rather fine point of law, I might suggest that by its very nature the term "satisfactory evidence" is subjective. In fairness I suspect that the best measure of whether that test has been met is the views of the committee, which by virtue of the attention brought to the matter by the hon. Member for Calgary Buffalo, certainly did address that very point.

[Motion carried; Bill Pr. 7 read a second time]

#### Bill Pr. 8

##### The University of Alberta and St. Stephen's College Perpetuities Act

MR. COOK: Mr. Speaker, I'd like to move second reading of Bill Pr. 8, The University of Alberta and St. Stephen's College Perpetuities Act.

Basically, Mr. Speaker, the Act would exempt an agreement between St. Stephen's College and the Univer-

sity of Alberta, which would require that the land stay in its present use as an academic college facility in perpetuity. In talking to several in the House who have a legal background, I understand that that is not permitted under some ancient statutes from time immemorial, and that under normal circumstances it's not possible to perpetuate that kind of land use over time. This Bill would exempt the agreement between the university and the college from that provision of the legislation.

[Motion carried; Bill Pr. 8 read a second time]

**Bill Pr. 10**  
**The Our Lady of**  
**the Rosary Hospital, Castor Act**

DR. PAPROSKI: Mr. Speaker, I move second reading of Bill Pr. 10, The Our Lady of the Rosary Hospital, Castor Act.

Mr. Speaker, this legislation is for the incorporation of an association of religious women. Basically the objects are:

... to carry on charitable works and activities consisting of the operation of hospitals, missions, convents, schools of nursing ... and the like to impart education and religious and other training, to care for the aged, sick and unfortunate and generally to engage in charitable and benevolent activities.

No exceptional powers are granted under this Bill, Mr. Speaker, but it's very important to this particular religious group. I understand they've been working in this province since 1911 and have done excellent work. I recommend this to the Legislature.

[Motion carried; Bill Pr. 10 read a second time]

**Bill Pr. 11**  
**The Western Union Insurance Company**  
**Amendment Act, 1979**

MR. KUSHNER: Mr. Speaker, on behalf of the hon. Member for Calgary Glenmore, I move second reading of Bill Pr. 11, The Western Union Insurance Company Amendment Act, 1979.

Mr. Speaker, the purpose of the Bill is to provide for more operating capital. This Bill is fairly straightforward in that it does not depart from any provincial or national norms with regard to insurance Acts.

[Motion carried; Bill Pr. 11 read a second time]

**Bill Pr. 5**  
**The Merchants and Traders**  
**Assurance Company Amendment Act, 1979**

MR. KNAAK: Mr. Speaker, I'd like to move second reading of Bill Pr. 5, The Merchants and Traders Assurance Company Amendment Act, 1979.

It's an amendment to the Act of incorporation of the company, which was incorporated in 1917. The purpose of the amendment is to increase the authorized capital of the company from \$10 million to \$20 million and to standardize the memorandum, which is now outdated due to the new insurance Act.

[Motion carried; Bill Pr. 5 read a second time]

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

head: **PRIVATE BILLS**  
**(Committee of the Whole)**

[Mr. Appleby in the Chair]

MR. CHAIRMAN: The committee will please come to order.

**Bill Pr. 1**  
**The Newman Theological College**  
**Amendment Act, 1979**

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

[Title and preamble agreed to]

MR. HIEBERT: Mr. Chairman, I wish that Bill Pr. No. 1, The Newman Theological College Amendment Act, 1979, be reported.

[Motion carried]

**Bill Pr. 2**  
**The King's College Act**

MR. CHAIRMAN: Bill No. Pr. 2 has an amendment. I believe it has been circulated to all hon. members. We'll deal with the amendment first.

MR. NOTLEY: Mr. Chairman, I wonder if I could ask the sponsor of the Bill if he'd explain the amendment in some detail. As I understand it, we're striking out "theology", which would strike out the ability to bring in a religious studies course leading to a degree, and substituting "divinity", which means King's College could in fact train people who would be ministers, but not necessarily people who would get a degree in religious studies and then go on to some other postgraduate work. Do I have the right interpretation of that?

While I'm on my feet — I don't see the Minister of Advanced Education and Manpower here. I'm sure we're all aware of the representation made to us as members of the Assembly by the four universities in this province concerning the whole role of granting degrees. As I understand the amendment, Mr. Chairman, we are narrowly defining the degree-granting ability of King's College. Is that correct?

MR. ZAOZIRNY: Mr. Chairman, if it would be appropriate for me to comment on those matters raised — as well as the sponsoring member would, I'm sure — I would seek to do so.

To the hon. member: this member's understanding is that the amendment is not for the reason outlined. In fact, it's simply a situation where other legislation dealing with similar colleges uses the word "divinity" rather than "theology". So it is not intended to have any different application than presently exists with other colleges of a similar nature. In fact, as this member understands it, this Act is put in place for the purpose of incorporating King's College, which has been active for some time now. The legislation brought before the Private Bills Committee did not in fact address itself to the

matter of the granting of academic degrees.

I think hon. members of this Assembly are well aware of the debate that has ensued outside this Assembly with respect to the proper role of colleges in terms of the extent of program and whether or not they should be granting academic degrees. This member's understanding is that Bill No. Pr. 2 does not request the power to grant academic degrees, but would simply give to King's College the same entitlements and powers as other colleges of a similar nature which are functioning at present.

MR. MACK: Mr. Chairman, Section 6 is amended by striking out the word "theology" and substituting the word "divinity". Section 8(3)(d) is of the same nature. Section 14(2)(c) again adds "in divinity" after "degrees". As the chairman of the committee has indicated, the change is basically more of a semantic nature than a substantive change in the Act.

I move the amendment, Mr. Chairman.

[Motion on amendment carried]

[Title and preamble agreed to]

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

[Motion carried]

**Bill Pr. 5**  
**The Merchants and Traders**  
**Assurance Company Amendment Act, 1979**

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

[Title and preamble agreed to]

MR. KNAAK: Mr. Chairman, I move that Bill Pr. 5 be reported.

[Motion carried]

**Bill Pr. 6**  
**The Prairie Trust Corporation Act**

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

MR. GOGO: Mr. Chairman, I wonder if I could ask a question of either the Member for Calgary Forest Lawn, as the chairman of that committee, or Mr. Sindlinger, the Member for Calgary Buffalo and sponsor of the Bill.

In the justification, the chairman of that committee made reference that extra-provincial companies in effect come into Alberta, and therefore the requirement that one must prove the need, mentioned by the Member for Calgary Buffalo, is really academic.

The comment made by the chairman of the Private Bills Committee was that Albertans in Alberta were somehow prohibited from incorporating trust companies. Is the member saying that one has to be an Albertan? I didn't realize there was citizenship in order to incorporate a trust company. Certainly someone could come from Toronto and apply to incorporate a trust company in the province. I wonder if he could clarify that for me.

MR. ZAOZIRNY: I'd be very pleased to do so for the hon. member. I regret if there has been any confusion caused by my remarks.

Certainly it's not the case that there is any citizenship requirement in order to incorporate a company in Alberta. However, it would be a very common occurrence that Albertans would be amongst the many who would wish to establish a business of that nature. Similarly, it would be a very common occurrence that if a trust company had been incorporated in another jurisdiction, those persons would reside in a jurisdiction other than Alberta. I hope that is of assistance.

[Title and preamble agreed to]

MR. SINDLINGER: Mr. Chairman, I would like to move that Bill Pr. 6, The Prairie Trust Corporation Act, be reported.

[Motion carried]

**Bill Pr. 7**  
**The Highfield Trust Company Act**

MR. CHAIRMAN: Are there any questions, comments or amendments respecting Bill Pr. 7?

[Title and preamble agreed to]

MR. SINDLINGER: Mr. Chairman, I move that Bill Pr. 7, The Highfield Trust Company Act, be reported.

[Motion carried]

**Bill Pr. 8**  
**The University of Alberta and**  
**St. Stephen's College Perpetuities Act**

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

[Title and preamble agreed to]

MR. COOK: Mr. Chairman, I move that the Bill Pr. 8, The University of Alberta and St. Stephen's College Perpetuities Act, be reported.

[Motion carried]

**Bill Pr. 10**  
**The Our Lady of**  
**the Rosary Hospital, Castor Act**

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

[Title and preamble agreed to]

DR. PAPROSKI: Mr. Chairman, I move Bill Pr. 10, The Our Lady of the Rosary Hospital, Castor Act, be reported.

[Motion carried]



**Bill Pr. 11**  
**The Western Union Insurance Company**  
**Amendment Act, 1979**

MR. CHAIRMAN: We have an amendment by Mr. Kushner. I think the amendment has been circulated to all hon. members. Are there any questions or comments with respect to the amendment?

MR. KUSHNER: Mr. Chairman, I would like to make a few remarks on the amendment.

The amendment basically clarifies the process by which increases in capital may be authorized and approved. It ensures that all details of proposed new share issues are approved by shareholders and the Superintendent of Insurance before being effective. Increases beyond the \$20.5 million will also need the approval of the Lieutenant Governor in Council.

[Motion on amendment carried]

[Title and preamble agreed to]

MR. KUSHNER: Mr. Chairman, on behalf of the hon. Member for Calgary Glenmore, I move that Bill Pr. 11, The Western Union Insurance Company Amendment Act, 1979, be reported as amended.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports Private Bills Nos. 1, 5, 6, 7, 8, and 10; and reports Private Bills 2 and 11 with some amendments.

MR. SPEAKER: You have heard the report; do you all agree?

HON. MEMBERS: Agreed.

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

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

No.	Name	Moved by
32	The Bread Repeal Act	Koziak
33	The Revised Statutes 1980 Act	Paproski
34	The Teacher's Retirement Fund Amendment Act, 1979	King (for D. Anderson)
36	The Municipal and School Administration Amendment Act, 1979	Moore
37	The Social Development Amendment Act, 1979 (No. 2)	Bogle

No.	Name	Moved by
38	The Alcoholism and Drug Abuse Amendment Act, 1979	Gogo
39	The Private Vocational Schools Act	Horsman
41	The Licensing of Trades and Businesses Amendment Act, 1979	Borstad
42	The Public Contributions Amendment Act, 1979	Sindlinger
43	The Cooperative Marketing Associations and Rural Utilities Guarantee Amendment Act, 1979	Bradley

**Bill 44**  
**The Firefighters and Policemen**  
**Labour Relations Amendment Act, 1979**

MR. YOUNG: Mr. Speaker, I move third reading of Bill 44. The Firefighters and Policemen Labour Relations Amendment Act, 1979.

MR. NOTLEY: Mr. Speaker, I can't pass this opportunity to say once again that I really ...

AN HON. MEMBER: There's nobody in the gallery.

MR. NOTLEY: That's fine. I still have hopes. Mr. Speaker, you know.

AN HON. MEMBER: They're watching on television.

MR. NOTLEY: I still have hopes, especially because if you look at Bills No. 30 and No. 31, we had the hon. Mr. Bogle and the hon. Mr. Chambers indicate to us today that we were going to hold over both these Bills. They wanted more input. The Minister of Social Services and Community Health advised us that the whole process began a little late, as I recall his statement in question period today, and that therefore they wanted to hold it over. I think that's a very prudent course.

No one could deny that the process of consultation with the firefighters began a little late, when the Bill was on notice before the first meeting took place. Mr. Speaker, I have yet to hear any reasons that we must proceed, ramming this Bill through the Legislature at this particular time, when in actual fact the minister has already advised us that he's not going to be proclaiming it until into January. So we're looking at a matter of perhaps seven or eight weeks before the House reconvenes. We've waited now since March 8. So I find it very difficult to find any logical reason that the government is bound and determined to proceed.

The hon. Member for Edmonton Glengarry became famous overnight with his comments about mulishness and taking out a two-by-four. I think the people who are being mulish on this question are not the firefighters or the municipalities; it's the members on the government side of the House who are mulish about this issue. They're not prepared to hold the thing over properly so that there can be the kind of consultation that would engender good feeling among firefighters on one hand and local governments on the other.

Mr. Speaker, I voted against the committee report, and unless the government is prepared to hold this over, I'll

have no choice but to vote against Bill 44 on third reading too.

DR. BUCK: Mr. Speaker, I would just like to make one or two comments. I will also be voting against Bill 44. It's fine for the Minister of Social Services and Community Health to think that's so amusing, but it's not a matter of "me too". It's a matter, Mr. Minister, that possibly you should instruct your backbenchers to listen to some of the representations that have been made to them, the same as they have been made to members of the opposition, as to what they would like to have done with this Bill.

Mr. Speaker, the hon. Minister of Labour would not be bringing this legislation before this House — I would like to reiterate again that this kind of legislation would not appear on the Order Paper if we had a divided House, if we had an Assembly with some semblance of balance. A lot of these Bills would be receiving a lot more thought than they are now receiving, [interjections] Well, maybe the hon. Member for Lethbridge East is worrying about leadership races.

MR. NOTLEY: He's getting himself primed up, Walter.

DR. BUCK: The Tory party may be looking at a leadership race before we are.

AN HON. MEMBER: Well done, Walter.

AN HON. MEMBER: What are you running for, Walter?

AN HON. MEMBER: Let's hear it today.

DR. BUCK: I can say to the hon. members across the way, Mr. Speaker, that if I were ever running for a party I can assure the members I'd be running for a free enterprise party in this province, not a quasi-free enterprise party, as we see on this side of the House. The hon. government members talk about free enterprise, but what they practise is a long way from the free enterprise system as I see it.

Mr. Speaker, the minister of the Crown ... I'd like to say in all seriousness, it's just an indication of how seriously the government members take an issue such as this. They do not take it at all seriously. [interjection] The hon. Member for Edmonton Glengarry has his two-by-four out, and he's pounding on the desk again, or at least he's making some kind of noise. [interjection]

I'd like to say, Mr. Speaker, that we will be opposing this legislation because the minister and the government have not indicated to this Legislature why this legislation must be enacted at this time and proclaimed at a further date. If the government and the minister were acting in good faith, they would withdraw this legislation even at this time. Mr. Speaker. I will be voting against that Bill.

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

HON. MEMBERS: Agreed.

MR. YOUNG: Mr. Speaker, it does appear that a few comments might be in order. Perhaps I could begin with the observation of mulishness that has been trotted out by the hon. Member for Spirit River-Fairview, and observe for all hon. members that there is a difference between mulishness — if he chooses to use it — and being

obfuscatory, which is in fact what I believe the hon. members of the opposition are doing. [interjection]

Mr. Speaker, that is confusing the issue. The issue has been royally confused here between a local problem in the Edmonton city and its firefighters, and a problem concerning all firefighting and police across the province. I would just remind the hon. Member for Clover Bar that, contrary to the statement he has just made about its being proclaimed at some future time, a portion of this Bill will come in on assent.

DR. BUCK: That's not the part we want.

MR. YOUNG: But the fact is, that's what's in the Bill. So let's not confuse the issue.

Mr. Speaker, I would just reiterate again that it is not my wish to do anything other than to try to bring the parties affected by this legislation together to work out their differences. The fact of the matter is that we had a system which, regardless of the history — as we have had it related to us, it goes back to the late '50s and through the '60s, when it would appear that the parties were in considerable disagreement across the province — the fact is that during the 1970s in all but one location in the province, the firefighters and the municipalities worked out to their satisfaction, given the real needs of larger firefighting forces to have more than one deputy chief, a mutually agreeable arrangement, with the exception of the city of Edmonton.

The legislation under which that accommodation was worked was challenged, given an interpretation by the court which prevented the mutually agreed-upon arrangements from proceeding as they had been. All this does is to add an "s" to "deputy chief", making it plural, and putting back in place the position of the legislation which allowed for the accommodation the parties had mutually agreed upon. It's as simple as that, apart from the confusion which enters the system when a situation arises from a dispute which has many more ramifications and many more aspects, which has occurred here in the city of Edmonton.

So I encourage all hon. members to support this legislation. I can assure them that my basic objective is to provide a good working opportunity for firefighters across the province. I'm making some special efforts to do that in the city of Edmonton through our management/labor advisory services, and to provide the best of firefighting services to the citizens of this province. I am sure this Bill will do that objective.

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

[Three minutes having elapsed, the House divided]

#### For the motion:

Adair	Harle	Osterman
Anderson, C.	Hiebert	Pahl
Anderson, D.	Horsman	Paproski
Batiuk	Hyndman	Payne
Bogle	Isley	Pengelly
Bradley	Johnston	Purdy
Campbell	King	Schmid
Carter	Knaak	Shaben
Chambers	Koziak	Sindlinger
Clark, L.	Kushner	Stevens
Cook	Lysons	Stewart

Crawford	Magee	Thompson	No.	Name	Moved by
Cripps	McCrae	Topolnisky	56	The Alberta Labour Amendment Act, 1979	Young
Diachuk	McCrimmon	Webber	58	The Oil Sands Technology and Research Authority Amendment Act, 1979	Weiss
Embury	Moore	Weiss			
Fjordbotten	Musgreave	Wolstenholme			
Fyfe	Oman	Young	64	The Statute Law Correction Act, 1979	Crawford
Gogo					
Against the motion:			65	The Weed Control Act, 1979	Topolnisky
Buck	Mandeville	Speaker, R.	66	The Planning Amendment Act, 1979	Moore
Clark, R.	Notley		67	The Real Estate Agents' Licensing Amendment Act, 1979	Koziak
Totals:	Ayes - 52	Noes - 5			

[Bill 44 read a third time]

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

No.	Name	Moved by	No.	Name	Moved by
45	The Mental Health Amendment Act, 1979	Bogle	68	The Highway Traffic Amendment Act, 1979	Payne
47	The Mobile Equipment Licensing Repeal Act	Moore	70	The Department of Social Services and Community Health Amendment Act, 1979	Bogle
48	The Attorney General Statutes Amendment Act, 1979 (No. 2)	Crawford	74	The Legislative Assembly Amendment Act, 1979 (No. 2)	Crawford
50	The Alberta Health Care Insurance Amendment Act, 1979	Cook	75	The Trust Companies Amendment Act, 1979	Oman
51	The Health Insurance Premiums Amendment Act, 1979	Kushner	76	The School Amendment Act, 1979	Osterman
52	The Chattel Security Statutes Amendment Act, 1979	Crawford			
53	The Department of Education Amendment Act, 1979	King			
55	The Sale of Chattels by Public Auction Amendment Act, 1979	Fjordbotten			

MR. SPEAKER: I think I'm safe in assuming that a quorum of the House is voting on these Bills. I'm trying to listen as closely as I can.

MR. CRAWFORD: Mr. Speaker, before calling it 5:30. I would note in respect of tomorrow's business that the balance of the work on the Order Paper is available for hon. members' consideration, both tomorrow and Friday, if necessary. My understanding of earlier discussions with the opposition is that, although tomorrow is Thursday, government business will be called on Orders of the Day.

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

HON. MEMBERS: Agreed.

[At 5:21 p.m., pursuant to Standing Order 5, the House adjourned to Thursday at 2:30 p.m.]

