

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Thursday, November 15, 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, I hereby report that the Standing Committee on Private Bills has had under consideration the undermentioned private Bill and begs to report the same with the recommendation that it proceed with amendments: Bill Pr. 9, The Canadian Union College Amendment Act, 1979.

head: **TABLING RETURNS AND REPORTS**

MR. BOGLE: Mr. Speaker, I wish to table the response to Motion for a Return No. 107.

MR. COOKSON: Mr. Speaker, it's a pleasure to table three copies of the annual report of the Department of Environment.

As Acting Minister of Agriculture today, it's also a pleasure to table the annual report of the Alberta Department of Agriculture.

MR. KOZIAK: Mr. Speaker, I'm pleased to table the annual report for the fiscal year ended March 31, 1979, prepared by the Alberta Securities Commission.

MR. YOUNG: Mr. Speaker, I wish to table the annual report of the Department of Labour for the period April 1, 1978, to March 31, 1979.

MR. CHAMBERS: Mr. Speaker, I would like to table the annual report of the Alberta Housing Corporation for the fiscal period '78-79.

MR. LEITCH: Mr. Speaker, I would like to table the annual report of the Department of Energy and Natural Resources for the period ended March 31, 1979.

MR. HARLE: Mr. Speaker, I wish to table the annual report of the Department of the Solicitor General for 1978-79.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. HYNDMAN: Mr. Speaker, today I'm very pleased to introduce to you and members of the Assembly some 25 students in the members gallery, from the grade 5 class of Laurier Heights school. They are accompanied by their teacher Mrs. Jean-Louis. I would ask that they stand at this time and receive the welcome of the Assembly.

MR. THOMPSON: Mr. Speaker, it gives me a great deal of pleasure to introduce some ladies from the Cardston constituency. They are here today while the convention for the municipalities and counties is in progress. They are seated in the members gallery, and I would ask the Legislature to give them the traditional welcome.

MR. COOKSON: Mr. Speaker, it's indeed a pleasure to introduce to you, and through you to members of the Assembly, some 70 grades 10 and 11 students from Lacombe Composite high school in my constituency. They're accompanied by Mr. Barry Lloyd and Mr. Bob Huff, teachers. I would ask them to rise and receive the warm welcome of the Assembly.

Mr. Speaker, as Acting Minister of Agriculture I have a double duty to perform this afternoon. It's a real pleasure to introduce to you and to members of the Assembly a group from the Westaskiwin-Leduc constituency. They are known as the Leduc and district senior citizens' club, and their group leader is Rosemarie Jackson. They have come to enjoy the deliberations of the Assembly. On behalf of the Hon. Dallas Schmidt, I would ask that they rise and receive the warm welcome of the Assembly.

MR. KING: Mr. Speaker, it is a pleasure for me to introduce to you, and through you to members of the Assembly, a group of 17 grade 10 students from Concordia College in the constituency of Edmonton Highlands. I can't resist saying to them that it is significant that they should be in the House this afternoon, for a reason that will soon become apparent to them. I would like to ask that they rise to receive the recognition of the members of the House.

MR. D. ANDERSON: Mr. Speaker, with a great deal of pleasure I introduce to you and to the members of this Assembly a good personal friend of mine and a well-known Albertan, who is the alderman for Ward 11 in the city of Calgary and is in Edmonton today in his capacity as a vice-president of the Urban Municipalities Association. I would ask Alderman Craig Reid to rise and receive the welcome of the House.

head: **MINISTERIAL STATEMENTS**

**Department of
Advanced Education and Manpower**

MR. HORSMAN: Mr. Speaker, traditionally in Alberta, academic degrees have been awarded by universities only, and this right is granted by The Universities Act. During the past several years, however, there has been increasing interest on the part of private colleges to be granted the authority to confer their own degrees in areas other than divinity.

In particular, Canadian Union College near Lacombe, Camrose Lutheran College, and Concordia College in Edmonton have indicated their aspirations in this direction through submissions requesting amendments to their respective Acts. Subsequently, in October 1978, an amendment to The Universities Act which would have enabled private institutions to grant degrees was introduced. Mr. Speaker, since that time our government has received a variety of well-reasoned responses on the subject from the university community.

During recent months, the issue has been examined by

a special caucus and cabinet committee on private colleges policy. After careful review and assessment of proposals and alternatives, a resolution of this issue can be proposed.

Mr. Speaker, the government believes that baccalaureate degree granting opportunities for private colleges in Alberta should be enhanced.

Each of the three colleges mentioned previously currently has an affiliation agreement with the University of Alberta. The colleges offer courses at the first- and second-year level which are recognized for credit when students transfer.

The proposed policy will encourage the private colleges and Alberta's universities to establish affiliation agreements which will extend credit courses at the colleges to the third- and fourth-year levels. Each private college will then recommend to the affiliate university, candidates for baccalaureate degrees to be awarded to qualifying students who have completed their studies at the private college.

During the spring session, Mr. Speaker, appropriate amendments to existing legislation will be introduced to enable students to pursue baccalaureate degree programs at private colleges in Alberta, and to ensure to those students that the quality of their programs is maintained. As well, those private colleges acquiring extended affiliation will gain representation on the Universities Coordinating Council.

Mr. Speaker, private colleges will continue to be eligible for operating funds, including those associated with additional years of course work under revised affiliation agreements, but not for capital support.

I would like to take this opportunity to recognize those who addressed this question: the private colleges for their commitment and enthusiasm, and the entire university community for its thoughtful deliberations and recommendations.

Mr. Speaker, this position represents a significant policy initiative in postsecondary education in Alberta. I look forward to its implementation and the diverse opportunities available to students wishing to pursue baccalaureate degrees in our province.

head: ORAL QUESTION PERIOD

Energy Talks

MR. R. CLARK: Mr. Speaker, I'd like to direct the first question to the Premier and ask if he is in a position to indicate to the Assembly what progress has been made as a result of the discussions held yesterday with the Prime Minister of Canada on the question of a long-term agreement on pricing.

MR. LOUGHEED: Mr. Speaker, I'm not in a position to provide any useful information to the House with regard to the matter of the progress of these negotiations.

MR. R. CLARK: Mr. Speaker, a supplementary question to the Premier, having regard that this may be the last day that the Assembly is sitting. Has the Premier been able to get a commitment from the Prime Minister that, whatever action the government of Canada takes, it will recognize Alberta's control of our resources and our control of the revenue derived from those resources? Has that kind of commitment been acquired from the Prime Minister?

MR. LOUGHEED: Mr. Speaker, all I can say is in relationship to the ministerial statement: I made in this House last Tuesday, when I quoted the Prime Minister as referring to a special tax on incremental oil company profits with regard to the so-called self-sufficiency tax: that that matter was brought to the Prime Minister's attention, and he confirmed that that was the statement he had made and that was the intention of the federal government.

MR. R. CLARK: Mr. Speaker, I can't help but assume from what the Premier has indicated in the House today that, at the meetings yesterday of the Premier and the Minister of Energy and Natural Resources from Alberta and the Prime Minister and the Minister of Energy, Mines and Resources for Canada, the Prime Minister was in fact not prepared to back off that position he'd taken — very unexpectedly, I think — last Monday at the meetings in Ottawa.

MR. LOUGHEED: Mr. Speaker, perhaps the hon. Leader of the Opposition did not understand my answer. I stated that I raised the quotation contained in my ministerial statement to the effect that, in reporting on the energy conference of that day, the Prime Minister stated in the House of Commons on Monday night:

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

As I stated in the ministerial statement of November 13, I proposed to emphasize the position with the Prime Minister in Saskatoon, which I did. The Prime Minister reiterated to me that it was a proposed tax on incremental oil company profits.

MR. R. CLARK: Mr. Speaker, then to the Premier, now that we have that matter clear, at least the position of the two hon. gentlemen.

As far as the government of Alberta is concerned, what is now the plan with regard to future meetings on the matter? Or is it the intention of the Prime Minister to move unilaterally on the question?

MR. LOUGHEED: Mr. Speaker, the way in which the meeting concluded, and which both the Prime Minister and I reported to the media, was to the effect that a number of complex matters were discussed, they would be considered by both governments, and there would be an exchange of communication between our respective ministers of energy.

MR. NOTLEY: Mr. Speaker, a supplementary question, if I may. The Premier indicated — I think this was confirmed in the Prime Minister's news reports of last night — that the federal government's position was a tax, if you like, on profits as opposed to revenues; the Premier confirmed that again today.

Is the Premier in a position to advise what the major obstacle to reaching an agreement is? If this question of the taxing of profits as opposed to revenue is clear, is it the issue of price or some of the other features of the proposed strategy outlined in Ottawa in the position paper tabled by the Prime Minister?

MR. LOUGHEED: Mr. Speaker, I'm not in a position to give any useful information to the House on that matter.

except to reiterate what I've said in the past. The matter of pricing is only one of a number of items in a larger energy package. I believe earlier in the House, in preparation for the meeting in Ottawa, I referred the hon. members to the address I made in Vancouver on October 29, which was tabled in the House.

MR. NOTLEY: Mr. Speaker, a supplementary question to the Premier. During the discussions, was there concurrence on the issue of taxing profits? Or was there any suggestion of some difference between the government of Alberta and the government of Canada, with respect to the level of taxation as well as the types of allowances, such as depletion allowances and what have you, that have been built into the federal taxation structure over the years? Was there discussion on those matters, or was it the position of the government of Alberta that as long as Ottawa was merely taxing profits that was exclusively federal jurisdiction?

MR. LOUGHEED: Mr. Speaker, I'm not in a position to respond to that question, because it is clearly part of the negotiations. But the principle of the taxation of profits, as distinguished from a production tax or a federal royalty on oil, is responded to as in the question before the last one.

MR. R. CLARK: Mr. Speaker, one last supplementary question to the Premier. I'll put the question this way: is the Premier in a position to indicate to the Assembly that the deadline or the time indicated by the Prime Minister of an agreement being reached, hopefully by the end of this week — that in fact that time frame has now been greatly expanded?

MR. LOUGHEED: Mr. Speaker, I realize the hon. leader has the difficulty of responding to news reports in these matters, and the news reports have varied to some considerable degree on the matter raised. As we concluded our discussions yesterday, there certainly appeared to me to be no time frame in terms of either government.

Anniversary Celebrations

MR. R. CLARK: Mr. Speaker, I'd like to direct the second question to the Minister responsible for Culture, regarding the 1980 anniversary celebration plans. Can the minister, as chairman of a cabinet committee on Alberta's 75th Anniversary celebrations, please outline what plans for major events have been formalized? What are these major events, and when will they take place?

MR. SPEAKER: This is a question of some detail. If the hon. minister is able to answer briefly, it would certainly be in order for the question period.

MRS. LeMESSURIER: Mr. Speaker, I will take that question as notice, get the information, and answer later in the question period.

MR. R. CLARK: Mr. Speaker, is the minister in a position to indicate what provincial events will be taking place as part of the overall Homecoming advertising going on at this particular time?

MR. SPEAKER: With great respect to the hon. [member], if we're going to have a supplementary answer with

regard to the program, that would undoubtedly include provincial events.

MRS. LeMESSURIER: Excuse me, Mr. Speaker, my colleague Mr. Adair might like to speak to that at the moment.

MR. ADAIR: Mr. Speaker, if we're relating to Homecoming and the advertisements that will be carried on through 1980, we certainly plan through that period to advertise all events in the various travel zones of the province as they are presented to us, along with any other events we may have in place of a provincial nature. Obviously Homecoming is probably the largest provincial entity we have. We have already submitted to citizens at large a request for invitations to provide us with names of friends, relatives, and people who may have worked in the province and whom we could invite back to the province. Right at the moment we are approaching very close to the 300,000 invitations that will be extended to various people around the world and across the North American continent to come back to Alberta during 1980.

MR. R. CLARK: Mr. Speaker, then to either of the hon. ministers. What financial and project guidelines have been provided to Alberta municipalities with regard to the 75th Anniversary event?

MRS. LeMESSURIER: Mr. Speaker, we are working with the municipalities at this time. The submissions received from the municipalities are being discussed right now by the 75th Anniversary subcommittees and are going to be presented to the cabinet committee the next two Mondays. At present we have not seen the proposals from the municipalities.

MR. R. CLARK: Mr. Speaker, to the hon. minister. Are we to assume that in fact municipalities have been given virtually no guidelines with regard to what 75th Anniversary projects municipalities can become involved in and expect to receive provincial assistance for? We're only six weeks away from the first of the year.

MRS. LeMESSURIER: Mr. Speaker, we are working with the municipalities. Right now we have people in the field working at the various municipality levels. Until we have all the submissions in we will not know what we will be spending per capita at the municipality level. Consequently, instead of announcing what some of the projects are, we are not at liberty right now to say what they will be.

DR. BUCK: Mr. Speaker, a supplementary question to the minister, in light of the answer she has given about the people working in the field. We've received information that only a third of the employees have been hired so far to work on these projects. Can the minister indicate if a hiring policy will continue so we can come up to the required number of people we expect to be using during the year?

MRS. LeMESSURIER: Mr. Speaker, we plan to have five personnel in each of the four areas within the next, say, six weeks. The majority have all been interviewed and should be on stream very soon.

DR. BUCK: Mr. Speaker, can the minister indicate if she has the information available as to how many people we

will be employing? And will we be using volunteers as well as paid people?

MRS. LeMESSURIER: Mr. Speaker, we are using volunteers at the moment, but our total pay roll for the 75th Anniversary is 61 personnel.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the Minister responsible for Culture indicate what the per capita grant to the municipalities will be? That was unclear in the minister's statement.

MRS. LeMESSURIER: Mr. Speaker, perhaps I didn't make it too clear. Until all the submissions are received by the cabinet committee — upon looking at and weighing those, we will set a per capita for the municipalities at that time. It has not been reached on yet.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister, for clarification. I've just returned from the municipal convention. A number of municipal councillors indicated to me that they have not submitted projects but have projects in mind.

Am I led to believe from the minister's comment that the per capita grant will depend on the projects submitted, but possibly not on some projects still in very formative stages at present that, maybe because of unawareness, were not submitted to the minister?

MRS. LeMESSURIER: Mr. Speaker, we've had well over 1,200 projects submitted for the 75th Anniversary. We are looking at those. That is not to say that the municipalities on their own will not ... They will be working on projects at their own level. So the ones that have been submitted to us are perhaps those that could be utilized throughout the whole province. This is what we're looking at right now.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Minister responsible for Culture. Is the minister saying that any municipality that has not submitted a project will not be eligible for any funds from the government of Alberta in the 75th year?

MRS. LeMESSURIER: No, Mr. Speaker, I did not say that. Every municipality will be getting a certain per capita.

SOME HON. MEMBERS: How much?

MR. COOK: A supplementary question, Mr. Speaker. Could the minister outline to the House the consultation she has had with the municipalities, with the per capita grants that will not be tied to any function at all, that are just no-strings-attached grants for the municipalities to provide that kind of function that the Member for Little Bow referred to?

MR. R. SPEAKER: A supplementary question to the minister.

MR. SPEAKER: Is the hon. member ruling his colleague out of order?

MR. R. SPEAKER: It was a bunch of nonsense anyway.

MR. SPEAKER: I suspected there might be a ruling to that effect from the hon. member.

DR. BUCK: Mr. Speaker, a supplementary question. Can either the Minister responsible for Culture or the Minister of Housing and Public Works indicate what capital projects are planned and will be under way to celebrate the anniversary, such as in the 50th Anniversary when we had the two auditoria built? Will there be any projects equivalent to that in 1980 to commemorate the 75th Anniversary?

MR. SPEAKER: Order please. As I understood the hon. minister, she assured the House that she would have some information for later in the question period. It may well be that at that time, if there is time, there'll be further supplementary questions. It would seem to me that we shouldn't now be trying to get this information ahead of time and then deal with it again when it comes into the Assembly.

Besides that, as the hon. leader has indicated, this may be the last day of this session, and I think in fairness we should be fairly strict about how we apply the rules ...

DR. BUCK: In fairness to whom? The minister?

MR. SPEAKER: In fairness to the House, we should apply the rules in such a way that members who wish to ask their questions may have this final opportunity.

DR. BUCK: Mr. Speaker, speaking on a point of order. Surely the minister, when 1980 is barely six to seven weeks away, this information ...

MR. SPEAKER: Order please. The minister has answered the question and has given some assurance of further information, and it's a matter that is not open for debate.

Grain Transportation

MR. BATIUK: Mr. Speaker, a follow-up question to the hon. Minister of Economic Development. Yesterday when I asked about the production of mini-hopper cars, I asked how 'mini', and the minister replied 7,000. That was informative, but when I said 'mini' I wanted to know the size. Were they 40- or 50-tonne capacity? Could the minister say how 'mini' the cars will be?

MR. PLANCHE: Mr. Speaker, I'll take that as notice and respond later.

AN HON. MEMBER: He'll give you the answer in February, John.

Desmarais Fire

MR. APPLEBY: Mr. Speaker, I'd like to address a question to the Minister of Education. In view of the unfortunate fire which destroyed the school at Desmarais recently, I wonder what plans are being made or have been made to supply emergency accommodation for these students as far as schooling is concerned?

MR. KING: Mr. Speaker, grades 1 to 6 at Desmarais have returned to school, as have grades 9 to 12. The only two grades not accommodated are grades 7 and 8, and there are five classes in those two grades. The problem we have at the moment is in fire inspectors determining that facilities available in the community are safe for public use. Fire officials and officials of the department are

going to be in Desmarais tomorrow. We hope that facilities will be inspected and approved and that the students in grades 7 and 8 can be in class on Monday. That is to say, by Monday all of the children displaced by the fire would be back in school.

I might note if I could, Mr. Speaker, that while there is never a happy circumstance associated with a fire, it happened on a long weekend, it was followed by two days of professional development for the teachers, as I am told by officials in the department, and therefore the 10 grades who were back in school this past Monday missed only two days of school. I think the ability of Northland School Division to make alternative facilities available as quickly as that is very commendable.

MR. APPELBY: A supplementary question, Mr. Speaker, to the Minister of Hospitals and Medical Care. I ask this question because, although Desmarais is in the Lesser Slave Lake constituency, represented by the hon. Minister of Utilities and Telephones, it also services people from my constituency north of Calling Lake.

Since the fire I spoke of destroyed the new health services centre, I wonder what arrangements are being made to replace that.

MR. RUSSELL: We're presently in discussions about getting it rebuilt immediately, Mr. Speaker, with the contractor who had just finished building the new facility. We're making contingency plans as to whether it will be necessary to bring in portable units, prefabricated trailers, that kind of thing, or if we can find alternative accommodation. But in the meantime services are being carried on.

Mobile Homes

MR. ZAOZIRNY: Mr. Speaker, I'd like to direct a question to the hon. Minister of Consumer and Corporate Affairs. It arises from answers given by the minister to the hon. Member for Calgary Fish Creek in the spring sitting regarding the tenancies of mobile-home sites and, more specifically, the report of the Institute of Law Research and Reform of some two years past which recommended the need for a separate statute to deal with the peculiar circumstances of mobile-home owners.

My question to the minister is: in light of the report of the institute, is it the intention of the government to bring into legislation in the spring sitting a statute dealing with tenancies of mobile-home sites?

MR. KOZIAK: I would think not, Mr. Speaker. Of course I'm aware of the report the hon. member has in hand, and that report was prepared before The Landlord and Tenant Act, 1979, came into force. I think it would be useful for all of us to see how that piece of legislation actually works with the landlords and tenants out there before we consider whether a special piece of legislation, separate for one class of tenancy, is necessary. My initial reaction would be that that should best be avoided, that we should contain all our legislation dealing with the landlord and tenant relationship in one Act, rather than provide separate Acts for different types of relationships. We're aware that the Act we passed this spring does provide for more than just residential tenancies.

Under those circumstances, I think it would be useful for us to take the time to see how the present legislation works and then determine whether any additional legislation is necessary, whether in the form of new legislation

separate and apart from that Act, or as part of the existing legislation.

MR. ZAOZIRNY: A supplementary question to the minister. With respect, is the minister aware that, even with the new Landlord and Tenant Act we have in place, an owner of a mobile-home park is able effectively to prevent the owner of the mobile home from selling that, and can force that individual to sell through a real estate firm at a very high rate of commission? Is the minister aware that under the present law there is no prohibition against that?

MR. SPEAKER: The hon. member is trying to plumb the hon. minister's knowledge of law, and I'm sure his representation has been noted.

MR. ZAOZIRNY: Mr. Speaker, if I might try to rephrase that in another supplementary question.

DR. BUCK: Don't you get a chance in caucus, John?

MR. ZAOZIRNY: Is it the policy of the government that there should be no prohibition against a mobile-home site tenant being prevented from disposing of his mobile home? Is that the policy of the government?

MR. KOZIAK: No, Mr. Speaker, that is not at all the ... There is no prohibition, of course, against a tenant's disposing of the mobile home. It's the disposition of that mobile home as a package or as part of the site that probably creates the problem. There is no prohibition against an owner of a mobile home removing that mobile home from the park and selling it in whatever fashion that individual wishes.

That consideration, of course, that the hon. member has rightly raised is one I would like to review over the next number of months. The question of entry and exit fees probably would be supplementary questions that the hon. member would ask if the opportunity arose ...

MR. SPEAKER: Order please. I think perhaps we're going on with this.

MR. KOZIAK: ... and those are things I would consider over the next ...

MR. SPEAKER: The hon. Member for Little Bow.

Anniversary Celebrations

(continued)

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister responsible for Culture. Could the minister indicate the date at which time all municipalities and counties in the province of Alberta will receive the per capita grant with regard to the 75th Anniversary?

MRS. LeMESSURIER: Mr. Speaker, I think I stated earlier that subcommittees are now meeting and looking at the various projects that have been received. I stated there have been well over 1,200 of them. As soon as those projects have been accepted by cabinet and caucus, we will then determine a per capita. Hopefully we will be able to have a per capita out in the municipalities in the beginning of the new year.

MR. R. SPEAKER: In all municipalities?

MRS. LeMESSURIER: All municipalities, and the Indian reserves as well.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Mr. Dowling, who is working with the 75th Anniversary program, indicated to the counties and rural municipalities this morning that the per capita grant would be made available with few strings attached. However, there was one term of reference, in that these per capita grants could not be spent on capital projects.

Could the minister clarify if that is one of the terms of reference given by the government of Alberta?

MRS. LeMESSURIER: Thank you very much, Mr. Speaker. I would like to speak to the overall capital spending.

As a province we will not be spending any money on capital projects as has been done in the past. That is not our intention. If the municipalities wish to use their per capita on a capital expenditure, that is something they will decide. But they will not be able to come back and ask for further funding on that project. If it is to be a bandstand in one of the local communities ... It's up to them to decide what they would like to do as a gift to their municipality.

MR. LOUGHEED: Mr. Speaker, if I could supplement the general policy question that was raised. Subject only to the exceptions that the hon. minister has raised, we'd confirm the government's position with regard to the 75th Anniversary celebrations and, after considerable deliberation, have come to the conclusion that when we look at the capital budget appropriations of the government over the past two years, the ongoing and future projects, it is the decision of the government that this 75th Anniversary celebration will not be one in which the government's involvement will be in the nature of capital projects. Obviously a number of capital projects will be built and will no doubt be reflected in the nature of both the current and future years' capital project appropriation. But it is the clear policy of the government not to celebrate the 75th Anniversary on the basis of capital projects from the provincial government.

MR. R. SPEAKER: Mr. Speaker, a final supplementary to the minister. The minister has indicated that consideration is being given to certain projects as submitted, and the minister has also indicated that there will be flexibility in use of the per capita grant by the counties and municipalities.

Could the minister clarify what seems to be the rigidity with regard to considering applications and the flexibility with regard to sending unconditional per capita grants to municipalities? I'm not sure I quite understand both positions.

MRS. LeMESSURIER: Mr. Speaker, the projects that have come to us from the municipalities, from various organizations throughout the country, are projects that could be taken throughout the province. They could be utilized and incorporated in some of the works already going on in the province.

I'd like to announce at this time that the province of Alberta will be giving to Canada a Canadian encyclopedia on behalf of the Alberta government. Also, medals will be given to senior citizens and children throughout

the province and, as a special recognition, to people born in 1905.

DR. BUCK: Mr. Speaker, a supplementary question, to clarify an answer the minister gave. The minister indicated 61 paid employees will be involved in the program. Can she or did she indicate how many people have already been hired?

MRS. LeMESSURIER: No, I did not, Mr. Speaker, because I am not aware of the exact number on staff at the moment.

DR. BUCK: Mr. Speaker, a supplementary question. Has the minister or the government given any consideration — as a celebration of the 75th Anniversary, and as a gesture of good will — to twinning towns in Alberta with towns in Quebec — to have a gesture of good will, in that the referendum is coming up and it is our anniversary. Has any thought been given to a program such as this?

MRS. LeMESSURIER: Mr. Speaker, I believe that we do have some programs with the province of Quebec. But as to twinning for the 75th Anniversary, I'm not aware of that. I'll certainly take that point as notice.

DR. BUCK: Mr. Speaker, a supplementary question. Is the minister, the Premier, or the Provincial Treasurer in a position to indicate if the Legislature can be informed of the approximate cost of the anniversary celebrations?

MR. LOUGHEED: Mr. Speaker, I don't believe we can answer that very important question at this stage. We really have to make the decision about the per capita cost to the municipalities. Obviously, that will be a pretty major part of the budget. We're already well aware that it's going to be significantly larger than the budget with regard to the province of Saskatchewan. But I don't think we can give any useful information to the hon. member till we make that decision with regard to per capita allowance, because that's a very large one.

We have, of course, as the minister has just announced, made this decision with regard to the encyclopedia, in addition to the Homecoming program.

MR. NOTLEY: Mr. Speaker, a supplementary question, if I may. Is the Premier in a position, then, to advise the Assembly whether the reports that have circulated of a global budget of approximately \$75 million are generally accurate? I'm not asking the Premier to nail it down to the last dollar, but whether the figure of \$75 million is approximately accurate.

MR. LOUGHEED: Mr. Speaker, I really couldn't enlighten the hon. member on that amount, because as I've just answered, I think the crucial question will come in a determination of what the allowance or the grant will be for the municipalities.

DR. BUCK: Just sign a special warrant. [inaudible].

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. I would like to pursue this question of the total cost, in view of the fact that I was informed by the minister's office yesterday that it was \$75 million.

Is the minister able to advise the Assembly whether there are any approximate totals at this stage? We're not asking for a specific amount, but I'm just asking for

confirmation of what the minister's office gave my office yesterday.

MR. SPEAKER: It would be regrettable, it seems to me, to start indulging in the game of seeing whether ministers are going to contradict each other.

MR. NOTLEY: Well, that happens from time to time, Mr. Speaker.

AN HON. MEMBER: Not in your party. [laughter]

Dentistry

DR. BUCK: Mr. Speaker, I'd like to address my question to the Minister of Advanced Education and Manpower. In light of the fact that there's a possibility of the Faculty of Dentistry — the senior dental faculty in western Canada — losing its accreditation, can the minister indicate if he has had any discussion with the general faculty councils or the president of the university or the Faculty of Dentistry president as to the possibility of this occurring?

MR. HORSMAN: Mr. Speaker, I have arranged a meeting with the chairman of the board of governors ...

MR. R. SPEAKER: You better arrange for a bed. [interjections]

MR. HORSMAN: If the hon. members are interested in the answer, I will be pleased to try to supply it.

... to discuss, amongst other things, the state of affairs at the University of Alberta in the various faculties. I think it's quite clear, however, that the Faculty of Dentistry is not in fact in danger of losing its accreditation. It has been granted accreditation for a two-year period. I'm sure the hon. member is well aware of that.

Of course, it is not my policy, nor will it be, to meet with the general faculty council at any university or institution in this province. My dealings — and I think it should be well understood — will be with the boards of governors at the institutions, which are responsible for allocating the very generous funding they receive from this government.

DR. BUCK: Mr. Speaker, to the minister of community health and social development. Can he indicate if the minister's ... What's his new title now?

MR. R. SPEAKER: Social Services and Community Health.

DR. BUCK: I was going to say the minister of bungling, but I wouldn't say that.

Mr. Speaker, can the minister indicate if any studies have been done in his department as to the effect that a loss of accreditation would have on the supplying of dental services in the rural areas?

MR. SPEAKER: Order please. Clearly the question is hypothetical.

DR. BUCK: Mr. Speaker, a supplementary question. Can the minister indicate if the government has made any move towards the supplying of dental services in the rural areas?

MR. SPEAKER: This is one of those questions. If it can be answered briefly, it could be in order in the question period. Otherwise the information should be sought otherwise.

MR. BOGLE: Yes, Mr. Speaker.

Anniversary Celebrations

(continued)

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister responsible for Culture. What assessment was made by the minister's department of the Canadian centennial celebrations in 1967, as a model to formulate the 75th Anniversary celebrations in Alberta? I ask that question because the centennial in 1967 cost the taxpayers of Canada \$36 million. I wonder whether any specific assessment was made of the cost/benefits of that particular celebration, and its relationship with our 75th Anniversary in Alberta?

MRS. LeMESSURIER: Mr. Speaker, I'm not aware if they looked at 1967, but I'll ask and find out if they did. But that's 12 years, and a lot of things have happened in 12 years.

MR. NOTLEY: Canada's still slightly bigger than Alberta.

But, Mr. Speaker, I would ask the hon. minister if she is able to advise the Assembly who is making the determination as to the ultimate budget. Will it be the provincial cabinet, is it the provincial caucus, or is it the recommendations of the minister's department?

MRS. LeMESSURIER: Mr. Speaker, it's a privilege and an honor for me to say at this time that we will be submitting first of all to the cabinet committee, who in turn will present the projects to the cabinet and to the entire caucus for approval. It will be decided at that time what the actual figures will be.

Securities Commission

MR. D. ANDERSON: Mr. Speaker, my question is to the hon. Minister of Consumer and Corporate Affairs. Noting that he tabled in the House today the annual report of the Securities Commission, I'd like to ask the hon. minister if, as was true in past years, the majority of the work done by the Securities Commission currently originates in the city of Calgary.

MR. KOZIAK: Mr. Speaker, I'm surprised that it took the hon. member until the last day, seemingly, of the fall session to pose that question.

The report of the Securities Commission for the fiscal year ended March 31, 1979, was filed by me just prior to the question period. Nothing in the report, of course, distinguishes as to the source of the commission's work, between Edmonton and Calgary or, as a matter of fact, any of the other population centres in the province of Alberta.

Probably the next question that I should provide an answer to — if the hon. Speaker wishes; or shall I wait for the supplementary? — is that the decision with respect to the location ...

MR. SPEAKER: The hon. minister's prophecy as to what the supplementary might be, could be off.

MR. D. ANDERSON: Mr. Speaker, I'll try to put the minister's mind at ease by asking a supplementary question. Regardless of the information in the annual report, and with the minister's knowledge of his department and the Securities Commission, can he indicate whether more work originates in Calgary than in any other city in Alberta?

MR. KOZIAK: On the whole, Mr. Speaker, it depends on whether you consider these things in terms of dollar value or numbers. The indications are that on a numbers basis they're probably fairly equal, with maybe a slight edge in favor of Edmonton. However, as I indicated in the spring, we've made certain moves to accommodate the needs of Calgary in this very important area. We're improving the facilities of the Alberta Securities Commission in Calgary, but the commission itself will retain its head office in Edmonton, with the chairman and the commission holding meetings alternately in Edmonton and Calgary to accommodate the investment needs of that burgeoning metropolis in the south.

MR. D. ANDERSON: Mr. Speaker, one further supplementary question. Is the minister then indicating that when you take into account all the numbers and the amount of staff time spent, more time is spent in dealing with problems originating in Edmonton than in Calgary?

MR. KOZIAK: I would hesitate to answer that question, because from time to time circumstances change the figures. At the moment some substantial investigations are under way which could screw up those figures substantially. [laughter]

Legal Aid

MR. R. SPEAKER: Mr. Speaker, my question to the Attorney General is with regard to legal aid. I understand the legal aid program is operating with a surplus budget at present, which is good in itself. In light of that, I wonder whether the minister has considered broadening the services of legal aid, possibly into civil case areas, as one suggestion.

MR. CRAWFORD: Mr. Speaker, I have not reviewed the legal aid program with a specific view to considering whether the parameters of aid should be expanded. As the hon. member would know, when the program originally came on stream it was felt important to have support in the sense of available legal counsel and legal aid for people charged with criminal offences. The obvious reason for that is that a person's liberty might be in jeopardy in a criminal matter, whereas that's not the case in a civil matter. I would be hesitant to look upon ordinary civil proceedings as an area where the legal aid program should be advanced too rapidly.

As to the present surplus, that by itself shouldn't be any reason to change the parameters of the program, even though they could certainly be reviewed with an open mind at any time.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. In any reviews that have taken place, has the minister considered the accessibility of legal aid services to rural Alberta, and possibly changing format to make the services more accessible to rural people?

MR. CRAWFORD: Mr. Speaker, if that could be done it would certainly be a desirable objective. In response now, all I could say is that my first review of issues with respect to legal aid with the representatives of the legal aid program is to take place shortly. I'm sure that's the sort of issue that will come up.

MR. R. SPEAKER: Mr. Speaker, a final supplementary to the Attorney General. Has he had the opportunity to review the position paper of Student Legal Services submitted to his office a short period ago?

MR. CRAWFORD: Mr. Speaker, I believe the paper has been received but not yet reviewed. My timetable for that would be prior to meeting with the representatives involved in administering the plan.

Credit Ratings

MR. OMAN: Mr. Speaker, I'd like to ask a question of the Minister of Consumer and Corporate Affairs once again. This has to do with credit ratings. It arises from a concern where a person had a problem with alcohol, for instance, and therefore got into a series of debts. Having now conquered that and paid his debts, he still finds those records coming back on his credit rating.

Does the department have any plan to give incentives for people to clear those off once the debts have been paid, so it wouldn't appear on his rating cards?

MR. KOZIAK: Mr. Speaker, recognizing the nature of the province and the fact that the consumers in this province generally have a higher level of debt than elsewhere across Canada, we have a fairly effective — as a matter of fact, I'd say very effective — educational program directed toward that. Hon. members are of course aware of the Operation Coinship program that we unveiled some weeks ago and our Before You Go Under program, both of which have been extremely effective and well appreciated by the people in Alberta.

With respect to the specific item the hon. member raises, he raises it in the context of a specific problem. Where specific problems exist, I would appreciate those being brought to my attention to see if we can assist the individual consumer in this province. I leave that invitation open to the hon. member.

With respect to a program which would encourage the repayment of debts and the careful handling of one's finances. I think the programs I mentioned — the Before You Go Under program and our Operation Coinship program — and others, plus some counselling that we provide, are directed toward a solution of the problem the hon. members raises. But with respect to a specific individual case, I would appreciate receiving that information privately, and we could pursue it.

MR. OMAN: A brief supplementary, Mr. Speaker. My concern is really with the creditor who has been paid off. He was probably very quick to send in a notice of the fact that there was a bad debtor. But once that debtor has amended himself and conquered his habit, it seems to me that that should be quickly cleared from the record. I wonder if there's any way of giving incentives to do that.

MR. KOZIAK: Mr. Speaker, I'll take that under advisement and consider it. It doesn't seem that that is the real problem in this province at the moment. There seems to be no end to the opportunities to obtain credit; it's the

repayment that creates a difficulty. But I'll review the concern the hon. member raised to see if something should be done.

Rental Housing

MR. MACK: Thank you, Mr. Speaker. My question is to the hon. Minister of Housing and Public Works, with regard to the rapid decline of rental vacancy rates in the Edmonton area. I wonder if the minister can advise the Assembly whether he has any indication whether the decline is that people are not being able to purchase homes due to the high interest rates.

MR. CHAMBERS: Mr. Speaker, the last statistics I've seen show a considerable degree of construction in the process of completion or under way. So I don't think vacancy rates are a concern at the immediate time. However, obviously the high rental rates are a concern for the future. If these rates were to pertain, I would have to be concerned about supply in the years ahead.

Cold Lake Project

MR. LEITCH: Mr. Speaker, I'd like to respond to two questions asked of me earlier in the session, if I may.

The hon. Member for Clover Bar had asked whether there were any discussions with the government of Saskatchewan with respect to the use of water from Cold Lake in the Esso Resources project in the Cold Lake area. I have been able to check into that and am able to advise the Assembly that the Saskatchewan Department of the Environment appeared before the Energy Resources Conservation Board when it was hearing the Esso Resources application and did make representations at that hearing. Members of the Assembly will recall that the Energy Resources Conservation Board recommended against the use of water from Cold Lake in the project.

Normally, Mr. Speaker, discussions between the two governments on environmental matters would take place between representatives of the two departments of environment.

Pipeline Safety

MR. LEITCH: Mr. Speaker, the second question I wanted to respond to related to questions the hon. Leader of the Opposition asked me about the inquiry of the Energy Resources Conservation Board into the pipeline failure in the Mill Woods area. Generally that report recommended a further follow-up or study by the Energy Resources Conservation Board, and they are doing that.

I know the hon. Leader of the Opposition had a number of supplementary questions. He and I have agreed that I will pass that information to him privately.

MR. SPEAKER: The hon. Attorney General would like to supplement an answer previously given.

Court System

MR. CRAWFORD: Mr. Speaker, on Friday the 9th the hon. Leader of the Opposition asked in respect to the progress through the courts of a particular case which he referred to at that time, and asked me to ascertain whether or not there was any delay relative to backlog or the workload in the courts. I have made the necessary inquiries and would like to indicate the situation.

First, in the general sense, as I believe I indicated at the time, there are frequently numbers of reasons for a case taking some time to come to court. To assess what is an acceptable length of time is something that has to be done based on practical considerations and, in all good sense I think, upon any reasonable comparison that can be made. I said at the time that the proceedings in Alberta courts proceed expeditiously by comparison with any judicial system, that they are heard with a minimum of delays, that the courts work hard at their caseloads, and that unreasonable delays have not occurred.

In the case in respect of which the hon. leader put his question, the period of time after charges were laid that the matter was set for trial was approximately two months. In light of the type of case, that is considered not unreasonable. I know that arguments can be made as to why cases should come on faster than that, but that's not considered to be unreasonable, if I can quote any normal test for that.

What happened after that was that it was necessary to adjourn the case, so that wasn't related to the workload at that time. The adjournment was based on the absence of material witnesses. Because of that, I would again suggest to the hon. leader that that is the extent of an inquiry that should be made in such a case: ascertained merely facts in the sense that I have described them. I don't think either the hon. leader or I would want to go beyond that type of bare, factual report in respect of a case which is still to come to the courts.

MR. R. CLARK: Mr. Speaker, I wonder if I might ask one supplementary question of the Attorney General?

MR. SPEAKER: We've gone past the time for the question period but if the Assembly agrees, perhaps we could pursue this matter a little further.

HON. MEMBERS: Agreed.

MR. R. CLARK: Thank you, Mr. Speaker and members of the Assembly.

Could the Attorney General indicate to the Assembly whether that adjournment was asked for by the Crown or by the defence?

MR. CRAWFORD: I can, Mr. Speaker, but it will require a further brief explanation. The Crown was obliged to seek the adjournment in that particular case. I treated that as being separate from the question of the court's workload, which is the way the hon. leader had put his question. Having said that, the reason I gave in the sense of the unavailability of one of the material witnesses was the cause of the Crown's having to make the application.

ORDERS OF THE DAY

head: WRITTEN QUESTIONS

122. Mr. R. Clark asked the government the following question:

Does the Treasury Department controller exercise a pre-audit and control function by requiring expenditure officers to submit for prior approval, commitment documents for all proposed department expenditure? If so, under what authorization and what procedures are in effect? If not, is the controller's function limited to examination of

expenditure documents, to effect payment, after liability has been incurred?

head: **MOTIONS FOR RETURNS**

MR. HORSMAN: Mr. Speaker, I'd like to move that. . .

AN HON. MEMBER: Can you speak up, please?

MR. HORSMAN: Yes, I'll try.

Mr. Speaker, I should like to move that Motion for a Return No. 115 stand and retain its place.

[Motion carried]

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

- (1) copies of all applications for gaming licences received by the Attorney General during the fiscal year 1978-79;
- (2) copies of all documents, accounts, and reports filed with the Attorney General by all organizations receiving gaming licences during the fiscal year 1978-79.

MR. CRAWFORD: Mr. Speaker, in essence there's nothing objectionable about either Motion 119 or Motion 120, and maybe I can speak to them jointly. I think, though, that the way the motions are framed, the use of the word "documents" causes a particular problem in the sense that it would include all manner of correspondence and, following the normal rule, hundreds if not thousands of licence applications, and correspondence where consents had to be sought from the people writing letters in each case, some maybe quite irrelevant to the general tenor of the information the motion calls for.

I would ask that that be struck out of each motion. I have prepared an amendment saying simply that, for Motion 119 as well as for Motion 120, copies of all applications for the two years would be provided, as well as copies of all accounts and reports. I think that's a very considerable amount of information, Mr. Speaker.

MR. R. CLARK: I find that agreeable.

MR. SPEAKER: Does the Assembly wish to agree with the amendment?

HON. MEMBERS: Agreed.

MR. SPEAKER: It is so ordered.

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

- (1) copies of all applications for gaming licences received by the Attorney General during the fiscal year 1977-78;
- (2) copies of all documents, accounts, and reports filed with the Attorney General by all organizations receiving gaming licences during the fiscal year 1977-78.

MR. SPEAKER: I take it that's Motion 120 as just amended. Does the Assembly wish to agree to Motion No. 120?

[Motion carried]

MR. CRAWFORD: Mr. Speaker, this afternoon is private members' day, but we've had discussions that I referred to earlier in reporting the House business for today. With the consent of hon. members opposite, I propose that the House proceed to government business.

MR. SPEAKER: Is it unanimously agreed?

HON. MEMBERS: Agreed.

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

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 move second reading of Bill No. 63, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division, The Alberta Heritage Foundation for Medical Research) Act, 1979.

[Motion carried; Bill 63 read a second time]

Bill 72

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

MR. HYNDMAN: Mr. Speaker, I move that Bill No. 72, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Supplementary Act, 1979, be now read a second time.

[Motion carried; Bill 72 read a second time]

Bill 73

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

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill 73, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1979.

[Motion carried; Bill 73 read a second time]

PRIVATE BILLS (Second Reading)

Bill Pr. 9

The Canadian Union College Amendment Act, 1979

MR. THOMPSON: Mr. Speaker, I move second reading of Bill Pr. 9, The Canadian Union College Amendment Act, 1979.

[Motion carried; Bill Pr. 9 read a second time]

MR. CRAWFORD: Mr. Speaker, before moving that the House resolve into Committee of the Whole for consideration of Bills on the Order Paper, I would ask leave of the Assembly to proceed with more than one stage with respect to the four Bills just given second reading today.

MR. R. CLARK: It would just apply to the four Bills we just dealt with, wouldn't it?

MR. SPEAKER: That's my understanding of the purport of the motion. Does the Assembly wish to agree with the motion?

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 62
The Alberta Heritage Foundation
for Medical Research Act

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

DR. CARTER: Mr. Chairman, I want to make a few comments with respect to Bill 62. I'm very interested in this whole area because of a few medical problems within my own family, and being chairman of the Lupus Erythematosus Society of Alberta. It's a word which even I can't pronounce, but unfortunately some people near and dear to me have the disease.

To reflect in terms of having been, and still being a minister — in a theological sense, that is — visiting hospitals and dealing with persons afflicted with any kind of disease, one very soon develops an appreciation for the degree of suffering of anyone who has any kind of disease. I realize that I'm fumbling at the moment, but that arises from the fact that this is a little too close to home; in fact, it's in my own home.

Nevertheless, speaking from the point of view of having been involved in great numbers of counselling situations, also having been involved as a chaplain at the university and being privileged to work with people in medical faculties, I realize that this Bill has a tremendous potential, not only for the present generation but more specifically for the people in this province in terms of tomorrow.

Oftentimes in this province, especially in these days of such great dynamic growth, we almost take for granted that our greatest resources here are, number one, our gift of life; number two, our gift of health; and number three, the fact that there seems to be an endless supply of healthy Albertans out there to help us make Alberta that much stronger. But in actual fact, it seems that almost every day the medical profession, as it gets involved deeper and deeper in research, seems to discover yet other diseases which can, in time, act as a debilitating factor

with regard to large [numbers] of our population.

So, as many of the other speakers in the previous discussion of this Bill, I can do nothing but offer praise and applause to the Premier with respect to all the study and research which has gone into this on his part, but also the fact that here we really have a Bill which has great foresight. It's a challenging issue for the people of the province. In particular it's a great challenge to people involved in medical research. It is obviously a forefront piece of legislation in this country of ours. I know that the response I've had from the medical community, especially in Calgary, is one of great excitement. Having viewed the Bill, I know that the various procedures, especially the mechanisms, are there — the scientific advisory committee and the international board of review. Indeed, I know that in this very difficult area where one is able to seek to evaluate, the safeguards for proper evaluation of the administration of the fund are there.

I think one of the great things with regard to this Bill, a potential spin-off, if you will — and again I've had discussions with people involved in the pharmaceutical industry, for example — that one can hope will be a reality in the near future, is that ancillary pharmaceutical and related medical instrumentation and procedure developments come out as a result of this particular piece of legislation.

I would only apologize to the House that I have not stated this case too well. But again, I'm afraid it comes too close to the marrow.

MR. MACK: Thank you, Mr. Chairman. Having had the honored privilege over 26 years, of funding or at least partial funding through an employee group in the amount of roughly \$45,000 per year, in the latter number of years, of surgical research — there was some clinical research as well. But having been exposed to the research that has been going on in the University of Alberta through that faculty, causes us to recognize, in a very real sense, the awesomeness of the task being addressed by some very, very dedicated people in the field of medical research. I was delighted when this proposal came forward. I think it's most innovative, most perceptive, and it's difficult to perceive or envisage the ultimate benefits it will bring, not only to Albertans. Not only will it motivate young people to go into the area of research and assist them, but the benefits of being able to come to grips with some of the major problems that our own society, our own loved ones must attempt to live with, the various diseases which, to date, we have not had a cure for.

I think history will record that this particular foundation will bring benefits that actually boggle the mind, trying to appreciate and determine the ultimate results of it.

Just recently, we received from the Polish Academy of Sciences an invitation to visit their country and view some of the research being done there. That came as a direct result of some six or seven Polish medical people who worked as fellow researchers at the University of Alberta. I hope we can take advantage of that. I think it would give us a kind of perspective in a different type of environment.

I am just delighted with the foundation. I certainly believe the Premier, who spearheaded this type of venture, deserves far more credit than just a passing comment. Mr. Premier, I think it's a tremendous, tremendous foundation that all Canada and possibly much of the world will benefit from. I realize that the comments I make are very, very humble, but I believe the end result

of this foundation will bring lasting results and benefits for all the world, but specifically to Albertans and Canadians.

DR. BUCK: Mr. Chairman, I'd like to address one or two comments on this Bill to the Premier. I certainly agree with the principle, but we've had that debate. If worse comes to worst, I suppose that to make sure we recognize the Premier's feat in bringing this legislation in, we can always bronze him, as the Member for Medicine Hat suggested. I shouldn't be facetious, but after all, the Premier and I have had a few facetious moments in our lives.

I support very, very strongly the concept of the Bill. But one or two areas do concern me, Mr. Chairman, to the Premier. As the Premier stated, we must not mix the fact that this is a research foundation with the fact that funding for medicine, dentistry, and all the allied sciences will be in a separate vote and treated separately. But I do wish to bring to the attention of the hon. Premier that the definition in Section 3:

The objects of the Foundation are to establish and support a balanced long-term program of medical research based in Alberta directed to the discovery of new knowledge and application of that knowledge to improve health and the quality of health services in Alberta ... stimulate research in medical sciences

And it goes on and on. The definition of responsibilities laid out by the Medical Research Council of Canada, 1979, where we talk about medical research:

Through its Grants Program, the Medical Research Council provides support for research projects in the health sciences whether basic, applied or clinical. These include clinical trials for the assessment and validation of diagnostic and treatment procedures but do not include health care research as described below in paragraph 2.

And it goes on to the exceptions.

Basically, what I'm trying to ascertain, Mr. Chairman, is: will the scope be so limited that the allied sciences such as dentistry, optometry, chiropractic, whatever we have — will the research be limited to pure medical science? I am sure the hon. Premier will be able to give that information to us. I would like to say that if it is purely medical sciences and not some of the allied sciences, maybe our scope is too narrow. I would like to say that we have to take into serious consideration some of the problems we are having in some of our allied professional sciences.

In dentistry, as was indicated in the question period this afternoon, Mr. Premier, there's a possibility that we are now in provisional accreditation. Funding is needed in this area, because one of Canada's top dental schools, the senior dental faculty in western Canada, is in grave danger of losing its accreditation. I think it would be a black eye to us as a province and to us as members of this Legislature, if we allowed that to happen.

We also know that the Faculty of Pharmacy ... The profession of optometry in this province could certainly do with a school of optometry. We have been pressing for that; members on both sides of the House having been pressing for that. So basically, Mr. Chairman. I endorse one hundred per cent the principle of what we're trying to do with this legislation; but I just want to make sure and bring to the attention of the Premier, that our scope not be so narrow that we do not take these other aspects into consideration. We must not lose sight of the fact that

these other allied professional sciences do exist, and we must make sure they are maintained at a high level.

MR. LOUGHEED: Mr. Chairman, I'd like to attempt to respond to the questions and concerns raised by the hon. Member for Clover Bar, and express my appreciation too for the participation in the debate of this Bill by the members for Calgary Millican and Edmonton Belmont, as well as the others at second reading.

The questions raised by the hon. Member for Clover Bar really fall into two categories, and the responses are very different. The first question, really, is the definition of medical research within Section 3 and how far that definition follows. With regard to that, a great deal of thought, and a great deal of advice and consideration was given to the wording of Section 3. As I said during second reading, the largest degree of submission extended to us with regard to that definition was, of course, the view by the nursing profession and representatives of the nursing profession, that it be broadened and be a more general health research category. I've had an additional four to six letters on that matter since the Bill was introduced.

As I explained at second reading of the Bill, it's been our judgment that this foundation should establish with the base of medical research. We feel that that in itself is a very significant and vast base to build upon. If after a number of years, particularly after the international board of review looks at it at the end of six years, and they've reached a certain stage, it may be that both the select committee of the Legislature at that time or the foundation itself will recommend broadening into a broader area of health activity. For example, within the Faculty of Medicine this Bill, as it presently defines medical research, would include the basic medical sciences: anatomy, pharmacology, immunology, biochemistry, pathology; the clinical sciences as well, both in terms of medicine and surgery, and various aspects of that; obstetrics; pediatrics; and part of psychiatry. But it would also involve certain aspects going on within the faculties of science at our universities: psychology, again in part; chemistry for sure; zoology; genetics; and microbiology. In the faculties of engineering, biomedical engineering; certain aspects of the faculties of pharmacy and pharmaceutical sciences; and certain, but limited, aspects of dentistry.

Clearly, it would not involve the health service administration of the Faculty of Medicine, or nursing research as it relates to health care delivery in the Faculty of Nursing, or behavioral disorders as they relate to psychiatry in the Faculty of Medicine, or epidemiology — I didn't pronounce that very well — as it relates to public health in the Faculty of Medicine.

Therefore, in our judgment, the question was: how broad? And we think that the phraseology "medical research" covers, as I have just described, both the medical faculty in most of its activities, and a number of the related science faculties at the university. It does not cover the question of general health research, nor some other matters raised by the hon. Member for Clover Bar. So that's the first answer: I would not call the definition of medical research narrow, but would call it defined. It's defined in terms of its parameters, to the degree that it would have the basic nucleus of the Faculty of Medicine spreading out with the related sciences. But it does not move into the general area of health care, health care administration, and health care delivery. So I want to respond to the hon. Member for Clover Bar on that

point.

I'm not sure whether the hon. Member for Clover Bar was in his place during second reading debate, but in the conclusion of my remarks I tried to re-emphasize a very important point that we have made abundantly clear to the universities. A case may or may not be made with regard to the various faculties on the teaching side at the universities, and I think those decisions have to be made on their merits. The only thing we have said to the universities is that we don't want the argument attempted — because if it's attempted, it won't be accepted — that because we've established this medical foundation, we should be doing something else. We won't accept that.

That doesn't mean, in any sense, that we wouldn't look at the normal request for appropriation which would flow to the board of governors and then to the Minister of Advanced Education and Manpower. But hon. members and the universities have to remember that, at the request of the universities, we now have a global funding system. And it is up to the board of governors and the general faculty councils to determine, when there is incremental funding each year, where those funds go. If those funds just go evenly to everybody in the whole university system, that's a decision they make within the university system.

If, on the other hand, they look and they say, we have some priorities, and these priorities are these things. I don't want to mention them; by implication, obviously, I would then be suggesting. By establishing those priorities, the incremental funding to the university should proceed with some degree of priority funding within the university community itself.

We are sensitive to the views the hon. member raises with regard to some of these professional faculties. There's no reason it shouldn't properly be raised here, as long as it's answered, and the record shows it's answered, that we would not accept an argument that because we're funding a medical research foundation primarily with the faculties of medicine at the two universities, that could be used as an excuse to make a case for funding that wouldn't otherwise be there. I'm sure the hon. member appreciates that.

DR. BUCK: Mr. Chairman, I'd like to say to the Premier, the member sponsoring the Bill, that I was in on the tail end of the Premier's debate on second reading. I agree that we can't use the saying, you've given so much, therefore you have to do so-and-so for the faculty.

But we must not lose sight of the fact that we will develop problems. We all know politics are played at the municipal, provincial, federal, and university levels. It seems that whoever does the most talking and does it the fastest has the best chance of getting the most funding.

I agree and I support the concept. But I just wanted to leave with the committee: make sure there's no danger of limiting. And the Premier has assured me that we're trying to broaden the area of medical research.

I'd like to say to the hon. Premier that he doesn't have to be embarrassed with medical terms. As a medical person, I have the same problem with legal terms.

Thank you, Mr. Chairman.

[Title and preamble agreed to]

MR. LOUGHEED: Mr. Chairman, I move that Bill No. 62 be reported.

[Motion carried]

Bill 63

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

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

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill No. 63 be reported.

[Motion carried]

Bill 72

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

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

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill No. 72 be reported.

[Motion carried]

Bill 73

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

MR. CHAIRMAN: Any questions, comments, or amendments respecting this Act?

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move Bill No. 73 be reported.

[Motion carried]

Bill 40

The Partition and Sale Act

MR. CHAIRMAN: There are a number of amendments. I believe the amendments have been circulated. We will deal with them. They are in two groups. The first was presented on November 14. We'll deal with that first. The amendments, number one: are there any questions, comments, or ...

MR. NOTLEY: Mr. Chairman, with respect to the amendments to Bill 40. Members, of course, will know that the Municipal Districts and Counties have asked that Bill 40 be held over. I personally think that would make some sense. I would ask the Attorney General whether the government sees this legislation as so crucial that it can't be held over. We've had the example of The Architects Act and the health professions Act, which I gather

are going to be held over.

Mr. Chairman, I've had representation made to me by quite a number of delegates to the convention, that they would like the legislation held over so they could have an opportunity to prepare a submission to the cabinet to deal with concerns which they still feel are there. I read the minister's response yesterday. I had a number of questions flowing from it. There's no doubt in my mind that the government has made an effort to go some distance to accommodate some of the concerns that have been expressed.

[Mr. Purdy in the Chair]

It strikes me that what in fact occurred — perhaps I'm being a bit unfair, but as I read the minister's response, Mr. Chairman, the caucus committee met with the municipalities concerned, but they also met with an individual who was, for want of a better expression, a partitioner, and his lawyer. As I review the amendments, I can't help but feel that what the caucus committee did was attempt to accommodate both sides, hoping to reconcile differences and come out with a compromise. But I would have to say that in my discussions with representatives from the municipalities and counties, those concerns are still there.

Here is my assessment of the concerns that have been represented to me. In the case of those people who undertook proceedings under the legislation before 1976 and still have title to whatever little parcel of land is involved, there is no question. That is clear. What is not clear in my mind is what happens to those parcels of land which have not necessarily been sold to innocent third parties. As far as I can see, I think the municipalities are quite open. If there's been a genuine sale to someone else and that person bought the parcel in good faith, there isn't a problem. But it's the kind of sale from a lawyer to a law firm, or from a lawyer to a holding company, or what have you, where you have a third party. Whether that's an innocent or completely detached third party is an entirely different ball game.

As I read the amendments, Mr. Minister, and I could be wrong, those types of cases are going to be referred not to the courts, as the municipalities and counties have suggested, but to this new arbitration panel, which is going to be composed of three people — one member appointed by the Attorney General, a second member appointed by the person who was served with a written notice, and one member appointed by the local authority — and the decisions of that panel will in fact be binding.

I guess I would have to say, Mr. Chairman, that from the representation I've had brought to my attention, from people in my own area of the province as well as people in central and southern Alberta, they're not sure they want to substitute your arbitration tribunal, if you like, for the appeals to the courts, as they recommended to MLAs at this fall sitting.

Mr. Chairman, I would just conclude my initial remarks by saying that it does strike me that it might be useful for the government to sit down with the municipalities, obviously the rural municipal districts and counties, and perhaps even the urban municipalities. Without getting into all the arguments we used in Bill 44, I think there is a different situation. In Bill 44 at least there was some, I won't say compelling reason, but one could make the argument. I'm not really sure that exists in this case, Mr. Minister. It does seem to me that holding the thing over so there can be a frank exchange between the appropriate ministers and whatever caucus committee

there is, or the cabinet, might go some distance to alleviating the concerns expressed to me.

MR. CRAWFORD: Mr. Chairman, the hon. member has raised a number of points that deserve to be commented upon. First, I'd like to deal with the question of deferral and note that that, in effect, was the issue before the Assembly, for other reasons, about a year ago. At that time, a virtually identical Bill was not proceeded with. I am not clear on what advantages there are to extending that period by some additional months in order that further representations can be made.

The important point, perhaps, with regard to the fact that the convention of the municipal districts and [counties] is on at the present time, and that this matter was dealt with by way of a resolution, is that I think it a certainty that the resolution was passed without any knowledge of the proposed amendments. At the time the resolution was passed, the concerns were fairly stated. Being as objective as I can, in a view of what the resolution hoped to achieve and what the amendments would achieve, I don't believe the municipal governments could, in fairness, ask the government to do anything else. I realize that may require a little more background, which I'll get to, as to why I would say that.

The effect of the amendments is that, except for third parties, the people involved in transactions prior to the coming into effect of an unequivocal statute in this regard in May 1976, must comply if the municipality takes certain steps. There's a limitation period, but that's fair; it's some distance down the road. The municipalities know of the cases already and, indeed, have lawsuits in respect to some of them. So it can't be said that seven and a half months is an unreasonable period of time for them to create what further claim they may have. It should be clear that after May 1976, the law does not suffer from the lack of clarity, so people who come along in the meantime have been applying to the regional planning commissions as they should.

But I think there is a misunderstanding — and this may exist in the minds of some of the delegates at the convention — about the effect of one of the decisions made in a court case. It's been said a number of times that the court found The Planning Act should have been complied with. But the court did not make that finding. The circumstances in the Wensel case are that an appeal was taken by one of the municipalities against a partition order, asking that it be set aside. That appeal was dismissed. The court found no basis to make such an order. The case hasn't gone any farther. It could have gone to the Supreme Court of Canada. It didn't, and was heard probably a couple of years ago now. Other cases, because of the appeal court decision, have not proceeded beyond the early stages. There aren't many of these cases altogether. It's the ones where legal proceedings are in existence and stalled in the way I have described, or cases where the facts are so similar that a similar proceeding could be taken by a municipality, that would be affected by this legislation.

[Mr. Appleby in the Chair]

Having noted the court finding in the well-known Wensel case, how is it possible for such a misunderstanding to arise as to the view that the law of Alberta, was at any material time, that The Planning Act had to be complied with prior to May 1976? How did that arise?

That arose because of certain remarks which were not part of the judgment but were included in the judge's

remarks. He didn't find it necessary to deal with those issues to decide the case where the appeal was dismissed, but did make certain remarks in regard to the possible applicability of planning legislation to such matters.

That was the occasion that caused the government to make the correction which applied to all subsequent cases. I realize I may be being repetitious in referring to subsequent cases, but I want it known that in those cases there is no doubt about the law. In the previous one, the law did not go in favor of the municipalities although there was a statement that maybe there should have been a different provision, not a different interpretation of the existing law.

Now, the serious demand that a municipality could make in those circumstances, in respect to those cases, is to say: except for innocent third parties, let us have what we were entitled to, had the planning legislation been clear. That's the responsibility the government feels, in the sense that our legislation created a cloud, being unclear as to its intent. So you have the situation where the municipalities come forward and say: put us in the position that we would have been in if the law had been clear. That is what both parties are entitled to, if the members of this Assembly can provide them with that.

I very carefully considered how that could best be done. Going back into the lawsuits which are still on the books, in circumstances where only the existing law could be applied — with all I've offered to hon. members as to its lack of clarity, its uncertainty, and its cloud upon the title — [could we] say to the parties, won't you go back to the courts now, knowing as we do that it's in a state of uncertainty and leaving the clouded position it has. Or we could say to them, what was your principal demand? Reserves? We will provide them by legislation, in effect retroactively clarifying it to that extent. Not for third parties, but for others, we'll now provide that clarification retroactively. This amendment would say: you have entitlement to reserves or cash in lieu of reserves, which is a planning principle.

The concern of the municipality beyond that is not clear to me. I'm not sure why they would suggest there is some better solution than to provide the reserves they would have been entitled to, had this occurred after May 1976. I can come up with only one explanation, that I offer in all seriousness to hon. members; that is, this is a very, very complex area of the law. The Partition and Sale Act, which is new but incorporates old law, and the area of partition and sale has often been called a practitioner's area. Few clients, even after most extensive explanations, really understand anything except the result. The procedures and the rights involved are complex enough that it's very difficult to put forward an explanation which can be easily understood.

I don't suppose there's any other way to conduct legislation, or at least a body of law of this type, if it's to achieve the purposes it does. For many proper purposes, partition actions must be taken. Over the years, they have been, and the municipalities have said they have no objection to that part of the Act.

So, allowing for that and allowing for its complexity, the only explanation I can come up with is that it has been sufficiently complex that persons who are now making statements of their reservations about meeting The Planning Act requirements have not understood the position as I have now laid it before hon. members, and perceive there would be some advantage to them to continue with legal proceedings in an unclear legal atmosphere, some advantage that would be greater than the

mere retroactive granting of the reserves they've asked for in those proceedings.

On that basis, Mr. Chairman, I think that when the hon. member asks if the matter can be deferred — and I made my reference to that when I began — I would just say that three years and more have gone by since the law was clarified. Surely we could say to those who remain without any clarity as to their situation, that we will achieve that for them now.

If we put it off until spring, the same doubts will arise again as to whether the legislation will be proceeded with at all. There's no way of saying to the individuals who are involved that that clearly will happen. I may state an intention, but they can't act upon intentions. For those reasons I suggest that if the word "hardship" is overly expressive for what's involved, the passage of three and a half years and the suggestion that it stretch to four is, at least to me, approaching the unreasonable in those cases.

MR. R. CLARK: Mr. Chairman, to the Attorney General. I say with a great deal of sincerity that the case the Attorney General puts forward sounds very logical. But it seems to me there are four points that we have to keep in mind. One, the Attorney General himself has said this whole area of the law is very complex. Not having a very deep appreciation and understanding of this aspect of the law, I certainly must agree. But on two occasions now, our office has sought outside legal advice on the matter, and it was on their recommendation that we brought the matter back to the House the first time, at second reading about a year ago.

Mr. Chairman, during second reading we raised a number of our concerns and, as I indicated yesterday to the Attorney General, some of those were dealt with in the amendments which came forward yesterday. But, Mr. Attorney General, if the law is as complex as you have clearly indicated to the Assembly, isn't it somewhat unfair to introduce the amendment yesterday, another amendment today, and then to say to the groups that are affected — and certainly one has to make the point that the MDs of Foothills and Leduc have to be two groups directly affected. When the amendments were introduced yesterday — I'm being quite frank — we sent copies to the affected groups, at least the groups that have been in contact with us, and they came back to us with three concerns that we regard to be major ones.

One is that the amended Section 12.1(2) provides that a person who owned the land before the partition order and still owns it as of November 12, 1979, will be subject to the provisions of the amendment. This leaves a loophole, though, for the majority of partitioners who have either transferred their land to others or to other corporations they're involved in. Mr. Attorney General, our information is that in one of the jurisdictions, well over half the people involved in the partition route, if I might use that term, have in fact now transferred the land to corporations they are still involved in. They'll be able to use this loophole to get around any redress the municipal government has.

From the information we've received, as recently as this morning, it seems to me that in the situation of the MD of Foothills, that loophole would provide that in well over half the partition orders granted, these people would be off the hook completely, if I might use the term — and it's certainly not a legal term. As the situation now sits, Mr. Attorney General, at least the MD of Foothills has the opportunity, and has somewhat exercised that opportunity, of taking the matter to court. The very definite

impression I have received from the municipal officials I've talked to is: why are we now moving to protect individuals who went this route?

The Attorney General raises the question of third-party concerns. Once again I'm emphasizing that I am not that well versed in the law, but it's my understanding that the court has the capacity to look after innocent third parties. That's the legal advice we've received. It's the advice we've received from the municipal people who met with us as recently as this afternoon, just before the House started.

That's the first concern, that I believe to be very legitimate. I believe it to be true that for a substantive number of the group initially involved in the partitioning, there has now been a change in title to a situation where the same individuals are involved in the corporations, but in fact they'll be exempt from the amendment. In my judgment that is very, very bad legislation.

Mr. Attorney General, you know some of the people involved. They're very knowledgeable members of the legal profession and knowledgeable Albertans. They were very skilfully advised legally, or they wouldn't have gone this route. Why are we stepping in and stopping the process? It seems to me that the legislation presented to us stops the legal process, provides a loophole that a sizable number of the individuals will benefit from. That kind of legislation is not acceptable.

The second point raised to me is that the legislation presented to us yesterday stops the legal action initiated by the municipal governments, but says nothing about countersuits laid against some of these municipal governments by people who feel aggrieved as a result of the action taken by the municipal governments. So in the amendment presented to us yesterday, we have a situation that the court action launched by the municipal governments is being stopped by the amendment, but suits against the municipal governments continue. I've just had an opportunity to look very briefly at the amendment that came in this afternoon, Mr. Attorney General. I hope this amendment deals with that question.

The third point deals with the question of the appeal committee, if I could use the term. That may not be the proper terminology, but the committee — one appointed by the Attorney General, one appointed by the municipal district, and one appointed by the person involved in the partitioning order. The legislation is so poorly drafted that it doesn't even say where that shall be registered. Is it to be the Land Titles Office, the Attorney General's office, the office of the Leader of the Opposition, or where?

The Attorney General himself says this is very, very complicated legislation. To bring this stuff to us at this time, with the requests we've had from the municipal people, with the amendments that have come in again today, I would urge the government to delete Section 16 of the Act and sit down with the groups involved. If some method can be arranged to carry the judgment, okay.

I think the Member for Drayton Valley, who I understand chaired the committee, made a noble effort. But when I see some of the people involved in these actions, gee. I just have to say that they're extremely knowledgeable, legally and otherwise. Why in the world should we go to their defence now, when the court has the ability to look after innocent third parties? I simply don't understand the action of the government at all.

MR. WOLSTENHOLME: Mr. Chairman, I'd like to make a few remarks regarding this. My MD is one of the ones most vitally affected by this legislation, or lack of it.

I'm at a total loss to understand some of the remarks made this afternoon. I discussed this with the people from the MD of Foothills many times. I sat in on the caucus committee meeting chaired by the hon. Member for Drayton Valley. I must commend her and that committee for the excellent listening and questioning and, in general, giving a good hearing to these people, also to the other side. The parties came up and met with the committee. Unfortunately, I wasn't able to be there, but I had representations from those people previously.

I'm at a total loss to understand why anyone would want to defer this legislation. It's been going on for heaven knows how long now. There comes a time when we as a government have to bite the bullet and make an equitable settlement. In my mind, this legislation may not be everything that either side wants. I know the municipalities won't be too happy about subdividing agricultural land which they wouldn't normally have approved. Otherwise, I believe the intent and provisions of The Planning Act have been met.

On the other side, I think most of their concerns have been met. I can't for the life of me see why this Legislature would condone legal proceedings which are liable to go on — they've gone on for this length of time now — possibly to the Supreme Court of Canada, which could take goodness knows how many more years.

I believe I have more of these partition orders in my constituency than anyone else. I'm quite aware of what some of them are. They have given us a commitment in writing that the third-party people who were residents of those partitioned parcels previous to the partitions will not be affected, and that the other side has agreed to make arrangements so that they comply with The Planning Act.

I think I stand to lose as much over this as anyone else, in flak. But I think there comes a time when we must, as I say, bite the bullet and bring in some legislation. Let's settle this and get those people out there who are all upset and don't know where they are at. Let's do something for it. As for deferral, I absolutely can't see it.

Once again I'd like to thank the hon. Member for Drayton Valley and her committee, and the minister, for a noble effort in what I think is a very equitable situation and settlement. I would urge that it be passed.

MR. STEVENS: Mr. Chairman, in reviewing Bill 40, I would also like to share in the remarks of the Member for Highwood and compliment the Attorney General and the caucus committee. This committee has reviewed the Bill and has proposed amendments as a result of those meetings. It's never easy to resolve a dispute, particularly when it involves interpretation of legislation.

The previous Member for Banff-Cochrane received a number of requests for clarification from individuals and from the municipality of Rocky View. I have received those same representations, as has my colleague from Highwood in his area. He has also worked very hard to represent the views of the individuals and the municipality and to help bring about a resolution, which I believe is here before us.

I'm very satisfied with the amendments. I'm very happy to support the Bill. I would only ask, perhaps, if the Attorney General could clarify one of the statements presented by the hon. Leader of the Opposition with regard to the legal question of counterclaims and outstanding court costs. As I read the amendment and understand it, I believe it is resolved.

Thank you, Mr. Chairman.

MRS. CRIPPS: Mr. Chairman, the committee did come up with some consensus, I think, after it met with both parties. Legally, the option to partition was open, but the law was 400 years old. Secondly, it may have been a loophole in The Planning Act. The intention of The Planning Act was that subdivision be done through The Planning Act. Thirdly, by circumventing The Planning Act, public reserves, roads, et cetera are not considered. This is not fair to the people who subdivide by the usual route of The Planning Act. Fourthly, to be fair to the counties and their residents, these reserves must be paid when the subdivision is done by partition.

[Mr. Purdy in the Chair]

The county brought to our attention, first, the intent of The Planning Act has been by-passed; that's land use. The concerns raised by the county were: using the by-passing of The Planning Act, thus circumventing the 10 per cent reserve; secondly, the responsibility of roads and accesses is not outlined; and thirdly, countersuits have been initiated.

In the resolution passed yesterday by the Alberta Association of Municipal Districts and Counties, the association requested that "may" be changed to "shall" in Section 14. That's been done. If I read Section 2 rightly, they asked that the courts decide whether they should be subject to The Planning Act; this makes it subject to The Planning Act. The concern of the government is that the intent of The Planning Act is accomplished. The concern of the committee is that the counties and their residents do not have undue tax burdens because of this.

I believe the amendments introduced accommodate this intent. First, they require that the conditions be met with regard to sections 25 and 26 of The Planning Act. Secondly, the countersuits that the counties were concerned about have been quietened.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

MR. NOTLEY: Can the minister respond, please?

MR. CRAWFORD: Mr. Chairman, I can make some further response to the matters raised by the hon. Leader of the Opposition. One is the reference to "registering" and the fear the hon. leader has that the documents may end up registered in his office rather than elsewhere — whatever good reason for that there might be. I've been assured by Legislative Counsel that it's not necessary to refer specifically to the Land Titles Office because by definition in The Planning Act, "registration" means registration in the Land Titles Office. When the draft was being examined, I raised the same question the hon. leader raised a few moments ago, and was satisfied that it was not necessary to add surplus words to that clause.

[Mr. Appleby in the Chair]

References have also been made — and I don't think we should be hesitant in any way to note that, as few as these cases have been, there has been a particularly high profile to the ones involving the municipal district of Foothills and Mr. Wensel. Now, his is the only case that did go to the Court of Appeal. And his is the case in which the Court of Appeal made certain statements that in effect, as I've mentioned, were not a necessary part of the decision but were noted at the time by many people,

including of course the government.

So the meetings the caucus committee had were with Mr. Wensel and Mr. Sutherland. Mr. Sutherland is legal counsel for Mr. Wensel, but my belief is that in his own right he is also one of the owners in a similar situation. So the two people most involved were the ones who were talked with. If there are cases, and if it transpires that transfers to private holding companies have been made, which I have not checked, at least in the Wensel and Sutherland cases there also exists their own commitment given to the caucus committee to provide the necessary assurances that that would be done. [interjections]

Well, I'm referring to the fact that we of course spoke only to the people who came to speak to us. They asked to come and make a presentation after they heard that Foothills had been in to make a representation. We did not generally solicit people to come and make presentations to the caucus committee. I don't think there's any doubt that it would be well known, though, to anyone who is at all interested in the subject in any of the interested municipalities that this process was available to them. I only mention the two cases in which the written assurances were given, in addition to the legislation, to give hon. members some partial satisfaction in what the hon. leader thinks may be yet another loophole. I'm not so sure in any event that it would be, and I realize the hon. leader has taken legal advice as well.

But the amendment, where it refers to a person who is still an owner as at November 12, 1979, doesn't use the reference "registered owner". It may well be deemed — and I know the hon. leader and I aren't anxious to see more lawsuits commence — but it may well be that the owner is still the same person if that owner is the shareholder in that company. It doesn't say "registered owner". If the person is effectively the owner or if that can be alleged, that would be a way that might be got around.

Having discussed that point, I don't want to try to find here yet more language that should be provided by Legislative Counsel, if that concern is to be taken into account. I'd much rather say that I think a strong argument can be made that the fact that it refers to "owner" rather than "registered owner" would make clear the intention of the legislation, particularly in cases where the profile of the cases has been very high and the municipality knows exactly who those people are, has dealt directly with some of them, and has sued some of them; particularly in those cases and in the ones I've mentioned where the written commitment was actually given in any event, despite any potential loophole in the amendment, in those circumstances the municipality in all good reason should feel that it has succeeded very well.

The thing I would add, having said once already that there would be no understanding anyone who wanted to utilize the procedures of the law available in a situation where the law is clouded, in lieu of legislation which provides the reserves they have asked for in what I suggest is most cases — don't understand what reasonable ground there could be for preferring the one to the other, and would point out that the uncertainty of the law, as I mentioned, has existed for three and a half years.

All the suits that were commenced shortly after the Court of Appeal decision — I'm sure that is when they were actually started — have been stalled as a result of the conduct of the parties on both sides ever since. I don't know what there would be to lead us to believe that all of a sudden, after this time, if this legislation were laid over

until the spring, these ancient lawsuits would be reactivated by someone. The whole reason for proposing now that this matter be dealt with is, of course, so that even more of the same won't occur.

I'd be really curious to know the argument of the municipal districts, if that is their argument — I'm not sure that it is — that there would some advantage to creating even more such lawsuits. If that's what they want the time until spring for, to create even more after having done nothing for three and a half years with respect to certain suits and having commenced others and then let them stand without any progress in the court with respect to the others, then I don't understand the presentation in that respect.

All I can say is that I think the hon. Member for Highwood, who has been in close contact for a long time with his constituents and councillors in the municipal district with respect to this very matter, has presented us with a clear understanding of the situation in that area today. The views as presented through the hon. members in the opposition — I guess to be, if not kind or charitable, at least reserved in my remarks about it — the views expressed by hon. members in the opposition show them to be a more severe and unreasonable group of people than the hon. Member for Highwood believes them to be. I don't know the reason for that, why that would appear to me that that's the case. But it does appear to me that the hon. Member for Highwood has greatly clarified the situation in the remarks he made about the discussions he had in his own constituency and with the people who are primarily involved.

One other point, and there are two parts to it. The hon. leader mentioned that one of the amendments had been submitted only today, but that is one paragraph, a very short amendment with few words changed from yesterday. The reason is to deal with his point number three, I think, the countersuits. The advice is that that change achieves the purpose the hon. leader spoke of when he said that the countersuits should also be stayed and ended as a result of any legislation. That's why that subsequent amendment is there.

MR. R. CLARK: Mr. Chairman, to the Attorney General. I am sorry if the Attorney General feels that we in the official opposition are hard-hearted and irresponsible, or whatever terms the Attorney General wants to use.

MR. CRAWFORD: I didn't use that term.

DR. BUCK: That's the implication.

MR. R. CLARK: I have to say this, Mr. Chairman. I find it very difficult how the Attorney General can't understand the concern of municipal governments on this question if the Attorney General is as well informed as I suspect he is. I'm sure the Attorney General is aware of the statement of claim by the county of Leduc against three members of the legal profession — Gallant, Lloyd, and Odynski — and Mr. Justice Michael O'Byrne in the situation presently before the county of Leduc? If the Attorney General is as well informed as I'm sure he is, he'd only have to read the first portion of what the plaintiff claims. Because what the plaintiff is asking in this case in the county of Leduc is that a judgment or order of the court setting aside the first and second partition orders in whole or in part — what the county of Leduc is intending to do is asking the court to set aside the partition orders that were granted to these four indi-

viduals. Now with this legislation going through, that doesn't become possible at all. For some reason the government has chosen to intervene rather than let this go down the normal proceedings. I'm sorry if I don't understand the way the court operates, or I don't understand the legal jargon very well.

But I have great difficulty understanding how, when a case like this is before the courts, the Attorney General can stand in his place today and tell us that he doesn't understand why some of the municipal governments think this legislation should not go through. In this case, they're asking clearly that the partition orders be overturned. What we're doing here is being asked to approve an amendment to the partition Act which would stop that from happening.

Now, I'm very sorry if I don't understand the situation. But, Mr. Speaker, to the Attorney General: that's the information as I understand it, with regard to the statement of claim by the county of Leduc. Why the government would be interjecting itself here — these aren't individuals who didn't know the legal ramifications. They knew very well the normal way was to use The Planning Act, and they chose to go this route. As I understand it, in pretty well the last resort they had open to them, the county of Leduc then filed this statement of claim. Now, for some reason, the government is bringing along this legislation at this time. They tried to bring it in a year ago and backed off. We're doing it now, and I would just ask the simple question: why?

One of the things that has surprised me about this thing so very much is that the people whom it seems we're protecting here are, as I've said earlier, very able to protect themselves. They understand the court system far better than I do. The court has the capacity to look after innocent third parties.

MR. CRAWFORD: The hon. leader's remarks are, once again, a tribute to the difficulty and complexity of the field. I haven't looked at the statement of claim he referred to. I suppose the hon. leader could, if he wishes, read off the names of defendants. I've said before that my knowledge is that there are a number of such cases and that one of them had gone to the Court of Appeal. The hon. leader is asking, I suppose on behalf of the county of Leduc, that these proceedings should go forward in lieu of a principle that would provide them with the reserves they asked for in any event ...

MR. R. CLARK: Or to stop the partition order.

MR. CRAWFORD: ... in order that they would have the opportunity to go the same route as the Wensel case. Unless I misunderstand the hon. leader, all that's being undertaken in the lawsuit he described is an action based on planning provisions which, if it went to the Court of Appeal on the same facts as the Wensel case, would presumably also be lost there.

If that is the opportunity that the county of Leduc would like to have, to take some additional time and money and lose the case at the Court of Appeal — I wouldn't predict that would happen, but I've made that subject to the statement that if the facts are the same, that's what would happen — then that, to me, is a strange ambition.

The ending of any lawsuit with respect to partition would not be affected by this amendment, except insofar as it deals with the planning requirements. My view is that any other grounds to reverse an order for partition

or for anything else is a valid action, unless it's affected by what is proposed in this Bill and this amendment. What this Bill and this amendment deal with is the question of having people comply with the requirements of The Planning Act, not whether or not they can maintain a suit on some other ground.

MR. NOTLEY: First, I have to say that we've all discussed the complexity of this Bill. Mr. Chairman and Mr. Minister, I would really suggest that if we're going to be dealing with legislation of this nature in the future, then the day before the Legislature is about to prorogue is not the time to bring in amendments with the complexity of the amendments introduced yesterday.

I am reassured that the amendment introduced today will deal with the question of countersuits. That was one of the concerns that had been expressed to me. I think the municipalities and counties will welcome today's amendment. But that really doesn't deal with the substantive issues that, in my judgment, remain.

The hon. Attorney General tells us that what we're doing is just sort of clarifying the position as far as the county of Leduc is concerned, and we don't want Leduc to go forward and lose a case. Presumably, Mr. Minister, the county of Leduc has obtained legal counsel, and presumably the county of Leduc is convinced they have a case or they wouldn't be pursuing it. At least let them do it. It seems to me that every person should have their day in court. What we're doing here is saying, no, we're going to stop that process.

As the Leader of the Opposition pointed out — and this was reiterated to me, Mr. Minister, and I'm certainly no expert in this type of law at all — but in discussing the matter with the municipal councillors who made representation, they made to me precisely the statements that they made to the Leader of the Official Opposition, that in the main you're not dealing with partitioners who just get into this situation by happenstance. You get into it because you've got very able people who have the best legal advice available. Instead of going through the normal planning process, they took advantage of an Act, which we have subsequently changed. As the minister pointed out quite properly, since 1976 this kind of thing won't happen, and properly so.

But that really doesn't answer the question, as I see it, as to those people who have in one way or another adjusted their ownership, sold to a company that they control, a legal firm, or what have you. The minister suggested that maybe the phrase in the Act, "owner" rather than "registered owner", will stop these people from benefiting, and that in fact they'll be treated the same way as a person who has retained the registered ownership. Maybe, but maybe not, Mr. Minister. Very definitely, maybe not. Maybe this is a substantial loophole. As a member of this Assembly, I'm a little doubtful that I should vote in favor of an amendment on the basis of maybe, when there's at least some indication, legal comment, of the viewpoint that it is a loophole.

The Attorney General suggested that most cases won't be affected in any event. Mr. Minister, again the municipal councillors say that is not true. They argue that the majority of these people have, in fact, changed the ownership, and will be able to benefit by what they feel very strongly is a loophole we are inserting in the Act.

I would just have to suggest, Mr. Chairman, that I don't think we're dealing with a group of municipal councillors who have some kind of vendetta against the partitioners. Far from it. We're dealing with people who

are honestly trying to do their job in their respective counties or municipalities, and feel very strongly that what in fact happened is that rather than the process of The Planning Act being used properly, as it should have been, there was an effort to circumvent it, and that now, rather than these cases being dealt with by the courts on their merits and taking their chances, we are coming along and rescuing the partitioners.

Mr. Chairman and Mr. Minister, is that the right thing for this Legislature to do at this time? I don't think so. At the very least, let us sit down again with the municipalities in question.

MR. CRAWFORD: Mr. Chairman, maybe I could just respond. I was going to say that I think the hon. Member for Drayton Valley does have a little more information about the extent of consultation with the municipalities and municipal districts involved.

One quick comment on the Leduc case, which the hon. Leader of the Opposition was reading from a moment ago. I've no idea what the date of that case is. But if it's one of the ones filed shortly after the Wensel decision, it is precisely the type of case we are talking about which should, in all fairness, be ended. I think the hon. members are making an extraordinary presumption, when the record of such cases is that no municipality has yet succeeded in one, that for some reason there's an advantage to them in pursuing the same course again.

MR. NOTLEY: It's up to them.

MR. R. CLARK: Let them make that judgment.

MR. CRAWFORD: Well, I'm trying to look at the matter from the point of view of what would be a reasonable attitude if one is in the position of having taken such proceedings. Now I have no motive to suggest with respect to cases which are three or four years old and haven't been proceeded with. I'm not suggesting that they would be left out there as a way of allowing a cloud to continue over the title of one of the holders, in any deliberate sense at all. I don't suppose that would happen. But there must be grave doubts on the part of the people who have commenced those proceedings and have now locked the defendants into an uncertain situation. There must be grave doubts about their confidence with respect to the validity of those proceedings if the proceedings have been stalled as long as they have.

I mentioned that the hon. Member for Drayton Valley had just a little more information to give, and I think that should be given. But the question of whether the interests of people who have received partition orders are better served by what is proposed here than are those of the municipalities is subject to a great deal of debate. It is entirely possible — probably entirely likely — that the interests really being served by what is proposed here are those of the municipality. They are the ones who acquire rights which are in doubt at present, in regard to their right to receive reserves.

The assumption that there is some sort of easy system whereby these lawsuits could be completed and the municipalities would all acquire something they don't now have is simply an unreasonable and unrealistic attitude to take. They are, in fact, the beneficiaries of any granting by this legislation of reserves or cash in lieu.

MR. R. CLARK: Mr. Chairman and Mr. Attorney General, without trying to argue who's going to be the

beneficiary, when we trust municipal governments in this province with the kind of money that we do, then surely in a case like this we're going to have to let them make that final decision. It just won't wash that, on an occasion like this, all of a sudden the Attorney General or the government decides what's best for these municipalities, when in fact they've had their planning legislation circumvented sometime in the past. Now as a defence, we have the Attorney General saying something like, it was highly likely that the interests of the municipalities would be best served by this legislation. Mr. Attorney General, if I'd heard those comments from the municipal people who are affected, I'd have no questions about the legislation.

MR. NOTLEY: It's exactly the reverse.

MR. R. CLARK: But what we're being told by the municipalities, after they've received their legal advice and the amendments that came in yesterday, is that that isn't the case. So the proposition we're being asked to agree to this afternoon is to take the advice of the Attorney General that, despite what the municipalities say, the Attorney General is right and the municipalities are wrong; that the municipalities are going to be the beneficiaries of this; and that, despite the fact that they say they don't want the legislation, we should put it through so they're going to benefit. That's an amazing argument.

I would be prepared to accept the base of that argument if it were the municipalities themselves who were making that point, but it isn't. They're really being asked to be left alone and let the thing proceed.

Mr. Attorney General, I plead the case as best I can with you, and say that that's the route I think we should go. It isn't a matter that has been raised lightly. We've looked into the matter on at least three occasions now. It isn't only representation. My own constituency has had problems with the partition Act being used in the county of Mountain View. I have no qualms about saying that the reeve of the county of Mountain View feels exactly the same way as do other municipal officials we've made reference to this afternoon. And I happen to know very well that that county is not absent on legal advice.

MRS. CRIPPS: Mr. Chairman, I might add that the committee did not take their recommendations lightly. I contacted the county of Red Deer and talked to the secretary treasurer there. He said that as far as he knew, they did not have outstanding partitions. I talked to the county of Mountain View, and you can check my credit card to find out who I talked to there.

MR. R. CLARK: We believe you.

MR. NOTLEY: We believe you.

MRS. CRIPPS: I talked to the county of Leduc, and I left a message for Mr. Rolof that, if they had concerns regarding that, to please contact me. They didn't. Mr. Kambeitz, the lawyer for Foothills, told me he had contacted lawyers of the various counties concerned; five were named. None of them have contacted me.

And the committee was working on it. They knew that we were working on coming to a fair decision. Especially, I must say, the committee was waved towards the counties' position. There's no doubt about it. That's why we made the recommendations that this Act include the

amendments that, I think, do protect the counties.

I believe I talked to Mr. Dawle in your county.

MR. NOTLEY: I wonder if I could just ask the Attorney General, with respect to Section 16.3, the appeal section. We have one member appointed by the Attorney General, one member appointed by the partitioner, and one member appointed by the local authority. In view of the extreme sensitivity of this question, why was no consideration given to the member appointed by the Attorney General to be appointed after consultation — because we have other people appointed to various tribunals with the concurrence of other parties — with the concurrence of the partitioner and the local level of government?

MR. CRAWFORD: Mr. Chairman, there's nothing unreasonable about either the question or the result. This is one way of doing it. There are undoubtedly a number of other ways of doing it.

In its substance, the procedure follows well-established ways of doing arbitrations. Each party appoints a representative, then another party becomes the chairman. Although it's common to have that be a person the two parties choose, I don't think there's anything unusual about having an independent outsider name such a person. I think it most likely, in the event of the legislation coming into force, that it will never be necessary to have such an arbitration board. That's just an aside. I realize that it has to be in a form in case there is. But I suggest it is most likely that such an arbitration board would never be called together.

I could say that the reason the Attorney General names it is that, under the legislation, the minister responsible for the administration of this legislation is the Attorney General.

The only other comment is that if there were any difficulty in the sense of agreement, which I don't think would happen — and I certainly want to seek agreement from people in respect to who the chairman was — then a judge could perhaps be named. I think that would be an unobjectionable procedure. I hadn't thought of it until the hon. member put the question in the way he has.

MR. NOTLEY: I raised it because I think that, while the minister suggests that won't happen, it could happen.

We're dealing with a very sensitive area. From my experience, arbitration works best when you have a feeling on both sides that there is fairness beyond question. You have one person representing one side, one person representing another side, and then that person who is chairman is the most important individual in the whole process.

Whether we can get an amendment or not, I certainly would like the assurance in *Hansard* that there would be a commitment on the part of the Attorney General that, should an appeal committee have to be set up, there would be consultation, first of all, and that we would keep looking for a chairman until such time as we found someone acceptable to both sides.

MR. CRAWFORD: Mr. Chairman, I don't think it's correct to try to give commitments in the Legislature as to how administrative responsibilities would be carried out pursuant to the law. All I indicated to the hon. member — apart from an opinion, which I agreed was not really relevant, as to the possibility that in view of the small number of these cases and in view of the ability to resolve differences prior to arbitration, no such tribunal

might ever meet — was that there's more than one way of choosing a chairman. I suggest that, although this is not the way the hon. member suggests, it is a way that would be satisfactory in any case.

MR. CHAIRMAN: Are there any further questions or comments? Are you ready for the question? We have two amendments, one dated November 15, a single page; and one dated November 14, four pages. What we have in reality then is an amendment to an amendment. We will deal with the one dated November 15 first.

[Motion on amendment carried]

MR. CHAIRMAN: We now have the one dated November 14, which is amended according to our previous vote.

[Motion on amendment carried]

MR. R. CLARK: Mr. Chairman, I believe that some time ago an amendment was circulated under my name asking that Section 16 of the Bill be deleted. I'd so move that amendment at this time.

MR. CHAIRMAN: Very well, we have the official copy of an amendment to Bill 40, The Partition and Sale Act, introduced by the hon. Leader of the Opposition on October 24, 1979. I'll read it to you; it's very short:

The Bill is hereby amended as follows:

A. Section 16 is struck out.

MR. R. CLARK: Mr. Chairman, what that would basically do is leave the status quo we have at this time. It would not allow the amendment to Section 16 that is now proposed. It would allow the cases that are presently before the courts to follow through in the manner that the courts would determine. It would prevent the government and this Legislature from, I believe, wrongly intruding into an area where, frankly, no one other than a few people who have benefited from partition orders wants that protection.

MR. CHAIRMAN: Is there any discussion or any further questions or comments? We are voting then on the amendment introduced by the hon. Leader of the Opposition on October 24.

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

[Three minutes having elapsed, the House divided]

For the motion:

Buck	Notley	Speaker, R.
Clark, R.		

Against the motion:

Adair	Hiebert	Osterman
Anderson, C.	Horsman	Pahl

Anderson, D.	Hyndman	Payne
Batiuk	Isley	Pengelly
Bogle	Johnston	Planche
Borstad	King	Purdy
Bradley	Knaak	Reid
Campbell	Koziak	Russell
Carter	Kushner	Schmid
Chambers	Leitch	Schmidt
Chichak	LeMessurier	Shaben
Clark, L.	Lougheed	Sindlinger
Cook	Lysons	Stewart
Cookson	Mack	Stromberg
Crawford	Magee	Thompson
Cripps	McCrae	Topolnisky
Diachuk	McCrimmon	Trynchy
Embury	Miller	Webber
Fjordbotten	Moore	Weiss
Fyfe	Musgreave	Wolstenholme
Harle	Oman	Young
Totals:	Ayes - 4	Noes - 63

[Title and preamble agreed to]

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

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. CRAWFORD: Mr. Speaker, before the hon. chairman of committees makes his report, I would move that we stop the clock for sufficient time to have the report given.

MR. SPEAKER: Does the Assembly agree to the request of the hon. Government House Leader?

HON. MEMBERS: Agreed.

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports the following Bills: 62, 63, 72, and 73. The committee also reports Bill No. 40 with some amendments.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, it's not proposed that the House sit this evening.

[At 5:32 p.m., on motion, the House adjourned to Friday at 10 a.m.]

