

## LEGISLATIVE ASSEMBLY OF ALBERTA

Title: Thursday, May 1, 1980 2:30 p.m.

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

## PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF BILLS

**Bill 41**  
**The Alberta Corporate**  
**Income Tax Act**

MR. HYNDMAN: Mr. Speaker, I request leave to introduce Bill No. 41, The Alberta Corporate Income Tax Act.

The purpose of this Bill, Mr. Speaker, is to bring home to this province new flexibility for more sensitive, made-in-Alberta tax policies tailored specifically to the Alberta scene. This Bill will permit the design of tax incentives for locally controlled small businesses to help them expand, diversify, and compete with large national corporations, and improve even further the climate for small business opportunity, investment, profits, and expansion.

As stage one of the business incentive tax system, this Bill brings to Alberta from Ottawa the administration and collection of existing Alberta corporate tax essentially unchanged, effective for corporations, with their first taxation year beginning after January 1, 1981. This Bill is a prelude to stage two of the system, which will begin in 1981 and later, which will see special measures and tax incentives resulting from submissions made this summer and fall to government by businesses and individuals. The apparent refusal by the federal government to administer the new Alberta rental investment ...

MR. SPEAKER: With great respect to the hon. minister, it would appear that we're getting into debate.

MR. HYNDMAN: I'll conclude very briefly, Mr. Speaker. The apparent refusal of the federal government to administer the rental assistance ...

MR. SPEAKER: Order please. Perhaps the hon. minister could conclude in a different way.

MR. HYNDMAN: Recent events provide clear and timely evidence of the need for this Bill, Mr. Speaker. [laughter]

MR. SPEAKER: The reluctant duty of the Chair pays admiration to the persistence of the minister.

[Leave granted; Bill 41 read a first time]

**Bill 42**  
**The Alberta Income Tax**  
**Amendment Act, 1980**

MR. HYNDMAN: Mr. Speaker, I request leave to introduce Bill 42, The Alberta Income Tax Amendment Act,

1980.

In substance, this Bill is consequential to The Alberta Corporate Income Tax [Act] just introduced, Mr. Speaker. Its provisions also reflect the transition from the existing situation, where the federal government administers both the Alberta corporate income tax and the Alberta personal income tax, to a new system where, effective January 1, 1981, Alberta will administer its own corporate income tax, and the federal government will be left to administer the Alberta personal income tax.

As well, the Bill responds to a recent federal amendment which effectively raised the tax for professional corporations for 1980 over 1979, by maintaining that tax rate of 5 per cent for the 1980 tax year, the same as 1979. Lastly, the Bill contains a mechanism for implementing the Alberta rental investment incentive program for individuals, which may or may not remain during committee study, depending on whether the federal government changes its present reluctance. [laughter]

MR. SPEAKER: I don't suppose I am obliged to accord the hon. Leader of the Opposition an opportunity to have equal time and to comment on reluctance.

[Leave granted; Bill 42 read a first time]

**Bill 38**  
**The Alberta Property Tax Reduction**  
**Amendment Act, 1980**

MR. MOORE: Mr. Speaker, I beg leave to introduce Bill 38, The Alberta Property Tax Reduction Amendment Act, 1980. Following through on the announcement yesterday, this Bill is designed to increase the senior citizen renter assistance program for those living in private accommodations from \$500 to \$1,000 per year, a change of obvious significance and importance to senior citizens in Alberta.

[Leave granted; Bill 38 read a first time]

head: INTRODUCTION OF SPECIAL GUESTS

MR. MANDEVILLE: Mr. Speaker, it's a privilege for me this afternoon to introduce to you, and through you to members of the Legislature, 109 students from Brooks. They drove up here this morning; they're touring the city of Edmonton. While I was speaking to them, they told me they are enjoying their trip up here.

I asked them if they wanted me to ask any questions this afternoon. What they did, hon. Minister of Environment, was ask me if I'd ask some questions on the Bow River. That was their interest. They did prepare some questions for me in that area.

Just for the information of the hon. Minister of Municipal Affairs, and as proof that I do draw the family allowance cheque, I have my son up here with me today. He's in the group. I do draw the family allowance; Fred Jr. is with them. But I'm not going to qualify for the 75th medallion. I get this gray hair from being in politics for a long while. [laughter]

Mr. Speaker, these students are accompanied by their teachers Mr. Armstrong, Mr. Powell, Mr. Nicholson, Mrs. Preston, Mrs. Sekella, Mrs. Tarney, Miss Wright; and their bus drivers Elmer Schlinker, Dorothy Sederberg, and Vi Erion. They're in both galleries. I'd like them to rise and receive the recognition of the House.

**head: ORAL QUESTION PERIOD****Health Care Facilities**

MR. R. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of Social Services and Community Health. At what stage are the discussions concerning the proposed new mini-institutional system for medically fragile persons in southern Alberta?

MR. BOGLE: Mr. Speaker, considerable planning has been done over the past few years as to the relocation of what is commonly referred to as the Baker Centre, in Calgary. As hon. members may know, that is on what the Department of Environment refers to as the 100-year flood plain. To have a facility with residential accommodations there, particularly for fragile individuals, is not desirable or safe. Therefore, plans have been under way for some time for relocation.

Discussions have been held with a variety of organizations as to the future plans. We are now in a position whereby an offer will be made to hospital boards in southern Alberta. If the offer is accepted, two 30-bed, special extended care facilities would be attached to active treatment hospitals. One 60-bed facility would be built within the city of Calgary, preferably attached to an extended care facility in that community, and an additional 148 beds would be made available through contractual arrangements with community organizations and non-profit societies, group homes, and the like in Calgary and other communities throughout southern Alberta.

It's a very exciting plan, Mr. Speaker. We are working on it at the present time. That basically brings us to this point in time.

MR. R. CLARK: Mr. Speaker, to the minister. Last evening just as the House adjourned, we were advised by the Government House Leader that we wouldn't be able to continue to deal with the minister's estimates Friday. Will the minister be making an announcement with regard to these facilities in Lethbridge on Friday?

MR. BOGLE: Mr. Speaker, it is my intention to meet tomorrow with representatives from two hospital boards to make an offer. Depending on the results of those discussions, an announcement could possibly follow. But the first and most important step is to make an offer to hospital boards to see if in fact they're interested in such facilities, both under their jurisdiction and in their communities.

MR. R. CLARK: Mr. Speaker, to the minister. So that we clearly understand the present status, the minister or the department has made a decision to move in this direction, and whether or not the program goes ahead will rest upon the persuasiveness, if I might use that term, of the minister in convincing the two hospital boards that this is the direction we should go in Alberta?

MR. BOGLE: On the contrary, Mr. Speaker. If there's any hesitation at all on the part of one or both hospital boards . . . You know, it will be presented as an offer. We see it as something very exciting in terms of bringing family members closer to their home community. If that can be achieved through the discussions we will have tomorrow, then that is very consistent with the government's policy of decentralizing and de-institutionalizing. On the other hand, if there's any hesitation, or a feeling

by one or both hospital boards that they need more time to consider the matter, that certainly will be provided.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Could the minister advise whether discussions were held with the Alberta Association for the Mentally Retarded with regard to these new types of facilities and their purpose?

MR. BOGLE: Yes, Mr. Speaker. I've had conversations over the past period of time with the Lethbridge Association for the Mentally Retarded. There have been representatives from the association in the Crowsnest Pass-Pincher Creek area, the Com-Serv Association of Southern Alberta, and more recently with the Alberta Association for the Mentally Retarded.

I think it's important that I mention at this point, Mr. Speaker, that from professional advice by physicians and others, we believe that in excess of half the total number of clients we're dealing with may well be located or housed in group home settings — approximately 148. But about 120 are deemed to be medically dependent and fragile individuals who require a more intensive type of care. We want to ensure — and it's part of our philosophical approach — that rather than building free-standing mini-institutions, we deal with this matter in a health care way, much as we do with other health-related matters dealing with the public at large.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. The minister has indicated that the Com-Serv committee was consulted, as well as the Alberta Association for the Mentally Retarded. Could the minister advise whether discussions were held with the advisory committee that was established in Lethbridge recently? Secondly, were the other two groups that were consulted in agreement with the minister's proposal? Was the minister requested as of yesterday not to proceed with the announcement until further discussions were held?

MR. BOGLE: Mr. Speaker, the answer to the last question is yes. I was requested yesterday by Pam Friesen, the president of the Alberta Association for the Mentally Retarded, to delay the offer to hospital boards. I explained the circumstances in terms of the discussions which have taken place; why it is necessary that we move ahead with the particular offers. It's also fair to say that many groups, including those mentioned, would rather see all the clients housed in group home settings rather than any special extended care facilities. We believe, through consultation with the medical profession and others, that some of the clients require special care and the kind of treatment which can best be offered in an atmosphere tied in with a total hospital complex, if you like.

But I would not want to leave the impression, Mr. Speaker, that all parents will be totally happy with this particular move we're making. On the other hand, we are trying very hard to find suitable accommodations for those individuals who are at a high enough functioning level and may operate in a group home setting — approximately 148 in total. Some will require greater medical care. It's those individuals whom we're discussing with regard to the three facilities I've mentioned.

MR. R. CLARK: Mr. Speaker, to the minister. Is the minister in a position to indicate to the Assembly the compelling reasons the minister gave the Alberta Associa-

tion for the Mentally Retarded for going ahead with the discussions tomorrow, as opposed to waiting until there had been more thorough consultation with the association?

MR. BOGLE: In fairness, Mr. Speaker, I've indicated, and the fact that the hon. members are so knowledgeable about the matter must clearly indicate to them, that there has been ample consultation. I have worked through — not only with the department but with the government caucus, our decentralization committee, and MLAs in the areas affected — a mechanism whereby we can have maximum input from parents involved to ensure that an offer is made to hospital boards. On the other hand, if the hospital boards feel it would not be appropriate either for their facility or in their community, we want them to tell us in a straightforward way. If they don't feel they're able to do that tomorrow, we'll give them adequate time. It is an offer which will be made. The factors raised by the hon. Leader of the Opposition certainly have been taken into consideration so that the result is the best possible facility for clients in our care.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. The minister didn't clarify whether the new advisory committee that was established at Lethbridge agrees with the minister's approach, has been fully made aware of it, and has endorsed what the minister is proceeding to do tomorrow?

MR. BOGLE: I was remiss in not responding to that part of the hon. member's question, Mr. Speaker. The advisory committee the hon. member refers to has not yet officially been appointed. It is our intention to finalize the appointments tomorrow. The first meeting will take place tomorrow between the board of the Citizens Resource Centre for the handicapped and the Com-Serv board of southwestern Alberta, in a working relationship between those two organizations over the next five months, while Com-Serv is phasing down its activities and the new board is gearing up. So that board has not yet officially come into existence; it will tomorrow.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Could the minister indicate why it is so urgent to make the announcement, say, this Friday, rather than waiting for two or three weeks and allowing the new board the opportunity of examining the minister's proposal? As I understand it, the purpose of this advisory board was to look at the good parts of Com-Serv, implement them into the community with the assistance of the minister, and implement any new programming with regard to the mentally retarded and placements.

MR. BOGLE: To be clear, Mr. Speaker, the boundaries of Com-Serv, the boundaries of the new advisory board, will cover southwestern Alberta. The replacement of Baker Centre basically covers the southern portion of the province from Red Deer south. It should not be assumed by the hon. member or anyone else that all the facilities, or indeed two of the three facilities, will be in southwestern Alberta. That's part of the area covered, but not all. In terms of the feelings of the new advisory board, I'll certainly be asking for their input.

Mr. Speaker, the important thing, which I apparently have not been able to communicate to the two hon. members, is that an offer is being made tomorrow. Whether or not an announcement follows is speculation

at this point in time. The offer is the most important aspect. And as I've indicated, if there's any hesitation by the boards, then I don't anticipate we'll be going ahead with that.

MR. SPEAKER: Might this be the final supplementary on this topic.

MR. R. SPEAKER: Mr. Speaker, could the minister name the boards to which the offers will be made, and is there a target date by which Baker Centre will be closed?

MR. BOGLE: Mr. Speaker, I'm not in a position to respond to the first part of the question at this time, for obvious reasons.

We envisage the phase-out of Baker Centre to cover a period of approximately five years. Obviously if we're looking at capital construction in addition to two existing hospital facilities and a facility in the city of Calgary, we need considerable lead time for the necessary functional planning, the architectural work, and the actual construction, not to mention the group homes and other facilities which are to be built in Calgary and other communities throughout southern Alberta.

The key emphasis is: whereas at the present time we have all our youngsters in Calgary in the Baker Centre and there are requirements for people to travel to see their family members from various parts of southern Alberta, one of the more dramatic and dynamic parts of this plan calls for decentralizing into smaller communities so that parents don't have to travel that long distance to visit their loved ones.

#### **Child Care — High Prairie**

MR. R. CLARK: Mr. Speaker, I'd like to direct the second question to the Attorney General and ask if charges have now been laid in connection with the alleged molesting of children in the High Prairie group home?

MR. CRAWFORD: Mr. Speaker, the last report I received on that through department officials was that the investigation was concluded, I believe, and that the consideration had not yet been taken of what charges, if any, might be appropriate. So I think it's a matter on which I could respond to the hon. leader within a very short period of time, but I'm not able to today.

MR. R. CLARK: Mr. Speaker, then might I ask the Attorney General if perhaps between now and tomorrow morning, he could check into the matter? I ask the question in light of reports from High Prairie that, in fact, two charges have been laid as a result of RCMP investigations.

MR. CRAWFORD: Mr. Speaker, if that is the case, as the hon. leader has just offered, I'd be glad to verify the information and report back tomorrow.

#### **Human Rights Legislation**

MR. R. SPEAKER: Mr. Speaker, my question is to the Attorney General as well. Given that there was a decision yesterday that affirmative action is illegal under The Individual's Rights Protection Act, I wonder if the minister could indicate at this time whether the government will be introducing legislation amending that Act, or

others, to make affirmative action — it may be voluntary affirmative action — legal in the province of Alberta.

MR. CRAWFORD: Mr. Speaker, that is no doubt a subject which should be considered in light of the judgment given yesterday by the Alberta Court of Appeal. I think an important part of the consideration of it, however, will still be to look at the exact language and the terms of the judgment. But clearly it would seem to necessitate consideration of a possible amendment.

#### **Native Employment Opportunities**

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Minister responsible for Personnel Administration. One of the minister's announcements as of March 25, 1980, was with regard to balanced employment opportunities in the province and a special emphasis on enabling natives to be involved in government employment. I wonder if the minister is reviewing that program and policy at the present time, with regard to the court decision yesterday?

MR. STEVENS: Mr. Speaker, probably that would be best discussed when the Personnel Administration department's estimates are under review. I am aware of the judgment and would like to have the opportunity to review that judgment as well.

#### **River Pollution**

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Environment. On April 29 the hon. minister indicated that inspectors from his department would be checking the bacteria level of water in the Bow River below Calgary. Can the minister indicate when the inspectors will be taking these samples and tests, and when the results will be made public?

MR. COOKSON: Mr. Speaker, to the Member for Bow Valley and to the young audience in the gallery: our officials have been checking the condition of the Bow River. It might be interesting to report to the Assembly that the four hamlets discussed in my estimates, which are basically not organized municipalities — Scandia, Rainier, Rolling Hills, and I think Bow City was the other one — all have their own systems for water use; all have chlorination facilities; all four, from my information, are using those facilities and have improved their water conditions; and there doesn't seem to be a problem.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Would the minister consider providing assistance for chlorinating systems in those areas using water out of the rivers which don't have any chlorinating systems at the present time?

MR. COOKSON: Mr. Speaker, in Environment we're prepared to accept any suggestions, subject to the normal restrictions we have in terms of budgetary controls, and subject to the sorts of implications that may be involved in this type of suggestion; that is, the total escalation of responsibility not only for public but for private water systems, where I think we would certainly have to draw some lines.

MR. ZAOZIRNY: A supplementary, Mr. Speaker. On a previous occasion, the minister also undertook to deter-

mine whether it was, in fact, the Department of Environment or local boards of health that would warn the public of any imminent danger in either consuming or having contact with water in the Bow system. Can the minister advise the House whether he's been able to ascertain whose responsibility such notification is?

MR. COOKSON: Mr. Speaker, I can assure the Member for Calgary Forest Lawn that the two departments are still scrapping over this problem. We're not sure where the lines of distinction should be, but we do agree that posting of waterways may be short term and may be subject to some criticism because of the variations that occur in water streams. I think I would have to be personally satisfied that posting would be of a constructive nature before we proceeded to act in that manner.

MR. ZAOZIRNY: A supplementary, Mr. Speaker. Could the minister then advise what alternate plans he might be considering for bringing this matter to public attention?

MR. COOKSON: Well, Mr. Speaker, I think we're doing an excellent job right now in the Assembly. In addition, however, as regularly as possible we do advise people through the media to be concerned about the possibility of bacterial coliform problems in streams. We'll continue to do that. I'd also like to say that before the end of May we are doing a more detailed analysis of the water system, in this case with respect to the Bow River, and we've committed ourselves to this. We'll certainly be publicizing our results from that jointly with the board of health in the general area of Calgary.

MR. MANDEVILLE: Mr. Speaker, a supplementary question to the hon. Minister of Social Services and Community Health. What recommendations has the minister made to health inspectors who have condemned water? Where health inspectors have tested the tap water and condemned it due to pollution, what recommendations has the minister given to his inspectors in these areas?

MR. BOGLE: Mr. Speaker, the area covered in the county of Newell is part of the Medicine Hat Health Unit. As such, the medical officer of health from Medicine Hat, Dr. Ken Clementi, is responsible for the local health inspectors who inspect the water. The role of the two city boards of health and health units throughout the province is to test water, advise the public whether the water is safe to drink, and give advice as to what might be done. That's the point at which our responsibilities end, in terms of communicating or advising the public as to safety.

I've asked that communication be made with Dr. Clementi on the question of posting the river. I've had some discussions with your colleague the Member for Little Bow on that particular matter, because that certainly is within the purview, responsibilities, and rights of the local board of health; in addition, to ensure there's no shortage of inspection in terms of meeting the requests by people from Newell county who feel they would like water sampled to ensure that they have the most up-to-date information on the quality of the water.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Some of the health inspectors have been requesting that funds be made available for chlorination of

the water some of our hamlets are using. Does the minister intend to make any funding available in this area?

MR. BOGLE: I'd refer that question to my colleague the hon. Minister of Environment, as at no time am I aware of any health unit that's provided chlorinating services. The hon. member may be thinking of fluoridation, where fluoridation capsules are provided to rural individuals, but not chlorination.

MR. MANDEVILLE: A further supplementary question to the hon. Minister of Environment. It's with regard to the \$3.6 million made available to Calgary for the treatment plant there. Has the minister had any discussions with officials in Calgary with regard to the completion date of the plant? It was 1983. Will this \$3.6 million speed up the process?

MR. COOKSON: Mr. Speaker, I don't know about the \$3.6 million, but there is a commitment to improve the situation with regard to both the Bonnybrook and Fish Creek plants in terms of phosphate removal. We haven't as yet publicly established a rate at which we will help in that respect. In terms of water purification, generally speaking we have our water and sewer programs that cut in. In terms of that and our legislation, all municipalities are required to provide proper water for their constituents under the licensing. That's a responsibility of the municipalities. In terms of phosphate removal, if that's what the hon. member's referring to, the time frame is that we think it will probably take as long as '83 before the two plants are totally functional.

MR. SPEAKER: Might this be the last supplementary on this topic.

MR. MANDEVILLE: A final supplementary question, Mr. Speaker. Is it the intent of the minister to have ongoing inspections to check the bacteria level in all the rivers in the province?

MR. COOKSON: I don't know whether we could assume that, Mr. Speaker. Jointly with the Department of Social Services and Community Health and through the health units, we do analyse and test water samples whenever a request is made. As yet, I don't think we have ever committed ourselves to a total program across the province. We wait until the public feels there is a problem. They submit samples and testing is done accordingly. At the present time, we are dealing with the Bow River. We have made a commitment to analyse that and make a statement before the end of May.

#### **Education Week — Craft Contest**

MR. BATIUK: Mr. Speaker, my question is to the Minister of Education, regarding the winners of Education Week's provincial crafts competition.

Mr. Speaker, I was always a strong believer that the best education is not provided in the biggest schools. This speaks for itself, as four of the 12 winners come from the Vegreville constituency. I wonder whether the minister could advise if he's making any provision for recognition of these students?

MR. KING: Yes indeed, Mr. Speaker. I might begin by saying that I am going to host the winners of that competition at dinner this evening, and have extended an

invitation to the MLAs from each of the constituencies from which those winners come. That does not, however, mean the hon. Member for Vegreville may eat four dinners this evening.

It is my intention to have those students in the Assembly tomorrow morning, at which time I would like to introduce them to all hon. members of the Assembly, and to say a few words about Education Week, which is concluding tomorrow.

MR. BATIUK: A supplementary, Mr. Speaker. My intention was to ask the minister whether I would be involved in any recognition there is. But since I have a commitment for this evening, I will not be eating any of the meals.

#### **Postsecondary Institutions**

MR. ZAOZIRNY: Mr. Speaker, my question is directed to the hon. Minister of Advanced Education and Manpower. It relates to the matter of self-governance at our technical schools. In light of a report of a minister's select committee which recommended back in 1969 that boards of governors be established for our technical schools rather than direct administration, and in light of the minister's advice to the Assembly on June 18 and October 23, 1979, that the matter is "under review", can the minister advise as to the progress of this review, and whether a new policy direction has been determined?

MR. HORSMAN: Mr. Speaker, the matter is still "under review", but I think it's fair to say that no decision has been reached during the course of this spring sitting of this Legislature. However, I do hope to address that matter in more detail during the summer months. I can assure the hon. Member for Calgary Forest Lawn that the matter is rising much further toward the top of the priority list in my department than it was prior to the commencement of this session.

MR. ZAOZIRNY: A supplementary, Mr. Speaker. Could the minister advise the Assembly as to the present policy position entailed in the department's distinguishing between technical schools, which are still administered through his department, and public colleges, which have been granted self-governance in the last few years?

MR. HORSMAN: Mr. Speaker, I think that answer would require considerable debate. I would therefore advise members of the Assembly that we shall have to take the representations that I think are contained in the question under consideration as we proceed with the review.

MR. ZAOZIRNY: Just a final supplementary. In light of the minister's assurance that it is fast rising to the top of his list of priorities, would the minister be able to indicate to the Assembly when he feels the department will be in a position to announce a new policy direction?

MR. HORSMAN: Mr. Speaker, I think it's fair to say it will not be an announcement by the department; rather it will be an announcement of government policy, when and if such a decision is made.

#### **Oil Sands Development**

MR. WEISS: Thank you, Mr. Speaker. My question is

directed to the Minister of Energy and Natural Resources. The Hon. Marc Lalonde, Minister of Energy, Mines and Resources, recently stated in the House of Commons that the Alberta government has delayed the Alsands project. As the minister is aware, delay of the proposed heavy oil sands plant would cause serious consequences not only in the Fort McMurray region but in all of Canada. Would the minister advise this Assembly what delay in the Alsands project has been caused by the Alberta government?

MR. LEITCH: Mr. Speaker, I'm not aware of any delay that's been caused by the Alberta government.

MR. WEISS: A supplementary, Mr. Speaker. What has the government of Alberta done to ensure that the project goes ahead on time?

MR. LEITCH: Mr. Speaker, I'm sure members of the Assembly are aware that our policy has been to have development of the oil sands occur as rapidly as practicable. In the case of the Alsands proposal, we accelerated the hearing process by the Energy Resources Conservation Board. In fact, they issued an interim report. We have also been carrying on extensive negotiations with the project owners regarding the commercial terms, including terms regarding a debt or equity investment by the province of Alberta. Last winter there were a number of things done in the site area in an effort to ensure that a year would not be lost by having to wait until next winter to do those things.

So, as far as I'm aware, Mr. Speaker, the province of Alberta has done everything it could to ensure the project would go ahead on the timetable contemplated by the owners.

MR. WEISS: A further supplementary, Mr. Speaker, if I may. As it is not on schedule, what then is delaying the project?

MR. LEITCH: Mr. Speaker, I think it may be a little premature to say that it's not on schedule. But members of the Assembly would be aware that what's needed here, as far as the project owners are concerned, is to be assured of the revenue flow that will be coming to them that would warrant their undertaking the risks. That involves a decision by the government of Alberta regarding the commercial terms, and those negotiations have been going on intensively. But it also involves a decision by the federal government regarding the price of the oil that would come from the plant and the taxation regime that would be applicable to the plant.

Neither of those decisions have, to my knowledge, been made by the federal government, Mr. Speaker. We have said we would not issue final approvals for Alsands projects until we had completed an energy package negotiation with the federal government. And of course that package would include such things as the price for the oil flowing from the plant, the taxation regime, and so on.

Finally, Mr. Speaker, I'd simply say on the question of delay that that energy package negotiation was virtually completed a number of months ago. Had it been completed, I would have expected that by now the project owners would have made a decision to proceed, we would have completed our negotiations regarding commercial terms, and the project would have been going ahead full speed.

MR. R. CLARK: Mr. Speaker, I wonder if I might direct a supplementary question to the Minister of Energy and Natural Resources. In the course of the minister's last reply, he used the term, we have taken the position of a whole energy package pricing agreement being worked out, as opposed to any possibility of the Alsands plant or the Cold Lake plant going ahead separately. Mr. Minister, I took from the answer the possibility the government was reconsidering that position. I'd want there to be no misunderstanding about that situation. Is the Alberta government's position still that the whole package goes ahead?

MR. LEITCH: Let me clear up any possible misunderstandings that the Leader of the Opposition may have had, Mr. Speaker. Some time ago, and on a number of occasions since, we took the position that further approvals of oil sands plants would be given only if we completed an energy package agreement with the federal government. There has been no thought of changing that position.

#### **Drivers' Licences/Vehicle Registration**

DR. BUCK: Mr. Speaker, my question is to the hon. Solicitor General, and involves driver's licences and automobile licences. Has the Solicitor General given any consideration to placing people's blood types on the drivers' licences, in light of the fact that many times people come into hospital emergency wards in an unconscious state and not knowing what the blood types are, which loses a lot of time. Has there been any consideration given to putting the blood type on the driver's licence?

MR. HARLE: Not that I'm aware of, Mr. Speaker, although the suggestion is certainly one that might be considered. I know there has been co-operation with those groups interested in living tissue banks, eye banks and things of this nature. Certainly it's one that could be looked at.

DR. BUCK: Mr. Speaker, can the minister indicate what success there's been with the living tissue registration system on the driver's licence now? How extensively used is that?

MR. HARLE: Mr. Speaker, we don't know. As the member pointed out, the information is filled out on the back of the driver's licence and is retained by the individual. The Department of the Solicitor General is providing an information system and contact point with citizens generally, on the probably valid assumption that a great number of people do in fact have drivers' licences. Unfortunately, that does not reach the total population. The department is also looking at getting information about that program out through other outlets within the jurisdiction of the Solicitor General's Department.

DR. BUCK: Mr. Speaker, my further question is: can the minister indicate if the mailing of licence renewals has caused any problems with the mail being late and people not having a valid licence sticker as of today?

MR. HARLE: Mr. Speaker, I'm sure there are some delays through the mail system. When I last checked with department officials last Monday, it certainly appeared that the licensing registration system had proceeded extremely well this spring. We had received some 210,000

through the mail, and at that time something over 800,000 tags had been issued, which was about 75 per cent of the 1.4 million that we expected to be renewed by April 30. Through the last two or three days we've been handling some 60,000 to 80,000 a day. It certainly would appear on that basis that almost everyone should have been accommodated. There are always those, of course, who leave it to the last minute and are late. If any member of the Legislature learns of any particular problem involving an individual's registration tags, I'd be only too happy to follow it up.

DR. BUCK: Mr. Speaker, to the minister. Can the minister indicate if there would be any type of appeal procedure for people who, with all honest intentions, sent their applications in the mail but have not received them? Has the minister looked at any appeal procedure for those people who have been [not recorded] victims of the expeditious movement of our mails?

MR. HARLE: Mr. Speaker, I think the obligation is on the citizens to have their plates renewed, and not to drive a vehicle that has not. If any citizen who is in that position would only contact any office of the Solicitor General or any of the agencies that handle registration, we'll certainly make sure that the tags get out as soon as possible.

MR. SPEAKER: Might this be the final supplementary on this topic by the hon. member, with a further supplementary by the hon. Member for Edmonton Kingsway.

DR. BUCK: Thank you, Mr. Speaker. To the minister on that point: has the minister changed any policy in his department as to the fact that the people issuing licences at the local licensing office will not be reimbursed for service that is really providing a cover-up for the mail service? This was brought to my attention. Will there be a review of that, Mr. Minister, so that people at the local licensing office will be reimbursed for duplicating the validation stickers?

MR. HARLE: Certainly, Mr. Speaker, I could look into that suggestion. I might say we have also taken steps to extend the hours that offices are open, closing at 5:30 instead of 4:30, as occurred until recently. We have also taken steps to open outlets on Saturday. So a number of steps have been taken to try to provide better service to the citizens of the province.

#### **Blood Typing**

DR. PAPROSKI: A supplementary, Mr. Speaker, regarding blood typing and carrying identification of blood type. Would the minister indicate to the House whether there is any prohibitive policy reason that individuals couldn't carry their blood type on them now, apart from the driver's licence?

MR. HARLE: Mr. Speaker, I'm not an expert in this area, but I assume that is the case.

DR. PAPROSKI: Mr. Speaker, just a follow-up on that; it's not an extra supplementary. Would the Minister of Hospitals and Medical Care indicate to the House whether the Alberta health care commission would allow blood to be taken, and the laboratory to be paid for that service, in order that people could be blood-typed?

MR. SPEAKER: I believe the hon. member is asking a question with regard to what is essentially a matter of law.

A final supplementary by the hon. Member for Edmonton Glengarry, followed by a question by the hon. Member for Edmonton Glengarry.

#### **Day Care**

MR. COOK: Just a question, Mr. Speaker. I thought I'd pop up to make sure I got on the Speaker's list.

I'd like to address a question to the Minister of Social Services and Community Health. It follows from his day care statement a couple of days ago. Mr. Speaker, the statement indicates that \$215 would be available in subsidies to the family, plus the family would be expected to contribute \$40. Can the minister confirm that the total funding for a day care place would then total \$255 per month?

MR. BOGLE: No, Mr. Speaker. What is intended is that a subsidy would be provided up to \$175. The next \$40, to a maximum of \$215, would be provided by the parent. The parent with two children, for example, would still be expected to pay \$40. The province would provide a subsidy of \$390 per month. So we're looking at the first \$40 for one or more children to be provided by the parent. This is assuming that a parent qualifies for the maximum subsidy.

In another day care centre, Mr. Speaker, where the rates are at, say, \$150 per child, again the first \$40 would be provided by the parent; \$110 would be provided by the province. The same ratio would carry through for two children or more. Different centres have different rates.

The key is that the maximum subsidy should be no different in that centre from the maximum paid by the parent paying full fee. So if the centre has a maximum fee of \$150, the subsidy is based on that level. Or if it's \$175, then it's that level, to a maximum of \$215. Obviously these figures will have to be examined and adjusted annually to reflect inflation and other costs.

MR. COOK: Supplementary question, Mr. Speaker. When the provincially administered day care subsidy program is begun on August 1, 15 staff members of the city of Edmonton day care service will be seeking other employment. Will the minister's department consider those experienced staff members for the administration of the provincial program?

MR. BOGLE: Mr. Speaker, I wouldn't want to leave the impression of a blanket policy, but certainly if there are staff members who have qualifications and experience and do require employment, and opportunities are being made available through the province's day care unit, then every opportunity will be made available to those individuals to apply for jobs.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. The minister has indicated that the fees will be paid by the parent and the provincial government towards the operation of the day care centre. If there are deficits over and above that sum of money, will they be picked up by the local municipality?

MR. BOGLE: As I've indicated, Mr. Speaker, day care centres operated by municipalities under PSS currently do receive — in addition to the subsidy following the

child, which was the basic program announced two years ago by my predecessor — some additional funding for the deficit. Some municipalities have phased out of the deficit funding completely: municipalities like the city of Lethbridge, the county of Strathcona, and Vermilion. Other municipalities are very near to phasing out; still others have not moved in that direction yet. What we are presenting to the various municipalities is a formula whereby they may clearly see the amount of support the province will provide for the deficit funding which flows directly to the municipally operated day care centres between now and 1983.

MR. ZAOZIRNY: A supplementary question to the minister on the subject of day care. Can the minister advise as to government policy in respect of a recent practice in the city of Calgary by some privately operated day care centres of charging a so-called deposit of \$30 for each parent for the purpose of ensuring 30 days' notice in withdrawing a child from the program, and the additional practice of paying no interest to the parent at such time as a child is removed from the program and the \$30 is presumably returned?

MR. BOGLE: Mr. Speaker, I'll have to take that question as notice. I'm not aware of the practice being used any place else. Rather than giving a misleading answer or trying to respond on the spur of the moment, I'll take it as notice, look into the matter, and report back to the hon. member.

MR. SPEAKER: The time for the question period has elapsed. But if the Assembly agrees, perhaps the hon. Minister of Housing and Public Works might be recognized to supplement some information previously requested.

HON. MEMBERS: Agreed.

#### **Housing Programs**

MR. CHAMBERS: Thank you, Mr. Speaker. Earlier this week, the Member for Clover Bar asked me for specific numbers with regard to core housing incentive program loans that were approved. I might add that these come before the Home Mortgage Corporation board, which normally meets more or less once a month. It met shortly after March 15, 1980, and is meeting again tomorrow, by the way.

Two loans were approved at that time for a total of 258 units for \$13,188,768. Now in process are 19 loans for a total of 1,568 units for \$70,864,471.83. I might add that approved prior to March 15 were 22 projects under construction for 1,610 units, at a total of \$62,846,722.75. So that would indicate the high demand for the program.

Mr. Speaker, while I'm on my feet, in checking the Hansard [Blues] yesterday I noticed — I'm sorry the Member for Bow Valley isn't here; I wanted to apologize to him — I answered the wrong question. I thought he was asking me about municipal incentive grants, and he was obviously asking me about whether home conversions apply to farm homes as well. Of course the answer is, they do.

I noticed another error I made in that same answer. It's obvious, but I thought I might as well correct it. It was line 42.14 of the Blues. When I was talking about the reduced density for rural areas for the municipal incentive grant, I referred to those areas having higher densities,

whereas I obviously meant lower densities.

Thank you.

#### **River Pollution** (continued)

MR. COOKSON: Mr. Speaker, I would like to clarify an earlier response regarding analysis of rivers.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

MR. COOKSON: In Environment, we do routine checks of chemical and biological samples of water throughout the total river system in the province. That's public information.

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

##### head: **WRITTEN QUESTIONS**

MR. HORSMAN: Mr. Speaker, I move that Question 114 stand and retain its place on the Order Paper.

[Motion carried]

##### head: **MOTIONS FOR RETURNS**

112. Dr. Buck moved that an order of the Assembly do issue for a return showing the following information with respect to the new provincial courthouse in Camrose:

- (1) the legal description of the land on which the building will be located, the cost of this land, and the name of the party from whom it was purchased;
- (2) the legal description of all land owned by the government of Alberta within the city of Camrose, which is or could have been made available for the construction of a courthouse;
- (3) the names of the architectural firms that submitted tenders for the design of the courthouse, the amount of each tender, and the name of the firm that was awarded the contract;
- (4) the names of the contractors who submitted tenders for the construction of the courthouse, the amount of each tender, and the name of the contractor who was awarded the contract.

MR. CHAMBERS: Mr. Speaker, I'd like to propose an amendment to Motion for a Return No. 112. It would delete the wording under (3) and replace it with: "the name of the architectural firm selected to carry out the design of the courthouse". The reason for the amendment is that architectural firms and other professional firms, by the nature of their by-laws, do not bid on projects. Rather, architectural firms are selected by a selection committee in the department.

A number of factors are taken into account when selecting a firm; for example, perhaps the specialized nature of the firm. One firm may specialize in designing golf courses, whereas another may specialize in high-rise structures, hospitals, or whatever. Also the size of the firm, related to the size of the job: a one-man firm would obviously want a smaller job than perhaps a larger firm.



The geographical nature: wherever the firm is located, the work is attempted to be apportioned to that area. The workload: if a firm has a lot of work in process — for example, designing a hospital — that would be taken into account when awarding a provincial building. Also, of course, a fair distribution of work throughout the available firms. That is the way the work is handed out; it's through a selection committee process.

MR. SPEAKER: Has the hon. minister copies of the amendment for the two house leaders, for the member who moved the motion, as well as for the Chair?

MR. CHAMBERS: No, Mr. Speaker.

MR. SPEAKER: Perhaps the Assembly would then agree that we might have the amendment read again.

DR. BUCK: Mr. Speaker, I believe *Hansard* would show that the minister has asked for that amendment and given it in oral form. That is acceptable to us.

MR. CHAMBERS: Mr. Speaker, I'd be happy to read it again. In checking with your office earlier, sir, I was informed that if it were short, it would not be necessary to pass it out in written form. But if I might read it again, it would simply be a deletion of (3) on the Order Paper, and it would say: "the name of the architectural firm selected to carry out the design of the courthouse".

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

HON. MEMBERS: Agreed.

[Motion as amended carried]

MR. HORSMAN: Mr. Speaker, I move that Motion for a Return 113 stand and retain its place. [interjections]

[Motion carried]

DR. BUCK: Are you going to answer this year or next year?

#### head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

201. Moved by Mr. L. Clark:

Be it resolved that the Legislative Assembly urge the government to consider bringing about a review of rentals under surface leases and orders dated before January 1, 1972, that have not been reviewed voluntarily, by introducing legislation to amend The Surface Rights Act to provide for a review of such rentals on the application of the landowner or operator.

[Adjourned debate March 25: Mr. McCrae]

MR. McCRAE: Mr. Speaker, first I want to say what a pleasure it is to resume debate today on this very important motion. Some two or three weeks back, we had a good discussion on the topic. Motion 201 is a very important motion. If accepted by this Assembly, it would have far-reaching effects. That is why the debate is so

important. We've had a good contribution by the Member for Drumheller, and I certainly congratulate him on bringing the motion forward; also contributions by the Member for Cypress and the Member for Bow Valley.

Mr. Speaker, one of the important parts about a debate like this, and I suppose all debate, is that it gives urban members a better appreciation of rural problems, and probably gives rural members a better appreciation of some urban problems. In this case, although it's sponsored by a rural member, I think it probably gives rural members an opportunity to appreciate some problems of urban members in this particular area. I think rural members would feel that this is strictly a rural problem involving the oil industry.

Last week I was able to recount the problem of a constituent of mine who has land, now in the city of Calgary, that is probably worth between \$50,000 to \$100,000 an acre and has two or three sour gas wells on it. Because of that, it cannot be used for housing. The end value I talked about would be if it were used for housing. His land was taken way back in the early 1950s for something like \$50 an acre; he is still getting \$50 or \$75 per acre annual rental, obviously at a severe economic loss. He is mightily disturbed and consults with me every six months or more often. Every time he hears we're coming back here, I get his screams of anguish. That is why I'm so pleased the motion is before us right now and the opportunity for debate is with us today.

The history of this thing is that when it came to govern in 1971, the Progressive Conservative government inherited this problem. The previous administration had in place The Right of Entry Arbitration Act, which authorized people who had mineral rights to acquire from the landowner the surface lands necessary for the conduct of their operations. It wasn't necessarily a voluntary thing. If there was no agreement, then of course the mineral operator could go to the Surface Rights Board or the then equivalent, and ask for an order giving the operator access to the property. The order would be given with an accompanying order for the amount of compensation, if that could not be agreed on by the two parties. So there was an element of compulsory taking, expropriation if you will. It wasn't the usual situation where a prospective lessee of land sits down with the owner and negotiates on an even basis the terms of that taking. Because of the importance of getting access to minerals, it was and is a situation where I guess you could say the dominant interest is that of the mineral owner over the landowner. So there is an element of compulsion which gives a mineral operator the opportunity of access to the property, even though the landowner might not wish that to happen.

The old Right of Entry Arbitration Act, which did not provide for any review at any time whatever, probably was ill-advisable even in those days, but much less a concern at a time when land prices were stable. But when you have a situation such as we have today, where agricultural and other lands have tremendously increased in value, it is important that there be a review opportunity so that the landowner whose lands have been taken, not necessarily with his agreement, has an opportunity for a fair reassessment of the compensation at regular intervals.

Our government has attempted to respond in a couple of ways to redress this problem, the first being the introduction of The Surface Rights Act of 1972, which replaced the old mineral rights Act of earlier vintage. Sections 36 and 37 of the new Act provide opportunity for review of both the voluntary lease agreements and

board orders at five-year intervals. That is fair enough. It is my understanding that under that statute 97 per cent of the oil companies have agreed to review surface leases with their landowners, and I think most of them have reached what is thought to be fair compensation. A few — I think something less than 3 per cent of the industry; I suppose you might term them black sheep — have not responded properly, have not agreed to a renegotiation of their rentals. I think that is very regrettable indeed. I'll come back to that in a moment, if I might, Mr. Speaker.

I mentioned one way that our government had responded: the substitution of The Surface Rights Act, with the review measures provided therein at five-year intervals, for the old Right of Entry Arbitration Act of the previous administration, which did not contain any review process. A second means of assisting landowners was of course the establishment of the office of the Farmers' Advocate. The Farmers' Advocate has taken a very active interest in ameliorating — a term I heard the other day, and it's quite easy to pronounce after you've tried it a few times — the difficulties or differences between landowners and mineral operators. Through his offices, and of course through the good intentions and the corporate responsiveness of the industry, most of the leases and orders have been reviewed. As I said, something like 97 per cent of them have already been adjusted. The other 3 per cent are still out there. It's my understanding that since this debate last time, the publicity it received, and through the further good offices of the Farmers' Advocate, who was then in touch with the 3 per cent, the reluctant operators, telling them of the interest of this Assembly in the idea of a fair review — because of that further effort on his part, a number of the companies that hitherto had not agreed to a review have now agreed to correct some of their leases.

So the problems is in large measure being resolved, but there's still that minor number, the few who have not agreed to a fair correction of their rentals. As I said, I think it's most regrettable, and that is why we are having this debate today: to see how we might resolve it. I would have wished it could have been resolved through IPAC — that is, the Independent Petroleum Association — the Canadian Petroleum Association, the Canadian petroleum landmen's association, or others, which are industry organizations peopled by representative Alberta citizens who recognize the problem and have tried and done very well in urging their membership to recognize the difficulties caused by the early legislation, and to correct them. By and large it has been successful, but there still are the few cases.

I'd like to say just a couple more things about it, Mr. Speaker, one of them being that our '72 legislation provides for a five-year review of leases taken or orders made subsequent to January 1 of that year, I believe, or perhaps it was '73 — whatever. At that time, when land prices were stable and there wasn't this rapid escalation in prices, I think a five-year review was good. But what we're seeing right now is tremendous. Because of inflation, or whatever is driving land prices upward both in the cities and in the country, it must become more and more distressing for a landowner. The case I mentioned in the city of Calgary, denied development for housing, becomes more and more a friction between a landowner and the oil company when prices are going up so quickly.

I suspect the five-year review period should be looked at. Perhaps it should be advanced. Maybe it should be three-year reviews. I don't know the magic number; I just know there is considerable aggravation between well-

intentioned landowners and an industry which is important. I think the industry has shown a great degree of corporate responsibility. But because of our legislation, which provides for a compulsory taking, there is still that lack of ability to negotiate, either agree or disagree, between the companies and the landowners.

I think it's good that we're having the debate today, and I think the thing should be on the table. The whole thing needs complete reviewing, complete looking into. Having had the opportunity of debating it myself, I'm looking forward to further contributions of all members, which we will hear today. Again I congratulate the Member for Drumheller for bringing it up. It gave me an opportunity to get a constituent's problem on the table. I don't think we can easily resolve it, but it's good to have it on the table and get the views of all members.

MR. R. SPEAKER: What's your position?

MR. McCRAE: My position, Mr. Speaker, to the hon. member, is that I would prefer that it be capable of renegotiation between the landowner and the company. As I said, between the legislation we introduced, and the efforts of the oil companies themselves — the 97 per cent plus — and the Farmers' Advocate, we have almost resolved the problem. My position is: I think we need to study it further, and in due course we will come to an answer. I wouldn't just jump up and arbitrarily, on the spur of the moment, say we should impose what becomes in effect legislation affecting private contracts, even though some of them may have been entered into without the total voluntary aspect we usually associate with a contract.

I think the important thing is to have a debate here, to get the views of all members. I don't think the members' views on this thing have to be final. I think what we want is discussion and agreement to continue reviewing the thing, in the hope we can come to a resolution that will solve the problem of the landowner and not act as a disincentive to industry or to the people of this land who do become concerned about intervention in what, to a large degree, is a matter of private contract. It isn't quite because of the compulsory nature of the taking for mineral rights, Mr. Speaker, but that is that. So I look forward to the further contributions of other members and to the ultimate resolution of a very complex, difficult problem that has been visited on us by an administration that was in office in an earlier decade.

Thank you, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, in rising to participate in this debate, I would certainly like to congratulate the hon. Member for Drumheller for bringing the debate to our attention. I might just say, Mr. Speaker, in answer to the hon. Minister of Government Services, that nobody could ever accuse this government of rushing on this matter.

I well remember a debate in this House in 1974, I believe, Mr. Speaker. The then hon. Member for Innisfail proposed a resolution; the Minister of Government Services may well recall it. At that time the hon. Member for Innisfail proposed that we have to take a look at legislation to deal with the awards prior to 1972 and the rentals thereunder. Mr. Speaker, I recall this debate very vividly. We had a legion of members standing up and saying, yes, it's too bad we've got these old awards that haven't been resolved, but we would like to do it the voluntary way. But, Mr. Speaker, the fact of the matter is that a number

of these awards have still not been renegotiated. While being fair to some companies who've been very obliging in making more than reasonable efforts to open up these old contracts and renegotiate them, the fact of the matter is that others haven't.

In reflecting for a moment or two on the resolution of the hon. Member for Drumheller, as I look back over the last 20 years or so of discussion of surface rights — and the hon. Member for Little Bow will recall some of the controversy during the '50s and '60s — one of the most interesting people on the scene at that time was one Roger Leboeuf. Members may recall Mr. Leboeuf. As a matter of fact, one former hon. member of the House was fairly closely associated one time with Mr. Leboeuf. His proposal was very intriguing; one that I don't accept, but raise because it was part of that entire debate during the '60s. It was that there should be a specified percentage for the surface rights owner, as opposed to the mineral rights owner. Perhaps the Member for Little Bow can correct me if I'm wrong, but I think it was 1 or 2 per cent or something of that nature that would go directly to the mineral rights owners. I recall some of the meetings on this particular question, held in Drayton Valley, Olds, Leduc, and around the province. So it's been around a long time.

I think few of us would rise in our places today and say we should amend the legislation and provide every surface rights holder with an automatic 1 or 2 per cent royalty, although I think surface rights owners would love that opportunity. But because we don't do that, Mr. Speaker, I think we have to look very seriously at some of these old board decisions.

A couple of arguments are frequently used. One is that the Farmers' Advocate has played a useful role. I agree. The Farmers' Advocate has played a very useful role in attempting to reconcile some of these old awards. But the fact of the matter is that we still have a number of them unresolved.

The second argument, probably a little more significant, is that we are dealing with the sanctity of contract. This certainly was the argument that dominated the discussion in 1974 when the hon. Member for Innisfail introduced his motion in the Legislature. I would argue that we have to look at this in a slightly different way for a number of reasons. First of all, as the hon. Minister of Government Services pointed out, we're not really looking at voluntary contracts entered into between a willing buyer and a willing seller. We're looking into awards made as a result of a board set up under provincial legislation. That's one important thing to keep in mind.

The second thing is that conditions have changed very dramatically. Land prices and land values have gone up. I'm trying to remember some of the old tenets of contract law, with which the Minister of Government Services is probably more acquainted, as a person in that field. But the fact of the matter is that things have changed so dramatically that one could question whether the nature and quality of the very contract itself was not altered by the passage of events.

That being the case, Mr. Speaker, it seems to me that we have to look very carefully at this question of whether we legislate an opening of old awards. Members who say we can't do that because that would interfere with the sanctity of contract, can well take their minds back to 1972. I remember the debate that raged in this House in the spring of 1972. The hon. Minister of Government Services wasn't here at the time, but some other members in the front bench were. At that time there were ceilings

in our old royalty arrangements, and the government of Alberta had to bring in legislation which removed the ceilings. That certainly was a breach of contract; there was absolutely no question about it.

We voted in favor of doing that because it was argued at the time that conditions had changed so dramatically that the public interest could not be served by maintaining contracts which were signed under totally different conditions. All the members on the government side — and I must say I joined the government; it's not very often that I do on votes, but in 1972 I was persuaded that the issue was sufficiently important that we legislate a breach of contract. There's no question about what was done — breach of contract in 1972. As a result of that legislated breach of contract, Alberta has been the recipient of literally billions of dollars of royalties which would not otherwise come to the coffers of the province.

When we look at the issue of these old awards and we get people saying, we'd very much like to do something and we'd love to be able to do it voluntarily, but we're reticent to take any legislative steps because after all it would be a breach of contract, I would simply say that (a) we're not dealing with voluntary contracts, (b) we're dealing with substantial changes that have occurred in land values and conditions, and (c) we already have a precedent which has made it possible for this government to have a harvest of royalty income that would not otherwise have been the case.

I was encouraged by a couple of points the hon. Minister of Government Services made in his remarks. One is that we may take a look at the review procedure now in The Surface Rights Act, where every five years there will be an automatic opening of rental arrangements, and that we might reduce that from five years to three years or some figure. I would strongly support that kind of change. One reason is that undoubtedly — whatever arrangements are made with Ottawa — the price of oil and natural gas will increase on a very rapid basis over the next few years. That being the case, it seems reasonable to me to have a review more frequently than once every five years.

I want to conclude my remarks on this subject by saying that, as the hon. Member for Grande Prairie and other members in areas where there's a good deal of oil and natural gas activity at this time would well know, we have among farm people quite a revival of interest on the question of surface rights. People who've come to discuss this matter with me have argued rather convincingly that, notwithstanding some of the improvements made in The Surface Rights Act of 1972 — they grant it's a better Act than the old Right of Entry Arbitration Act, or the Right of Entry Arbitration Board and the procedures under that particular board — the increase in awards for the right of entry itself have not really kept pace with the land values or with the value of natural gas and oil over the last 10 years.

[Mr. Purdy in the Chair]

I think of that in my own situation as a member. I look at some of the awards made in the Dunvegan field in 1971 and 1972. While land values have probably gone up six or seven times in that period of time, the awards have not gone up by as much. So while the hon. minister tells us that everything is sweetness and light and roses and sunshine and what have you in the future, I would say to him that if you talk to farmers — not just in the Peace River area but throughout the province — they have a

number of very specific recommendations. The Member for Grande Prairie raised suggestions made by a group in that area, concerning the location of a well site, so that it's in the corner of a parcel instead of right in the middle. That's the kind of step that should be taken, which isn't going to cost the company a good deal but is going to make it much better and less inconvenient for the farmer. It's the kind of change which in my view should be encouraged.

I would just say in conclusion to members of the Assembly on this motion that I think the Member for Drumheller has quite properly brought back an issue which has been debated before in the House. However, in view of the fact that this matter was discussed in 1974, I believe, although I could be corrected on that — I know the member was the hon. Member for Innisfail — I hope that the assertions at the time that we wait and try to do this on a voluntary basis will not preclude us from moving a little more quickly. After all, 1974 was a long time ago. It seems to me that if we really want to pay attention to this Bill, it would be incumbent on the government to come back to this session, perhaps in the fall, with some specific proposals on how they feel they could follow through on the recommendations contained within the Bill. But let's not just talk about it, talk it out, let it fall to the bottom of the Order Paper, and then five or six years later have another Member for Innisfail, Drumheller, or some other riding introducing the same idea, and have all the arguments over again. It seems to me that the arguments I've heard, as well as the arguments in *Hansard*, were there before. What is now required is some action by the government.

MR. ACTING DEPUTY SPEAKER: May the hon. Member for Cardston have permission to revert to introduction of visitors?

HON. MEMBERS: Agreed.

#### head: INTRODUCTION OF SPECIAL GUESTS (reversion)

MR. THOMPSON: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce for the Member for Edmonton Meadowlark, 35 grades 7 and 8 students from Hillcrest junior high school. They are seated in the members gallery, accompanied by their teacher, Mr. I. Chemago. I would ask them to rise and receive the welcome of the House.

#### head: MOTIONS OTHER THAN GOVERNMENT MOTIONS (continued)

MRS. CRIPPS: Mr. Speaker, I feel that this is an extremely important motion, and for that reason I'd like to highlight the points made in the previous debate. I even find myself agreeing with the Member for Spirit River-Fairview today.

The contention that landowners are not treated equally upon the date of oil activity on their land, was the reason for the passing of The Surface Rights Act of 1972, which made it mandatory to renegotiate these leases every five years. Prior to this time, there was no mandatory renegotiation of leases. As previously stated, prices for leases at that time were actually established by the arbitration

board. The farmers had no choice whether they reached an agreement or went to arbitration, because of the forced entry clause in the Act. This clause eliminates the privilege and the right to refuse to sign any contract that is not acceptable. The compulsion or threat of expropriation was always the determining factor. One of the contentious issues that my farmers have raised in The Rights of Entry Arbitration Act has been that decisions made by the board were made by one man. According to the Act:

- 5(1) Where the Board consists of three members, any two members may perform any functions of the Board and when performing ... such function have all the powers [or] jurisdiction of the board
- (2) One member may perform [such] functions of the Board ...
  - (c) in dealing with an application under and making an [decision] pursuant to section 18 subsection (1) ...

#### Section 18 (1) is:

Notwithstanding anything in this Act, after the filing of an application the Board may, if it deems it proper to do so, issue an order granting immediate right of entry user, or taking ... the surface of the land, upon the operator providing security in such amount as may be prescribed by the Board ...

- (b) After seven clear days have elapsed from the date of personal service, or fourteen days from the date of ... substituted service, on the respondent, of
  - (i) a copy of the application, and
  - (ii) a notice in Form B in the Schedule.

That means that seven days after one man decided the oil company could have right of entry, they were on the farmer's land. It gave the farmer absolutely no choice. They certainly didn't feel they got a fair hearing from one member of the board.

Lately I've been going over some mail that's been coming in, and believe me, we've got a lot of it in the last month. One of the exhibits I'd like to enter:

[Said oil company] elects to exercise its right to a renewal and extension of the Lease and you are hereby given notice that in accordance with the Renewal Clause of the Lease ... the Lease shall be and is hereby renewed and the term extended for a further period of twenty five (25) years ...

The lease is 25 years old, and the oil company is renewing its lease for another 25 years. And the rental increase? The rental was \$337. The oil company agreed to increase it \$25 to \$361. There's a second one with the same renewal clause. The increase is from \$355 to \$364.93, a \$9.93 increase after 25 years.

AN HON. MEMBER: Per year or per month?

MRS. CRIPPS: Per year. A second letter ...

MR. ACTING DEPUTY SPEAKER: Order please. I'm just pointing out to the hon. Member for Pincher Creek-Crowsnest that he should not walk between the Speaker and the person speaking.

MRS. CRIPPS: I'm pleased to report that the company that sent these letters has reviewed its lease rentals in the last two weeks, according to the Farmers' Advocate. Another letter that the Farmers' Advocate received and gave me a copy of ... There are three letters here. The first one is written June 26, 1978; then July 12, 1979; and

February 1, 1980. All request renegotiation of the surface lease. The first two letters were ignored. The last letter was answered after the Farmers' Advocate intervened. The last letter, dated April 18, offers an annual renewal of 150 per cent increase — finally reasonable. Both of these cases lead me to believe that the problem can be solved without the extreme step of passing retroactive legislation. In view of current trends, though, rentals must be fair and equitable to the farmers.

I've discussed the situation with Mr. Helmut Entrup, the Farmers' Advocate, in whose lap many of these disagreements end up. He has received 20 or more complaints in the last month. As a result he has contacted the oil companies — some as far away as Denver and Houston — who have agreed to renew lease rentals. Some of these companies did not have landmen in Canada and had not been aware of the problem, although that seems a rather lame excuse to me. Many of the companies that had negotiated the rental leases are foreign owned, one as far away as France, although Canadian companies are not entirely innocent. Mr. Entrup has recently issued a news release to try to get this problem dealt with expeditiously. I'll just read the first paragraph:

The Farmers' Advocate of Alberta requests farmers who had oil and/or gas well sites placed on their land before January 1, 1972, and who have not had their annual compensation upgraded . . . to write to their respective company immediately and request such an upgrading on the basis of loss of gross production and field severance as well as the inconvenience of having to farm around the roadway and well sites.

I'm not without problems regarding payment on oil leases, representing the Drayton Valley constituency, in the heart of the Pembina oil field. On Tuesday I talked to a farmer who was offered a 5 per cent increase, \$10 in total — not per acre; in total. The farm has changed hands once, and the ownership of the oil company has changed hands three times in the last seven years. One farmer nearby received \$700 a lease, the next one \$200. The extreme differential leads to antagonism. Is it any wonder? Mr. Speaker, the complaints are numerous. I hope the farmers can be dealt with reasonably and efficiently, by the companies involved taking a responsible attitude and making equitable decisions. I note the Hon. Stu McCrae's remark in the debate of March 25, where he mentioned the reduced royalties that low-producer wells enjoy, and maintained that this was to ensure adequate revenues to cover the operating costs. Surely lease rentals are part of operating costs.

On April 29, a number of rural MLAs met with representatives of the oil industry. The Independent Petroleum Association of Canada, Canadian Association of Oilwell Drilling Contractors, geophysical association, and the landmen's association were represented at that meeting. Mutual problems were discussed. I'd like to take a moment to mention the areas of discussion: basis of land value — is one lease worth \$6,000 and another \$3,000, and why, if they're in the same area; damage claims and settlements; reclamation of sites; landmen and their public relations — and they aren't good either; problems related to geophysical work; and sixth, delay in payments of surface rights when entry is given by the Surface Rights Board. The industry people we met with will be available to talk to farmers in our areas, and I'm sure the MLAs at that meeting will make this known to their constituents. Surely, consultation is more effective than confrontation.

It was pointed out that activity has more than tripled in the last four years. There are 27 geophysical companies in Alberta right now, with 115 crews and more than 7,000 men working. The monthly pay roll is \$17 million. In the area of drilling, there are 520 rigs in Alberta — 400 service rigs — employing 22,000 men, with an annual pay roll of over \$400 million. The drilling industry is 90 per cent Canadian owned and 90 per cent Alberta owned.

There are bound to be problems in an industry which is that active in Alberta, especially where mineral rights are located under the surface rights, and are held by different owners. If both owners take a responsible attitude and try to resolve their differences by mutual agreement, my job would be a lot easier. The mineral rights owners have to realize the inconvenience, loss of land, and the miles and hours involved because of an obstruction on the surface. By the same token, the surface owners have to realize that much credit for the buoyancy of Alberta's economy is due to the development of these mineral rights. I hope the integrity of the industry to take a responsible position will make unnecessary the passing of compulsory legislation.

Thank you, Mr. Speaker.

MR. APPLEBY: Mr. Speaker, I estimate it's about one year since I rose to make a speech in this Legislature. I don't think it would be appropriate if I let a whole sitting go by without coming to my feet and having something to say.

I don't want this to indicate, though, that I haven't been prepared to speak on several occasions, ready and willing. The other day, as I was clearing out some of my files and checking things over, I found notes and texts for about 23 different speeches that I've never given in this House. But I was prepared to do so. And this was only over nine years. So you see, we're still counting.

Various factors have contributed to that situation, Mr. Speaker. Of course, time available in the House is always a major factor. So many here can speak better than others, and I appreciate that fact. I usually find, too, if I listen long enough, that often somebody will say what I intended to say. In fact, in some debates I've heard what I intended to say said several times; not normally maybe by one person, but by several different speakers. That's part of the debating scene in a House. People want to go on record as supporting a certain view and, naturally, they emphasize by maybe repeating what someone else has said.

Getting by those preliminaries, Mr. Speaker, today in Motion 201 we have something else to consider. I'm sure that when the Member for Drumheller introduced this motion — and I appreciate the fact that he introduced a topic of considerable concern to all hon. members, perhaps especially of concern to those of us who live in the rural parts of the province. I'm pleased we have another opportunity to discuss this very important topic. I notice that the Member for Spirit River-Fairview made reference several times to the fact that we have discussed it before. That is true. But I always feel that if we cannot come to some reasonable consensus, some reasonable conclusion on any topic we discuss in this Legislature, then perhaps we should debate it on a further occasion. This is what we're doing.

Mr. Speaker, this resolution deals specifically with rentals for surface leases dated before January 1, 1972. I expect that motion developed from the situation that — since from that date on, of course, through legislation this government introduced, it has been compulsory to renegotiate these leases every five years. From personal ex-

perience that relates to many of these leases, Mr. Speaker, I am quite aware that a number of landowners have been able to renegotiate their leases with energy companies; not always in the most satisfactory manner, but certainly in a manner that brought them considerably more revenue.

I know the hon. Member for Cypress and the hon. Minister of Government Services have referred to the fact that only about 3 per cent of these outstanding leases haven't been renegotiated. I would think we're still counting on those as well. I just wonder what the ratio is today, as far as that is concerned, because there have to be certain specific circumstances that relate to some of these unresolved renegotiation developments.

I think the hon. Minister of Government Services emphasized this fact when he spoke about the case just outside the city of Calgary, where the lease had been in effect somewhere in the 1950s. The land had later been annexed to the city, and land values had increased at an astounding rate; when he first spoke on the resolution on March 25, I think he said something in the neighborhood of \$125,000 an acre. When you start renegotiating a lease like that, you're going to get into a considerable number of complications. And nobody has suggested how you're going to resolve those kinds of things in renegotiations.

I wonder if we don't have a number of those types of leases that are not resolved or renegotiated because circumstances like that exist. Also, of course, when we think about land values, then we're going to have to think about the value of the commodity, whether it be crude oil or natural gas. This has gone up considerably in value as well.

To work out a formula that would be acceptable and equitable really presents a great many problems. The hon. Member for Spirit River-Fairview has suggested today that we've talked about this before, we probably would have to bring it back and talk about it again, and we should be doing something about it. But you always notice in the remarks of that hon. member, Mr. Speaker, that an alternative is never presented; there are never any specifics coming before this House. I suppose that's a factor, you know. We in this government are not superwomen or supermen. Although I have to say we're very efficient, we don't have all the bright ideas. Maybe a germ of one little idea once in a while from the opposition ... Well, I don't suppose I should expect too much, because that's why they're in opposition, isn't it?

Anyway, Mr. Speaker, while this resolution has a great deal of merit in that respect, I think it's very difficult to implement. I certainly support the thinking behind the resolution. But I do have, as I suggest, a number of reservations about how such a statute or regulation could be implemented on a province-wide basis.

I would like, on this occasion, to draw something else to the attention of the hon. members. It's a procedure that exists within government, something we have jurisdiction over, that has caused me a great deal of concern. I just became aware of this a short time ago. It deals with the matter of leases for energy companies that are negotiated with the public lands branch of the government of Alberta: the surface entry rights, the rights to establish a well site, build roads, and so on.

I happened to be involved with one of these situations not too long ago. One of my constituents applied for purchase of land for agricultural purposes. At the same time, an energy company was negotiating for a lease to drill a well on the same land. It happened that the approval for the energy company's lease came about

before the approval for the land purchase. Anyway, the land purchase was approved, and the farmer was able to buy the land.

But when we looked into the matter of the lease for the oil company, I found that the government has on record a statute which says that the entry fee for Crown land leases for this purpose is \$600; \$600 to go in there and establish a well. Right next door you have privately owned land, the same type of land, where energy companies are paying \$3,000 or, as the Member for Drayton Valley has said, about \$6,000. Perhaps that's better land than I have, though I'm not sure — but anyway, up to \$3,000. I have to wonder why Crown land has been out at these fire-sale prices for so many years.

In connection with that, another thing is that if that well becomes a producer, the fee is \$120 a year. Privately, the fee is \$1,000 or \$1,200 a year. That's certainly something we should be looking at. I brought this to the attention of the public lands department. I know they'll be looking at it, and I think this is something we should all apply ourselves to and make sure something comes about to change that type of situation.

Referring back to the specific motion again, Mr. Speaker, I have to commend the hon. Member for Drumheller. I'd like to commend the Member for Drayton Valley as well, because I thought she gave us a very logical outline of how she looked at this, and put it in a very, very clear perspective. I think it's a matter of concern, and has been for a long time; I'm afraid it will be for some time yet. I would also commend those oil companies that have seen fit to make a reasonable renegotiation of the leases, because that is worth while and commendable too. But I don't anticipate we're going to solve this thing by compulsory legislation because, as I've said before, I believe so many complications, so many complex factors, and so many things have to be considered, such as: are we going to have equalized valuation all over the province; are we going to take soil types into consideration; what about terrain; what about sand hills; what about muskeg?

An interesting thing: I had a group of farmers talking to me last winter [about] a number of wells drilled in my country. Someone got \$2,500 and someone got \$3,500. The ones who got \$2,500 were quite hostile and said it should be one rate for everybody. I said, you mean to tell me that if they're coming on your farm and you have muskeg and they're going to drill a well out in that muskeg, and you a very good field of alfalfa on the farm and they're going to drill a well in the middle of that field, that you think that should be the same fee? Well, they weren't quite sure.

That's the sort of situation we'll have continuing all the time, Mr. Speaker, as far as these leases are concerned. I think we have to do some very careful thinking about it before we put anything on the statute books that will change the situation. I think the renegotiation is fine, and the Farmers' Advocate had done very, very admirable work in that; in fact, I think he's been very strenuous in his efforts. He is to be commended too. He's been very successful in some instances, and I know he's been frustrated in others. Just the same, I think we have to continue to go this route, and I hope we will all put our efforts into trying to resolve these differences without having to come along with something on the statute books.

Thank you.

MR. ISLEY: Mr. Speaker, Motion 201, proposed by the hon. Member for Drumheller, interests me greatly, since the Bonnyville constituency, which I have the privilege to represent, has for some time been the subject of oil and gas activity, and recently has become a beehive of activity, with surveying and seismic activity going on, the drilling of oil and gas wells, the installation of pipelines, power lines, and the creation of pilot plants to extract heavy oil. This type of activity is arousing considerable concern in the landowner or surface lease holder with respect to surface rights.

Farmers in my constituency are rapidly gaining an education in dealing with oil, gas, and power companies. Their use of the office of the Farmers' Advocate has increased substantially, and I would like to express their appreciation to a former Minister of Agriculture for having the foresight to provide such a service to the farming population of this province. To the best of my knowledge, the farmers in my constituency are using the surface lease contracts as developed and approved by the Farmers' Advocate.

Mr. Speaker, many of our major oil companies are reviewing rentals dated before January 1, 1972, either on their own initiative or as a result of subtle pressures applied by the landowners and the Farmers' Advocate. I prefer this approach. We should not have to legislate everything; the less laws the better. I suggest we continue to monitor the situation and see how many of our corporate citizens who have not responded in a positive way, do so as a result of the concern expressed in this House.

Mr. Speaker, most of the oil companies in the Bonnyville constituency are very conscious of their public relations. This was probably encouraged by the Energy Resources Conservation Board hearing held in Grand Centre in January 1979, and by the persistent activity of the community advisory committee, which is a local public participation group. I must commend Esso Resources Canada Limited on an excellent program of communicating with the public, and on fair dealings with the local people to date. The other oil companies in the area appear to be following Esso's lead. Unfortunately, Mr. Speaker, I cannot say the same with respect to our major electrical power company, Alberta Power Limited. Their public relations in dealing with landowners leaves much to be desired, and I encourage them to take a lesson out of the Esso Resources book.

However, Mr. Speaker, there are a number of other concerns with respect to surface rights and surface lease agreements. Farmers in my constituency are asking such questions as: why are we not entitled to annual rent for pipeline and power line rights-of-way? Why are well sites not located at the edge of quarter sections or on waste-land portions of the quarter? I believe this point was outlined very well earlier in this debate by the hon. Member for Grande Prairie. Why is the value placed on land taken for well sites, pipelines, and power lines based on its old agricultural use, as opposed to its new industrial use?

Mr. Speaker, yesterday the hon. Minister of Economic Development and I had the opportunity of touring the Suncor plant, a heavy oil plant located just outside Fort Kent. This plant is located on a quarter section of No. 2/3 farmland, which by the way is some of the best soil classification we have in the constituency. They are using a 2.5 acre well spacing, and currently have approximately 40 producing wells on that quarter section. With the crisscrossing of service roads, steam lines, oil pipelines, and

power lines, farming this land is virtually impossible. This land use is definitely industrial; the farmer has been replaced. Reclamation procedures are questionable. This land may never be returned to agriculture, yet we base its value on agricultural value.

Mr. Speaker, I feel we must address these questions in the near future, in order to maintain good working relations between the agricultural and energy industries.

Thank you, sir.

MRS. OSTERMAN: Mr. Speaker, it's with a great deal of pleasure that I rise to participate in this particular debate. I note by the time, if I'm correct, that we have five minutes before we get on to our next order of business. So I'll endeavor to be brief.

Certainly I congratulate the hon. Member for Drumheller for bringing this up. I think many members here know of my abiding interest in the area of surface rights. It stems back as long ago as 1966. I can't believe that 14 years have gone by since the original expropriation of land from my husband and myself at the time.

I note with interest that indeed our Farmers' Advocate is sitting in the gallery. I met that gentleman a lot of years ago when he was employed by our farm organization, Uniform. Certainly he was instrumental in assisting some of us who were endeavoring to organize groups across this province, much like some of the groups now being organized across the province, and was of great assistance to us in the kind of co-ordination needed. Certainly at the time there were very few people who felt that ... As a result of little experience in the surface rights area, great moneys had been expended and, unfortunately, some major cases lost in the Supreme Court of this country. It was rather sobering to all of us who were without funds and had only enthusiasm and a certain amount of anger to bring to the situation, when we viewed what was before us. It was only through the strength of organization across this province and an eventual change in government that in fact some of those situations were rectified.

In this particular situation, of course, we have an inequity that is really showing up now. For a long time our land prices hadn't really altered that much. But with the kinds of pressures we have throughout the province right now ... And the agricultural industry is in fair shape in most areas — not all — I think that has also had a bearing on the amount of optimism out there. The kinds of programs offered to young farmers have also increased the interest of young people getting into agriculture of late. So all the different factors have made our land prices escalate.

Those people who were in a position of having signed contracts — and certainly it would have been under duress; this is really the problem. I think we all recognize the situation of looking at retroactive legislation, and I just pale to think about it because of the ramifications. But on the other hand, we have a situation where people indeed signed contracts, and did feel they were under duress because there was that threat of expropriation. I think many of us here feel that expropriation itself, and the ability to be in a position to expropriate, is certainly worth something. I know many, many farmers who feel that the fact a company can come — certainly some of the landmen have been in a position where they've made a problem, and maybe a problem for the good landmen in the field. But the farmers feel that even their signature should be worth something when that kind of threat hangs over their head.

Many years ago my father told me: if you're worth anything, Connie, your signature is worth something; so when you put a signature to a document, that alone is worth something very significant. I never forgot that. When somebody came along and asked me to put my signature to a document that in fact took away some of my land — even if it wasn't in the title, it was only by way of easement, still that caveat is there — I think that had great significance. And the farmers of this province feel that way. Their clear land title has very great significance to them.

Mr. Speaker, in view of the time, I guess I'll just sit down.

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

**Bill 203  
An Act to Amend  
The School Act**

MR. ISLEY: Mr. Speaker, I take pleasure in opening debate on second reading of Bill 203, An Act to Amend The School Act.

I see that Mr. Kevan Rhead, vice-president of the Alberta Teachers' Association, is in the public gallery, taking an active interest in this Bill. Mr. Rhead is a teacher in the Medley school, which is located in my constituency. I would like to welcome him to the House and ask that he stand and receive the welcome of the House.

The purpose of this Bill, Mr. Speaker, is to restructure the Board of Reference to achieve more local control over the settlement of disagreements between teachers and school boards under Section 85 of The School Act. Section 85 of The School Act presently reads:

Where a disagreement arises between a board and a teacher with respect

- (a) to a termination of a contract of employment,
- or
- (b) to a termination of a designation, or
- (c) to the refusal of a board to give an approval pursuant to section 80, subsection (2)

which, if you check the Act, deals with a teacher's desire to be released from contract before giving service. In the event of disagreement in one of these three cases,

a board or a teacher, may appeal to the Minister who shall refer the appeal to the Board of Reference.

In short, Mr. Speaker, the disagreements which would be settled by the proposed board of reference are those related to teacher dismissals or terminations.

Mr. Speaker, since I proposed Motion 218 to this Assembly last fall, and Bill 203 this spring, many people both inside and outside this House are viewing me as anti-teacher. I urge that you view my concerns as being pro-child, as opposed to anti-teacher. May I preface further remarks by stating that I strongly hold the view that our youth is our most important resource. Hence education and/or schooling are key activities in the perpetuation of our society. I have spent 23 years in the teaching profession, and would state very plainly that I hold the profession and the dedicated teachers within that profession in the highest esteem. I view the teacher as the single most important element in the educational process, and that is what led me to put forward Motion 218 last fall, and now Bill 203.

Allow me to make one other thing abundantly clear: I do not view the teaching profession and the Alberta Teachers' Association as synonymous terms. Mr. Speaker, the Alberta Teachers' Association is simply an organization of teachers which, unfortunately, is too often more unionistic than professional. Any criticisms I make of the Alberta Teachers' Association in this speech are to be interpreted as just that. They are not to be construed as criticisms against teaching as a profession.

Further, Mr. Speaker, I do not wish to leave the impression that I am completely anti-Alberta Teachers' Association. During the course of my teaching career, I probably spent more time than the average teacher in this province working to promote the objectives of that organization. I have held numerous executive positions at sublocal and local levels, participated in the annual representative assembly of the ATA on a number of occasions, and served on provincial committees as a representative of the association. Our association has accomplished many positive things for education in this province. But through its overprotective, unionistic nature and the inhibitions it places on its membership, it has also tended to protect too much deadwood in our school system.

That, Mr. Speaker, is my concern. We must find an easier, more efficient way for school boards to remove this deadwood. Currently, once a teacher passes a first-year probationary period and remains with the same employer, termination of tenure becomes very difficult. A teacher has the opportunity to appeal a termination decision at the local board level. If not satisfied there, he appeals to the Board of Reference, a quasi-judicial body in front of which the success ratio of employing school boards has not been very high. My statistics indicate that in the 10-year period from 1970 to 1979, 39 cases were placed before the Board of Reference in this province. Of these, 17, or 46 per cent, ended in termination with no teacher compensation; 8, or 20 per cent, ended in termination with compensation; and 12, or 30 per cent, ended with the teacher being reinstated.

[Mr. Speaker in the Chair]

However, Mr. Speaker, if we look at the past six years, the number of cases presented before this board was only nine of those 39. Out of those nine cases dealt with by the board, three ended in reinstatement. I conclude, therefore, that as a mechanism the Board of Reference has succeeded in removing only six teachers from our school system in the past six years. That means one teacher per year. When one considers that there is in excess of 20,000 teachers in Alberta, this means that less than 0.0005 per cent have been removed from the classroom using that current mechanism. Unless one accepts the premise that all members of the teaching profession are near perfect, one must conclude we need a different mechanism for handling teacher/board disagreements over termination of tenure.

This does not mean, Mr. Speaker, that all terminations of tenure go before a board of reference. Boards and school administrators have developed alternative methods. Such tactics as transferring teachers to other schools within the system or assigning teachers to subject areas they find undesirable, are used to encourage teacher resignation and avoid going to a board of reference. But who suffers when these techniques are used? The students. They are being used as pawns in games to encourage teacher resignations. Mr. Speaker, we need a less expensive more accessible board of reference procedure to elim-



inate deadwood from the schools without using these types of discouraging tactics.

The difficult and expensive procedures through which a school board must go to terminate a teacher's contract have, in my opinion, led to school boards becoming discouraged and not removing weak teachers from their systems. This has led to mediocrity in our public educational system, and I cannot help but wonder at times if there is some relationship between this and the recent trend toward private schools that we are witnessing in Alberta.

Mr. Speaker, I have yet to talk to a teacher, a parent, or a school trustee, who does not agree with me that in our schools there is deadwood that our educational system, our children, and our teaching profession would be much better off without. I have received considerable reaction since I expressed concern about developing a better mechanism for removing deadwood teachers from the educational system. Parent and trustee reaction tends to favor putting much more authority in the hands of elected school boards. Individual teacher reactions, in private conversation, have varied from one end of the spectrum to the other. I have received calls from teachers who expressed agreement that there was a problem and that they could live with Bill 203 and, for that matter, on some occasions even Motion 218 if it had stayed on the books. At the other end of the spectrum, I have been accused of being an Ayatollah Khomeini, out for teacher blood.

Mr. Speaker, the response of the Alberta Teachers' Association has been disappointing. They organized a very effective lobby against Motion 218, and are doing the same with Bill 203. Their lobby is disappointing in the sense that it is unionistic rather than professional. Their basic thrust is to retain the status quo, rather than propose alternative ways of removing deadwood from the classrooms.

Some of the letters received from teachers display a pathetic degree of ignorance with regard to other professions and occupations in our society. They suggest that basic rights and basic justice are being threatened. They raise the question: why pick only on the teaching profession? How about other professions? Surely as teachers they should know that no other profession has tenure protected by statute, and a quasi-judicial board of reference. We are not talking about basic rights or basic justice. We currently have given our teaching profession special rights and special justice.

Mr. Speaker, I am aware of only two other groups that work in as protective an environment as our teachers: university professors and civil servants below the management level. I submit that if we want a healthy, productive society, we should also take a look at these groups.

Mr. Speaker, Bill 203 would amend The School Act by repealing Section 84, which currently reads:

84. (1) The Lieutenant Governor in Council shall appoint a Board of Reference consisting of not more than nine persons.
- (2) The members of the Board of Reference shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

We would no longer have one Board of Reference, of not more than nine members appointed by the Lieutenant Governor in Council, at the provincial level. Under the proposed Section 84, a board of reference would be appointed at the local level for each disagreement that arises. The board would consist of:

- (a) one person nominated by the [school] board in question;
  - (b) one person nominated by the local of the Alberta Teachers' Association of which the teacher is a member; and
  - (c) a chairman, who shall be nominated by the two persons [appointed] under (a) and (b) or if they do not agree upon a chairman within five days, then by the Minister [of Education].
- (3) The decision of a Board of Reference [would] be final and binding on both parties to the disagreement.

What advantages will this new board of reference have over the existing one? Please keep in mind that the existing Board of Reference is not working; it has handled only nine cases in the past six years. It views problems from a provincial as opposed to a local perspective. It is very legalistic, not educational, in nature and often involves two lawyers arguing a dispute before a single judge on legalistic technical points. It is an expensive procedure, and draws money from the education budget.

Currently school boards must have an objective evaluation system in place before going before the Board of Reference, and be able to prove this evaluation system was fairly applied. Mr. Speaker, I've seen some of these so-called objective evaluation systems. They award points for such things as amount of training, amount of experience, number of years spent in the employ of the board and, in some cases, even religion. I have yet to see included such things as the teacher's ability to relate to students, and the efforts put forth by teachers in after-school programs involving their students. Things like these can only be evaluated subjectively, Mr. Speaker, and no one seems to be attempting subjective evaluation.

Mr. Speaker, the intent of Bill 203 is to bring decision-making with respect to disagreements to the local level. We must recognize that different communities within this province have different life styles and aspirations, and that if it is indeed the responsibility of the school to perpetuate these life styles and aspirations, then the community must have more say about the type of teachers that are employed in their schools. We must recognize that a person might be an acceptable teacher in Edmonton or in an Edmonton classroom, but be totally unacceptable in High Level, Fort Macleod, or other points in this province, and vice versa.

The intent also of Bill 203 is to instil more accountability in the teaching profession. I am a firm believer that people function more productively if they are subject to a bit of pressure. Mr. Speaker, I ask hon. members of this House how effective they would be if after one year they had lifetime tenure with very little chance of losing their elected seats.

Another intent of the Bill, Mr. Speaker, is to make it easier to remove deadwood teachers from our school systems, and hence improve the quality of education and public confidence in our educational system. Mr. Speaker, if hon. members of this Assembly believe in local autonomy, if they believe there should be accountability in the teaching profession, and if they would like to see an improvement in the quality of education in our schools, I urge them to support Bill 203.

Thank you.

MR. HIEBERT: Mr. Speaker, I too would like to rise on Bill 203, An Act to Amend The School Act, proposed by the Member for Bonnyville. In entering the debate, I'm

sure members of the Assembly will agree that one fact is not debatable; that is, the Member for Bonnyville has the unique distinction of attracting a great deal of mail from all quarters of the province with his motions and Bills. I was a little disappointed in that the debate started on the pro-child basis, yet I never heard the word "child" again. I heard the word "deadwood" approximately 15 to 20 times, and I have a hard time reconciling the two.

The purpose of the Bill is to repeal Section 84 of The School Act, where the Lieutenant Governor in Council appoints a board of reference consisting of not more than nine members when a disagreement arises between the school board and a teacher with respect to contract. It usually deals with the factor of competence or with the termination of a designation. In practice this board usually consists of one member from the judiciary. The legislation as is does not define the composition of this particular Board of Reference. The chairman is usually a judge, who deals with points of law in the hearings, and I know it's difficult at times to find people who have a sensitivity to educational issues.

The proposed amendment by the Member for Bonnyville would change the composition of this Board of Reference to a local nature; that is, one person designated by the board and one person designated by the Alberta Teachers' Association local. These two people would then mutually agree within five days as to who would be chairman. Otherwise the minister would appoint the chairman. I also note that the decision of this particular board of reference would be binding on all parties. It does not provide for further appeal, and I would think that is a weakness in this particular proposal.

If we take a look at what the stakeholders are suggesting, it is my understanding that both the Alberta Teachers' Association, with whom I do not always agree, and the Alberta School Trustees' Association, oppose the change. They feel — and it's my understanding that that is their current thought — the present format has worked well. This also has the concurrence of some teachers in the field. I suggest that the need for the change is questionable if the two groups under question are satisfied.

The decisions are often perceived as being dealt with in an impartial way, and with full legal force under the present Board of Reference. Under the proposed amendment, the choice of chairman would require extensive time. The process that would end up would probably be one of the choice of chairman being the issue, and the original dispute would be lost in the shuffle. Furthermore, getting all three parties together could be a tactic and could scuttle the hearings in terms of trying to expedite the issue. The Alberta School Trustees' Association views the appointment of a chairman from both sides as a cumbersome detracting item, and I suggest that the infighting in the selection would only cloud the issue in what could already be an emotional and heated situation. Furthermore, the proposed amendment could be detrimental in that it would probably lead to further challenges and litigation, because they would regard the judgment as not being legal. I suggest this would just draw out the process further.

It has been suggested that 39 cases have been dealt with, 17 of these being terminated without wages, and 12 being reinstated. I suggest that in latter years some of our school boards have probably brought pressure to bear in other ways, and the use of the Board of Reference would only be a last resort. I also suggest that the present Board of Reference, in that they're dealing throughout the prov-

ince, would standardize the matter somewhat, and there would appear to be greater fairness in terms of how the matters are being dealt with.

On the other hand, the amendment of the Member for Bonnyville does have some merit. The dispute would be dealt with at the local level, and there's a generally accepted principle that the closer people are to the problem the more likely the decision hammered out will be a good one. As proposed, the total process — provided there is no hang-up with the selection of the chairman — could be quick and could deal with many more cases. If the reinstatement did occur, Mr. Speaker, I suggest that a better understanding and appreciation would probably exist on both sides in the aftermath.

The proposal by the Member for Bonnyville would provide an opportunity for a resolution without getting into the lawyer component, and the dispute would probably revolve around educational concerns rather than legal arguments. However, there could be abuse, and other approaches may be abandoned too quickly if we're dealing at the local level as suggested in the amendment.

Although I have cited some merits, Mr. Speaker, I would be concerned about the appeal mechanism, as mentioned before, with regard to the locally constituted reference board. As we approach the '80s, I think we have to recognize we are dealing with a declining enrolment issue. We have a problem in that many of our school boards have too many teachers and too few students, and there is a trend to conflict with regard to this particular issue. I think we're going to see greater job protectionism as an attitude among the teaching force. Attrition will not keep pace with the reductions that are required. I think local school boards will have sufficient stress in adequately coping with this problem without getting into the phenomenon of localizing the board of reference process. Perhaps a two-tier approach could be taken, Mr. Speaker. Stage one could be a local board of reference as proposed by the Member for Bonnyville. Then if no satisfaction or resolution occurs at that point, possibly stage two could then revert to a province-wide board as exists presently.

If the objective is to get rid of deadwood, I would argue that neither approach will accomplish that. If we look at the whole area of competency, I think it's easy to recognize the grossly incompetent. It is also easy to recognize the highly skilled and the excellent. But I think the problem lies in the area of the mediocre and the unmotivated, who walk that fine line of doing just the minimum. Again, I don't see either board of reference tackling that problem. Surely more positive strategies can be used to identify and deal with the problem. I think that is a challenge the profession must assume. As we address the review of The Teaching Profession Act, possibly this matter ought to be incorporated. With the review of The Teaching Profession Act, one must address the question of certification or, putting it another way, the front door. But if we're going to open the front door, I think the profession also has to address the issue of incompetence by opening the back door.

If we look at the trend in competency hearings, recently there is a trend in that more evidence is being accepted in the hearings from principals and staff and colleagues. I think this is a favorable move. Likewise, greater responsibility is being placed on the individual teacher in the hearing. If we look to the future, I think we're in for an era of basic rights, and I think we can predict a greater impact by court decisions and future legislation in this area. Mr. Speaker, greater emphasis on the basic proce-

dures must be one of fairness, and the appeal routes persons have in the school setting must be safeguarded. Arbitrary decisions or disputes will be a highlight when hearings are undertaken. Secondly, there's a strong backlash against the extension of what constitutes an individual right at the expense of the public. Because in this whole question, where are the rights of the parent and the student?

I look forward to hearing debate from other members on the amendment to The School Act proposed by the hon. Member for Bonnyville. On balance, I conclude by saying, leave well enough alone. Don't tamper with what seems to be working for the two bodies that are probably in dispute; that is, the teacher and the board.

MR. NOTLEY: Mr. Speaker, rising to participate in the debate on Bill 203, like a lot of members of the Assembly, I've had a good deal of correspondence on this Bill, not only from the Alberta Teachers' Association, but from certain school trustees as well. I should point out that I also had the opportunity to meet with the local ATA in Fairview to discuss the specifics of the Bill we have before us.

Frankly, I oppose this particular piece of legislation, and will outline a number of reasons in a moment. As I listened to the hon. Member for Bonnyville, it struck me that he had three or four major points. First of all, there seemed to be some concern that not enough teachers were removed. He used the expression "deadwood". I suppose there's deadwood in any occupation. But frankly, Mr. Speaker, the vast majority of teachers in this province certainly don't qualify for that category. In a sense, that kind of language can only incite a very considerable backlash of hard feeling from members of the profession. He went on to say that basically it was too costly to remove the deadwood because of the legal questions involved, and then went on to suggest that perhaps we should take on the university professors and civil servants. Mr. Speaker, I await with interest this government's success rate, as I'm sure many people in opposition parties in Alberta do, if it attempts to challenge those areas.

Mr. Speaker, I thought that perhaps the most important point the hon. member made — I disagree with him on the point, but I think it's a point we have to address — is this question of community rights on one hand versus professional rights on the other. I'd like to take just a moment to deal with that, because it seems to me that was the one point in the dissertation we heard this afternoon that is a matter of some concern. There is no doubt that local autonomy of school boards and the involvement of parents in the system are important. We discussed that several years ago when we addressed the goals of education in this House.

Against that is the question of professional rights: the rights of people to be able to carry on their profession. Mr. Speaker, it seems to me that in looking at that side of the balance sheet, we have to be very careful not to qualify in any way the rights of people who are teachers in the province of Alberta. Let us make no mistake about it: when a board of reference is dealing with competency, it is dealing with a teacher's career and future in the profession. In my view, that involves some pretty basic professional rights.

I would find it rather doubtful strategy if we, as members of the Assembly, were to suggest that we do away with the College of Physicians and Surgeons and have the test of the competency of physicians being determined by local boards. Quite frankly, I think the

College of Physicians and Surgeons would have a good deal to say about that, and rightly so. In a society, you have to carefully balance two points: the right of local participation against the professional rights of people as teachers, doctors, lawyers, or whatever the case may be.

As I look at the present situation, Mr. Speaker, I don't see any great demand from school boards for a change in the present mechanism. I certainly don't see any great demand from the ATA, the vast majority of teachers. The member said some teachers have indicated they're prepared to live with this. But the vast majority of teachers I've talked to are not only opposed, but passionately opposed, to Bill 203. If the pressure were coming from the Alberta School Trustees' Association, and they were saying to us as members of the Legislature, look, you have to change this whole system of dealing with the Board of Reference in Alberta, it isn't working, then perhaps we'd have to place this a little higher on the priority list. To the contrary, Mr. Speaker, the position of the Alberta School Trustees' Association as I understand it is basically: leave well enough alone.

As I understand the chronology of the operation of the Board of Reference in this province, for some time there was a situation where we had boards of reference composed of one judge and two professional teachers determining whether a person should or should not be allowed to continue teaching. For the last four or five years, that basically has been replaced by the present situation, where in fact in most cases a judge makes that decision. Because the decision inevitably is going to have some very real consequences for the person in the middle of the dispute, it seems to me that having a judge make that decision in not only as fair a way as possible, but in the backdrop of not only being fair but appearing fair, is a very important plus in the present system.

The hon. member indicates that we really haven't fired enough teachers using this system, and suggests to us that between 1970 and 1979, only 39 cases were heard and 12 actually resulted in reinstatement. I presume, Mr. Speaker, that after going through the Board of Reference process, those 12 people in fact should have been reinstated. I don't think that a numbers game, a sort of hit list, if you like, for teachers in this province is really a way to deal with something as important as professional competency.

I look at the details of the Act we have before us. The hon. Member for Edmonton Gold Bar has properly pointed out that there isn't any appeal procedure, although I would presume — and perhaps the Member for Bonnyville could indicate this when he concludes debate — that there would still be an opportunity to appeal on technical and procedural grounds. If that's the case, then we would in fact have a two-tier system. And rather than speeding up the system, my guess is that in fact we would simply delay it.

Mr. Speaker, the question is: would it be better to have a board of reference composed of one person nominated by the local board, another person nominated by the ATA — of which the teacher is a member — and someone chosen either as a result of joint agreement or basically as a result of ministerial appointment. Mr. Speaker, I don't know what we're getting the Minister of Education into, but it seems to me this is one area where I frankly doubt the minister would welcome this extension. Because in a controversial issue, particularly in the local community, where feelings are going to run very high on both sides, I think the ability to arrive at mutual agreement on who the third person should be, will be the

exception rather than the rule. So what's going to happen is that the minister will have to play God: the minister's going to have to appoint the third person.

Mr. Speaker, surely that is going to put the entire board of reference concept into an entirely different perspective. Instead of a genuine effort to arbitrate the rights and wrongs of the case, the professional competency of the individual, we're going to be opening up a situation of confrontation. You're going to have the school trustees saying one thing, the ATA saying another, and between this battle, between the fight, somehow the third person is going to have to render a decision. I really question whether that is the right way to handle issues of professional competency. Do we really want to develop an adversarial context in judging whether a teacher is successful?

Mr. Speaker, to the members of the House. The member talks about local involvement. I have seen the problems of local involvement over whether teachers should continue. Local involvement tears the community apart. I'm not really convinced that that sort of thing is going to improve public respect for education, or really lead to some of the things the Member for Bonnyville suggested were his objectives, which is that the children should come first. Mr. Speaker, community fights over teachers have seldom resulted in better education. They've resulted in people having long memories, unhappy experiences, and all kinds of squabbles, but for the most part not better education or greater opportunities for the children involved.

That being the case, I have to ask myself why we should make a change. When it seems that at this stage the stakeholders, as the the hon. Member for Edmonton Gold Bar has indicated, are not pressing for a change, why should we? When the system, not working perfectly — no system ever does — is working in a way that both trustees and teachers can live with, I find very little evidence in the submissions I've heard today to lead me to the conclusion that we should do away with the present system.

Let me just make one other comment. When this matter first came up, somebody said to me, isn't this a little bit like the Workers' Compensation Board? Why don't we get away from all this litigation and the involvement of lawyers, and have this sort of impartial approach based on people who have some stake in education? In answer to that, Mr. Speaker, I think there is a distinct difference between awarding compensation on the basis of injury or illness, and deciding whether a person is competent to carry on their chosen profession. It seems to me that where we are in fact dealing with the rights of people to practise that profession, there must be provision for appeal and, in the arbitration of the pluses and minuses of the case, both for and against the teacher, the atmosphere must be as judicial as possible.

Mr. Speaker, with great respect to the hon. member and the sincerity with which he's brought this matter to the House, what we have in Bill 203 is a recipe for ill-feeling among teachers, confrontation at the local level, and a situation which simply cannot improve the quality of education. Surely, in co-operation with both the Alberta School Trustees' Association and the ATA, we can mutually examine better mechanisms as we go on. But this short-term change, which has pretty significant long-term implications, can only create hard feeling that will not be conducive to the quality of education in Alberta.

MR. L. CLARK: Mr. Speaker, I am privileged to rise today to speak on Bill 203, and I would like to compliment the Member for Bonnyville for bringing this forward for debate, especially his pro-child theme.

I was listening to the hon. Member for Spirit River-Fairview, talking about the rights of professionals. I remind him that with the rights of professionals, comes the responsibility. If the responsibilities had been practised in the teaching profession, I don't think there would be any need for the hon. Member for Bonnyville to bring either Motion 218 or Bill 203 before the Assembly.

I was a member of a school board for seven years, and in those seven years we never had a teacher with a disagreement that went so far as the Board of Reference. Mr. Speaker, this certainly does not mean our board never had a disagreement in those seven years. We certainly did. It means that any dispute between the board and the teachers was settled at the local level, by people working at a local level who knew the situation. As the hon. Member for Bonnyville suggested, there were different methods of going about this. These disputes were settled at a local level in our district because it was usually much quicker, much less expensive and, if a settlement was reached, it seemed there was less ill-will or ill-feeling than if the decision were handed down by a board of reference. Not only that, but the decisions seemed to be more acceptable to the general public and everyone concerned.

I believe another reason we never went before a board of reference to settle a dispute is that most of the time — whether it's true or not; I don't say it's always true — in the opinion of the board, it seemed that the settlement was in favor of the teacher. I suppose this was because in most cases it's very difficult, especially in the area of termination of a contract or a designation, to have enough documentation of incompetence to be able to go to a board of reference and have them find against the teacher. The boards are afraid they'll find themselves in the position of having to take back on their pay roll a teacher they really don't want and who, at the same time, will be more at odds with the board than ever and make the situation even worse than it was.

Nobody really is a winner when you go to a board of reference. The teacher's reputation is certainly at stake. Whether or not he wins that board of reference case, there is still that rather black cloud that hangs over the future of that teacher and follows him through the remaining years of his career. As I said before, the board usually comes out of it with egg all over their faces, because it's very difficult to prove and to document to a board that the teacher in question is incapable. Incapability is really a matter of judgment. What I might believe to be capable or adequate might not be to someone else. So it comes down to a matter of judgment by those who are members of the board.

To add a little bit to this, Mr. Speaker, we had one case in our county that was very well documented where a certain teacher had failed to conform to board policies in many areas. Not only had this teacher ignored the policies, but no plan or course of studies was being followed. Teaching records were not even being kept. Sometimes the teacher didn't even arrive at school for no reason at all. Naturally this disturbed our superintendent — for the hon. Member for Bonnyville, it was a locally appointed superintendent — and he decided this teacher must go, one way or another. Before this came to a board of reference, there was a local appeal. At that appeal, it came to the attention of the people on the appeal that a

test had been given in this school and in other schools across the county. They compared this test, and they were going to use it for documentation in the appeal. The results of that test showed that although this teacher had no plan, followed no course of studies, and wasn't even present in his class part of the time, his students did a little better than the average of the students in the rest of the schools.

I guess the point I'm trying to make, Mr. Speaker, is that if you went by the documentation that this teacher was not following the policies laid down by the county school board, you'd have to come to the conclusion that he should be removed from the system. If you go by the results as a teacher, he was a little better than average. So it becomes a matter of judgment as to whether his contract should be terminated, and that matter of judgment will not be the same in all cases.

Like the hon. Member for Edmonton Gold Bar mentioned, I suppose it's the barely adequate teachers, as I call them, that we really have the difficulty with. Under the present system, one of the ways out for the board is to transfer a teacher who they feel is not performing his duties to positions of less and less authority. This means that at first they are transferred to a smaller school within the system. Finally they are transferred to the smallest school in the system, and to the smallest class where they'd do the least harm.

MRS. CRIPPS: That's kids you're talking about.

MR. L. CLARK: In southern Alberta this sometimes means a Hutterite school. Then the board sits back and waits for a resignation, which is usually forthcoming. This is one of the usual . . .

MRS. CRIPPS: That's abusing Hutterites.

MR. L. CLARK: . . . methods they use. To these smaller schools in the rural areas, Mr. Speaker, ending up with this type of teacher — and I would like the Assembly to know that they are a very small minority; by far the majority of our teachers are very dedicated people — can be a real calamity, not only for the school system, but for the students. Nobody mentioned the students too much in this debate today. I think they are a very important part of it.

The ASTA lawyer, Judy Anderson, says that procedural fairness refers to the process of arriving at a decision, not the merit of the decision. The merit of the decision isn't really considered. In the ATA news in the column entitled, No Again, Mr. Isley, [laughter] the ATA says that the current procedures provide an impartial decision, respected and accepted by both sides. If this is so, Mr. Speaker, I'm wondering why I have received no letters from the school boards in my area asking to speak against this Bill, similar to the requests we've had from the ATA.

Remembering what the ASTA lawyer has stated, that procedural fairness refers to the process of arriving at a decision, not the merit of the decision reached, maybe it's time — if we are going to continue in the same direction we have in the past — that we let the people most

affected by this type of teacher express their judgment and views as to the competence of the teacher. I'm speaking of the parents, the students, and the people involved, especially those who are at the end of the road: that small school at the bottom of the list as far as the moves downhill for a teacher are concerned.

Bill 203 says, in effect, that these decisions can be made better by locally appointed people: one person picked by the teaching profession from the local ATA; one person picked by the local school board from that board; and a chairperson appointed by these two people or, if they cannot agree, by the Minister of Education.

I do not believe this will cure all the problems that teachers and school boards experience with the system we have now. Nor, if this Bill is passed, do I believe for one minute that because of the local involvement there would be no more ill will or bad feelings between the two parties involved. However, Mr. Speaker, I believe it would be an improvement on what we have now. From a teacher's point of view, I believe it would be less damaging to his reputation to be heard before a small local board than before the larger Board of Reference, which really attracts a great deal of publicity. From the school board's point of view, I feel that a local member sitting on that board would give the board a better feeling of the decisions being made. At the present time, although it may not be entirely true, the feeling of the boards is that they are almost beaten before they start with the system they have now. They are very loath to take a stand where they could eventually end up in the Board of Reference.

In closing, I would like to say I support this Bill, although I know it is not a cure-all. But I feel it is better than what we now have, and I would ask the members for their support.

Thank you.

MR. APPLEBY: Mr. Speaker, I beg leave to adjourn debate.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, it's proposed that tomorrow the House be in Committee of Supply, starting with Government Services, Tourism and Small Business and, if there is time after that, Consumer and Corporate Affairs.

Mr. Speaker, I move that the Assembly now adjourn until tomorrow at 10 a.m.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

MR. SPEAKER: With regard to the clock, I'm sure it's slow, in spite of the proceedings in the Assembly, and I hope it will be right for tomorrow morning.

HON. MEMBERS: Agreed.

[At 5:30 p.m. the House adjourned to Friday at 10 a.m.]

