

LEGISLATIVE ASSEMBLY OF ALBERTATitle: **Friday, May 16, 1980 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF VISITORS**

MR. PURDY: Mr. Speaker, it's my pleasure today to introduce to you, and to members of the Assembly, a constituent of mine and the MP for the Wetaskiwin constituency, Stan Schellenberger. Stan is in the members gallery. I'd have him rise and receive the welcome of the House.

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

MR. ZAOZIRNY: Mr. Speaker, as chairman of the Standing Committee on Private Bills, I hereby report that the committee has had under consideration the undermentioned private Bill and begs to report the same, with the recommendation that it be proceeded with: Bill No. Pr. 6, The Prairie Bible Institute Amendment Act, 1980.

The Standing Committee on Private Bills has also had under consideration the following undermentioned private Bills and begs to report the same with the recommendation that they proceed, with amendments: Bill No. Pr. 2, The Edmonton Research and Development Park Authority Act, and Bill No. Pr. 8, The Stockmen's Memorial Foundation Act.

MR. SPEAKER: Does the Assembly wish to concur in the report?

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF BILLS****Bill 6****The Gratuitous Passenger Statutes
Amendment Act, 1980**

MR. ZAOZIRNY: Mr. Speaker, I beg leave to introduce Bill No. 6, The Gratuitous Passenger Statutes Amendment Act, 1980.

The purpose of the Bill is to ensure that persons traveling as passengers in motor vehicles have the same rights of redress in the event of motor vehicle injury as other third persons who might be injured in such an accident. The Bill is based on the recommendations contained in Report No. 32 issued by the Institute of Law Research and Reform, entitled Guest Passenger Legislation.

[Leave granted; Bill 6 read a first time]

MR. CRAWFORD: Mr. Speaker, I move that Bill No. 6, The Gratuitous Passenger Statutes Amendment Act,

1980, be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 229**The Code of Ethics and Conduct Act**

MR. NOTLEY: Mr. Speaker, I request leave to introduce Bill 229, The Code of Ethics and Conduct Act. Bill 229 is modelled on the set of codes and ethics essentially developed by the former Conservative government between [last] May and February of this year.

[Leave granted; Bill 229 read a first time]

head: **INTRODUCTION OF SPECIAL GUESTS**

MRS. OSTERMAN: Mr. Speaker, it is with a great deal of pleasure that I introduce to you, and through you to the members of the Assembly, a young lady who was chosen as the 1980 Premier's award winner from among 144 senior 4-H club members at the annual provincial 4-H selection held in Olds on May 2 to 5. This young lady, Karen Bayes of Trochu — which I'm very proud to say is in my constituency — has been a member of the Three Hills 4-H beef club for eight years. As a club member she held many executive positions, including secretary of the district council. Karen has been involved in many club, district, and regional activities.

One of the highlights of her 4-H career was being chosen as a winner in the 4-H public speaking competition in 1980. Karen has worked actively as a junior leader in her home club, has counselled at junior 4-H camps in the Calgary region, and has co-ordinated regional radio workshops. Karen is actively involved in the central Alberta Hereford clubs, school organizations, and church youth groups.

As the 1980 winner of the Premier's award, Karen will represent 4-H at a number of functions during the coming year. She is standing in the members gallery, accompanied by her mother, Mrs. Bayes, and a very close friend of the family from Drumheller, Mr. Colberg. Would they also stand and receive the warm welcome of the House.

MR. CAMPBELL: Mr. Speaker, it is my pleasure to introduce to you, and to the members of the Assembly, 35 students from the Garneau school in Edmonton, and also from the Lochearn school in Rocky Mountain House. They are an exchange group, which I think is a very excellent thing. They are accompanied by their teachers Mrs. Richards from Lochearn school, and Myra Craig, Terry Sunderland, and Rita McMaster from Garneau school. They're seated in the public gallery. I'd ask them to rise and receive the welcome of the House.

MR. NOTLEY: Mr. Speaker, it's my distinct pleasure this morning to be able to introduce some 43 grade 6 students from the Spirit River elementary school. They are accompanied by their principal Mr. Jim Brandon, two teachers Lynn Esposito and Tom Angelitti, and three parents. They're seated in the members gallery. I would ask them to stand and be recognized by the members of the Assembly.

head: **ORAL QUESTION PERIOD****Forest Fires**

MR. R. CLARK: Mr. Speaker, my question is to the Minister of Energy and Natural Resources. Would the minister report this morning on the forest fire situation across the province and its implications for travel during the holiday weekend?

MR. LEITCH: Mr. Speaker, I missed the middle few words of the question from the hon. Leader of the Opposition.

MR. R. CLARK: To report on the forest fire situation across the province and its implications for travel during the holiday weekend.

MR. LEITCH: Mr. Speaker, I haven't been able to get an up-to-date report this morning on the forest fire situation. I did receive one late yesterday. At that time, there were five fires burning in the province that were classified as being out of control. Two were in the Athabasca area, one being a fire that had worked back into the province from Saskatchewan, and one in the Swan Hills area, which was being given very high priority by the department. We were able to bring in a DC-6 water bomber from British Columbia to assist in our efforts to bring that one under control. Two were in the Primrose range. Those were the fires out of control as of late yesterday afternoon.

With respect to the fire hazard in the province today, it is very high. We had similar conditions a number of years ago, I think in 1968, but on that occasion the conditions lasted only for about nine days. We've now have comparable conditions for about six weeks. However, Mr. Speaker, while I'd like to do some further checking on this, which I haven't been able to do yet this morning, I think the situation is that we've not banned barbecue fires or things of that nature in any of the forests over the weekend, except in the Lac La Biche area, I believe.

MR. R. CLARK: Mr. Speaker, a supplementary question to the minister. It's appropriate the minister would make reference to the fire coming back in from Saskatchewan. My supplementary question is with respect to wages and working conditions of firefighters. I raise the question because, as the minister said, Alberta firefighters are working shoulder to shoulder with firefighters from Saskatchewan; and Alberta firefighters receive some \$3.95 an hour and firefighters from Saskatchewan close to \$5.20 an hour. To the minister, or to the Minister responsible for Personnel Administration: what is the reason for the major difference in wages paid to Alberta firefighters, as opposed to firefighters from Saskatchewan, with whom they're working shoulder to shoulder?

MR. LEITCH: Mr. Speaker, I think it appropriate that I respond to that question, because firefighters' wages are set by ministerial order from the Department of Energy and Natural Resources.

Mr. Speaker, my information is in quite sharp disagreement with the information the hon. Leader of the Opposition has given. I believe the \$5.20 per hour wage for firefighters relates to British Columbia, not to Saskatchewan. In that respect, I'd point out that they have quite a different system for fire-fighting in British Columbia than we do in Alberta. They take people primarily

out of the forest industry, and if they're picking them off jobs, that obviously is a factor to be considered in the wages that have to be paid; whereas in Alberta, we operate largely with volunteer or part-time fire-fighting personnel. As all members of the Assembly would be aware, we have an excellent fire-fighting corps in native firefighters, and I think they're just doing a superb job in the province.

Mr. Speaker, according to my information, the pay level in Saskatchewan is \$41 and some cents per day and, as I recall, there's a deduction of \$2.50 per day for board and room. Now, our firefighters — that is, not the senior level firefighters but the majority — receive \$3.95 per hour, as I recall. Of course, we pay not only for the time they're actually on the fire; we really pay from the time they are on stand-by, while they're in transit. So it is customary for them to be paid, on the average, for 12 or 14 hours per day. So on a per day basis, according to the information I've received, they are higher than Saskatchewan and Manitoba.

All these factors were taken into consideration at the time the recent wage levels were set. In respect of wages for firefighters, I simply wanted to say to the House that they're not cast in stone. They are open to continuous review, and if we find we're out of line with firefighters in other provinces or areas adjacent to Alberta, Mr. Speaker, I'd certainly be prepared to review it again. But as I've indicated in the information I've given to the House, on the last review we were not out of line, apart from British Columbia, which has quite a different system from the one employed in Alberta.

MR. R. CLARK: Mr. Speaker, a supplementary question to the hon. minister. I welcome the information. So that the House clearly understands the minister's position — and I think it's fair to say we have some difference of information; let's put it at that level. If, upon further checking, it's brought to the minister's attention that in fact firefighters in the province are not being compensated as well as, let's say, neighboring firefighters — and I can appreciate the Saskatchewan comparison — then I take from the minister's answer that he is prepared to give consideration to making adjustments, and that this can be done by ministerial order. Is that a fair assessment of the minister's position?

MR. LEITCH: Yes, Mr. Speaker, that's a fair assessment. In determining these wage levels, I think we need to give consideration to what's being done in areas adjacent to Alberta, and to compare the conditions. That was done, and at the time it was done I was of the opinion that we were at a fair level, having regard for those matters. If additional information comes to light or changes are made elsewhere that indicate we're out of step, I think it should be reviewed again.

MR. STROMBERG: Thank you, Mr. Speaker. To the minister: will he be billing the federal government for the costs of the two fires on the Primrose bombing range, since in a sense the federal government was responsible for starting those fires, due to two airplane crashes?

MR. LEITCH: Mr. Speaker, we have an agreement with the federal government which deals with the costs of fire-fighting in respect of fires that may originate on the range or as a result of military activity. I'm going from memory, but I believe it provides for a cost sharing for all fire-fighting expenses over \$10,000; however, if fault can be

assigned, those at fault would pay the entire costs. That's my memory of the general terms of the agreement.

Now, we would have to go further and fit into that agreement the facts of the fires involved. To this point in time, we haven't been able to gather enough information to relate those facts to the terms of the agreement and decide what ought to be done, but we will of course be doing that. If it appears reasonable and proper to advance a claim under that agreement, we will certainly be doing that.

MR. NOTLEY: Mr. Speaker, my supplementary question relates back to the minister's answer that the government of Alberta pays for stand-by time. Is the minister in a position to advise the Assembly that while the government pays for stand-by time, we pay only eight hours regardless of how long the people are in fact standing by? That's the information I've received in my office.

MR. LEITCH: I'm not sure I can deal with that particular item of detail. I have been advised that most people who come on to the fire-fighting force would receive pay at the rate of 12 or 14 hours per day. I'd have to get the details of exactly how that is arrived at, and what portion may be stand-by time, actual transit time, or time on the fire line.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. minister. Beyond the question of periodic ministerial review, has the government been able to assess any possible device which would allow some form of negotiation between the forest firefighters on one hand and the government on the other?

MR. LEITCH: Mr. Speaker, discussions go on, of course, between department personnel and representatives of the forest firefighters. I'm not sure whether the hon. member's question goes beyond discussions of that nature.

MR. NOTLEY: Mr. Speaker, supplementary question to the hon. minister. My question is whether there would be any move to develop some type of collective bargaining system. I believe I made reference to this before. Several years ago the Metis Association of Alberta had even recommended moving toward a union. My question is whether the government has considered any kind of formalized bargaining approach, as opposed to periodic discussions?

MR. LEITCH: Mr. Speaker, it appears to me that that question may be more appropriately answered by my colleague the Minister responsible for Personnel Administration. As circumstances now exist, I determine the wage levels by ministerial order, after the kinds of discussions we've referred to and after the type of consideration I've referred to in my earlier answers. But I think if we get into the question of a more formal arrangement or something comparable to the arrangements that exist in other areas of the public service, I would certainly want to consult with my colleague about that.

MR. NOTLEY: My supplementary question, Mr. Speaker, to the hon. Minister of Energy and Natural Resources comes as a consequence of some concern expressed by firefighters working in the Primrose bombing range. Has there been any discussion with the Department of Na-

tional Defence concerning the potential hazards of unspent ammunition, including aerial bombs in the range? This is a matter of some concern brought to my attention by forest firefighters. Have there ever been any discussions between the department and the Department of National Defence on that matter?

MR. LEITCH: Mr. Speaker, there have been a number of discussions between department personnel and members of the Department of National Defence. They have covered such things as the use of cold- and hot-spot bombing and various military activity that would increase the fire risks. As to whether the specific item referred to in the hon. member's question was covered, I'd have to check. I'll do that and respond later to the House.

MR. APPLEBY: Mr. Speaker, I wonder if the minister could inform the Assembly how many of the major fires in Alberta today are burning in commercial timber.

MR. LEITCH: Mr. Speaker, we have been fortunate in the sense that while there have been a very large number of fires this year, very few of them have burnt in commercial timber. The one I referred to earlier in the Swan Hills area is in commercial timber and is being given a very high priority by the department.

Perhaps I should add two things, Mr. Speaker. Number one, while we give very high priority to fires in commercial timber, we of course give high priority to all fires. Any fire that's burning, although it may not be destroying timber of high commercial value, destroys wildlife, habitat, trap lines, and things of that nature. So the fires are given a high priority.

Finally, while this has been perhaps the worst year for fires in the past 20 or 25 years in Alberta and is certainly comparable to the very serious fire situation we had in 1968 — in that year we lost, as I recall, something approaching 1 million acres of timber — so far this year we've been able to confine the losses to about 600,000. So I would like to take this opportunity to say that I'm very impressed and I think all Albertans are impressed with the outstanding work being done by the department personnel, particularly the firefighters in Alberta.

MR. STROMBERG: Mr. Speaker, a supplementary to the Solicitor General. In view of the four new fires that started up last night and the \$18 million of commercial timber lost so far in the Swan Hills fire, being almost a major disaster, is the minister prepared to ask the armed forces to contribute their help in controlling these fires?

MR. HARLE: Mr. Speaker, no such request has been made.

MR. LEITCH: Mr. Speaker, I wonder if I might supplement the answer given by my colleague. I didn't want to leave the impression that we are short of fire-fighting personnel. There were some difficulties early in the year in the sense of personnel shortages, which occurred for a number of reasons. As I've mentioned earlier, we use primarily a volunteer fire-fighting force. A number of them come from other woodland occupations in the wintertime, such as trapping and so on, and a number of them come from our postsecondary educational institutions. When the fire season came on us much earlier than normal, we had some problems, not serious problems, with personnel recruitment. But that's not been so recently. As a matter of fact, in my most recent discussions of

that question with the department, I was advised they had a number of additional people they could put into the field, if they thought they could do so to advantage. Their view was that that wasn't the case.

Mr. Speaker, by way of information to the Assembly, I should perhaps add that our primary fire control mechanism is to catch them shortly after they start. We do that by what we call initial attack forces. They have been exceedingly successful in either extinguishing or controlling several hundred of the fires that have started. The number that have gotten out of control is very, very few. But once the fire has gotten out of control, additional manpower isn't the answer. As a matter of fact, you can't put people in front of a fire once it starts to move; the danger to life is too high. We then put crews on the flanks of the fire and try to direct it or control it in that way.

I didn't want to leave the impression that there was a personnel numbers problem in fire-fighting. That's not our difficulty at all today.

MR. BORSTAD: Mr. Speaker, my question is to the Minister of Energy and Natural Resources. Because of the mass exodus of people from Grande Prairie on long weekends, I wonder whether the Grande Prairie forestry district has been closed for travel this weekend.

MR. LEITCH: Mr. Speaker, I'd have to check on that. I will do so, and perhaps immediately after the question period will be able to give the hon. member the information he's asking.

Day Care

MR. R. CLARK: Mr. Speaker, I'd like to direct the second question to the Minister of Social Services and Community Health. Is the minister in a position today to indicate to the Assembly whether the city of Edmonton was notified of the change in funding from what I'll refer to as Vote 10, which is community services, to Vote 2 prior to the minister's estimates coming before the House?

MR. BOGLE: Mr. Speaker, I believe I responded to that question yesterday when I indicated that discussions did take place between officials in our department and officials in the 32 municipalities now participating in the day care program in the province.

MR. R. CLARK: Mr. Speaker, a supplementary question to the minister. Yesterday in question period the minister undertook to the Assembly to check if the decision had been made to change the funding prior to the estimates being approved. I raise the question today because my information from the city of Edmonton day care officials is that they were advised of the change around April 1. I recognize that this is an administrative matter, but from this side of the House we still hold the minister responsible.

MR. BOGLE: Well, Mr. Speaker, as I've indicated, discussions commenced with city officials following the announcement made in this Assembly and not prior to — and I believe the announcement was made two days before we got into my estimates, late in April. Very clearly the discussions between the department officials and various municipal officials and our district offices were an attempt to find the most appropriate way to deliver the service. Those recommendations, those

various alternatives, did come forward.

I was asked yesterday as well when the decision was made to move in that direction. I'm able to respond, following checking my own notes in the office, that that was done on Friday of last week. It will be my intention, when the appropriation Act is brought forward by the Provincial Treasurer, to ensure that the adjustments are made to cover the costs of administering the program through Vote 2. The dollars for the program will remain in Vote 10.

MR. R. CLARK: Mr. Speaker, a further supplementary question to the minister with regard to day care. Can the minister indicate the reason four out of the five consultant positions in the department's day care unit have been vacant for some time and, I understand, are still vacant today?

MR. BOGLE: I can't comment on that at this time, Mr. Speaker, but I'll certainly endeavor to find a response for the hon. leader and reply to him.

MR. R. CLARK: Mr. Speaker, to the minister, and I appreciate that the minister may not have this information either. Is the minister aware that four out of five, or 80 per cent, of the day care consulting positions in the minister's department are vacant?

MR. BOGLE: I thought I'd answered that question in the first response, Mr. Speaker. I'm not aware of any drastic shortage in the area. It certainly hasn't been discussed with me by officials. In preparation for budget estimates, I discussed the manpower complement. The discussion as to what increases might be necessary in the day care unit, following the assumption of certain responsibilities on August 1, is one which has yet to be addressed and resolved.

MR. ZAOZIRNY: A supplementary question to the minister on the subject of day care. Can the minister assure the Assembly that the financial support for day homes, as opposed to day care centres, will not be adversely affected and certainly not eliminated as a result of the changes in policy?

MR. BOGLE: Mr. Speaker, a very important part of the program is the inclusion of day homes, so that in situations where — and I think I used this example during the estimates on this very point — a single parent wishes to remain in the home, it's possible to bring in a number of children and the family subsidy could follow to the day care home, as long as it's an approved day care home. Therefore, that's an important part of the program, and I see no change in that aspect.

MR. ZAOZIRNY: One further supplementary, Mr. Speaker, if I may. Can the minister advise the Assembly what mechanisms he intends to or has put in place to ensure co-ordination of the day care licensing, which will now occur exclusively through the province, with the other approval agencies, which are largely municipally based; such as, development guidelines, building permits, fire regulations, occupancy permits, and business licences?

MR. BOGLE: Mr. Speaker, one of the points in the ministerial announcement was that it was our intent to streamline and simplify the regulations. I believe I went

on to indicate that in no way would any fire or health regulations be affected. But surely the inspection of health should be done by the local health authority, and fire concerns by the local fire department; there should not be duplication by a day care inspector. Therefore, that's part of the process. But obviously there will continue to be health and fire inspections by appropriate officials. Our officials, through licensing, will look for other matters to ensure that the regulations prescribed in the day care program are adhered to.

Grazing Reserves

DR. BUCK: Mr. Speaker, my question is to the Associate Minister of Public Lands and Wildlife. It's a question related to grazing reserves in my area and that of the hon. Member for Rocky Mountain House. I'd like to ask the minister what input he has requested or received from local groups on the proposed plan for the Blackfoot grazing reserve in the Cooking Lake area?

MR. MILLER: Mr. Speaker, we have had a plan developed for the Blackfoot grazing reserve, and we have had intensive input from local user groups. At present, the department has the plan, and it is available for those who are interested in it. I know he's met with the grazing association, who will be utilizing it, as well as cross-country skiers and other interested individuals, along with people who represent the municipality. It's an ongoing study. I know they have a meeting scheduled with other groups, and hopefully within the near future, we'll be able to get input from everyone who has a direct concern with the proposed grazing reserve.

DR. BUCK: Mr. Speaker, a question to the minister. Can the minister indicate if the proposal has been disseminated throughout the area at this time, or are the report and the plans just available upon request?

MR. MILLER: I'm not sure just how far the plan has been dispersed, Mr. Speaker. I know that various interest groups have obtained it, and it is available for those who request it. It is quite an unique proposal in that we are anticipating a multi-use concept, where we'll be able not only to satisfy those presently using it as a grazing reserve or a grazing co-op, but also the various recreational groups represented in the Sherwood Park and Edmonton areas.

DR. BUCK: Mr. Speaker, to the minister. The minister indicated that hearings will be held before the plan is adopted. Can the minister indicate if that will be this summer or this fall, within a relatively short period of time before the proposal is carried out?

MR. MILLER: Mr. Speaker, there will be limited public hearings. The department people are certainly receptive to meeting with any group that requests to meet with them. The plan is actually developed and is in a position where it can be modified. The information I'm getting back from the department, though, is that, generally speaking, most groups are quite well satisfied with the proposal as presently outlined.

DR. BUCK: Mr. Speaker, the question on the Rocky Mountain reserve — I will put the two questions into one to save the minister and I from getting up and down. Can the minister indicate where and when public hearings will

be held in the Rocky Mountain grazing reserve? Will the government make a commitment that a recreation area will be included in the proposed plan in that area?

MR. MILLER: Mr. Speaker, a recreation area is set aside. As well, the grazing area itself will encompass certain recreational activities, such as snowmobiling, cross-country skiing, et cetera. The Minister responsible for Native Affairs and I, along with the MLAs, will be meeting with representatives from the Rimbey area on the afternoon of May 21. As well, we have indicated to the people that we will be prepared to meet with them publicly in Rimbey, possibly the first part of June. I might add that we have had input from people interested in the Rocky Mountain House grazing reserve, from people who will be utilizing it, and from local MLAs and municipal people.

Postsecondary Institutions

MR. NOTLEY: Thank you, Mr. Speaker. I'd like direct this question to the hon. Minister of Advanced Education, and ask if he plans to meet with Mrs. Forest, the chancellor of the University of Alberta, concerning the senate's recent resolution expressing particular concern at a resolution passed at the recent Tory party convention, namely:

Be it resolved that quotas for admissions of non-Canadian students to Alberta universities be severely curtailed in order to provide more space for Albertan and Canadian students.

What steps is the minister taking to set up a meeting with Mrs. Forest to discuss the senate concern?

MR. HORSMAN: Mr. Speaker, I understand Mrs. Forest has requested a meeting, and I anticipate that will be arranged following the conclusion of the spring sitting of this Assembly.

With respect to the resolution in question, since I was chairman of the resolution session when the vote took place, I may say that it was very close. It will be given careful consideration, but of course does not represent official government policy at this stage.

MR. NOTLEY: I'm certainly glad to hear that. But I would ask the hon. minister whether the government is giving any consideration to reviewing the whole question of differential fees for foreign students?

MR. HORSMAN: Mr. Speaker, on the subject of differential fees — and I've answered this on a number of other occasions — it is the policy of this government to retain the foreign fee differential. The boards of governors throughout the province have recently submitted requests for increases in tuition fees of all kinds, and tuition fees for foreign students will be raised this fall by an additional 10 per cent.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister for clarification. The minister indicated that this particular resolution would be reviewed, but it doesn't represent government policy. Is the minister in a position to advise the Assembly at this juncture that any kind of review will not shift further the moves that the government has already made with respect to the foreign student question, and that in fact the resolution unanimously passed by the senate would form the basic guide to government policy on the foreign student issue?

MR. HORSMAN: Mr. Speaker, the subject in question would of course have to be discussed with all boards of governors, senates, and postsecondary educational institutions throughout the province. At the present time the government itself has no intention of imposing any quotas of that nature. I think it is a matter to be determined, in large part, by the boards of governors and the university and college communities themselves. At this stage it is not my intention to recommend any change in that basic policy, which is of course institutional autonomy.

I may say in addition that I welcome the opportunity to meet with Mrs. Forest and however many members of the senate she may wish to bring. I hope at that time to be able to clarify the position and to allay any fears that may exist on the part of those in the academic community that the government intends to move in an arbitrary manner in this area, because it is certainly not our intention.

MR. NOTLEY: Mr. Speaker, a supplementary question just for clarification. Is the minister saying to the House at this stage that the door is open for review — which means there's some uncertainty — or that, in fact, the convention passed a silly resolution and he's attempting to back away from it as gracefully as possible?

MR. HORSMAN: Mr. Speaker, in his question the hon. member has in effect put forward a point of view which I will certainly keep in mind as I carry out the next series of meetings that I will be undertaking with the various institutions throughout the province.

MR. GOGO: A supplementary question, Mr. Speaker, to the hon. minister. While he's clarifying, I wonder if the minister could clarify roughly what percentage of the actual operating cost of the education the foreign student fee represents.

MR. HORSMAN: Mr. Speaker, I think I would have to take that question as notice. If the hon. member means the cost for the student as a percentage, I couldn't answer that today. Of course, with respect to the cost of operating the institutions, that would be a fairly low percentage. So there are two different percentages involved there, and I think I'd have to review that more carefully before responding.

MR. GOGO: Mr. Speaker, I heard the minister refer to the figures that about 8 or 9 per cent of the operating costs of universities were collected by fees paid by students. I wonder if the minister would clarify that in the Assembly.

MR. HORSMAN: Mr. Speaker, the percentage that tuition fees represent toward the cost of running universities is in the neighborhood of 13 per cent; of running colleges, around 8 to 9 per cent; and of running technical institutions, around 5 per cent. Of course, there is a variation among the institutions, so those are very rough figures. As a matter of fact, I heard that the University of Calgary had approved its budget last night at the board of governors' meeting, and it would appear from the preliminary figures that the tuition fee income will represent about 10 per cent of that budget. So these vary from institution to institution.

As to the percentage of tuition fees made up by foreign students, I would have to get that figure, because it varies a great deal among institutions. And I may say again,

Mr. Speaker, that the rough percentage of foreign students attending our Alberta institutions is between 5 and 10 per cent at the maximum.

Energy Negotiations

MR. LEITCH: Mr. Speaker, there are two items I would like to supplement. The first deals with a question asked of me by the hon. Leader of the Opposition on May 14, 1980. My answer is shown in *Hansard* as not being recorded. I would now like to repeat that question and record the answer. The question was:

But what I want to ascertain from the hon. minister is that the Alberta government still holds the position today that the revenue which comes from natural gas export makes its way to the province of Alberta, and a portion of it will not be intercepted at Ottawa. Is that still the position of the Alberta government today?

The answer was yes.*

Forest Fires

(continued)

MR. LEITCH: The second item I wish to deal with, Mr. Speaker, is the status of bans in the province's forests. I can review it very quickly. The Athabasca forest is closed to all entry except travel on numbered highways. The forest in the Grande Prairie area is not closed, but is subject to the general provincial ban on open fires; that is, open fires are banned in all forests, and burning permits have been cancelled. In addition, we have taken all the steps we can to ensure that there are no fires used at all in the Lac La Biche forest. Generally, the only fires now permitted in Alberta are those in the park fire pits or in camp stoves.

Meat Packing and Rendering Plants

MR. PAHL: Thank you, Mr. Speaker. My question is directed to the hon. Minister of Environment. It's been brought to my attention that Edmonton city council has approved the relocation of the Gainers meat packing plant. Has the company applied to the department for any form of assistance in terms of relocating that industry within the city's boundaries?

MR. COOKSON: No, Mr. Speaker, I don't think it has. In fact, it's my knowledge that Gainers has yet not applied for a permit and a licensing procedure for construction.

MR. HIEBERT: A supplementary question to the minister, Mr. Speaker. Does the Minister of Environment have in place a general plan or strategy relating to the relocation of odor-producing industries — i.e. packing plants — that are perceived as incompatible with existing communities, be they residential, business, or light industrial?

MR. COOKSON: Mr. Speaker, I think it's important to make the distinction between rendering plants and packing plants. For rendering plants, which use the by-products and waste products from dead animals throughout the province, we do have guidelines in terms of distance from residential areas. Insofar as packing plants are concerned, however, we have generally found that in most areas they meet our basic clear air and clean water

*See page 966, right column, paragraph 7

requirements as laid down in standard policy. So, while we don't have a general plan, as long as they meet our permit and licensing requirements at the time they're relocated, and make application for construction, then we're satisfied that they comply with what is acceptable to the public of Alberta.

MRS. CRIPPS: A supplementary, Mr. Speaker, to the Minister of Agriculture. Can the minister indicate how many jobs are related to Gainers, and what the economic impact on the city is?

MR. SPEAKER: With great respect to the hon. member, it would seem appropriate that that sort of detail should be obtained by means of the Order Paper.

DR. BUCK: A supplementary question to the Minister of Environment. It has to do with relocation assistance. Can the minister indicate if there are any assistance programs available to relocate industries such as Gainers to an area outside the city of Edmonton, say Westlock or any area such as that?

MR. COOKSON: Mr. Speaker, to answer the Member for Clover Bar, we do have a policy with regard to the transfer of any type of industry in the area of packing plants, et cetera, which we use on occasion when requested to do so. However, it is a fairly tight policy. It must be clearly established that the relocation is primarily due to the impossibility of meeting basic environmental standards where they are presently located. Also, one would have to clearly establish that the particular industry in question would realize undue financial hardship because of those imposing environmental standards.

MR. R. CLARK: A supplementary question to the hon. minister. Has a judgment been made by the Department of Environment as to whether Gainers would be eligible for the rather tightly knit assistance for relocation that the minister referred to?

MR. COOKSON: No, Mr. Speaker, because as yet we've had no application for a permit to construct.

Telephone Lines

MR. L. CLARK: Thank you, Mr. Speaker. My question is to the Associate Minister of Telephones. I see where they are beginning to tear down the old open-wire line between Stettler and Drumheller. Could the minister inform the Assembly how many of these old lines are left in the province of Alberta?

DR. WEBBER: Mr. Speaker, the line to which the hon. Member for Drumheller is referring, running from Drumheller to Stettler, is the last open line which carried long-distance calls in rural Alberta. At one time there were over 30,000 miles of these lines criss-crossing the province, and this afternoon the last two poles will come down.

AN HON. MEMBER: We should have them bronzed.

DR. WEBBER: This will take place in Scollard, Alberta, which is between Stettler and Big Valley. This particular line was built in 1912. It came down in 1932 because of a severe sleet storm, and was rebuilt. Then another sleet storm tore it down, I believe in 1964. Of course, in 1964

the rural underground cable program was initiated, and all those lines are now underground. This particular one is the last remaining one. I'll be happy to go down to Scollard this afternoon with the hon. Member for Drumheller to take part in those ceremonies. [laughter]

MR. L. CLARK: A supplementary, Mr. Speaker. Could the hon. minister inform the Assembly if we're going to make the same progress in the rural underground installations?

DR. WEBBER: I don't think that was the question, Mr. Speaker.

NBC Documentary — Alberta

MR. WOLSTENHOLME: Thank you, Mr. Speaker. My question is to the hon. Minister of Government Services. I was wondering if the hon. minister was in a position to inform this Assembly when a documentary that was filmed by the NBC would be shown in Alberta. Mr. Speaker, this filming was done mostly in the most beautiful part of Alberta. [interjections]

MR. McCRAE: Mr. Speaker, I have some very interesting advice on that question. The NBC — the National Broadcasting Corporation of America, I guess it is — from New York City, is on cable nightly at 7 o'clock with a newscast. At the end of the newscast they apparently have a special segment, which this evening at 7:15 will deal with Alberta. Apparently they were here in the early part of April and had conversations with the editor-in-chief of the daily here in the capital city, who referred them to the Public Affairs Bureau, which then met with the NBC people and worked out a plan of filming which was conducted entirely by the NBC in mid-April. It was in southern Alberta, not in my city of Calgary, but indeed in the area of High River where the hon. member resides. The film will be on this evening on cable 9, at 7:15. I suspect it will be a very interesting show. I don't know just what it includes. I can't vouch for it. It may very well include the tearing down of the last two poles; who knows?

Thank you, Mr. Speaker.

MR. SPEAKER: Hon. members may wish to consider the possibility, in the event that we have more questions like the last two, whether some sort of fee should be charged for the publicity. [laughter]

ORDERS OF THE DAY

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

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

[Mr. Appleby in the Chair]

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

We have some Bills for consideration this morning, but before we do that, the hon. Leader of the Opposition

would like to ask a question of the Government House Leader.

MR. R. CLARK: Mr. Chairman, I do this formally simply because I didn't have an opportunity to do it previously. I'd like to ask the Government House Leader if it is the intention of the government, in dealing with Bill 50, to go to committee. I would hope that that could be held at least until Tuesday or Wednesday of next week.

MR. CRAWFORD: Yes, Mr. Chairman. It was not intended to deal with Bill 50 in Committee of the Whole today.

Bill 1
The University Hospital Foundation
Amendment Act, 1980

MR. CHAIRMAN: Are there any question's or comments with respect to the sections of this Bill? Are you ready for the question on Bill No. 1?

MRS. CHICHAK: Mr. Chairman, before the vote is taken, may I make just a few remarks. We can't let our hon. Premier off the hook quite that easily. Really, he will be off easily, but I couldn't stay here and have the Bill pass through without at least some remarks of recognition of the real impact of this legislation. I certainly think that needs to be recorded in *Hansard*, even though it may have been done on second reading.

I think there is a real recognition of the steps we are moving forward in this province with respect to health research, the kinds of facilities, and the massive program we have embarked on in health care, to the benefit of the people of Alberta and Canada, and internationally. The health sciences research centre that has been established, and the ability to enhance the kind of research work to be carried out in this centre, through this Bill, will provide a vehicle to participate not only for the government of Alberta but for private citizens, corporations, and people from abroad. I think it is very commendable that we are moving with this Bill at this time to establish a foundation to enable contributions to be made in this manner. During the development and construction stage of the Walter C. MacKenzie Health Sciences Centre is the time to establish this foundation and set in place the very best guidelines, regulations, and examination of all those who may be interested through their contributions in various ways — personal, from estates, and corporations. This will take time to establish, but certainly needs the growing period and examination. I'm very pleased we have moved with this particular Bill at this early stage of the construction and development of the research centre itself.

Thank you, Mr. Chairman.

DR. BUCK: Mr. Chairman, very briefly — seeing that we're going to be brief, and it looks like we may have a couple of more brief speeches — I would just like to say to the hon. Premier, who is presenting the Bill, that I support the principle and concept. But when we're talking about health care in this province I would like to say to the hon. Premier that we would all look forward to an announcement this fall that we're going to look at building a children's hospital. I know the Premier and the government don't like to be pushed into anything they haven't thought of first, but I say in all sincerity to the

Premier that there's a genuine need. If we're going to be leaders in health care services in Canada and North America, a companion project to what we're doing over at the university would be a children's hospital. If it's not this year, Mr. Premier, maybe next year. It doesn't matter who originated it; I think it's an excellent concept and idea. In light of the fact that the wife of the former Prime Minister, the Rt. Hon. Joe Clark, was here supporting that foundation, I think it has great merit. It would be a great monument to the pioneers of Alberta if we were to indicate this fall, in our 75th anniversary year, that we're going to look at that, be it next year or the year after. But I think some kind of commitment from the government would meet with great approval of the people of this province.

MR. LOUGHEED: Mr. Chairman, I would want to respond to that in this way. I believe it has been effectively answered by the Minister of Hospitals and Medical Care in terms of priority. Also, the matter has formed the subject of a resolution that has been debated in the House.

But I'm troubled. I know the hon. Member for Clover Bar did not mean it the way he presented it, but the concept of the word "Alberta" used in the expression there is really not fair, because one of the finest children's hospitals in Canada is being constructed in southern Alberta in Calgary, and is just about completed today. I know it wasn't intended by the way the hon. Member for Clover Bar expressed his remarks, but in all fairness there should be a recognition of what is there. It is a facility to serve Albertans. Yes, it happens to be located in the city of Calgary, but so does the Walter C. MacKenzie Centre, for all Albertans, happen to be in the metropolitan city of Edmonton.

We have facilities that serve the total province, and we will take them as we see them in terms of priority. Calgary has had a long history with the children's hospital. It has had a high degree of specialization. They came together in Calgary and requested that a new project be developed there. It is presently under construction and, in my judgment, will end up being the finest children's hospital in all of Canada. I think it's only fair for northern Albertans to recognize and appreciate that this government has to look at a degree of priorities in what is constructed. There was a group intact and operating a children's hospital in Calgary for many decades. That was their approach in Calgary. In Edmonton and northern Alberta the approach was different.

So I'm sure the hon. member did not intend to ignore or put down the project and the dedication that is going on in southern Alberta. Historically, the approach by the medical people involved has been different in northern Alberta. As the hon. Minister of Hospitals and Medical Care has said, he does not see it as a priority at this time, but we will watch and observe the matter over the months and years ahead to determine whether that priority situation should change.

Just one final word about this Bill. There's a reference to the Walter C. MacKenzie Health Sciences Centre. Because of my deep respect and admiration for Walter MacKenzie, and I'd join with all the other people in the medical profession who have said so, I just want it recorded in *Hansard* that I think it is so appropriate that this centre be named after Walter MacKenzie.

[Title and preamble agreed to]

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

[Motion carried]

[Mr. Purdy in the Chair]

Bill 9
The Electric Power and Pipe Line
Assessment Amendment Act, 1980

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

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, I move that Bill No. 9 be reported.

[Motion carried]

Bill 13
The Municipal Taxation
Amendment Act, 1980

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

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, I move that Bill No. 13, The Municipal Taxation Amendment, Act, 1980, be reported.

[Motion carried]

Bill 17
The Motor Vehicle Administration
Amendment Act, 1980

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

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, on behalf of hon. member Dr. Anderson, I move that Bill No. 17, The Motor Vehicle Administration Amendment Act, 1980, be reported.

[Motion carried]

Bill 26
The Land Agents Licensing Act

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

[Title and preamble agreed to]

MR. L. CLARK: Mr. Chairman, I move Bill 26, The Land Agents Licensing Act, be reported.

[Motion carried]

MR. DEPUTY CHAIRMAN: The hon. Minister of Consumer and Corporate Affairs would like permission to revert to introduction of visitors. Do you agree?

HON. MEMBERS: Agreed.

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

MR. KOZIAK: Thank you, Mr. Chairman, and through you to the members, for unanimous agreement.

Earlier in the morning sitting my colleague the Member for Rocky Mountain House introduced students to the members of the Assembly. It's my pleasure to introduce from the same group, students who again are visiting this Assembly while we are in committee. Mr. Chairman, we have in the public gallery 65 students from the grades 5 and 6 classes at Garneau school in the constituency of Edmonton Strathcona, and from the same grades from the constituency of Rocky Mountain House, who are on an exchange.

I'm sure hon. members will be interested in knowing that these students have corresponded with each other. They have become pen pals. Students from Rocky Mountain House are now in Edmonton visiting the Legislature Building. They're taking a ride on the light rail transit system, and will be visiting the zoo and the museum.

I should also indicate that the students are billeted with the families of the Edmonton students, who will soon be going to Rocky Mountain House where they will be billeted with families of the students from Rocky Mountain House.

The concept, Mr. Chairman, is one that I'm very much in favor of. We have exchange students from time to time with other countries and provinces. It's nice to have this same concept within our own province to enable students in this province to get to know more of the province and the people who live here.

I'm also interested in seeing my colleague the Minister of Transportation in the House, because I've indicated to him on previous occasions that the traffic between Edmonton and Rocky Mountain House is substantial, and this bears it out. We have our own discussions that will take place on that particular matter.

The students are under the leadership of Miss Myra Craig. They are accompanied by Terry Sunderlund, Rita McMaster; from Rocky Mountain House, Edith Richards and their bus drivers. I would ask them all, including those I haven't mentioned in terms of teachers and leaders, to rise and receive the warm welcome of the Assembly.

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

Bill 27
The Social Care Facilities
Review Committee Act

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

[Title and preamble agreed to]

MR. GOGO: Mr. Chairman, I move that Bill 27, The Social Care Facilities Review Committee Act, be reported.

[Motion carried]

MR. KING: Mr. Chairman, in the absence of Mrs. Chichak, we'd like to have Bill 28 held for the moment and proceed to 29.

Bill 29
The Alberta Heritage Savings Trust Fund
Amendment Act, 1980

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

[Title and preamble agreed]

MR. HYNDMAN: Mr. Chairman, I move Bill 29 be reported.

[Motion carried]

Bill 31
The Financial Administration
Amendment Act, 1980

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

[Title and preamble agreed to]

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

[Motion carried]

Bill 37
The Unfair Trade Practices
Amendment Act, 1980

MR. DEPUTY CHAIRMAN: There is an amendment.

MR. KOZIAK: Mr. Chairman, I just want to speak very briefly to the amendment that was circulated. Hon. members will see by looking at the Bill that part of the Act was to come into force upon assent, and Section 4 was to come into force upon a date to be fixed by proclamation. The amendment provides that the entire Act come into force upon assent. The reason for this is that, since the introduction of the Bill, we have provided

for the proclamation which brings The Provincial Court Act into effect. This will now mean that, upon assent being given to Bill 37, those opportunities for remedies under The Unfair Trade Practices Act which could be taken under the small claims procedure of The Provincial Court Act will now be available as soon as assent is given to the Bill.

MR. DEPUTY CHAIRMAN: Are there any further comments on the Bill?

MR. GOGO: Yes, Mr. Chairman, to the minister. With regard to the amendment, does The Unfair Trade Practices Act speak directly, for example, to somebody who is having something done under the pioneer repair program; one of our senior citizens having his house painted, or aluminum siding, where certain statements are made that a particular type of paint of a certain quality would be used and then it's not completed properly, in accordance with the proposed agreement. Recognizing that many of our senior citizens are of ethnic origin and have great difficulty understanding contracts, and as a result don't enter into them, would the minister clarify for the committee that if the job is not done as proposed, they could then resort to a local regional office of your department to get redress? Then an undertaking could be taken by one of your officers to see that it's corrected? Is that not the intent of the new Section 2?

MR. KOZIAK: Mr. Chairman, one of the problems we had with the definitions that appeared in The Unfair Trade Practices Act and the application of those, particularly with the concept of maintenance and repair, was: at which point is what you are doing with the home "maintenance", at which point is it "repair", and at which point is it something else called "improvement"? The amendment enlarges the concept to include improvement. I'm sure that with that addition, any question with respect to whether what's being done with the house comes within The Unfair Trade Practices Act is eliminated. I'm sure those undertakings that are made relative to the pioneer repair program for the improvement of homes of senior citizens will be covered by the provisions of the Act.

MR. GOGO: Another question, Mr. Chairman. Again with our senior citizens, as many members know, a great deal of advertising goes on in the province toward utilizing the pioneer repair program, such as insulating homes and so on. Some of these people — I don't want to call them unscrupulous, but perhaps that's free enterprise — end up perhaps quoting ridiculously low figures in terms of getting the work done. These senior citizens, again without a contract — and I would suggest they probably should sign a contract — agree to have certain work done. At the conclusion of that work, the \$300 bill is now \$900. Again, the new Section 4 appears to me to address that very question, where a low estimate is given and the final bill is substantially higher. Again for my clarification, I wonder if the minister would clarify that new Section 4.

MR. KOZIAK: Yes, Mr. Chairman. The hon. Member for Lethbridge West is entirely accurate in his analysis of the amendment there. It would deal with that specific problem of having an unusually low estimate or, for that matter, any estimate that does not reasonably compare with the final figure submitted in the bill, and would clear up some of the misunderstandings that develop there.

The hon. member's suggestion that contracts should be in writing is a very wise one and should be heeded by all people who are entering into a purchase of services or what have you, particularly in the larger dollar amounts.

[Title and preamble agreed to]

MR. KOZIAK: Mr. Chairman, I move that Bill 37, The Unfair Trade Practices Amendment Act, 1980, as amended be reported.

[Motion carried]

Bill 38
The Alberta Property Tax Reduction
Amendment Act, 1980

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

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, I move that Bill No. 38 be reported.

[Motion carried]

Bill 44
The Department of Municipal Affairs
Amendment Act, 1980

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

[Title and preamble agreed to]

MR. MOORE: Mr. Chairman, I move that Bill No. 44 be reported.

[Motion carried]

Bill 46
The Societies Amendment Act, 1980

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

[Title and preamble agreed to]

MR. KOZIAK: Mr. Chairman, I move that Bill No. 46, The Societies Amendment Act, 1980, be reported.

[Motion carried]

Bill 48
The Election Amendment Act, 1980

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

[Title and preamble agreed to]

MR. McCRAE: Mr. Chairman, I move that Bill No. 48, The Election Amendment Act, 1980, be reported.

[Motion carried]

Bill 49
The Trust Companies Amendment Act, 1980

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

[Title and preamble agreed to]

MR. PAHL: Mr. Chairman, I move that Bill No. 49, The Trust Companies Amendment Act, 1980, be reported.

[Motion carried]

Bill 51
The Alberta Emblems Amendment Act, 1980

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

[Title and preamble agreed to]

MRS. OSTERMAN: Mr. Chairman, I move that Bill No. 51, The Alberta Emblems Amendment Act, 1980, be reported.

[Motion carried]

Bill 55
The Election Finances and Contributions
Disclosure Amendment Act, 1980

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

DR. REID: Mr. Chairman, in my remarks on second reading I said that one of the purposes of this Bill was to clarify and avoid confusion. Hopefully, the minor amendment to the Bill that has been introduced furthers that end. The amendment is to Section 8, and is to make it amply clear that the purpose of that section is to limit to \$20,000 the total contribution to any registered political party during a year which includes a campaign period.

[Title and preamble agreed to]

DR. REID: Mr. Chairman, I move that Bill 55, The Election Finances and Contributions Disclosure Amendment Act, 1980, be reported as amended.

[Motion carried]

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

[Mr. Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of the Whole has had under consideration Bills 1, 9, 13, 27, 29, 38, 44, 46, 48, 49, and 51; and reports with some amendments Bills 17, 26, 31, 37, and 55.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

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

Bill 56
The Individual's Rights Protection
Amendment Act, 1980

MR. YOUNG: Mr. Speaker, it is in my opinion a very great privilege for me today to speak to what I regard as a very fundamental piece of legislation. The legislation before us relates to and in fact amends one of the first two Bills of the Lougheed administration. The first was The Alberta Bill of Rights; the second was The Individual's Rights Protection Act. These two statutes were, are, and continue to be flagship legislation of the Lougheed government. They demonstrate the depth of commitment to individual's rights which existed in 1972, which exists today, and which, if anything, is stronger in 1980 than it was in 1972. The two Bills apply, of course, only in provincial jurisdiction. As hon. members are aware, provincial jurisdiction is generally described as the area of property and civil rights.

Mr. Speaker, perhaps it would be worth a moment to revert to Bill No. 1, The Alberta Bill of Rights. That Bill assured:

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press.

The objective of that Bill was to restrict the power of this Legislature in terms of this Legislature's ability to impose on individual rights and freedoms. In short, it restrained and to this day restrains this Legislature in the exercise of its power, where that power might encroach upon the individual. It is paramount legislation, overriding all other legislation, unless we exempt in this House by special provision a particular statute.

Bill No. 2 of this government's administration dealt with individual's rights in the area of discriminatory practices between individuals or among our fellow citizens. In other words, it attempted to codify and specify some of the golden rule which we believe and continue to believe should apply in relationships between individuals in our society. Like The Alberta Bill of Rights, it is paramount legislation, taking precedence over all other statutes.

Mr. Speaker, I have underlined that the legislation we're dealing with is flagship legislation of this government. I think it worth remembering at this point that the legislation we're amending today through this Bill has not been easy legislation for this government. It presented for us a very great challenge as a government in the case of the registered nursing aides. We did not back away from that challenge. Registered nursing aides, as you in this House will all remember, were found not to have been paid equally with male nursing orderlies. When it was determined that the work was similar and identical in nature, pay rates were in fact adjusted. At that time that adjustment cost many millions of dollars, and of course could be seen as costing that today. So, Mr. Speaker. I

just wanted to indicate that it has not been easy legislation.

Another illustration of the commitment of the government has been with respect to our building standards. Under the new building standards in effect for the last five years, access has been provided in all public buildings for wheel chairs and to persons who have mobility difficulties.

Mr. Speaker, in 1972 it was the belief of this government that we could advance the ideals of Albertans, those relationships which we thought desirable, by codifying some of them in law. By codifying, we removed any legal apparatus that may have existed which could have supported discriminatory practices. We fortified the removal of those discriminatory practices by this Act. We held that the law affects our actions, and through our actions, gradually influences our beliefs. In fact, we thought then and do now that it alters situations in which attitudes and opinions are formed. It fortifies those who believe in fair play, weakens those who discriminate, whether they do it out of a personality disorder or simply, Mr. Speaker, as a member of an unthinking group.

Mr. Speaker, back in 1972 the emphasis was on preventing discrimination. We produced the Bill of Rights which we have in place today and The Individual's Rights Protection Act. The whole focus was on removing discrimination, on education. In The Individual's Rights Protection Act we placed the focus of the Human Rights Commission on education, on conciliation, on negotiation, on trying to change attitudes. In our discussions in this Assembly and in the nature of the legislation we gave to the Alberta Human Rights Commission, we made it very clear that enforcement was a last resort. As it turns out, our legislation was so framed that it was a difficult last resort for the commission. Since 1972 there have been a great many changes in the whole field of human rights across North America. There's been a movement toward enforcement.

Mr. Speaker, I come now to the first of the amendments in this legislation. The first amendment I want to highlight gives the commission a great deal of additional capacity to enforce. That amendment enables the commission to investigate and to collect information; to give an analogy, very similar to the manner in which the labor standards branch of the Department of Labour operates. The commission officers will be able to enter on lands, to enter buildings, to obtain copies of relevant documents. If there is a dispute as to the relevancy of the documents, the propriety of entering a building or a structure, or the approach of the officer, the respondent can always object. On the other hand, in this legislation the officer of the commission has the ability to go before a judge of the Court of Queen's Bench to make the case for the ability to obtain whatever documentation or to enter wherever is desired. He has the ability to go before a judge and make that case, and if the case is well made, entry will be granted or documents will have to be produced. Mr. Speaker, that power, that authority, responds to request No. 4 of the Alberta Human Rights Commission in the press release issued in February.

We have moved in a second way to increase the authority and the ability of the commission; that is, where a complaint is found to be justified and where the commission has been unable to resolve it, it may order a board of inquiry. At that point, if the board of inquiry finds that the complaint is well founded and that there is justification on the part of the complainant, the board of inquiry has available to it now a choice of five alternative actions

it can take, and that remains unchanged in these amendments. Among these is the issuance of an order to make right. Under this legislation, that order can be entered as an order of the Court of Queen's Bench. The respondent is in the position of having to comply with the order, to be in contempt of court, or to appeal. If the choice is to appeal, appeal is available on matters of law, as is usual, and on matters of fact, provided the leave to appeal on matter of fact has been obtained from a judge of the Court of Queen's Bench. We felt it should not be automatic, because many of the concerns that come through boards of inquiry are rather minor matters in terms of the sums involved. So the requirement for leave was requested.

Mr. Speaker, this is a very major change, because by virtue of these amendments the onus now is on the respondent. Before, it was on the Attorney General to follow up. It really required a trial *de novo*, and in fact the respondent did not have to do anything but sit in a passive way. Here, immediately there's an order from the board of inquiry, the onus reverts to the respondent. I am convinced that this is a major change. It is not made very lightly, because we are dealing in a very sensitive area. A large body of opinion feels we should not have boards of inquiry dealing with matters relating to human rights, but rather that all these complaints, if they cannot be conciliated, cannot be negotiated, ought to go to the courts in the first instance. We have elected to retain the board of inquiry route, because we think it is expeditious and hope it will be simpler for all. At the same time we have retained the ability to get to the courts on matters of principle about which individuals feel keenly.

Mr. Speaker, as it now stands, the Act provides that the commission could request of the minister the appointment of a board of inquiry, and the minister would have to order a board of inquiry. That section has been amended; the principles remain unchanged. If the commission directs that there shall be a board of inquiry, the minister shall order. That's quite clear. The commission has one alternative now it didn't have before; it may choose not to direct a board of inquiry. The minister has one alternative he didn't have before; in the event that the commission does not direct that there should be a board of inquiry, the minister has the authority to order a board of inquiry. That particular set of amendments responds to commission request No. 2 in the February press release.

Mr. Speaker, related to these changes in procedure, we have amended the provision dealing with the initiation of complaints. During the investigation of complaints and during the conciliation function, up to the point at which the commission makes the decision to order a board of inquiry, the commission and its officers have a very special role. During that whole procedure they are, in fact, trying to have the law observed. Their intention, objective, and goal should be just that: to enforce the Act fairly and objectively without being seen, in a partisan way, to be favoring either the complainant or the respondent.

Mr. Speaker, for that reason we feel it is important that they not only act that way but be seen to have to act that way and to be seen to be restrained to act that way. Accordingly, the ability to initiate complaints has not been accorded to the commission in this section. There was some doubt whether it existed before. The commission, per the February press release, indicated that it wished clarification of whether or not that authority existed, and that matter has been clarified. The legislation, though, strengthens the ability to initiate a complaint in a

different way, and it's very important. This legislation says that any person may initiate a complaint.

That's an important clarification, because it means that the complainant may in fact be the person who feels wronged. It may be a friend of an individual who feels wronged, or it may be a friend of a group of individuals. That too is an ability, a capacity which was most desired to be clarified and to be available to the commission. That change responds to the request No. 5(a) of the commission's press release last February.

I would emphasize one other reason for making this change and for clarifying. This government is of the view that while we should move to strengthen the enforcement capacity of the commission, there is a very important role which should not be down-played, overlooked, or out of balance; that is, the role of the educational aspect and responsibility of the commission. That remains, we wish it to remain, and we want to have it underlined.

Mr. Speaker, we have added new grounds against which discriminatory practices are now prohibited — the grounds of physical characteristics. According to the submissions received, this is an area which has very wide — in fact, I could say, unanimous public support. It is an area that will challenge the commission and the government, because there are many special programs for the physically disabled. The commission very carefully pointed out to us in its submission that while it requested physical characteristics to be new grounds, it did so conditionally: that we provide for either special programs, an exempting provision, affirmative action, or a means of making sure that the many supportive policies, plans, and programs now existing would not be jeopardized by the addition of the grounds of physical characteristics. That is a response to the commission's request 3(a) of February 1980.

Mr. Speaker, I should address the matter of other requests for additional grounds. There were many. At least nine additional grounds were presented to me in written submissions and meetings for inclusion in the legislation. The decision whether or not to include is a most difficult one. I should indicate the reasons those grounds have not appeared in these amendments.

First of all, it is my view that we are attempting to codify some very basic rights and characteristics. As we extend and examine the additional requests that come to us, it is my view that we are moving away from what may be regarded as very fundamental rights and immutable characteristics. With the exception of religious belief, all the other characteristics identified in the Act as grounds are immutable. They happen to the individual involuntarily, without the consent of the individual. They are facts with which that individual has to live and cannot change. Mr. Speaker, many of the other grounds which were requested are not of that type, and in my view we are being asked to move from basic fundamental grounds to what I regard as marginal grounds which affect fewer and fewer persons.

Mr. Speaker, many persons have difficulty with the codification of relationships as between individuals, and with the codification of morals, behavior, or philosophies. As we move to codify and are requested more and more to codify these marginal grounds, we of course raise stronger and stronger objections from more and more persons. I am concerned. In all the requests and with all the groups who made these requests, I debated the question: how far do we go in our society in codifying these grounds? Because while today we have a certain number included in the Act, if we include another eight we will

have more than doubled the length of the Act and will have added extremely to the number of exemptions we will be asked to make. We will have been put in a position where the next time the Act is opened, there will be a line-up of another eight or 10 new grounds. Soon we risk a Bill which, in my view, becomes virtually unmanageable because of the smaller and smaller groups and the different grounds that people wish to have in it.

Mr. Speaker, there is yet another risk that I want to underline. I was taught, and I suspect most members were, to follow the golden rule in my relations with others in our society. There is a responsibility on us, each and every one, to learn how to relate to other people, to have a basic philosophical, moral code. We are in grave risk of trying to respond with a legal code and having people not understand what under-girds that legal code. It is for the reasons I have mentioned that we have not proceeded further to include additional grounds.

Mr. Speaker, perhaps I can indicate that the time generally allocated will not enable me to cover the notes I have before me. It would be useful to members, and to me now, to learn whether I might expect sufficient time to complete my notes.

HON. MEMBERS: Agreed.

MR. YOUNG: Thank you.

Mr. Speaker, I turn now to the most difficult of all areas in terms of the decisions I and the government were required to make; that is, the proposed Section 11.1, which provides to the Executive Council the capacity and ability to exempt, authorize, and delegate that responsibility of exemption to the Alberta Human Rights Commission, a most difficult area. But it is a response to request No. 1 of the commission, a response to many groups, a response in the matter of special programs, affirmative action, or any kind of situation which would now be prohibited under the Act but which is felt to be advantageous or desirable to some group. As I mentioned earlier, we have included physical characteristics. As I mentioned earlier, the commission asked that we do so only conditional upon this kind of exemption. I think that should be underlined.

Mr. Speaker, I think it important to consider some of the problems we get into in this area. I'd just like to mention what I believe prejudice to be, because I think it's the very key to our understanding of this section. The whole Act strikes at prejudice. Prejudice is a preconceived opinion which is not based on scientific data. It's an opinion which isn't founded on rational thought. It's an opinion which immediately categorizes an individual as part of a stereotyped group without regard to what or who the individual is. That's prejudice, Mr. Speaker. That's what this whole Act is trying to remove.

Now what are affirmative action programs and special programs? They are programs or plans which propose preferential treatment for a target group identified by means of one of the prohibited grounds. Some people talk about quotas, some talk about time limits in which we have to correct certain things by virtue of inclusion of specific groups who are prohibited, and some talk about contract compliance. Mr. Speaker, no matter how we look at it, special programs and affirmative action presuppose effectively a social situation such that someone has decided that the law, the basic principles contained in this Act, should be exempted, should no longer be followed, that the end justifies the means.

Some questions should be raised when that proposition

is advanced. Who in our society should make that decision? How should the group to be singled out be identified? Why should that group be identified in that way? By what characteristics? What are we really trying to get at when we say we should have a program for natives? Are we trying to get at education? Are we trying to get better employment conditions? Are we concerned about housing? What are we concerned about? So the challenge is to get specific.

Another question I've advanced to those groups who've talked of special programs and affirmative action is this: when do we no longer need a special program? When do we no longer need an affirmative action program? Mr. Speaker, I had some tremendous debates and very interesting meetings. There is no consensus. On questioning groups who came in with a fine written document, if there were five in the group they often had five different opinions as to what affirmative action is, what the degree of affirmative action should be, when we should end it, and when it was no longer needed. This is a very difficult area that I ask all hon. members to address very carefully.

Eventually I arrived at the position that the goal we want to achieve is to provide an opportunity to every Albertan to participate meaningfully in our social and economic life. That should be our goal: for the individual to participate meaningfully in the economic and social life of our province.

Mr. Speaker, I took a sort of simple approach to it — and perhaps you'll forgive me if I do so today — and that is to conceive the range of human relationships in a single plane, as a sort of spectrum, and in doing so to divide it into three parts. First of all, we have this end of the spectrum containing relationships which are clearly unacceptable because they're discriminatory, based on prejudice, the kinds of actions toward one another which the whole Bill strikes at — prejudicial, discriminatory in a negative way, focussing on the prohibited characteristics.

Then, Mr. Speaker, we move to a different element of the plane, the centre part. We can think of a situation. Think of ourselves. We are all different. We come from different social conditions, have been born in different geographic locations at different times, have experienced different economic conditions during our lives, and for that reason have attained different levels of performance, wealth, background, and opportunity. Surely we cannot say that we must have identical programs that apply to different people and expect that we are going to come out at the end with the achievement of the goal I have mentioned. Surely we can't.

Mr. Speaker, what we're really looking for is the ability for every Albertan to participate meaningfully. In my view, we have to address a range of activities. It is a challenge which I hope this legislation presents to the commission: to identify the bounds of that range of programs, of treatments, of relationships which, while different, are still acceptable.

Let me give you some illustrations, because I think that's important. Perhaps the best, or one of the most common, would be this: in the public service of Alberta we employ about 50 per cent male and 50 per cent female. By custom in our society, the nature of family responsibilities imposes a different familial burden and responsibility upon the female than upon the male in most households. Not in all, but in most. As a consequence of those differing responsibilities, it is quite conceivable that a management development program laid on for a week or 10 days time at Banff might be just the thing for the male. I really think there are a lot of men who, despite their

family responsibilities, would jump at the opportunity for 10 days of management training at the Banff institute. But what does that do to the female who may have, or seem to have a responsibility for children in a different way? In the family circumstance and by the mores or customs which she is expected to observe, it may very well mean she cannot attend that program. Then why not permit a program in Edmonton of a differing length under different conditions and say they're both acceptable, that one balances the other, that they're both supportive of improvements, greater abilities, and greater achievements on the part of the individuals. Surely they're both in the employer's interest. Are they not fair? Are they so unequal that we cannot accept them without distinguishing them and calling them exempted programs? If we're going to exempt the program for women do we exempt the program for men?

Mr. Speaker, the end result of all this is that I am concerned that we do not build legislation that requires a bureaucracy with a lot of rubber stamps to whom everyone goes running to have their program approved. I believe the challenge is on us and on the commission to identify the bounds of those different treatments which can still be considered acceptable, fair, and intended by this legislation.

Then, Mr. Speaker, I move to the far right of the spectrum I've been describing. In that area I place some of the programs which have been suggested to me as being desirable, programs which involve contract compliance, quotas, et cetera, which I do not think should be readily countenanced. In this area I have indicated that it is my hope that we will identify parameters or guidelines of activities which, while different, will be permitted; that the commission will undertake as its goal and objective to advise the public that is interested in this area what the bounds are and what sort of activities can be taken on without going to the commission for approval; that it will encourage the public to examine closely the programs and objectives that may be in mind, to make sure that before they try to set up a program on the basis of one of the prohibited characteristics, they've really examined to see if it's necessary to do it that way, or if it can be achieved by looking behind that general statement and looking at exactly what it is we're concerned about, whether additional educational opportunities or additional work training.

Mr. Speaker, I want the commission to encourage a focus on the individual rather than the group. I think that's very important. If we focus on groups in our society, we're going to find that our society is nothing other than a multitude of groups, some of them overlapping. If we start approving programs for one group and not for another, we will shortly find that we have very grave competition among groups, and that we are tearing away our society rather than building a cohesive society. Surely that's not our intent.

Mr. Speaker, along with this legislation, I intend to recommend to my colleagues in government a program that, in those instances where we have large economic developments occurring of such a nature as to change the economic conditions and severely impact upon the individuals living in those areas, there be a responsibility upon those owners undertaking those projects to provide priority to the citizens resident in the rather large surrounding area, whose economic conditions will be affected by the undertakings. I believe that in our society today there is a responsibility upon those commercial developments to enable and assist with the adjustments

which must occur in those situations.

Mr. Speaker, I have dealt with some of the policy. I'd now like to respond, I suppose it would be, to some of the things which I do not believe should be part of our policy. It has been suggested that by this legislation we should permit voluntary programs of affirmative action. That's a very seductive proposal. But think about it for a moment. Negative discrimination is also voluntary. Who's the judge of the exemption to the legislation? Every person who volunteers . . . We put the legislation on the books in the first instance, Mr. Speaker, because we didn't have complete faith in all the voluntary actions and relationships in our society. Now somebody comes along and says, give us voluntary affirmative action. It sounds great, but in my opinion it would lead us down a very wrong path.

Give us contract compliance, say others, especially those who are impatient with the progress we've made in our human relationships. As an illustration, the Athabasca tribal council, and I quote from the majority opinion in that court case: a preference was sought for Indians of five particular bands; other Indians and other disadvantaged groups in the area, Metis or white, would not be within its terms.

Mr. Speaker, I have no intention — and I want to make it clear that government policy would not countenance that sort of approach. Contract compliance shifts the responsibility, in part, from the individual who is disadvantaged to whoever is on the other side of the contract. While there should be a responsibility, as I've mentioned, on major developers, government, and others to do their bit — first, to clear the way to enable disadvantaged to function more meaningfully in our society and, secondly, to assist in stimulating the disadvantaged to function more meaningfully — the ultimate responsibility should rest with the individual to decide to act or not to act on the opportunities made available. It should not put a developer or a government in a position where they must succeed despite the lack of motivation on the part of the disadvantaged.

Mr. Speaker, at Syncrude we have had very good illustrations of what can be accomplished without contract compliance. Syncrude isn't the only one, but I won't get into the others today. In short, my judgment is that contract compliance will accent the very differentiation which, under our legislation and as a social objective, we're trying to remove.

Mr. Speaker, quotas have been suggested to me. We are so far behind that we ought to have quotas until such time as the disadvantaged come into balance with the advantaged by whatever characteristics we judge. All the reasons I've applied to contract compliance, I apply also to quotas. I will go a little further and use a stronger expression: if we're going to have quotas, who are the social engineers who are going to say what the quotas should be, and by what criteria? I've had some excellent discussions on social engineering and on the development of quotas. It's a frightening thing. If we think back over the history of civilization, those who went so far as to decide what was right and wrong for everybody else, and on quotas, and on what were the better races, got themselves and society into some very grave problems.

There have been arguments about a rationale for special programs based on the fact that historically, debts have accrued to the disadvantaged in our society. Well, Mr. Speaker, I don't know that I should be held responsible for what my grandfather did, nor should I be responsible if somebody owes him a debt for having

slighted him or my grandmother in some way in times past. There is a very difficult legal problem when we get to the question of reparation and restitution. It's a very divisive concept, because we're looking backward, not forward. Surely we don't build a society by looking over our shoulder and trying to collect on debts that some group owes to some group. If we do that, there is no limit to our history except man's ability to find transcripts of what went on in the past.

When I get up in the morning, I try to see what the new day will bring for me and what I can commence today to make my life better in the future. I think that is the way we ought to build society, and that we should do everything we can to keep from looking backwards.

Mr. Speaker, another challenge has been put to this legislation and this section: the allegation of political expediency, political intervention. My response is: first, Bills 1 and 2 are flagship legislation of this administration. We have persevered, held true to that legislation. I ask all hon. members, if they are concerned, to read the commission's own reports for the last two years. I won't take the time to read them today, but they're quite clear that they have been adequately funded and that they have not had political intervention. The statements I'm making today will be on the record, along with statements by other leaders of government.

Finally, Mr. Speaker, I ask all hon. members to think about the position of this Legislature. At least two private bills before us this session have the effect of overcalling judicial decisions, not in a negative way, in that respect. In fact this Assembly can at times be construed, and acts, as the highest court in this province on matters within its jurisdiction. Additionally, of course, it sets policy. Finally, it has to be accountable to the people of this province, to the citizens.

Mr. Speaker, the system we have under proposed Section 11.1, while it is difficult and while it is broad, is no broader than Section 46 and Section 47 of the Saskatchewan Human Rights Code. Anybody who has mixed feelings about this should take a look at how Saskatchewan has tried to deal with the same problem. I invite you to do that.

Mr. Speaker, we've tried to fashion a system which provides a double check: on the one hand, I have given the commission an undertaking to consult on any case where there will be an exemption from the Act, and on any regulation. That is an undertaking. I expect their advice and will consult with them. I will take those consultations to my colleagues on Executive Council. I hope and expect that in most situations we will have not only consultation but total agreement. So we have a double check, the commission and the Executive Council, to determine that this section is used safely and in the furtherance of human rights in this province.

Mr. Speaker, in conclusion, which I'm sure some thought would never come, I'd like to say that in working up the material before us, we had the benefit of written submissions from some 35 different groups. I met with others who worked with me — at least 20 groups — and had the occasion to sharpen my debate, sharpen my understanding. I'd now like to extend to those groups my appreciation for that opportunity. I have had the benefit of many hours of the commission's time, and I commend the commission for their patience and their perseverance.

In my view, the end result will be an Act which presents a major challenge to the commission. First of all, it strengthens and adds depth to the investigation role, to the conciliation role. It increases the ability and capacity

of the commission for enforcement. It presents new grounds which the commission will now have to administer. The commission is challenged to identify a range of permitted actions, a range of permitted treatments and interactions. The commission will be challenged to identify programs which should be exempted, and I would expect there will be many in connection with physical characteristics.

Mr. Speaker, those are the areas of major strength which have been added by virtue of this Bill. I think it is a most significant step forward. I think it will take a minimum of two years of intensive commission effort before we really know the full limits being bestowed upon the commission by virtue of this legislation today. I am proud to bring forward this Bill, and look forward to the debate and, hopefully, the support of all hon. members.

MR. COOK: Mr. Speaker, it's a real pleasure to rise this afternoon and support Bill 56, the proposal of the Minister of Labour. We in Alberta stand on the threshold of a great future, and we have a special obligation to help Albertans who want to share in that future and make it their own. Not all Albertans are equipped with the same background, skills, or opportunities. For that reason, this government has taken upon itself a very noble challenge, I think, to try to keep our society open and fluid, trying to encourage diversity and harmony in diversity. It's a theme that runs throughout government in our relations with other people and other jurisdictions.

I think the attempt to harmonize our diversity will never cease in this province, because it's a dynamic province. We're always being challenged by new groups, new ideas, people who have different values. I think of Alberta as a fabric. Our society is the product of people coming together in a tangled web, people who have different backgrounds, values, social habits, and abilities. All of us want to make a contribution to enrich the province in our cultural heritage and in our future. For that reason, the minister should be commended, because he has worked diligently with a variety of groups, trying to identify those tangled strands, trying to sort out the relationship between them, and trying to make sure that groups have an opportunity to express themselves in the diversity.

It's that balance we seek today, Mr. Speaker, a balance between trying to have a sense of purpose for the community that in one sense can be directed and perhaps monolithic, and on the other side the diversity to allow individuals to express themselves. It's the desire to give a sense of purpose to the community that all groups and people should be considered as equals. The balancing side is that by doing that, those individuals have to be given the opportunity to express themselves.

For a moment I should just turn to the Bill and review a couple of sections I think are important. As the minister has outlined, the Bill brings into focus a new area of concern that we have for people who perhaps are somewhat disadvantaged, who, because of physical characteristics, don't have the opportunity to participate fully in our community. I'm very pleased that the government is bringing forward to the House that opportunity for people who have many abilities, but for some reason not of their own making, are not able to participate fully today.

We're modifying the primacy clause of the legislation. An important question is: why? Why are we attempting to do that today? The reason is that we are going to permit affirmative action programs. This is an opportunity and a tremendous challenge; it imposes a special obligation on Executive Council and on this Legislature to

behave in a responsible fashion. By challenging the primacy clause — and that seems to be the major concern of many people — in the view of some, we open the door to political interference in human rights. I don't think that's a fair criticism, Mr. Speaker, and I want to go on record to state that I don't think this Legislature or this government will tolerate political interference in human rights. I would like to suggest that, many years from now, if a government has the audacity or gall to come before the House and propose that, they would be disciplined not only in the House but by the electorate. I think it would be a foolish government that would propose such a measure. So I think that's the check on political interference.

This legislation is paramount. A government that challenges that paramountcy by bringing in, or not bringing in, affirmative action programs that are intolerable, would be doing it at its peril. I think we will be looking to have affirmative action programs that assist groups to participate fully in the life of the community. That is the challenge we have before us. By a government's action or inaction on this matter, there will be a legitimate forum here in the Legislature to take a government to task. So I think a government would move at its political peril in dealing with something as crucial and important to the community as human rights.

As the minister has also suggested, I think it's important that we're moving from the era of simply trying to educate our fellow Albertans that this is an important concern we have that Albertans share our future equally. We're moving from merely trying to suggest that and to educate Albertans, to trying to make it possible for the commission to enforce the legislation. We're going to be able to do that in a number of ways. We're going to make it possible for the commission to gather more easily evidence for its cases for boards of inquiry. Section 17, for example, allows the commission to demand the production of documents and evidence. Presently that's not the case.

Secondly, in Section 22 we're going to allow boards of inquiry to have the ability to order an individual or a company to make right a certain situation. If that order is not taken seriously, the next step allowed in this section is to have that order enforced by the Court of Queen's Bench. I don't think members should take that lightly. We're obviously taking this very seriously. We are moving away from education, perhaps. But I would also hope the commission would not simply try to enforce measures, but would continue its very valuable work — and it has an enviable record in this regard — to try to continue the constant work of educating Albertans about the need to harmonize our community, to continue to keep this an open and fluid society where there is opportunity for all, regardless of race, color, creed, physical characteristics, or sex, to name a few of the provisions of the legislation.

I don't want to dwell on this at length. I think the major criticism that some have addressed is the concern about political interference and affirmative action. I don't think that's a valid criticism, Mr. Speaker. Again, I just want to state that a government that moves in an irresponsible way in that area will do so at its peril. I hope the citizens of Alberta would discipline such a government severely.

This legislation is central to the well-being of the community. I'd like to congratulate the minister for a harrowing eight months; I know he's been grilled by many, and he should count his caucus colleagues among them. He's had an uneasy time in caucus, and it's a real

credit to the minister that he has produced the positive and progressive document that is before the House. He has, I think, worked with the commission to try to suggest ways they can improve their administration and ability to give effect to this Legislature's desire that the rights of individuals be protected.

With that, I ask all hon. members of the House to support this legislation.

MRS. CRIPPS: Mr. Speaker, I'd just like to make a few comments on Bill 56, The Individual's Rights Protection Amendment Act, 1980. I was chairman of the committee that met with the Human Rights Commission last November to discuss proposed amendments to The Individual's Rights Protection Act. At that time, the commission proposed six areas of change. First:

that specific provision be added permitting the establishment of special programs designed to promote the welfare of any group or class of individuals.

Another term, I suppose, is affirmative action. We also had a debate, on Bill 201, March 27, based on the principle. I'd like to read a couple of paragraphs from that debate:

Working from the assumption that affirmative action is illegal under The Individual's Rights Protection Act, the Human Rights Commission gave top priority to its recommendation that the Act be permitted to allow affirmative action. That was one of their top priority recommendations, because of the concern and the experience they had had in the past.

Mr. Speaker, Bill 201, which would permit voluntary affirmative action, in my mind is most necessary to rectify a very apparent accidental exclusion of the provision of affirmative action from the 1972 Bill.

That is exactly what this legislation does. It allows affirmative action on a voluntary basis, but not making it mandatory. Mandatory affirmative action would cause as many problems as it would solve.

Secondly, the commission requested that the decision of the board of inquiry is binding on all parties subject to appeal through the courts. This was designated as one of the top priorities in their request. What really is the point of being able to make recommendations and decisions if those recommendations are going to be totally ignored. That, Mr. Speaker, is a toothless tiger. The changes made in Section 22.2 make the decision of the board of inquiry binding in the same manner as an order of the Queen's Bench. This will make the complainants and the respondents consider carefully procedures being taken to a board of inquiry. I suggest that the commission will receive better co-operation in resolving future complaints. The committee recommended that a respondent would still have recourse to the courts, which he has.

Categories for grounds of discrimination was the third item of request, that physical characteristics be added to the prohibited categories of discrimination. There were four others also. Physical characteristics, though, was the major concern. In a follow-up letter:

If "physical characteristic" were added as a protected class, we would be satisfied to have a further clause added that would specify that landlords, employers and those offering services to the public, would not be required to make changes to their present dwellings, terms or conditions of employment, or services, to accommodate persons in this class.

There's more in this letter, but physical characteristics was the number one concern of the commission at that

meeting. The minister has included that as grounds for discrimination.

The fourth request:

That the Alberta Human Rights Commission be permitted to have access to premises, persons or documents for the purpose of carrying out an investigation of an alleged contravention of the Act.

We also have documentation of 20 blocked investigations because of the inadequacy of the investigative powers of the commission, by code number, I might add. The committee recommended that the commission have investigative power similar to the powers under The Alberta Labour Act. The amendments in 17.1 encompass this request.

The fifth request:

That it be made clear that there need not be a complainant when the commission initiates a complaint under Section 17(1).

This was not listed as being imperative to the ability of the commission to fulfill its mandate efficiently. Initiation of complaints is a judgment decision and must be made only when the facts and circumstances are known. In some cases, if you're not there you can't possibly know the circumstances. The commission has a responsibility to investigate complaints, but does not have a responsibility to initiate complaints, nor should it, in my opinion. The commission asked for clarification of the intent of initiation of complaints. That has been done.

The sixth request was to prohibit the use of the words "human rights" in the names of other organizations. Other organizations cannot register exactly the same name for purposes of registry, but they can use the same words. I don't think we can prohibit that.

Mr. Speaker, it is my estimation that this amendment answers the majority of requests made by the commission. It clarifies the Act and gives the commission the necessary investigative power and enforcement powers they need.

Mr. Speaker, there is no way we can legislate honesty, integrity, and responsibility. That is a personal decision.

Thank you.

MR. MOORE: Mr. Speaker, I want to participate in the debate this morning and make a few remarks about individual rights in Alberta. I want to comment as well from a perspective of a member of the Legislature representing the rural constituency of Smoky River.

First of all, it's my belief it's important for us as legislators to recognize that in certain areas of law and in certain areas that we want our citizens to follow, the role of the Legislature in enacting laws has to be very carefully thought out. I suppose in certain areas, one can enact laws with penalties, fines, jail sentences, and so on if our citizens don't observe. But in other areas, and I believe individual rights is one of those, the manner in which you shape the attitudes and the respect that individuals have for one another is much more likely to be effective if one provides leadership and examples.

Mr. Speaker, in my belief we've come a long way in the 10 years since the Alberta Bill of Rights and The Individual's Rights Protection Act were introduced in this Legislature. I don't believe we could have introduced those two Bills 20 years earlier, because I don't believe the attitudes in our society would have accepted them as they were written in 1972 had they been presented in 1952. Just as I believe that in 1980, the hon. Minister of Labour, having brought forward amendments to the Act, had to reflect not so much on what we as legislators might individually

think about human rights, about discrimination, not so much what the Human Rights Commission or their staff thought about individual rights and discrimination, but rather about what the citizens of this province and their attitudes were about individual rights.

I think about handicapped people and people in wheel chairs. I had an aunt, who passed away about four years ago at the age of 66, who had spent all her life since the age of 16 in a wheel chair. I recall my father when I was very young, and in later years myself, having carried her in and out of every building we ever took her to. I didn't see any such thing as a wheel chair ramp until I was well out of high school. She said to me not long before she died, when she was in a nursing home in Grande Prairie that had a wheel chair ramp and she had an electric wheel chair that could actually go out of the hospital — and, as a matter of fact, because the curbs and gutters had just been lowered, could go downtown in that electric wheel chair. For the first time in almost 50 years that she'd been confined to a wheel chair, she had an opportunity to have the freedom of going by herself from a hospital to stores to do some shopping.

That sort of action that led to the ability of handicapped people to be mobile didn't occur because the government suddenly decided that laws should be passed to lower the sidewalk corners, to widen the doors, or to build bathrooms that would accommodate wheel chairs. It happened because there was a recognition in society that people who are confined and handicapped should have an ability to function as normally as possible.

When you think of attitudes in society, I go back and reflect on Abraham Lincoln. He's credited by many, many people with having freed the slaves. But Abraham Lincoln didn't free the slaves in the United States without a fair degree of public support and sympathy for the direction he wanted to take. It was work by him and others in shaping and changing attitudes in that society that allowed him to move ahead.

If I look at some examples in my constituency — and I think they're important — we have companies like Alberta Gas Trunk Line, which in the part of the province I represent is a leader in employing and training native people. It is not a leader in employing and training native people because our law said that that company had to employ and train native people. There are a dozen different ways to avoid hiring someone on a big rig or pipeline project, or almost anything, because of the color of his skin. You can use lack of experience, or the job is already filled, and lots of other reasons. That company is involved in hiring and training native people because it has management whose attitudes have changed, or management that comes in with an attitude that underprivileged people, no matter what the color of their skin, ought to have opportunities that are afforded to others. That's what is important.

I flew from Edmonton to Grande Prairie last Friday evening and sat on a CP Air flight with a young native boy, perhaps 22 or 23 years old. When I sat down beside him I noticed he had in his hand a book that turned out to be — and I recognized it — the manual on blowout preventers that's used at the oil well training school. Those of you who have been around the rigs will know what I mean. It's a fairly advanced course in metric system that takes about a week's training in Edmonton after a lot of on-job experience, then an exam. I asked him if he had just written his exam, and he assured me that he had. We talked for a while about his work. It was obvious that he had worked for some time in the drilling

industry. It was obvious that he was trying his very best to upgrade himself to a better paying position within that industry.

I thought back to the winter of '56 and '57 when I worked on a big rig. If a native person from Sturgeon Lake Reserve — because I was working near that reserve — had come and asked for a job, I wondered what kind of response he would have received. No native people were working in the oil industry on big rigs at that time. There were none. I saw dozen of crews, but I never did see a native Indian working on a big rig. They are working all over northern Alberta now, not because we have an affirmative action law, not because we have a Bill of Rights, but because we have leadership in government, in the Legislature, and in companies all over this province, leadership among individuals.

In making those comments, Mr. Speaker, I want to say that we can go backward in the field of individual rights. Many countries have. You think about your history. If you read the papers, you understand that in many parts of this world people who have had individual rights have had them taken away, because attitudes change. It's important to me that we don't do anything in this Legislature that makes those attitudes change. What we should be doing with our legislation is leading the attitudes, not putting people in jail, not levying excessively heavy fines, but providing leadership by our actions to other people.

I think the legislation introduced by the Minister of Labour has done that. I want particularly to make reference to the comments made by many in recent days, and of course over the years, about affirmative action programs. I believe we should have affirmative action programs, programs of action to assist individuals who are disadvantaged in their education, in the workplace, or elsewhere. But I don't believe we can accomplish a great deal in terms of shaping the attitudes of society if we have an affirmative action program in Fort Chip, where there are 1,100 natives and perhaps 150 whites, if that affirmative action program, by the nature and color of their skin, excludes whites who may have been born and raised in that community who are just as disadvantaged as the natives when it comes to an educational or job opportunity. Surely, if you move in that sort of direction, you have a problem of discrimination in the reverse form, which then leads to an attitude among those who are white that I suppose goes to the other direction from what we want it to go, to those who are native.

There's another matter that should be thought of very carefully when you are considering affirmative action

programs. Given the mix of the constituency of Smoky River — which is 50 per cent French-Canadian, a sprinkling of all other nationalities, an Indian reserve with a number of native people, so-called Metis in many parts of the constituency — I don't believe we can be very effective in shaping the attitudes in society that we need in this province if, in fact, we segregate those people into groups by nationality and say, we'll have a program on Sturgeon Lake Reserve for the Indians; we'll have another one in McLennan for the Metis, one over here for the French-Canadians, and one over here for the Norwegians. That won't work. Fostering of attitudes toward individual rights is best preserved and fostered when people of different racial origins and people who are handicapped and unhandicapped are working, being educated, and living in a society side by side, not segregated, not apart.

Mr. Speaker, I want to conclude by saying that I think this Legislature, our government, members of the opposition, and citizens of this province have made a lot of progress in 10 years. The Bill that's before us and the direction it points will allow us to make a lot more in the next 10 years.

Thank you.

DR. BUCK: Mr. Speaker, in light of the time, I beg leave to adjourn the debate.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, as hon. members would know, on Tuesday the government has designated the afternoon, and at that time proposes to continue with Committee of Supply: the Department of Agriculture, followed by the remaining item of Executive Council and the two remaining items of Treasury and Legislation. It is, of course, proposed the House sit on Tuesday evening. I would move now that the House adjourn until Tuesday at 2:30 p.m.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

[At 12:55 p.m., the House adjourned to Tuesday at 2:30 p.m.]

