

## LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Thursday, May 22, 1980 2:30 p.m.**

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

## PRAYERS

[Mr. Speaker in the Chair]

head: **PRESENTING PETITIONS**

MR. NOTLEY: Mr. Speaker, I'd like to present two petitions. The first is a petition signed by some 4,000 Albertans requesting the continuation of rent controls. The second is a petition signed by some 210 Albertans requesting higher wages and better conditions for Alberta forest firefighters.

head: **READING AND RECEIVING PETITIONS**

MR. NOTLEY: Mr. Speaker, I move that the petition I presented on Thursday of last week and the petition I presented yesterday be read and received.

MR. SPEAKER: The petition with regard to housing would appear to be in order to be read.

The petition we received yesterday encounters two difficulties. One is that it asks for an expenditure of money, which is ruled out by our *Standing Orders*. The other is that, insofar as I'm able to ascertain parliamentary practice, a petition of that kind would not come to the Legislature until after the request had gone to the government department that might be involved, or perhaps even to the Ombudsman. In other words, the practice seems to be that other avenues are exhausted before you come to the Legislature.

[The Clerk Assistant read the following petition]

To the Honourable, the Legislative Assembly of Alberta, in Legislature assembled:

The petition of the undersigned of the Province of Alberta humbly shows:

That, upon the final expiration of The Temporary Rent Regulation Measures Act (1975, Chapter 84), your petitioners fear that rents charged to tenants in Alberta will rise at a precipitous and burdensome rate to levels which will cause real hardship

Wherefore your petitioners humbly pray that Your Honourable Assembly may be pleased to give consideration to the re-institution of the provisions of and regulations attendant to The Temporary Rent Regulation Measures Act (1975, Chapter 84).

And as in duty bound your petitioners will ever pray.

CLERK ASSISTANT: Mr. Speaker, I find this petition in order to be received.

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

MR. TOPOLNISKY: Mr. Speaker, I wish to file a report of the select legislative committee on the commercial and recreational fishing industry in Alberta. I also wish to thank the hard-working members of the select committee for their co-operative and dedicated efforts in preparing this report. On behalf of the committee, I extend thanks to the staff members of the fish and wildlife division, particularly Mr. Hugh Norris, and to the secretary Miss Donna Ballard. When the report is printed, every Member of the Legislative Assembly will receive a copy.

head: **TABLING RETURNS AND REPORTS**

MR. BOGLE: Mr. Speaker, I wish to table with the Legislature Sessional Paper No. 78, required under The Municipal Debt Reduction Act — this is the Metis Settlements Trust Fund — and Sessional Paper No. 79, required under The Universities Act. It's a report of inspection, laboratory animal care, and facilities through Alberta universities.

MR. CRAWFORD: Mr. Speaker, I'd like to table the third annual report of the Public Service Employee Relations Board for the year ended March 31, 1980.

MR. RUSSELL: Mr. Speaker, I'd like to table answers to motions for returns nos. 108 and 110.

MR. CHAMBERS: Mr. Speaker, I'd like to table the response to Motion for a Return No. 111.

MR. DIACHUK: Mr. Speaker, I wish to table the 62nd annual report of the Workers' Compensation Board of the province of Alberta for the year ended September 31, 1979. When my office receives additional copies from the printer, they will be forwarded to the members of the Legislature.

MR. STEVENS: Mr. Speaker, I wish to table a return for Question No. 120.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. MAGEE: Mr. Speaker, it gives me a great deal of pleasure today to introduce to you, sir, and to members of the Assembly, 47 guests from Red Deer. They're grade 8 students from our Central junior high school in that city. They're in the members gallery. Would they please rise and receive the welcome of the House.

MR. KOWALSKI: Mr. Speaker, it's my privilege today to introduce to you, and to all members in the Assembly, some 60 grade 6 students from the Stehelin elementary school in the town of Barrhead, in the constituency of Barrhead. The students represent two different grade 6 classes, and are accompanied today by their teachers Mr. Marvin Sheets and Mr. Baldev Parmar. The group is in the public gallery. I'd like them to stand and receive the warm welcome of the House.

MR. PURDY: Mr. Speaker, I'd like to introduce students from the Spruce Grove composite high school. I was busy making some notes here and just about missed

this opportunity. Brade Blomme and Manley Fisher are in the public gallery. They visited me this afternoon and asked very good questions, I thought. I'd ask them to rise and be recognized by the members.

#### head: ORAL QUESTION PERIOD

##### Private Telephones

MR. R. CLARK: Mr. Speaker, I was about to rise in my place on what may be the last day of the session and congratulate the hon. Member for Stony Plain.

Mr. Speaker, I'd like to direct the first question to the Associate Minister of Telephones. It deals with AGT with regard to end connections and the use of privately owned telephone end units. Would the minister inform the House whether the policy of prohibiting the use of privately owned end units which compete with AGT brands is under review?

DR. WEBBER: Yes, Mr. Speaker, that policy is under review.

MR. R. CLARK: Mr. Speaker, to the hon. associate minister. Would the minister indicate to the Assembly what form that review has taken, whether it's been possible for groups to make representation directly to the minister, and when the review will be completed.

DR. WEBBER: Mr. Speaker, certainly private citizens and groups and MLAs have made representations to me with regard to this topic. The AGT Commission has initiated a review, so that AGT management is to come back to the commission in a few months with a report. At that time we hope to make a decision.

MR. R. CLARK: Mr. Speaker, to the hon. associate minister. Did the associate minister indicate that AGT is making the review? Are any outside people, other than the AGT Commission people, involved in formulating this review?

DR. WEBBER: No, Mr. Speaker. At the present time the AGT Commission has asked the AGT management to make the review. Of course, before any decision can become final, any changes would have to be approved by the Public Utilities Board. There may have to be some legislative changes as well.

MR. R. CLARK: Mr. Speaker, to the hon. member. What was the justification for asking the AGT management to make the review, as opposed to having a combination of at least AGT management and some people from outside look at the question of AGT's monopoly in this area?

DR. WEBBER: Mr. Speaker, the trend throughout North America has been for greater competition in the whole area of telecommunications, and in particular for telephone companies to move away from renting telephone sets to their subscribers. This trend started in the United States and continued in Canada. In fact, Bell Canada has studied this particular problem, and I believe the CRTC has also been involved.

But with regard to AGT, as a result of representations being made by members and the public, the commission

decided it was time to review the whole matter. At this stage, it's a completely in-house review.

MR. R. CLARK: Mr. Speaker, a supplementary question to the minister. I welcome the review, and I wish the announcement had been made far earlier. The question is: how objective is the management of AGT able to be — with the greatest respect to them — when in fact the question they're looking at is whether AGT should continue to have a monopoly on the end connections? If AGT were to recommend against the present practice, they'd be letting people go into competition with AGT, and that really hasn't been the trend of AGT for many years, I might say somewhat reluctantly.

MR. SPEAKER: With great respect to the hon. Leader of the Opposition, I believe his question is an outright request for an opinion, in the course of which he has stated his own opinion. I suppose if the matter were to go on, we could have a full-fledged debate on it right now, but there are other members who would like to use the question period to ask questions.

DR. WEBBER: Mr. Speaker, I would like to respond, if I may, in terms of pointing out to the hon. Leader of the Opposition that the actual policy decision lies with the AGT Commission. AGT management is not going to make that decision. The review is to see what the effects of a terminal interconnection policy would be on AGT itself as a company.

MR. R. CLARK: Mr. Speaker, one further question to the minister. Currently a line rental is charged for privately owned extensions, even though AGT provides no additional service. Would the associate minister tell us if this policy is also under review?

DR. WEBBER: Mr. Speaker, that's part of the review, in that if AGT did go in the direction of not renting the telephone sets themselves, quite possibly the result would be competition for the sale of these terminals, whether they be for residential or business use. So the possibility of selling the terminals and/or renting them would have to be looked at as well.

MR. R. CLARK: Mr. Speaker, to the hon. minister. Would the minister indicate to the Assembly when an announcement was made by AGT or the AGT Commission of this review being commenced? Also, could the minister confirm the comment he made just a few moments ago that this review will not be finished for some months?

DR. WEBBER: Mr. Speaker, as the hon. leader knows, there certainly hasn't been any announcement with regard to this review. It was the decision of the AGT Commission to ask AGT to review the policy and report back to the commission. The commission hasn't made a decision as yet. When the commission makes a decision, I expect the hon. leader and the rest of Albertans would learn of it.

##### Public Utilities Board Legislation

MR. R. CLARK: Mr. Speaker, I'd like to direct the second question to the Attorney General. Is it the intention of the government to look at the Public Utilities

Board legislation during the recess, with the view in mind of a major overview or rewriting of that legislation.

MR. CRAWFORD: Mr. Speaker, I guess it depends on what the hon. leader means by "a major rewriting". There is a review process involved, of course, in the amendments put before the Assembly this spring. Insofar as the specifics of the legislation are concerned, a lot of what has been discussed in the last year or so has been incorporated in those amendments. There were some other issues which were not resolved with regard to policy. I think it's quite likely that a continuing review of those policy items will be made, with the possibility of further amendments but with no target for this fall.

#### Grain Elevator Fires

MR. L. CLARK: Mr. Speaker, my question is to the Minister of Agriculture or the Minister of Municipal Affairs. I wonder if the minister could inform the Assembly if any investigation is being done of recent elevator fires across Alberta? If so, who's in charge of that investigation?

MR. MOORE: Mr. Speaker, investigations are being carried out by the local fire departments involved. No report has been issued as yet, and my information from the director of Disaster Services earlier today was that it may be some days or perhaps weeks before a report is issued with respect to the causes of the three elevator fires that occurred, one in High Level, one in Clairmont, and one in the constituency of Drumheller at Wayne.

MR. NOTLEY: A question to the hon. minister in charge of Disaster Services. What assessment is being undertaken by Disaster Services of the impact on the community of Wayne, particularly those people who have lost their homes? Has there been an assessment of the damage, the number of people who don't have insurance, and what steps, if any, the Disaster Services plight consider undertaking?

MR. MOORE: Mr. Speaker, the facts in terms of the loss that occurred are reasonably well known. The facts of the matter are that fire insurance for those people who had homes in the area is readily available. One would expect that all the homes were insured for fire. So, in accordance with that, there would be no need for Disaster Services to do an investigation. It is possible that individuals in the area may request an investigation by Disaster Services, in which case it would be undertaken. But to my knowledge, that has not occurred at this time.

#### Moisture Conditions

MR. STEWART: Mr. Speaker, my question is to the Minister of Agriculture. Due to the Legislature's winding down and my probably not having another opportunity, I would like to ask the minister: due to the widespread drought conditions in Alberta, is the minister preparing any programs to meet the special problems that could occur during the summer months?

MR. SCHMIDT: Mr. Speaker, the Department of Agriculture had the opportunity to present Alberta's case for the drought conditions and, indeed, met with the western provinces and the federal government in Regina last Friday. A policy was collectively formulated that would

be shared with the federal government in areas where we have a joint concern: basically, water management, availability of feed — both grain and fodder — and a method of transportation back and forth.

MR. STEWART: A supplementary, Mr. Speaker. Is the minister's department monitoring the present availability of feed on farms in Alberta?

MR. SCHMIDT: Mr. Speaker, the inventory of both feed grain and forage is ongoing at the present time and, because of the very nature of the movement of grain itself, would have to continue, and will be done and updated weekly.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. The minister had indicated that some of the equipment made available here several years ago when we faced drought conditions — I'm speaking of irrigation pumps and pipe. If a rancher were to apply for this, could the minister indicate if it is available now? Is it in place now, and could the farmer or rancher make application at the present time to pump dugouts full?

MR. SCHMIDT: Yes, Mr. Speaker. In recognizing basically the time element that may be involved for a reply from the federal government on a shared program, the equipment that has been in Agriculture and through the Department of Environment is available on call, and has been. In fact, it's been in the field since April 3. I think to date it has filled approximately 60 dugouts, and is available to anyone experiencing a problem in watering livestock or, indeed, if it's for personal consumption.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Several years ago the government had a policy of stockpiling alfalfa pellets and wafers. Has the minister given any consideration to making stockpiles available at the dehydrating plants we have throughout the province?

MR. SCHMIDT: Mr. Speaker, the availability of the alfalfa pellets, both now and what it could mean with regard to a feedstock for the future, is being considered at this time, as well as the availability of the screenings that are presently collected at the inland terminals.

MR. LYSONS: Mr. Speaker, my question has been pretty well answered, but I'd like to ask a supplementary of the minister. Would the minister have any idea how many months' feed supply we now have in inventory in Alberta?

MR. SCHMIDT: Mr. Speaker, I suppose it would depend on the material. But if you're looking in a very broad perspective with regard to the availability of feed for livestock, it would appear that there is sufficient barley in storage on farms in Alberta to take care of a normal year's consumption. The information we have at the present time is that in certain areas of the province, the carry-over of forage from last winter could perhaps meet the needs of the livestock industry for another month.

#### Tax Brochures

MRS. OSTERMAN: Mr. Speaker, my question is directed to the hon. Minister of Municipal Affairs. Some time ago when we were talking about the new assessment situation that we have in the province, the minister had a

pamphlet which he described as one that could possibly be used by the members and other people out there to explain the new assessment. Many of my communities have been requesting this pamphlet. I understood there would be an update, and possibly they would be available. Has that been accomplished, and will the minister be making that available to all local governments?

MR. MOORE: Mr. Speaker, the answers are all good. The pamphlet has finally been completed, and about 75 copies will be distributed this afternoon to each MLA's office outside the two major metropolitan areas of Edmonton and Calgary, because it addresses itself fairly specifically to rural Alberta. I'll also be sending copies from my office to all municipal offices in the province, so that members should not feel obliged to provide copies to them, but to other interested individuals.

Mr. Speaker, while answering that question, I might say that we have also developed a very good brochure with respect to the benefits available to senior citizens under both the Alberta property tax reduction program and the senior citizens' renter assistance program, which will be available within the next week in municipal offices, treasury branches, senior citizens' homes, and drop-in centres for senior citizens throughout the province.

#### Utility Rates

MR. ZAOZIRNY: Mr. Speaker, my question is to the hon. Minister of Utilities and Telephones. It arises from recent applications to the Public Utilities Board by various utility companies — specifically Alberta Power, Northwestern Utilities, and Canadian Western Natural Gas — for very significant rate increases, including one by Alberta Power for a general rate increase of 21 per cent. Can the minister advise the Assembly as to the position of the government in respect of these very major rate increase applications?

MR. SPEAKER: With great respect to the honorable and learned member, I have some misgiving as to whether this should be considered a sub judice matter. If it's before the board and if that be the case, then of course, presumably, it wouldn't be dealt with here in the Assembly until after a decision is made.

MR. ZAOZIRNY: Mr. Speaker, if I might address the question in another way. Could the Minister of Utilities and Telephones please advise the Assembly as to the general policy position of the government in respect of the cost of utility services to consumers in the province of Alberta?

MR. SHABEN: Mr. Speaker, I believe that question would require a fairly lengthy answer. But perhaps I could respond in this way: the government has expressed, in a number of ways and on a number of occasions, the effects of growth within the province in terms of the social impact and the impact on consumers in a number of ways. One of the impacts is the growth of the utility industry to serve our growing economy, which has a real impact on our citizens in terms of increasing utility costs. Naturally, the government is concerned about any area of social impact on our citizens, and this is one of those areas.

Over a period of months I have had a brief opportunity to look at the components that go into rate increases. Generally, it is not always the cost of service; there may

be other aspects, including income tax calculations, methods of calculation — say, the imposition of a surcharge on corporate income tax — changes in federal legislation with respect to rebates. These are all factors that may enter into applications for rate increases. Until the full details are presented to the board, it would be impossible for me to comment further.

MR. ZAOZIRNY: A supplementary question to the minister, Mr. Speaker. In light of the fact that the Public Utilities Board acts essentially as a quasi-judicial body and hears the evidence placed before it, can the minister advise whether he is considering the establishment of an office of a utility consumers' advocate, to ensure that all arguments on the side of the consumer are fully placed before the Public Utilities Board?

MR. SHABEN: Mr. Speaker, I've noted with interest that a private member's Bill on the Order Paper asks that very same question and puts the proposition to the members of the Assembly. Before commenting, I would prefer to hear the debate on that occasion in the Assembly.

#### Labor Negotiations — Public Service

MR. NOTLEY: Thank you, Mr. Speaker. I'd like to direct this question to the hon. Minister responsible for Personnel Administration, and ask if the minister is in a position to advise the House today where negotiations presently stand between the government of Alberta and its public service employees. I'm referring to negotiations with regard to the master agreement with Alberta's public service.

MR. STEVENS: Mr. Speaker, for the Member for Spirit River-Fairview, I would not wish to comment on the basis of any remarks that may have been made outside the House. Negotiations are in progress on the master agreement.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister responsible for Personnel Administration. As the Personnel, Administration office has representation on the management negotiation teams of the Alberta Liquor Control Board, Alberta Housing, and the Research Council, is the minister in a position to advise the House of the current status of these negotiations?

MR. STEVENS: Mr. Speaker, no I'm not.

MR. NOTLEY: Mr. Speaker, a supplementary question. In view of the fact that the Personnel Administration office has representation on the management negotiation teams of the Liquor Control Board, Alberta Housing, and the Research Council, is the hon. minister in a position to inform the House whether he authorized the management negotiation team to lay on the table a very specific proposal for right to work which, as the hon. minister knows, is a more than somewhat controversial question among trade unionists in this province? Was that authorized by the minister?

MR. STEVENS: Mr. Speaker, that would not be in my purview. The negotiations are carried out by the parties and their representatives on both sides. The Personnel Administration office provides assistance and advice to

the respective jurisdictions carrying out negotiations on behalf of the employers.

MR. NOTLEY: Mr. Speaker, supplementary question to the minister. In view of the fact that right-to-work proposals are contained in the management proposals on the bargaining table, has the government of Alberta developed any policy which would represent a retreat from the commitment basically to the Rand formula, which has been applicable in public services right across the country?

MR. STEVENS: Mr. Speaker, I'm not aware of the document the Member for Spirit River-Fairview has. But I can assure the member that in all negotiations we have not made any commitment on behalf of the government of Alberta to change our current policy.

#### **Irrigation Districts**

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Agriculture. Has the minister or his department had indications from any of the irrigation districts in southern Alberta as to whether there will be a shortage of water for the growing season this year?

MR. SCHMIDT: Mr. Speaker, I've had no direct correspondence or contact with the districts as yet.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Has the Minister of Agriculture or the Minister of Environment made any studies to increase internal storage as far as the irrigation districts are concerned, or is there a possibility of making any more funds available for internal storage for our irrigation districts in southern Alberta?

MR. COOKSON: With regard to internal storage, Mr. Speaker, as the Member for Bow Valley is probably aware, we will be making a statement with regard to the total Oldman report this spring. I think it will deal with both external and internal storage. However, if the question is whether anything has been taken to deal with the immediate problem, I think that would be impossible in view of the shortness of the time.

MR. MANDEVILLE: One further supplementary question to the Minister of Agriculture. Has the minister met with the Irrigation Secretariat, or is any consideration being given to increasing the formula as far as cost sharing with irrigation districts is concerned, so that the local level will be paying a bigger portion of the cost of rehabilitation of irrigation districts? I think the formula is 14:86 at the present time.

MR. SCHMIDT: Mr. Speaker, no discussion has been ongoing this spring. Last year we made the agreement with the irrigation districts that the shared agreement of 86:14 would stay in effect for the balance of that year. At the present time, we have not indicated nor are we indicating any change in that particular sharing agreement.

[The Premier donned an extremely long, gaudy tie]

MR. LOUGHEED: Mr. Speaker, I have to rise on a point of order. [laughter] I hope the House, through you, Mr. Speaker, will allow me to continue for a few minutes longer within the House. I received the dubious distinction of this award. I notice that the Minister responsible for Personnel Administration is last and I'm at the top.

I haven't yet been able to comprehend exactly where I'll be able to wear it. But if there's one message I received, it's to discuss with my clothier that perhaps my ties are a little long. [laughter] I gather that the message is not all to do with the color of the tie, although there seems to be an aversion to red, but also with the length of the tie. I'm still not exactly sure where I'm going to wear it. If any member, or any other individual in the gallery has any suggestion, Mr. Speaker, I'm pleased to receive it. [applause]

AN HON. MEMBER: Table it.

MR. R. SPEAKER: Mr. Speaker . . .

MR. LOUGHEED: Do you want it?

MR. R. SPEAKER: My only suggestion is: now I understand why the Premier only bunts. [laughter] Anybody with a tie like that is lucky he can run. [laughter] However, most likely, Mr. Speaker, I'm standing to [ask] a question. [interjection] It looks good.

#### **Water Pollution**

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Environment. Under Part 6, Section 22, of The Clean Water Act, the Department of Environment and municipalities are required to do bacteriological testing on drinking water in various municipalities. In some of the checking of the health units in southern Alberta and of the government, I find that only 70 per cent of the required samples have been forwarded to government. I was wondering if the minister is monitoring or checking into this matter, to ensure that municipalities regularly check their water and meet the requirements of the Act?

MR. COOKSON: Yes, Mr. Speaker, I wasn't sure of the proportion, but I would be happy to have that information and check to see how exacting the submissions are. We do require minimum standards.

While I'm on my feet, I could perhaps answer the question raised by the Member for Bow Valley yesterday, with regard to the emission standards for effluent from Calgary. We do set biological oxygen demand standards, and dissolved oxygen standards, and we do have standards for solids emitted into the river. However, there are no standards for bacteria in the river for the simple reason that studies done throughout the world indicate that such standards are really are of little value any distance downstream from the emission. Until we have further knowledge of the effectiveness of this control and a treatment to control bacteria, we are not making a practice of including that in our licensing procedure.

There are about six municipalities in the province that are required to chlorinate the effluent that is finding its way back into the water system. That is required because of intakes which are within six miles or so from the point at which the effluent finds its way into the stream. Beyond that point, the effectiveness of chlorination is minimal.

MR. ZAOZIRNY: A supplementary question, Mr. Speaker. In light of the minister's statement that there are no standards as such in respect of bacteria levels, could the minister advise the Assembly how the department determines whether there is an unacceptable level of bacteria in the streams?

MR. COOKSON: Mr. Speaker, I don't think we have any standards with regard to an unacceptable level. What we do is: we say to municipalities that are utilizing water from a stream that they must treat it in such a way that it is acceptable to health conditions. So our licensing procedure is laid down at the point at which the water is taken from the stream for domestic consumption.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. As there is a requirement for testing, one of the concerns which I raised yesterday with the Minister of Social Services and Community Health is that it takes longer than 48 hours to get the sample from the community or municipality to the laboratory, because it's just impossible through the mailing service. They set it aside as secondary mail. Has the minister considered that particular aspect, and is he looking through his department at other techniques and methods to get the samples into the laboratory, or at better sampling or testing techniques?

MR. COOKSON: Well, I'll take that as notice, Mr. Speaker. I can't be responsible for the mail service in this province. The time delay is important, and certainly anything we can do to speed up the testing is extremely important to the people out there.

MR. BOGLE: Mr. Speaker, I might supplement that answer briefly. Yesterday I indicated that I would try to determine with the department whether or not some portable equipment might be in place on a temporary basis downstream from Calgary on the Bow River and the irrigation canal. I have not yet had a report on that, but I expect it very soon. If the problem can be rectified in that particular way, as mentioned by the hon. member, we'll certainly move in that direction.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. I appreciate the answer from the Minister of Social Services and Community Health, but there is concern with regard to water quality in some of the schools and some of the buildings in rural municipalities. One request from the health units is that janitors, specifically in schools, have kits available to them to test the water on a day to day basis. These tests are presently carried out at swimming pools; they are effective enough and are fairly good indicators'. Has the Minister of Environment considered the placement of kits of this type, where necessary, in rural schools or in public buildings in municipalities? Has the minister considered that technique of dealing with bacteria in water?

MR. COOKSON: Well, Mr. Speaker, we're open to any suggestions that may improve the system. I'll accept that as a direction we can pursue.

MR. ZAOZIRNY: A supplementary question, Mr. Speaker, to the Minister of Environment, related specifically to the bacteria level in the water prior to its entering a system for consumption while it is in the stream. Can the minister advise the Assembly what mechanisms are in place to ensure that the bacteria level right within the stream is not so high that it might cause human illness, such as infectious hepatitis, through contact by recreation such as swimming?

MR. COOKSON: I think the Member for Calgary Forest Lawn raises an important question with regard to streams flowing through our province which may be used for swimming. Perhaps the Minister of Social Services and Community Health can comment on the controls through the health units, and so on, with regard to swimming facilities within the confines of urban centres.

With regard to the flows through the province, we do random checks at all times. I'll be making that information available; it is public information. As yet we have taken no action to minimize that bacterial content. We are looking at some ways, hopefully, of minimizing it. It doesn't necessarily deal specifically with effluent going into the streams from the urban centres, but it also hinges to a large degree on the type of activity that goes on along those streams. If you look at the analysis of bacterial content along streams, you'll find that downstream from an urban centre, for example, it will be high; then it may drop off for a considerable length of the stream; then it may rise again. That can easily be attributed to a lot of agricultural activities that may be too close to that stream. Certainly we are looking at ways and means of improving that problem.

MR. ZAOZIRNY: A final supplementary, Mr. Speaker. In light of the minister's statement that random sampling does take place within streams, can the minister advise why it is not possible, then, to set standards that would apply at any given point on a particular stream?

MR. COOKSON: As I've said, Mr. Speaker, I think as yet we have established no criteria for agricultural operations. We have guidelines on which we work closely with the Department of Agriculture regarding the establishment of feedlots and their relative distance to water courses. In addition, the planning commissions just don't have the kind of legislative authority to restrict developments insofar as distance from streams is concerned. So until we're prepared to do that, there just aren't the legislative support requirements there to enforce that kind of problem.

MR. MANDEVILLE: A supplementary question to the minister, Mr. Speaker. The minister indicated that there are some municipalities that are chlorinating their effluent going into the rivers. Could the minister indicate if Calgary or any other municipality on the Bow River chlorinates any portion of its sewage disposal?

MR. COOKSON: Mr. Speaker, I'm quite sure — and I stand to be corrected — that Banff, which is upstream from Canmore, is using a chlorination procedure before permitting the effluent to find its way into the Bow River. As far as I know, Calgary does not chlorinate, for the

simple reason that its effectiveness would not carry through the distance of the stream which would be required anyway for protection of those some distance downstream.

MR. R. SPEAKER: Mr. Speaker, a final supplementary to the Minister of Environment. I appreciate the willingness to look into some of the matters I raised. Could the minister take on a commitment to reply to me in writing sometime, when the information is available to him?

MR. COOKSON: Well, Mr. Speaker, I've tried to answer all the questions raised today, with the exception of exploring the chlorination. A lot of other questions were raised recently by a delegation made up of the Member for Little Bow, the Member for Bow Valley, and I think the Member for Calgary Forest Lawn was in attendance. A lot of the questions asked at that time are prepared in documentary form, and I'll be mailing them to the members.

MR. SPEAKER: I think the hon. Minister of Energy and Natural Resources would like to supplement some information, and I believe the hon. Member for Camrose wishes to ask a question.

#### **Sulphur Industry**

MR. LEITCH: Thank you, Mr. Speaker. I wanted to respond first to a question asked by the Leader of the Opposition yesterday regarding discussions with the Sulphur Development Institute relating to a new process which had been developed for the use of sulphur. I responded that I had not had any discussions, but that I'd need to check to ascertain whether departmental personnel had. I've now done that checking, and they haven't. But as I indicated in the Assembly yesterday, the matter will be followed up to ensure that discussions are held.

#### **Forest Firefighters**

MR. LEITCH: Mr. Speaker, I also want to respond to a question asked of me earlier by the Member for Spirit River-Fairview regarding the question of the length of stand-by time for which forest firefighters were paid. As I recall, the question was whether they might not put in as much as 12 or 13 hours and be paid for only eight.

Mr. Speaker, I believe that's accurate, if we're referring only to stand-by time. The general arrangement is that the pay begins from the time firefighters are assembled for transportation to the camps or the fire scene. Should the transportation period be less than 8 hours and they spend the remainder of the 8 hours in camp, they are paid for that period. Should the transportation period take more than 8 hours, they'd be paid for the entire amount. Then they are paid for 8 hours each day they are on stand-by. In addition, if they move from stand-by to the fire, they are paid from the time they leave the camp until they actually return.

MR. NOTLEY: A supplementary question, if I may, to the hon. minister. Is there any possibility of reassessing the question of stand-by time itself, beyond the 8 hours? Also, Mr. Speaker, will the government be reviewing the \$3.95 an hour in light of the decision in British Columbia on May 14, I believe, to increase the wages there from \$5.20 to \$6.20 an hour?

MR. LEITCH: Mr. Speaker, I thought I had covered that in my earlier answers to similar questions in the House, in saying that we were certainly prepared to review the matter. We would be prepared to review all aspects of it and take into consideration all matters that appear to be relevant, to arrive at fair and appropriate working conditions and salary arrangements for the firefighters.

#### **Camrose Fire**

MR. STROMBERG: Thank you, Mr. Speaker. Because of the rather devastating fire in Camrose, I want to ask a question of the Member for Lethbridge West and chairman of AADAC. Has this fire affected the services offered by our new AADAC office? What plans are in the future for a permanent home?

MR. GOGO: Mr. Speaker, there was an unfortunate occurrence in Camrose at a shopping centre which contained the area office of the Alberta Alcoholism and Drug Abuse Commission. I can assure the member that they have relocated in the local health unit building, and it has not interrupted the program, other than over the weekend.

MR. STROMBERG: A supplementary, Mr. Speaker. In view of the local health unit building's being overcrowded for the last two years, and now with this move, how long — will that be permanent, or will it be for a short duration?

MR. GOGO: Mr. Speaker, if we had the assurance of the Member for Camrose that there would be no further incidents of alcohol or drug abuse, we could perhaps rest easy.

I'm given the word that it will be for approximately six months. If it's to be any longer than that, I've asked the commission to undertake to find a new location.

MR. STROMBERG: One last supplementary. Would the Member for Lethbridge West help the Member for Camrose acquire a new provincial building with one floor for AADAC?

MR. GOGO: Mr. Speaker, I've heard his representation; it's just that it's directed the wrong way.

#### **Recreation Facilities — Calgary**

MR. R. CLARK: Mr. Speaker, I had planned to direct the question to the Premier, but I suppose one has the job of selecting the senior member from Calgary to ask the question of. I would focus the question to the Minister of Energy and Natural Resources. It deals with a certain amount of speculation in the city of Calgary with regard to a certain sporting facility, and some commitment the government has made that some announcement would be forthcoming before the end of May. Recognizing that we're getting fairly close to that and, secondly, that this may be the last day of the session, I'd like to ask some cabinet member from Calgary who could speak with some authority on the matter as to what progress is being made on that issue.

MR. LEITCH: Mr. Speaker, I'd have a great deal of difficulty responding to that, not knowing quite how I could fit it into my ministerial responsibilities. I'll certain-

ly take notice of the question and advise the hon. Premier that it was put in the House.

MR. R. CLARK: Mr. Speaker, perhaps we might direct it to the Minister of Recreation and Parks. Even though he doesn't come from Calgary, I'm sure he's sympathetic.

MR. TRYNCHY: Mr. Speaker, sympathetic I am. I'll refer the question to the Premier and, hopefully, he'll get back to the hon. member.

### ORDERS OF THE DAY

MR. SPEAKER: The hon. Minister of Consumer and Corporate Affairs is, as usual, optimistic. He believes that he has some guests in the gallery. [laughter] If the Assembly agrees, may we revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

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

MR. KOZIAK: Mr. Speaker, I'd really like to thank you and members of the Assembly for expressing confidence in me. I'll come back this time with a vengeance. Instead of the 40 I introduced yesterday who didn't appear, today I expect to introduce 80 who will appear. I made sure of that by taking my photograph with them on the steps of the Legislature just as the bell was ringing.

Mr. Speaker, in both galleries this afternoon, we have an interesting group of students that I'm sure all hon. members would like to meet. They are students from across Canada who are studying at the University of Calgary under the summer language bursary program administered by the Council of Ministers of Education, Canada. They are francophones studying in English, and anglophones studying in French. I have the honor of introducing them to members of the Assembly by reason of the fact that they have chosen College Saint-Jean in my constituency as their home base during their tour of the city of Edmonton. They are accompanied by leaders Cheryl Soulodre and Marc Moquin.

*M. le Président, il me fait grand plaisir de vous présenter, et par vous aux membres de cette Assemblée, des visiteurs qui sont venus aujourd'hui assister à la délibération de cette Assemblée.*

MR. COOKSON: Mr. Speaker, I don't know whether I can follow the act by the Minister of Consumer and Corporate Affairs, but I'm going to try. It will have to be in English, though. I hope I have better luck than the minister had yesterday. I have word saying that there are 31 students from the Lacombe Canadian Union College and their driver Mr. Ganson. They're here to observe, hopefully, the dying days of the legislative sitting and are particularly interested in the amendments we will be dealing with to The Universities Act. I would ask that those students, hopefully, rise in their places and receive a warm welcome from the Assembly.

MR. McCRAE: Mr. Speaker, I also want to introduce a distinguished visitor, from the Foothills constituency. Mr. Speaker, I sent you a note just a moment back, and

having sent you the note and listened to the last question of the Leader of the Opposition, it is with some trepidation that I introduce him. I do want to assure all members of the Assembly that his visit here today has no connection with the questions that were being asked a moment back, so we needn't have any speculation about that particular matter.

Mr. Speaker, the visitor I want to introduce is Alderman Pat Ryan, who is chairman of a number of significant committees on the Calgary city council. He's in the members gallery, and I'd ask that he stand and be recognized.

MR. R. CLARK: No announcement, Stu?

MR. HORSMAN: Mr. Speaker, I would move that Motion for a Return No. 121 stand and retain its place on the Order Paper.

[Motion carried]

MR. CRAWFORD: Mr. Speaker, I would ask unanimous consent of the Assembly to deal with government business during the balance of this afternoon.

MR. SPEAKER: Has the hon. Government House Leader the leave requested?

HON. MEMBERS: Agreed.

#### head: GOVERNMENT MOTIONS

##### 13. Moved by Mr. Crawford:

Be it resolved that,

- (1) A select committee of this Assembly be established to carry out a total review of the policies and legislation relating to surface rights in Alberta, with specific instruction to:
  - (a) review existing and proposed methods of expediting claims directed to the Alberta Surface Rights Board,
  - (b) examine the role of appointed surface rights mediators and make recommendations concerning their terms of reference and appropriate professional qualifications in the context of surface rights mediation,
  - (c) review present levels of compensation to landowners and make recommendations for means by which these levels might be adjusted,
  - (d) examine the role of landmen in surface rights negotiations and make recommendations concerning their terms of reference and appropriate professional qualifications,
  - (e) review The Alberta Surface Rights Act, identify sections requiring amendments, and make recommendations.
- (2) The committee shall consist of the following members:
  - K. Kowalski, Chairman
  - E. Borstad
  - L. Clark
  - S. Cripps
  - E. Isley
  - N. Magee
  - E. Musgreave
  - C. Osterman
  - R. Clark
- (3) Members of the committee shall receive remuneration



in accordance with Section 59(1) of The Legislative Assembly Act.

- (4) Reasonable disbursements by the committee for clerical assistance, equipment and supplies, advertising, rent, and other facilities required for the effective conduct of its responsibilities, shall be paid, subject to the approval of the chairman.
- (5) The committee is authorized to continue its deliberations after the prorogation of the 1980 Session and shall report to the Assembly no later than the end of the 1981 Session of the Legislature.

[Motion carried]

14. Moved by Mr. Crawford:

Be it resolved that when the Assembly adjourns for the summer recess, it shall stand adjourned until such time and date in 1980 as is determined by Mr. Speaker after consultation with the Lieutenant Governor in Council.

[Motion carried]

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

##### **Bill 40** **The Appropriation** **(Supplementary Supply) Act, 1980**

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill No. 40, The Appropriation (Supplementary Supply) Act, 1980.

[Motion carried; Bill 40 read a second time]

##### **Bill 45** **The School Election** **Amendment Act, 1980**

MR. KING: Mr. Speaker, I move second reading of Bill No. 45, The School Election Amendment Act, 1980.

[Motion carried; Bill 45 read a second time]

##### **Bill 47** **The Appropriation Act, 1980**

MR. HYNDMAN: Mr. Speaker, I move that Bill No. 47, The Appropriation Act, 1980, be now read a second time.

[Motion carried; Bill 47 read a second time]

##### **Bill 58** **The Dependent Adults Amendment Act, 1980**

DR. PAPROSKI: Mr. Speaker, in rising and moving second reading of The Dependent Adults Amendment Act, 1980, members will recall that The Dependent Adults Act was proclaimed in 1978, with the principle that the Bill was to establish means and procedures whereby a guardian may be appointed to act on behalf of another adult who is incapable of making decisions on his or her behalf; that is, regarding personal matters, and also a trustee, of course, for financial matters. Therefore, these amendments brought in today will follow that very central principle. All are intended to improve the care and protection of the dependent adult and in the best

interest of the dependent adult.

Mr. Speaker, before I go on, I'd like to extend personal congratulations to the Public Guardian, Mr. Joel Christie, and his staff, who have so far done an excellent job. I anticipate that the excellent job will continue regarding the administration of this Act. Furthermore, I would like to extend congratulations to the Alberta Association for the Mentally Retarded and the provincial mental health council, who have all contributed in many ways in the ongoing surveillance and concerns respecting those who are mentally incapacitated.

As background information, Mr. Speaker, I think the members of the Assembly would want to know and have it for the record that a number of things should be understood and clarified. There is a wide variety of mental ill health in our society, both short-term and long-term, acute or chronic, as you may want to define it. Under The Mental Health Act, of course, we have mental disorders specifically for that area. Facilities defined under The Mental Health Act are: Alberta Hospital, Edmonton; Alberta Hospital, Ponoka; and parts of the Calgary General and Foothills hospitals. Under The Dependent Adults Act, we have facilities defined as: Alberta Hospital, Edmonton; Alberta Hospital, [Ponoka] — and you'll note that in this case they are similar facilities — but also Michener Centre, Baker Centre, and Eric Cormack Centre in Edmonton. I'd just like to comment on the Eric Cormack Centre, Mr. Speaker. During 1971, I took a strong stand to have that Misericordia Hospital converted for the handicapped at that time, and I feel very proud of that facility.

However, Mr. Speaker, in this particular Act we are going to bring in amendments to classify various areas as institutions, which will cover a wider variety of areas, or places of care, if you wish, where mentally incapacitated individuals may be cared for. This will come in under further discussion.

Mr. Speaker, some dependent adults, or some people who are mentally incapacitated, may require a guardianship. It may be private or public. It may be partial guardianship, meaning that there may be only partial care of those individuals, in some facets of their lives and personal matters. Similarly, trusteeship may be private or public, partial or total. The Dependent Adults Act was proclaimed in 1978 as model legislation from this House to help adults 18 or over by appointing guardians to care for their personal needs, to a varying degree. Therefore, we have a so-called partial guardian or a full or plenary guardian.

Mr. Speaker, since this Act has not been active for very long, I think the following statistics would be of value to members of the Assembly: from March 31, 1971, to March 31, 1980, there have been some 660 complete assessments of individuals, and approximately 300 have guardians; about 1,549 are pending or waiting for assessments. It is anticipated that approximately 6,000 to 10,000 potential dependent adults may require guardians in Alberta. It's also anticipated that in each of the next two years, some 1,000 to 2,000 possible assessments and guardianship orders will be provided if all goes well. I must say that these individuals are not only in institutions, whether it be hostels, nursing homes, senior citizens' homes, or hospitals for that matter, but many are out there in the community.

Following that brief statistical review and commentary, I'd like very briefly to go over the amendments and to underline, so there's no misunderstanding from anyone in the Assembly or the citizens out there, that all the

amendments are directly intended to act in the best interests of the dependent adult and in the least restrictive manner possible. So with those comments, I would very briefly to go over some of the amendments.

As I indicated, the first amendment was that the documents for guardianship be served on a director of an institution rather than a director of a facility because, as I indicated before, facilities are defined narrowly; that is, Alberta Hospital, Edmonton; Alberta Hospital, Ponoka; Eric Cormack; Michener; and Baker. The desire here is that when guardianship orders are served, the director of an institution should know about the guardianship order. That individual dependent adult may indeed be in a nursing home, hospital, hostel, or other place of care as defined under regulations or under the Bill as indicated.

We're talking about serving documents, Mr. Speaker. We've expanded this somewhat, but documents shall be served on the dependent adult, the applicant, the next nearest relative, the director of the institution, the Public Guardian, the Public Trustee, and any other person the court may appoint.

Mr. Speaker, another amendment is to strike out the form prescribed for physicians and surgeons to give information on application for guardianship. Right now that is in the legislation as indicated, but those forms are basically too short. Physicians and surgeons require more latitude to describe the problems associated with the dependent adult so a proper appraisal can be made. Therefore, it is suggested in the legislation that this be removed from legislation but be prescribed in regulations, so that the psychologist and the physician making the application can have more flexibility in providing information on behalf of a dependent adult.

Mr. Speaker, another very important amendment is the desire to have the hearing for application on behalf of the dependent adult in a judicial district other than necessarily the district where the dependent adult resides. The purpose and principle behind this is to assist in processing more applications for guardianship orders. To date some problem has arisen. For example, the judicial district of Wetaskiwin may be very busy, or the hearings may occur every three, four, or five weeks, and cases cannot be heard. It's suggested that another judicial district be used. Of course if the dependent adult, the relative, or the Public Guardian object to this, I'm sure the court will be very empathetic and probably will not allow that to happen. But in either case, there'll be more flexibility and more orders processed as a result.

Another amendment, Mr. Speaker, is to increase the number of people who will be informed regarding a guardianship order, not only a guardianship order for the first time, but also for a review of guardianship orders. As we all know, these are reviewed from time to time on a desire of any one of the individuals. The proposed legislation is to allow not only the applicant — and the applicant frequently is the nearest relative, but if the applicant is the nearest relative, to get the next nearest relative informed about the application. That will be done now.

Mr. Speaker, we have also brought in legislation to ensure that individuals who are dependent adults will be served with the same type of information when an application order is given for either a guardianship order or a review of a guardianship order. There has been some concern expressed by the Alberta Association for the Mentally Retarded that courts should not dispense with or exempt dependent adults and they should be served in all cases. The amendments here will allow that the court

will also serve the dependent adult so he will have the information and be able to challenge that, unless there's some distress as a result of serving such an order or the individual does not know or is not likely to know.

Mr. Speaker, I realize that some of the items I'm covering could very well be covered in Committee of the Whole. However, if we leave all that to Committee of the Whole, I think in some cases there would difficulty in explaining the principles associated with that. So if I may have the permission of the Speaker for only a brief few minutes to cover the essential points.

MR. SPEAKER: Of course I can't anticipate what the hon. member intends to say. My concern would be that what we do here may be repeated in Committee of the Whole. I would have to leave it to the hon. member to assess what he's going to say and try to avoid that.

DR. PAPROSKI: Mr. Speaker, I really appreciate that very much. That's exactly the purpose — to try not to have it repeated in Committee of the Whole.

I will briefly go over the amendments. There is a provision in the amendments to avoid conflict of interest by virtue only of the fact that the individual is a potential beneficiary or a relative of a dependent adult. Again, the principle here is to assure that dependent adults will have guardians that indeed may be potential beneficiaries and relatives. As I recall it has been expressed by the Alberta Association for the Mentally Retarded that this may pose a problem. It was never intended to be a problem. Indeed the members here would recognize that many potential beneficiaries and relatives of dependent adults should be guardians. This will eliminate that as a court difficulty, in that that alone will not prevent an individual from becoming a guardian.

Mr. Speaker, I will not go into much more detail with the other items, except for one or two. I'll briefly indicate that the awarding of cost regarding applications is provided in the legislation first to go primarily to the Crown. Many applicants have sat back and said, well, the cost is too great, and maybe I shouldn't apply for guardianship orders. Now this will allow the court to award the cost regarding application primarily to the Crown first, and only if there is no hardship will it go to the applicant or, in fact, the dependent adult.

The Alberta Association for the Mentally Retarded has indicated that it would like a clause to state that in addition to the best interests of the individual, it should also be in the least restrictive manner. Indeed that is provided.

Mr. Speaker, another two or three amendments. A review of guardianship order every three years rather than every year is provided here. The reason for that is to allow the administrative staff to process more cases. But, to underline very quickly, although it's every three years, any individual — and we've expanded those individuals who will be served regarding the application — can apply to court to hear the hearing, make application on behalf of the guardian, or make representation. That is the dependent adult of course, the director of the institution, the public guardian, the public trustee, and other interested people, including the next nearest relative and the applicant. There is also provision to delegate authority of the courts to the Public Guardian and Public Trustee. The court orders to the Public Guardian allow him to delegate the authority of the courts so that more activity can carry on in helping these individuals in our society.

With those brief comments, Mr. Speaker, I would like to turn to what I consider one of the very important items, the item dealing with compulsory confinement. There are provisions in this legislation, in these amendments, to provide for that. At first blush, Mr. Speaker, the members of the Legislature and citizens out there might be concerned that this is not necessary. However, examination shows that many of these individuals wander away from a facility — or an institution, as it is now defined, a nursing home and so forth — and they can get into serious difficulty. Therefore their staff are unable to control the situation, because they are liable. In fact they have no jurisdiction to confine the individual. So this legislation has been brought in to deal with that matter. It will provide compulsory confinement of dependent adults where the need is well defined, whether it's necessary for the protection of the individual where there's a danger to himself or others and there are no other proper means of treating that individual.

To go very briefly over this particular section, Mr. Speaker, so that individual members of the Assembly will understand, we'll have two types of orders for confinement. Under the compulsory care order, at the direction of the court that order could occur for up to three years. But the individual must indeed be a danger to himself or others; it must be in the best interests of the dependent adult; and there must be no other proper means of protection or treating that individual. Furthermore, Mr. Speaker, there'll be a medical, a psychological, and a social assessment. Application is then made to court by an interested person. Those who will be served under Section 32 are the dependent adult, the next nearest relative, the applicant, the Public Guardian, the Public Trustee, the director of the institution, and whoever else the court directs. It must be clear that a review can occur at any time by any one of those individuals and any other interested person.

Furthermore, Mr. Speaker, to be sure that no problem occurs, where the person could be put into confinement under a compulsory care order and confined for three years with no review, we have added another section where every year an appeal panel will review that order and pass that information on to the Public Guardian and the court — if it's not necessary of course. The appeal panel, for those members who do not know, is made up of two MDs, a lawyer, who is the chairman, and a member of the public. I understand there are three appeal panels now functioning, and probably more will have to be appointed as a result of the increased activity of this particular Act for dependent adults. Furthermore, Mr. Speaker, every three months there will be a reassessment of the diagnosis and treatment relative to the condition of that individual. If that diagnosis or treatment is terminated at any time, it must go to the appeal panel and be reviewed.

Mr. Speaker, the place of care where these people may be confined, because they are a danger to themselves or others and there's no other proper means of protection, will be defined under regulations. Furthermore, the guidelines and the parameters of how they will be confined will be clearly spelled out under The Social Care Facilities Licensing Act. I suggest that confinement will not be carried out until this is clarified.

So we have one method: compulsory care order — up to three years, but can be reviewed anytime. There are many buffers and appeal mechanisms to that.

Then we have the compulsory care certificate, Mr. Speaker, which is essentially an emergency measure, for

72 hours only. If a person is in a place of care as it will be defined under regulations, the person in charge may issue that compulsory care certificate for 72 hours. One has to visualize very clearly that this is an extreme measure. If there is no clear indication that the person is a danger to himself or others — the director of the institution or place of care has to be satisfied it's in the best interests and he has to consider a written report of a physician or psychologist. In either case, let's assume that happened. The person is wandering off or getting into difficulty, and the director of the place of care issues such a certificate. In 36 hours, a dependent adult and the guardian must be informed of the following: the person issuing the certificate; the dependent adult may be represented by legal council; and the address and phone number of the legal aid society nearest to the place of care.

Furthermore, Mr. Speaker, in 96 hours, an application must be made to court regarding that certification for confinement. The court must hear that every time it happens, even if the person is removed from that confinement under that certificate. The court will hear every one of those, whether they're there for 72 hours or less, or 72 hours repeatedly. Then the court says, yes indeed, we can issue a compulsory care order; or, you shall stop it now; or, you shall refrain from issuing such an order ever again.

Mr. Speaker, frankly, I'm satisfied that there are enough buffers and checkmates here to be sure this is not abused. Of course this will show with time, but unfortunately this type of amendment is necessary.

Mr. Speaker, each amendment is intended not to harm the dependent adult in any way, and should improve the care, recognizing the personal needs and property of the dependent adult. The focus for the dependent adult's guardian, and the attention of all those involved, must always be for the dependent adult's best interest.

It is indeed a privilege, Mr. Speaker, to be able to bring in these amendments. I urge all members of the Assembly to move it in second reading.

MR. R. SPEAKER: Mr. Speaker, I'd like to speak to Bill 58. First of all, I'm certainly pleased that amendments to this Act have been brought in by the government. It is certainly a necessary Act, and I'm sure one that has had some very beneficial effects since its introduction in this Assembly.

Mr. Speaker, I am concerned, though, that the extensive number of amendments have been introduced so late in the session. I think a number of community and public groups would have liked to have had input to the amendments and made further suggestions. But under the time constraint of just a week — and most likely we'll be adjourning today — that just hasn't been possible. I'd certainly like to suggest to the House Leader and to the member who introduced the Bill that we should consider holding the Bill in Committee of the Whole through the summer, allowing other groups to have input and give it full consideration, and then when we do pass the Bill this fall, we know that all public input is there, and that we have the best Bill necessary to meet whatever needs are before us. I'd certainly like to suggest that to the government at this time as a way to handle it. I think that technique is very democratic, very open, and certainly gives all the public an opportunity to have input to this Legislature. I'm sure that is basically the intent of the government. Certainly, it is our intent.

When the Bill was raised in the Assembly last fall, we raised a number of concerns we had. At this time, I'd just

like to enumerate some of those for the Legislature. First of all we felt that legal representation or access to an advocate for proposed dependent adults was a concern, given that most persons are not served with a notice of hearing. Secondly, we were concerned about the ability of the Public Guardian's office to handle the large number of cases expected to be taken to court. Thirdly, a proposed new amendment was introduced to allow compulsory confinement of dependent adults who present a danger to themselves and others. We expressed a concern about the possibility for guardianship orders to be granted on the basis of inadequate diagnosis. We expressed a concern that the Act does not apply to the physically handicapped but mentally alert adults and that guardians do not improperly use their authority to have dependent adults sterilized. Seventhly, we had a concern about the assignment of court costs against the estate of dependents who may not have been served nor are aware of the change of their status. The eighth concern we had was with regard to the number of cases in which plenary guardianship is awarded, given that it is to be used as a last resort.

We feel that the amendments presently before this House fail to meet or to deal adequately with all these concerns. We feel that it most certainly proves the validity of our previous concerns about a forthcoming amendment to allow compulsory confinement of dependent adults. Mr. Speaker, I'm unconvinced that several of the clauses do not arise out of administrative concerns rather than concerns for the dependent adults themselves. I think we must view this legislation from the perspective of a proposed dependant, as well as with the view of a policy maker.

Mr. Speaker, I would like to comment on five principles in the Act: diagnosis, the review period, the notice of application, the potential conflict of interest, and fifthly, the concept of sterilization. With regard to diagnosis, I feel the proposed amendment to Section 2 that makes physicians not liable for diagnosis of proposed dependent adults is a regressive step. An amendment concerned with diagnosis should outline the acceptable procedures and criteria for medical, social, and psychological assessments. It should define types of partial guardianship, as related to specific behavioral or medical disorders. It should ensure that one line diagnoses do not comprise the only evidence upon which plenary guardianship is awarded. I'm particularly concerned about the quality of diagnosis used to issue compulsory care certificates, and about the apparent lack of follow-up with a proposed dependant's personal physician.

The second principle, with regard to the review period: the proposed amendment to Section 8 lengthens the review period of guardianship from two to three years. I would like to raise some questions. Why has the change been made, and what are all the reasons? Is the change solely administrative, because of the large numbers? I believe the hon. member who introduced the amendments indicated the large influx of numbers and cases that had to be dealt with. Or is it founded in concern for the dependants who come under the authority of the Act? Mr. Speaker, hopefully the reason is solely for the benefit of the dependants.

What about the third principle, with regard to the notice of application? At first glance, the amendment to serve the nearest relative of a proposed guardian with a copy of a guardianship application and report is certainly an excellent idea. However, I have some concerns about the authority of the court and the Public Guardian to

waive this specific requirement. I would like assurance from the member and from this Assembly that in cases where an applicant is a potential beneficiary of a proposed dependent adult, two or more of his or her nearest relatives will be notified, so that we do not leave it to one individual. I raise this issue in particular because of my concern for the potential misuse of this Act to declare senior citizens dependent as a means of gaining access to the estates of those senior citizens. Mr. Speaker, that capability is there at the present time, and certainly can be of great concern.

The fourth principle is the one with regard to conflict of interest. Three sections refer to this concept, sections 26, 28, and 30. Under Section 26:

... an individual shall not be considered to be in a position where his interest will conflict with the dependent adult's interests by reason only of the fact that the individual is a potential beneficiary or relative of the dependent adult.

Section 28 gives almost unlimited sole powers of "possession and control of all the real and personal property of the dependent adult" to a court-appointed trustee, including the power to "manage, handle, administer, sell, dispose" of that particular estate, regardless of the value, Mr. Speaker. The value is not a consideration.

Section 30 establishes other areas in which the court may "authorize a trustee to [act]... in respect of the estate of a dependent adult".

I have some questions with regard to those three sections that should be raised and should receive answers at this time. First of all, has the member who introduced the Bill considered an amendment that would impose a penalty on a trustee who, for various reasons, misuses his or her authority or power? Is there any type of penalty? Should there be? Has the member considered that particular aspect? Secondly, in the opinion of the member, does the present Dependent Adults Act or the Act as proposed infringe on human rights in The Dower Act? Thirdly, has the member given any consideration to amending those sections of The Dependent Adults Act which give guardians and/or trustees sweeping powers over the dependent adult, his person, and certainly his property? Fourthly, is the member aware of any instances where such powers have been misused until this time under the present Act? Fifthly, does the member agree with the possibility that misuse does exist? How does the present amendment prevent abuse? In my opinion, Mr. Speaker, I really feel that it doesn't.

The fifth principle I'd like to raise on Bill 58 is with regard to the concept of sterilization. I feel that an amendment is needed to protect dependent adults against unwarranted sterilization. Under the old sterilization Act, cases were subject to approval of a genetics board. Now the guardian, under the Act, has the power of consent over all medical care, which certainly in my mind would include sterilization. The Alberta Association for the Mentally Retarded and other groups have indicated concern to us, and certainly wanted us to express our concern in this Legislature with regard to the present status and powers given to guardians with regard to health care, specifically sterilization.

Mr. Speaker, with those five concerns that I have with regard to Bill 58, I want to say again, one, I appreciate that the amendments have been brought before the Assembly. Secondly, many groups within the province of Alberta would like some input. I would certainly suggest that the government consider holding the Bill in commit-

tee and having whatever input is out there come to this Legislature, and in the fall we can move the amendments with full input and with as much meaning as possible.

MR. NOTLEY: Mr. Speaker, in rising to take part in the Bill before us, it seems to me that the hon. member who introduced the Bill really does have to present to this Assembly, first of all, a very clear argument for proceeding now as opposed to waiting until the fall. It does seem to me that the arguments for delaying the matter until the fall, so that interested Albertans could have the opportunity to assess a Bill that, frankly, has some far-reaching implications. . . . If there is such a rush, then I think we have to know why there is a rush, why it is important, why it is absolutely necessary that the Legislature deal with it this spring.

Mr. Speaker, if we are advised that it has to proceed this spring because of the urgency, then the hon. member introducing the Bill or the minister should also explain to us why the Bill wasn't introduced until the very last stages of this Assembly. It seems to me that in this Bill today, we're not looking at a minor housekeeping piece of legislation; we're dealing with legislation that has some rather far-reaching effects on people. As a member of the Assembly, wanting to deal with the issue as responsibly as I can, it just isn't fair or reasonable that we bring in a Bill of this nature one week, then ram it through the next. I would certainly second some of the comments that have been made by the Member for Little Bow. It does seem to me that if there is no compelling urgency to put it through committee stage and third reading today, then in my view it could reasonably be held over so that we might all benefit from the representation that would come over the summer.

On a number of occasions before, this government has held over important legislation. It certainly did that with The Planning Act, and I think the legislation was improved as a consequence. In 1975 the heritage trust fund Act was introduced, held over, and had to be reintroduced in the spring of 1976. But it was deliberately introduced in the fall of 1975 so that we could get feedback from the public, not on the basis of making representation in the context of the problem, but making representation in the context of a specific Act.

I would argue, Mr. Speaker, that in this debate either the minister or the hon. member has to be able to offer us the assurance that this will be withheld until the fall or, alternatively, if it must be put through at this stage, then advise the Assembly, out of courtesy to this Assembly, why a Bill of this nature was brought in at the very last minute.

Mr. Speaker, many of the points I was going to raise have been, I thought, very effectively raised by the hon. Member for Little Bow. So I won't go over some of the points he has already covered. I certainly share the concern of the official opposition with respect to the sterilization issue. Also are we lengthening the review period from two to three years because, frankly, our staff is overburdened? I sort of got that implication in listening to the hon. member introduce the Bill. There are a couple of ways of dealing with that. One way is to lengthen the review period; that's true. That's one way of dealing with it. The other way is to face up to some of the staff shortages which, frankly, we face in this department.

Mr. Speaker, I want to deal with this question of compulsory care, Section 10, and specifically put a question to the hon. member who introduced the Bill. Under sections 10.5 to 10.7, a person in charge of a place of care

may issue a compulsory care certificate. We're told that that's 72 hours. But as I read the legislation, I believe — and I could be wrong — that that can be continued until such time as the court hears it, and the court hearing could be as long as 28 days later. So we could have, in fact, a period of 32 days, if my arithmetic is right. That may not always be the case, but it could be as long as 32 days. So while we're talking about 72 hours in the Act, that is until a hearing; but it could be renewed until such time as a court hearing can take place. It strikes me that a 32-day period, which is admittedly a maximum, is excessive.

Then the question of who gets the notice for adults who are in nursing homes, senior citizens' homes, approved hospitals, hostels for the unemployed or indigent people. As I read the Act, the people in these institutions, the potential dependent adult, don't necessarily get the notice of the court hearing. The notice goes to the person in charge of the institution. Now, Mr. Speaker, I realize it is not an easy problem to deal with but, gee whiz, it seems to me that we're opening the door for all of kinds of problems, in terms of these notices going awry and people not being notified properly. I really would like the hon. member to deal with that in a little more detail when he concludes debate.

Mr. Speaker, I notice in sections 4 and 18 we're dealing with limiting the liability of physicians and psychologists. Essentially these two sections free any physician or psychologist who makes a report declaring an adult to be a dependant, and thus in need of a guardian or trustee, from any liability for making the report. While this will no doubt have the effect of making the appropriate professionals less wary of committing themselves in this regard — and that's a good thing. I know this is one of the problems that one runs into. Even as a member of the Workers' Compensation Committee, one of our concerns was to find ways and means in which we could get useful and workable information from the medical people to the board.

Nevertheless, while that's a good thing, it does seem to me that it opens yet another area of potential abuse. In the absence of any sort of potential liability, there's really nothing to stop a doctor or a psychologist from exercising discretion or restraint in considering such reports except their own personal ethics and not the firmest of standards which we set out. Normally those ethics are going to be sufficient, but I have to say that after the experience we have gone through, reading some of the reports — when I saw a report that was tabled in this Legislature by a very eminent and highly qualified psychologist who argues in his report that there's nothing inherently wrong with children eating dog food. . . . I have to say that this section concerns me somewhat. I think we have to have a pretty clear indication from the member introducing the Bill as to how much time that member and the government have taken in evaluating the balances. I readily understand some of the pluses in limiting the liability of professionals in the area, but at the same time there is a debit side to the ledger as well.

Mr. Speaker, on the question of the right to know, where courts can consider an application appointing a guardian for an adult and can dispense with the requirement of service of notice, again, I realize this is a difficult area to deal with. But it seems to me that no matter how incapacitated a person may be, there really have to be more than some reasonable steps taken to notify that person. I share the concern that the Member for Little Bow raised about one member of the family. I think we

would have to be a little naive, Mr. Speaker, if we didn't recognize that there are going to be cases where elderly people who might very well qualify as dependent adults are in a position, frankly, to benefit someone else, to create a potential conflict of interest. I know of a very sad case in the city of Calgary, a very eminent person who instructed at the University of Calgary, where I think members of the family took advantage in the most shameless way of the dependency of this person in her last years.

That kind of thing happens. It seems to me that in drafting legislation we have to be very careful to ensure that there are sufficient safeguards in the Act. No one is suggesting that in this particular piece of legislation we can draft a code of ethics for every individual relating to dependent adults. But we have to be sure in our own mind that we have drafted rules in such a fashion as to protect, as much as possible at least, the dependent adults in the province.

So, Mr. Speaker, for many of the reasons set out already by the hon. Member for Little Bow and for some of the reasons I've advanced, I would say to the government, let's take the four or five months. Because, all hon. members of the House, once this legislation has been tabled, there is no question about it: we will receive representation. Let us take the benefit of that representation. The government is quite properly now reviewing child welfare legislation. We have the Cavanagh commission to examine that. That's going to take some time. Well, we're not asking for two or three years. But it seems to me a period of four or five months would allow Albertans who are particularly interested in this question and MLAs an opportunity to get the feedback that would better enable us to deal with amendments which could strengthen the Bill today. In principle, I don't quarrel with most of the provisions of the Bill before us, but I do think there are a number of unanswered questions which would well be worth this government's careful consideration over the summer. Then we could deal with the matter finally in the fall.

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

HON. MEMBERS: Agreed.

DR. PAPROSKI: Thank you, Mr. Speaker. I appreciate the hon. opposition members making their comments on this very important Bill, indeed a very sensitive Bill. As I indicated before, it's not only sensitive but it's model legislation. I would suggest to the hon. members that a lot of consideration has been given to the amendments here. Indeed, no matter what amendment, whatever we put into legislation, there can always be deficiencies and challenges on the interpretation and the policies and direction that may emanate from that type of legislation.

But we're extremely careful, and have been extremely careful, to ensure that those types of problems are closed and tightened up as much as possible. For that matter, one of the basic reasons for the amendments is some of the concerns and problems that have been expressed either by the department or the Public Guardian and his staff. Indeed the provincial mental health council had input on this. This took place approximately one month ago.

Furthermore, there's not a rush *per se* for the hon. Member for Edmonton Kingsway or the hon. minister, but indeed there are amendments here that I think are

important to the administration of this Act and for the care of dependent adults. If there is a rush, that is the rush. This Bill was introduced on May 15, Mr. Speaker, and I haven't had any representation from the Alberta Association for the Mentally Retarded, who have had a copy of the Bill, I understand. The minister himself gave that association the Bill. I know on April 28, 1980, at least a letter to me indicates that the provincial mental health council had an opportunity not only to review the proposed amendments but also to indicate a number of significant changes, that are incorporated in this Bill. Some of those changes are there regarding compulsory confinement, and the matter of sterilization was a consideration. That was deployed for another day, because it's under review at this time. We felt there was no way we could rush such an important topic as that, considering the amendments we were bringing in.

So there is just no way, Mr. Speaker, that I can accept that this is a rush job. If there is any urgency, it's on behalf of the dependent adults in our society.

The other comment I'd like to make, just as a response very briefly — because we'll have an opportunity, maybe, to deal with it in Committee of the Whole — is limiting the liability of the physician or surgeon. Mr. Speaker, the physician and surgeon's liability with respect to the information he puts into that report is not limited. He is liable. If he puts in a report that's negligent regarding that dependent adult, he or she is liable. What we're saying here is limiting the liability with providing the information under the proceedings of the Act for an application to become a guardian or to an interested person who might want to make that decision. I think that is a very important bit of information for that individual if he's going to become the guardian, because he wants to know what he's dealing with. So to answer that: the physician or the psychologist has no limitation; in other words, the liability is not limited. He's not immune to a libel suit if he's negligent in the contents of the report, but we're protecting him by providing that information where necessary.

I just couldn't understand when the opposition member indicated that the dependent adult will not be served. In fact, he will be served. He's served — and this is one thing we wanted to clarify — except where we know as a fact that the individual is unable to understand or it may cause undue or serious distress to the dependent adult. Surely, in a review of an application for guardianship, it's pointless to serve that kind of individual. That will be considered by the court. That is the only case where the dependent adult will not be served. There are some other circumstances that may occur. With respect to the concern about the certificate of confinement or the compulsory care certificate for the 72-hour emergency measure, I understand clearly that in 10.6 that the dependent adult and his guardian will get a copy, and the dependent adult may have information that he'd be represented by legal counsel at any hearing. The dependent adult will also receive information regarding the address and telephone number of the office of the Legal Aid Society of Alberta nearest to the place of care where the dependent adult is confined.

Also, if we're going to deal with the item of confinement again, the dependent adult under the compulsory care order which may occur up to three years — not three years in all cases, only up to three years. It may occur for one month, three months, six months. It can be reviewed at any time by any interested person. I've already indicated the number of avenues of appeal and checks and

balances: every year by the appeal panel, and every three months to reassess if the diagnosis and treatment are changed or terminated. It goes to the appeal panel. Anybody at any time can review it. The individuals who are involved knowing that the person is under compulsory care are the dependent adult; the next nearest relative; the applicant, if he's the nearest relative; the Public Guardian; the Public Trustee; the director of the institution; and whoever the court directs. We've added two more: the dependent adult, who will also know, and the next nearest relative, who will also know; and the director of the institution, which has a wider range than the director of the facility.

So I think there are adequate provisions here, Mr. Speaker. I'm not being quick about this, because it's not a quick type of decision. It's a decision that has to be very carefully evaluated. I would underline for opposition members and for anybody who may be concerned that this is not cast in stone. It could be changed again if problems occur, as I'm sure they will, recognizing the fact that we're dealing with human beings. I'm sure that is abundantly clear to everybody.

Regarding the extension of the review from every two years to every three years, again, the situation is precisely to help and assist the number of applications that we have to deal with. Yes, it's an administrative change. But that doesn't prohibit any of those members I've indicated from calling for a review at any time. That doesn't mean that you have to have a review every three years by the order. As a matter of fact, in a lot of cases the court will order that the guardianship order is only for six months. Now we're not talking about compulsory care; we're talking about guardianship order. It may order it for a year, a year and a half, or two months. Furthermore, in spite of that, that can be reviewed any time. I think the central point there is the review at any time by people who are interested. If that wasn't there, indeed, I would not want to have this. That is important. We've expanded the number of people who are going to know; that is, the next nearest relative, the director of the institution, and the dependent adult himself.

Furthermore, to improve the care, the processing, and the evaluation of all these on an ongoing basis . . . Precisely one of the reasons we've extended it to three years is to allow the staff to do more. No matter how much staff you have, the staff only has a certain amount of time frame in a given day. Also, the Public Guardian will be able to delegate his authority from the court to be able to evaluate the various dependent adults, again, to do a better job given the circumstances. Not to say that the staff shouldn't be expanded because, frankly, I think now, after this Act has been in process for about a year or so, it's just about the time I think the staff will have to be expanded to deal with the 1,000, or 2,000 cases that have to be dealt with every year.

Mr. Speaker, I could go over every item, but I think I will reserve the comments for Committee of the Whole, because we can then deal with the items clause by clause. But I'd like to make one comment regarding the comment from the hon. Member for Little Bow regarding the misuse of authority by the trustee. I have considered that. I think it seems like an anomaly or a concern that when a court allows a private trustee order and gives them sweeping powers . . . One day after he is allowed to be a trustee on behalf of anybody — and this has nothing to do with a guardianship order; we're talking about trusteeship with respect to financial matters, and this was in before as the hon. member knows — that, in fact, the next day he

could sell that dependent or incapacitated adult's house. That would be a concern. I certainly would want to review that between now and fall, and allow some buffer zone so that the individual who is a trustee on behalf of an incapacitated individual will have to report to someone like the Public Trustee, and have a period of 30 days for breathing space when it comes to a major item of sale, trade-off, or whatever.

Regarding the matter of sterilization, Mr. Speaker, I've indicated already that this is one of the items under review right now, and will continue to be under review between now and fall. We realize there is a danger with respect to the Act. If a guardian who is responsible for the dependent adult has the authority for general health matters — and we've brought in a section regarding that; I won't go into that now. The guardian, indeed, has the power to okay general health care. But in matters of sterilization that are not an emergency — and I'm not talking about an emergency now, where an accident or some disaster occurs to the individual where an incidental operation may have to take place in sterilization. We're talking about a deliberate sterilization just for sterilization's sake. The court proceedings now, or the court experience as I understand it states that the doctor who performs such a sterilization — although the fact is that the guardian can go to the doctor and ask for that sterilization; that is, a non-therapeutic sterilization — would be very, very unwise. The medical profession is aware of that, Mr. Speaker. They are liable unless they can demonstrate that that is in the best interests of the dependent adult and that, in fact, no other procedure, such as a contraceptive measure, would serve as well.

But in spite of that, I think that could be improved and there are a number of items dealing with that matter that I'm sure we'll bring in in the fall. It'll probably be a greater improvement over what we have right now. At this time, I think the physicians who might contemplate such a procedure would be in jeopardy of civil suit.

With those comments, Mr. Speaker, I encourage hon. members to bring about these changes, because I think a lot of dependent adults out there will indeed benefit by the changes.

Thank you.

[Motion carried; Bill 58 read a second time]

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

##### Bill Pr. 2

#### The Edmonton Research and Development Park Authority Act

MR. PAHL: Mr. Speaker, on rising to move second reading of Bill Pr. 2, I would like to make a few comments. The purpose of the Bill is to provide authority to the city of Edmonton, in co-operation with the university and the business community, to develop and operate a research and development park on an independent basis. The idea of the park is not new in the world, but it is unique to have it operated by an independent authority, on a non-profit basis, where the tenants within the park will basically have a large degree of say in the administration.

The hope that I see for this authority is the critical mass for a developing brain industry in our province that will enable spinoff industries of a non-polluting, high

technology nature. Mr. Speaker, I think it's important to note in moving second reading of this Bill that the time for a developing critical mass for research capability in Alberta is upon us. Where in previous years the availability of skilled labor and lots of sunshine in the sun belt of California was an important consideration for industries wishing to locate their research facilities, such as the silicon chip industry, now the factor of available energy and the fact that Alberta is a very important energy belt in terms of a long-term supply of reasonably priced energy are important considerations for people wishing to get into high technology research and development.

The other factor that makes the Edmonton Research and Development Park, that will be operated under this enabling legislation, an important boost for our province and the constituency of Edmonton Mill Woods is the decision of the Alberta Research Council to locate adjacent to the Edmonton Research and Development Park, providing some synergy, if you will, among the Research Council, tenants within the Edmonton Research and Development Park, our university — which, by the way, is the third largest university in Canada — and the very strong base of polytechnical resources of skilled people from NAIT, and from SAIT in Calgary.

I would also like to indicate to the Assembly that two amendments to be introduced to this Bill in Committee of the Whole will more accurately reflect the needs of the authority to carry out its very worth-while mandate.

Mr. Speaker, I therefore move second reading of Bill No. Pr. 2, The Edmonton Research and Development Park Authority Act.

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

**Bill Pr. 6**  
**The Prairie Bible Institute**  
**Amendment Act, 1980**

MRS. OSTERMAN: Mr. Speaker, Bill Pr. 6 is very simple in nature. It is exactly as stated on first reading; that is, the Prairie Bible Institute wishes to grant degrees in divinity. In stating that, I wish to move second reading of Bill Pr. 6, The Prairie Bible Institute Amendment Act, 1980.

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

**Bill Pr. 8**  
**The Stockmen's Memorial Foundation Act**

DR. CARTER: Mr. Speaker, in rising to make a few comments on second reading of Bill Pr. 8, The Stockmen's Memorial Foundation Act, I would refer members of the Assembly to the comments made very briefly on first reading. The purpose of the Bill is to incorporate a foundation which intends to identify and honor the builders of the livestock industry within the province, and to provide both the industry and the general public with historical and business information and opportunities.

I know it was something like over 100 years ago when the first organized cattle roundup took place in the province, down near Cardston. So it's in line with that great history and the contribution of stockgrowers to this province that we make these comments with regard to this Bill. It's my understanding that all the livestock growers met during the spring of 1979 and that this involved 13 cattle associations. They discussed this whole concept, and at that time there seemed to be unanimous

agreement.

The most important sections of the Bill in terms of the edification of a member in the Assembly would be Section 3, which gives the objects of the foundation — there are four parts to that section — and Section 7, the powers of the foundation. It's rather interesting to note that one of the features of the foundation will be to establish a library. In fact they've already commenced establishment of a library and are presently working out of the stockmen's centre in northeast Calgary. It is hoped that there will also be the matter of a computer terminal for the update of information and the general availability of information to those involved in the livestock industry.

I am pleased to note that within the parameters of this particular Bill provision is also made for information to be there with regard to our native people, especially our treaty Indians, and their historical background of being the first range riders within this province.

Mr. Speaker, why am I sponsoring this Bill? As an urban member, I am pleased to comment that within the riding of Calgary Millican, I have not only the stockyards in Calgary but the Calgary Stampede. I also happen to have a small piece of ground in the southern portion of the province, where I seem to be raising gophers.

Mr. Speaker, I move second reading of Bill Pr. 8, The Stockmen's Memorial Foundation Act.

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

MR. CRAWFORD: Mr. Speaker, before moving that you leave the Chair in order that the House might go into committee to consider Bills on the Order Paper, I would ask hon. members that, pursuant to Standing Order 63(2), the advancing of Bills two or more stages in one day be unanimously agreed to in regard to any items on the Order Paper that might be called today.

[Motion carried unanimously]

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

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

[Mr. Appleby in the Chair]

MR. CHAIRMAN: Will the committee please come to order. We have some Bills for consideration this afternoon.

**Bill 10**  
**The Colleges Amendment Act, 1980**

MR. CHAIRMAN: An amendment has been circulated. Are there any questions or comments?

[Title and preamble agreed to]

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

[Motion carried]



**Bill 28**  
**The Alberta Health Facilities**  
**Review Committee Amendment Act, 1980**

MR. CHAIRMAN: Are there any questions or comments regarding this Bill?

MRS. CHICHAK: Mr. Chairman, the other day in second reading, I undertook to respond in committee study more fully to a couple of questions that were put to me.

I think the two main issues that were raised by the hon. Member for Spirit River-Fairview were with respect to whether the committee, in visiting the institutions under its jurisdiction, had access to financial records, particularly of the contract owners, the contract nursing homes, who receive subsidies from the government. In my initial response, I indicated that we did not. I want to expand on that point just briefly today and say that if we take into consideration the role of the committee and the philosophy behind having established the committee, it was important that the committee not be involved in having to make assessments on what relationship the ability of delivery of a certain level of care, particularly in contract facilities, had to do with the monetary or financial ability of the ownership of the facility. If the committee were put into a position to have to make that kind of evaluation, I think it would lose the role it was established to carry out. The committee's role as I interpret it, was that the committee must assess whether the level or the nature of care and the facility in general are adequate — "adequate" is not the correct terminology; I would say satisfactory to meet the kinds of needs and expectations that I think have been put before the people of Alberta under regulations. The committee must not be encumbered with having to evaluate because of dollar situation insofar as a contract facility is concerned. That in fact would not be desirable, from my point of view as chairman of the committee.

With respect to the other question the hon. Member for Spirit River-Fairview raised, regarding whether there should be a mechanism of appeal to the Ombudsman and the extension of the Ombudsman's role, I responded the other day to the hon. member that to my knowledge and awareness it was not the intent of the government at this point to consider extension of the jurisdiction of the Ombudsman into this particular area. I would just like to expand on that remark a little further. There are a number of processes a complainant has, whether a resident or a patient within a facility, an employee within a health care facility, or a relative or friend. There is a route one may take in registering concerns and complaints. Of course initially those must start within the facility mechanism itself; in other words, the administration, the staff, and the boards where they are involved. Beyond that point, if there isn't a resolution of the concern, the complaint quite properly should come to our committee.

In the event that a complainant is not satisfied with the investigation and the resolution, direction, or ultimate decision of the committee, the individual still has access to the minister to register further concern and complaint. The minister has all the jurisdiction and powers that may be necessary under the circumstance to determine whether the Ombudsman ought to carry out the investigation or some other special body or group should carry out perhaps a larger and more appropriate investigation.

So I insofar as having an appeal mechanism to the Ombudsman, under the current mechanisms and ability

and jurisdiction, the power the minister has, the Ombudsman certainly is not ruled out. As we saw not so many months ago, the Ombudsman was in fact requested by the hon. Minister of Social Services and Community Health to carry out that kind of study. So I think it would not be a necessary consideration at this time to say that the ultimate appeal necessarily ought to be to an Ombudsman. We have the Cavanagh Board of Review, which was another body by the Minister of Social Services and Community Health. So that mechanism is in place now for the minister to make that decision.

With regard to the hon. Member for Edmonton Kingsway, he questioned what ultimate action a committee had with respect to requiring that a recommendation on an investigation be followed or a correction be carried out. My response initially was that it has been the committee's experience that in the high majority of cases, the co-operation was always there from the boards, the staff, or the owners of the facilities, whoever it was. We have found that very often it was perhaps an unawareness, for whatever reason, of a situation or a problem existing. Where the committee has found that there wasn't the co-operation it desired, it certainly looked at the reason behind the lack of co-operation, whether it was the inability to resolve the problem in the manner that it needed to be resolved because of circumstances beyond the control of the particular body in question, or whether it was simply a disagreement. In such circumstances the committee communicates to the minister the concern raised, the nature of the investigation carried out, the determination or decision of the committee, and what results have arisen from the request for determination. If difficulties are experienced, the committee requests the minister to take certain steps to have the matter resolved. In all cases, we find there has been some avenue to enable a determination of a problem.

I think those were the questions that were raised previously. If there are any others, I'd be pleased to assist.

[Title and preamble agreed to]

MRS. CHICHAK: Mr. Chairman, I move that the Bill be reported.

[Motion carried]

**Bill 35**  
**The Commissioners for Oaths**  
**Amendment Act, 1980**

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

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, on behalf of the hon. Attorney General, I move that Bill No. 35 be reported.

[Motion carried]

**Bill 36**  
**The Notaries Public**  
**Amendment Act, 1980**

MR. CHAIRMAN: Are there any questions or comments with regard to any sections of this Bill?

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, on behalf of the hon. Attorney General, I move that Bill No. 36 be reported.

[Motion carried]

**Bill 40**  
**The Appropriation**  
**(Supplementary Supply) Act, 1980**

MR. CHAIRMAN: Are there any questions or comments regarding this Bill?

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill No. 40, The Appropriation (Supplementary Supply) Act, 1980, be reported.

[Motion carried]

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

MR. CHAIRMAN: There is an amendment for this Bill.

MR. HYNDMAN: Mr. Chairman, before we have the amendment, I'd like to give four brief answers to four brief questions that were posed by the Leader of the Opposition during second reading, in respect of which I promised I would have some information at this time.

Firstly, he asked whether there was a mechanism for prior consultation with the federal government with respect to changes they would make that would affect this Act. Of course, with the principles of federal budget secrecy, we wouldn't be privy to federal policy decisions before they're announced, but because here we are, in effect, piggybacking the federal rules for determining taxable income, changes to the federal rules would automatically be adopted by our law unless we took legislative action. Action could counteract them. So the changes will be automatic, an automatic tracking of the federal changes for simplicity, unless we take subsequent action in this Assembly to counteract those federal changes. There would have to be legislation to do that, and therefore each federal change will be monitored and a statement made as to whether we would be counteracting that move by the federal government.

Secondly, with respect to the interpretation of the federal rules for calculating taxable income, and there are many federal interpretations and rulings — we'd hope to avoid too many provincial ones — the policy here would be to adopt all the federal interpretations and rulings affecting taxable income. This would mean that a taxpayer's federal assessment of taxable income will be accepted for Alberta tax purposes. Similar to the situation in Ontario and Quebec, we would be entering into an agreement with the federal government to exchange notices of reassessment in order to achieve that end.

Thirdly, with regard to floor space for the administration of the program, space will be available in the Administration Building for the administration of the corporate tax, the cost of which will be approximately 0.75 per cent of the total moneys collected, something over \$500 million — that is, something under \$4 million for the forthcoming fiscal year — and approximately 200 people.

The fourth question related to the apparent reading of Section 55 of the Bill, which the hon. opposition leader suggested gave power to the Provincial Treasurer to hire persons independent of the public service commission to put the Act into effect. That is, in fact, not the case. There's no reference to The Public Service Act, because it applies, as does The Auditor General Act, to every department and every operation. So there's no independent power in the Treasurer in that regard.

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill No. 41 be reported as amended.

[Motion carried]

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

MR. CHAIRMAN: This Bill also has an amendment, which has been circulated.

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move Bill No. 42 be reported as amended.

[Motion carried]

**Bill 43**  
**The Universities Amendment Act, 1980**

MR. CHAIRMAN: Are there any questions or comments regarding this Bill?

[Title and preamble agreed to]

MR. HORSMAN: Mr. Chairman, I move that Bill 43 be reported.

[Motion carried]

**Bill 45**  
**The School Election**  
**Amendment Act, 1980**

MR. CHAIRMAN: Are there any questions or comments regarding this Bill?

[Title and preamble agreed to]

MR. HORSMAN: Mr. Chairman, on behalf of my colleague the Minister of Education, I move that Bill 45 be reported.

[Motion carried]

**Bill 47**  
**The Appropriation Act, 1980**

MR. CHAIRMAN: Are there any questions or comments regarding this Bill?

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill 47, The Appropriation Act, 1980, be reported.

[Motion carried]

**Bill 50**  
**The Mines and Minerals**  
**Amendment Act, 1980**

MR. CHAIRMAN: Are there any questions or comments regarding this Act?

SOME HON. MEMBERS: Question.

MR. R. CLARK: Not quite so fast. Mr. Chairman, I think we should stop for a moment or two and do some rather serious considering of this Bill. Members will recall that during second reading, those of us on this side of the House raised a number of concerns with regard to the Bill. Those concerns primarily centred on two points. One was the question of a decision being made in the public interest to be made by the Cabinet as opposed to here in the Legislative Assembly.

I might say that I was pleased to hear the commitment given by the Premier that the first time this section would be used on a matter of substance, it would come to the Legislative Assembly. I want to make it very clear to members that I'm not doubting that commitment the Premier has given. As welcome as that commitment was, it seems to me that on matters of substance, the Legislative Assembly itself is the place where those kinds of decisions should be made. That's the first point I want to make.

Mr. Chairman, the second point is that in the concluding comments made by the Minister of Energy and Natural Resources, he used what I found a very interesting term. In trying to assess the public interest, when you look at the variety of suggestions put forward, some in the House and many more outside the House, if I recall the minister's terminology correctly, it was really a judgment call. I say to the hon. Minister of Energy and Natural Resources, if this question of determining the public interest is in fact a judgment call, if that's the best guidance we can give, after that first time let's have that judgment call made by the 79 elected members of the Legislative Assembly, not simply made by the Cabinet behind closed doors.

Mr. Chairman, from that point of view, I move the amendment which has been circulated to the Minister of Energy and Natural Resources and all hon. members. I'd like to read the amendment into the record.

Section 2 is amended in the new proposed section 135.1 by adding after subsection (1)

- (1.1) The Lieutenant Governor in Council shall not make any regulation under subsection (1) that would or could have the effect of reducing the amount of petroleum leaving the Province to a domestic purchaser to below the amount requested by that purchaser except a reduction necessitated by a limited supply of petroleum in the Province, or a physical limitation on the capacity to deliver the petroleum to the border of the Province, unless the Legislative Assembly first passes a resolution approving the regulation.

MR. CHAIRMAN: I don't believe the Chair has a copy.

MR. R. CLARK: I apologize profusely to the Chair.

MR. CHAIRMAN: Thank you.

MR. R. CLARK: Mr. Chairman, in essence, this takes the commitment the Premier gave to the Assembly — that on the first matter of substance, the Assembly would be consulted — and says that that commitment to bring the matter to the Assembly will happen on every occasion of major importance.

So, Mr. Chairman, I urge the hon. members to consider the amendment seriously. I remind members of the statement made by the Minister of Energy and Natural Resources that in fact this public interest question as far as Bill 50 is concerned is a judgment call. Then let's have the best judgment of all [79] members here in the House. This amendment is an attempt to capture the commitment the Premier gave to the Assembly and apply it not only to that first occasion, but to all other occasions following that. I would urge members to give serious and favorable consideration to the proposed amendment.

MR. NOTLEY: Mr. Chairman, very briefly, it seems to me that the principle contained in the amendment is a very simple, but I would say, fundamental principle. The Premier spoke after I had an opportunity to speak in the debate on second reading. I think members and Albertans appreciate the statement the Premier made, that before any action under Bill 50 was taken for the first time, there would be discussion in the Legislature, there would be a resolution, and there would be a standing vote.

But, Mr. Chairman, it seems to me that here we are passing legislation that will presumably exist on the statute books for some time, perhaps legislation that, while many of us foresee the possibility of it being used in the context of a major constitutional crisis in the next few months, the fact of the matter is that we cannot foresee the future. We cannot estimate what the situation will be two, three, or five years from now. As a consequence, when we draft legislation, even though I appreciated the Premier's remarks, the fact is that we should have legislation drafted in such a way that the Legislature itself makes the final determination as to the judgment call.

It's because of the context in which we have to review Bill 50 that it is so important, and it's a continuing context. It's the sort of thing that is going to go on for some time, because there will always be profound differences between producing and consuming provinces. Even though we hope that at the end of this oil agreement, a new agreement is going to be reached, I don't think anyone in this Assembly is so innocent of the political process that we would assume an agreement reached is going to resolve forever and a day the differences between producing and consuming provinces. Those differences are real. They represent different perspectives, each in its own way having a certain legitimacy, and they are going to exist.

It means that this kind of legislation is not just something we look at in the context of the next few months, but it seems to me it's going to be used, or may well be used, or could possibly be used many, many times in the years ahead. As long as we are a major producer of energy in this province, we are talking about the possibility of using this power in the context of federal/provincial confrontation — and that's a very real possibility — that could have significant impact on not only the future of

Alberta, but the future of the country as a whole.

The Minister of Energy and Natural Resources put it rather well when he said that ultimately the determination of the public interest has to be a judgment call, and of course ultimately the government of the day has to be responsible for making that judgment call — but responsible in a sense, Mr. Chairman, Mr. Minister, of putting a resolution to this Assembly to have the kind of debate the Premier has already indicated will take place the first time it's used and, yes, to have a standing vote so that every member in this Assembly is recorded one way or the other. What we're talking about here is an amendment that rather than weakening the principle of Bill 50 immeasurably strengthens it, because what we are saying is a commitment that the Premier properly made as to the first time it's used will in fact be the basis on which we determine judgment calls in the future.

Mr. Chairman, that being the case, I would certainly strongly support the amendment. I think it strengthens Bill 50 rather than weakens it.

MR. PAHL: Mr. Chairman, speaking to the amendment, I find it somewhat strange that after the commitment was given and accepted, we have some legislators within our Assembly who want to become day to day managers. I think the Premier has recognized the supremacy of the Legislative Assembly in making the policy decision with respect to the use of this clause in the context of whatever situation may occur, but from that point on we as legislators, as policy makers, and as law makers have to recognize that there is a logical and a reasonable division between the executive branch of government, if you will, and the legislative branch of government.

I can see that this power to regulate in the public interest could become a monthly thing. I find it strange to believe that it would be necessary that once the Legislature has made the policy and principle agreement it would want to be involved on literally a month to month basis in the fine tuning that would necessarily follow from the implementation of this opportunity to regulate and control our oil and gas resources.

In summary, Mr. Chairman, I would recommend that this amendment be defeated.

MR. LEITCH: Mr. Chairman, I would like to make a few comments with respect to the amendment. The issue raised by the amendment has been debated in this House on numerous occasions, and undoubtedly it will be debated in this House on numerous occasions in the future. Of course, similar debates occur in every House in the Commonwealth. Really, Mr. Chairman, I think we're dealing with the question of when matters should be decided in the Legislative Assembly and what matters should be left to be decided by the executive branch of government.

Broadly speaking I think there are two categories of decisions that the legislatures throughout the Commonwealth feel ought to be left to the Executive Council. One type of decision is what might be regarded as administrative, regulatory, or of such detail that it should be handled, as the hon. Member for Edmonton Mill Woods stated, as a management matter. There's another type of decision where it is simply impractical to have it dealt with by the Legislative Assembly. In my view the decision we're dealing with here falls into that category.

As the hon. Member for Edmonton Mill Woods has pointed out, there may be numerous occasions on which any order made under this particular Bill would have to

be changed, and the change might well be of a very minute nature for a variety of reasons. There are thousands of Crown leases in the province of Alberta to which this order might apply. There are just a multiplicity of reasons why some of them might need to be excluded.

In my judgment, Mr. Chairman, the key point was dealt with by the Premier on second reading of the Bill, in which he gave an undertaking to the Assembly that the first substantive order would only be made by Executive Council after debate in the Assembly and upon recommendation of the Assembly. I submit that that meets the principle, fulfils the test that the members of the opposition have referred to in speaking to the amendment.

I would simply add, Mr. Chairman, that following the first substantive order, a number of changes may need to be made to it, for very practical reasons. It would simply be impractical to call the Legislative Assembly if it were out of session, or even if it were in session to introduce a resolution for each of those changes. And I'm talking about changes that would not fall within the exclusions referred to in the amendment.

In conclusion, Mr. Chairman, in my view the commitment by the hon. Premier does meet the concerns of the opposition in the only practical way they can be met. For those reasons I would urge members of the committee to vote against the amendment.

MR. R. CLARK: Mr. Chairman, in responding to the comments made by the Minister of Energy and Natural Resources . . .

MR. CHAIRMAN: May the hon. Leader of the Opposition close debate on the amendment?

MR. R. CLARK: Mr. Chairman, in committee I believe we can go a number of times.

MR. CHAIRMAN: Oh, right. Sorry.

MR. CLARK: I hadn't planned to go till 5:30.

Mr. Chairman, to the Minister of Energy and Natural Resources. Mr. Minister, it is accurate that after the first use of this section, after the debate in the House, it is possible a number of adjustments would have to be made. But even I have sufficient confidence in the legal expertise in this government that an amendment could be drafted at that time, when the Legislature is called, to deal with any kind of adjustments that could be made, Mr. Minister.

MR. CHAIRMAN: Could I ask the hon. leader to make his remarks to the Chair.

MR. R. CLARK: Yes, you may. Mr. Chairman, even I have the confidence in this government's legal expertise to meet that kind of situation. The basic reason of the hon. Member for Edmonton Mill Woods and the hon. Minister of Energy and Natural Resources for urging members to defeat this is that at some time in the future it might be that the Legislature would have to be called awfully quickly. My submission to you, Mr. Chairman, and to the Minister of Energy and Natural Resources, in asking the minister to reassess his position and his advice to his colleagues in the House, is that once the House is called to deal with the section the Premier promised would be debated in the House first, this government has the legal ability to bring in some amendment at that time that would deal with administrative problems that could de-

velop. I certainly would be prepared to look seriously at supporting that kind of adjustment.

The second point is — and I say this with due respect to the Member for Edmonton Mill Woods, who seemed to be somewhat offended because we would bring this kind of an amendment forward after the Premier made his commitment. Just like the rest of us, the Premier isn't going to be here forever. Where the commitment given in the House by the Premier has political significance, it is not binding in law at all. Far be it to fall upon me to give legal advice to this government, but I think that point has to be made. If one looks at the commitment the Premier made, after coming to the Assembly on the first occasion, there's no commitment to come to the Assembly on matters of substance after that.

It's on those two points, Mr. Chairman, that I'd ask both the Member for Edmonton Mill Woods and the Minister of Energy and Natural Resources to reconsider their advice to members of the Assembly and to support the amendment.

MR. NOTLEY: On the arguments that have been presented in opposition to the amendment, I think we have to be very clear to understand that the hon. Premier assured the House that the first time a major order under this particular Bill was employed, the government in fact would come to the Legislature and ask for a resolution and a standing vote. But there was no commitment for the second, third, fourth, or fifth time. Mr. Chairman, the fact of the matter is that neither the Leader of the Opposition nor myself nor any of the members of the opposition, nor for that matter Albertans who are concerned about this — no one is suggesting that we want a situation where the government is going to be unable to deal with essentially administrative matters. It is a question of the substantive issues, the very point the Premier quite properly drew to our attention but qualified by saying that the first time a major order is issued he's going to come to the Legislature.

But the fact of the matter is, Mr. Chairman, that there are going to be occasions, and there will always have to be occasions, when major orders are going to be issued that relate to federal/provincial relations. We're a producing province, and we're going to have differences down the road with the consuming provinces and with the federal government. It's going to be a matter where from time to time — not always, but from time to time — major decisions will have to be made. I would think that there's no real reason why the ability of the legal beagles in this government can't be brought to bear perhaps to refine the amendment, particularly after the first time it's been used. We've already been given the assurance that that will be brought to the Legislature.

The reason I want to take just a moment on that, Mr. Chairman, is to ask hon. members of this committee to cast their minds back to quite a raucous debate that we held in the Legislature in 1974 over Bill 55, which set up the commissioner for northeastern Alberta. At that time, as a result of the outcry right across the province, the Premier made a commitment, and he honored that commitment. He said the commissioner would come to the estimates subcommittees. That's right. In 1975, the commissioner came to the estimates subcommittee. The commissioner came in 1976. But he didn't come in 1977. He didn't come in 1978. He didn't come in 1979. This year we didn't even have the estimates subcommittees so he could come.

The point I want to make, Mr. Chairman, is there's a

difference between a statement made — however honorably made; no one is arguing that point, but we're talking about legislation here — a very carefully drawn commitment that the first time a major order is used, this government will come to the Legislature. That's fair enough. That's an honorable position to present.

But, the fact of the matter is that we are going to be dealing with future times when major decisions will be made. In my judgment, it's those major decisions that must be dealt with as a result of a resolution of the Legislature. I think we can come up with a refinement to allow the separation, if you like, of the multitude of largely administrative decisions. But if we're going to cut back oil production in a way that will become a major issue in terms of the future of our province and the country itself, then quite frankly it is better — and I say this as sincerely as I can — that that decision be made as a result of the Legislature, not the first, second, fifth, tenth, or twentieth time, and not necessarily by the current Premier, but by premiers 100 years down the road.

It seems to me that as long as we're a major producing province, we're going to be in the kind of position where this type of legislation will have to be used in a major way. The point that I want to make is that before it is used, it must be used as a consequence of prior legislative debate.

MRS. CHICHAK: I just want to make a couple of very brief comments with respect to the amendment, particularly the wording of the amendment. It should give all members some real concern. The amendment would in fact put in place the ability for a purchaser who wishes to specify any amount whatsoever to purchase and take out of the province — the only way that amount could be lessened or not agreed to is by the Lieutenant Governor in Council calling the Legislature together and requesting permission to lessen the degree the purchaser is attempting to take out of the province. Such an amendment is ludicrous. I'm sure the hon. Leader of the Opposition did not intend that in his amendment. Nevertheless, that's the way the amendment reads. It would be impossible for the government to manage the resource. Bill 50 specifies that any decisions being made on any decrease or any effect with respect to the quantity would be on a monthly basis. It seems to me that the ability there, if there is any concern, the manner in which the Lieutenant Governor in Council manages the matter of these resources, is not in the greater interest of Albertans. There is that ability to catch at a very early stage that in fact such a matter is taking place.

I think the other point, that the hon. Premier had given his undertaking, is a very valid one and at the outset should allay the concern of the hon. Leader of the Opposition and members of the House. But, surely, to put such constraints — where the Lieutenant-Governor in Council could not manage the quantity of the petroleum being sold, but would have to concur with the requests of a purchaser — is just simply ludicrous and irresponsible. I think we should vote this amendment down.

MR. KNAAK: Just a very brief comment. Reading the amendment carefully, I must say it has some real constitutional law problems. I think the way this kind of amendment is worded would in fact risk a challenge. As well, it really misses the point of the original legislation. The original legislation, as has been pointed out, was really legislation reflecting the ownership rights of the Crown and the province of Alberta, and was directed to

deal with the ownership rights. It doesn't deal with anything else. If one reads this amendment carefully, it's phrased differently and just doesn't mesh with the original legislation.

I must also say I agree with the comments made by my colleague from Edmonton Mill Woods and would also ask members to defeat this amendment.

MR. CHAIRMAN: Are you ready for the question on the amendment?

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

MR. CRAWFORD: Mr. Chairman, I'm watching the clock, along with everyone else, and would move that the clock be stopped in order that the vote can be taken and that the committee can rise and report.

MR. CHAIRMAN: What was the actual motion, hon. Government House Leader?

MR. CRAWFORD: I move that the clock be stopped in order that the vote can be taken and that the committee can rise and report.

MR. CHAIRMAN: Actually, I haven't been noticing the clock lately. The committee has no power to stop the clock.

MR. NOTLEY: The Chairman hasn't noticed the clock.

[Three minutes having elapsed, the House divided]

For the motion:

Clark, R.	Notley	Speaker, R.
Mandeville		

Against the motion:

Adair	Hiebert	Pahl
Anderson, C.	Horsman	Paproski
Anderson, D.	Hyland	Payne
Batiuk	Hyndman	Pengelly
Bogle	Isley	Purdy
Borstad	King	Reid
Bradley	Knaak	Russell
Campbell	Kowalski	Schmid
Carter	Koziak	Schmidt
Chambers	Leitch	Shaben
Chichak	LeMessurier	Sindlinger
Clark, L.	Little	Stevens
Cook	Lougheed	Stewart
Cookson	Mack	Stromberg
Crawford	Magee	Thompson
Cripps	McCrae	Topolnisky
Diachuk	McCrimmon	Trynchy
Embury	Miller	Webber
Fjordbotten	Moore	Wolstenholme
Fyfe	Musgreave	Woo
Gogo	Osterman	Young
Harle		

Totals	Ayes — 4	Noes — 64
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[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill 50, The Mines and Minerals Amendment Act, 1980, be reported.

[Motion carried]

MR. CRAWFORD: I move the committee rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, I move that the clock be stopped in order that I might report.

HON. MEMBERS: Agreed.

MR. APPLEBY: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bills 28, 35, 36, 40, 43, 45, 47, and 50, and reports with some amendments 10, 41, and 42.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

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

HON. MEMBERS: Agreed.

MR. SPEAKER: That must surely be a sign of the omnipotence of the Assembly.

[The House recessed at 5:36 p.m. and resumed at 8 p.m.]

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

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

[Mr. Purdy in the Chair]

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

**Bill 52**  
**The Amusements Amendment Act, 1980**

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

MR. NOTLEY: Mr. Chairman, just before we finish discussion in committee stage of Bill 52, I listened very carefully to the answers of both the hon. member introducing the Bill and the hon. Minister of Labour concerning this question of safety. I have subsequently taken it up with projectionists in the province, and they advise me that while nobody is suggesting there is a likelihood of fire, there is still a very real possibility. That is a possibility that has to be addressed when we consider removing

the licensing of projectionists. I think the example had been cited last time of the 9,000 feet of film in this laboratory experiment that was undertaken. As I understand it, the problem is that we are dealing with a tremendous amount of heat from the lights in projection equipment. Even if we are talking about one chance in 10,000, nevertheless there is some reason to be concerned. If a fire breaks out and the person handling the projection equipment doesn't know what he or she is doing, there is some needless danger to the public.

It seems to me, Mr. Chairman, that that kind of concern from the people who are themselves projectionists, who have to deal on a day to day basis, is not something I can deal with lightly. While the member can say we're talking about . . .

MR. DEPUTY CHAIRMAN: Can we have order please?

MR. NOTLEY: Thank you, Mr. Chairman.

We're talking about an unlikely situation, but it is unlikely situations that come together to create disasters. I think the question that has to be answered to our satisfaction is: to what extent are we going to be needlessly risking public safety by repealing the licensing of projectionists? Again, I can only say to the hon. member introducing the Bill that the representation I've had — I'm sure he's had it as well — is that there is a safety issue involved. That being the case, Mr. Chairman, I just have to express the same concern in committee stage that I expressed during second reading. Neither I nor the hon. member introducing the Bill, nor the Minister of Labour, are experts in the field, but it seems to me that if there is any potential danger within the bounds of reason at all, we have to clearly look at this issue.

I raise this deliberately, because subsequent to second reading I took the information both hon. members gave on second reading and had my office discuss it with people who are themselves projectionists. The answer still was that while we're not talking about the likelihood of a fire, we are talking about that slim possibility. But that slim possibility exists in a whole range of things where we set up safety standards to avoid needless risk to the public. Mr. Chairman, I would say to the member introducing the Bill that at this stage we have to have a little more complete information on just what kinds of assurances — we've had discussion of the one test. What kind of discussion has taken place with other jurisdictions? We know perfectly well that the theatre operators would like to repeal the licensing provisions; it's fairly obvious why. In a sense, I suppose it's obvious why the union would like to retain them. The fact is that the question of public safety is more important here than the fact that the union would like to retain the licensing provisions and the theatre operators would like to repeal them. If we are in any way, shape, or form materially increasing the risk by having unlicensed people operate those machines, I think we have to be clear in our own minds that there is absolutely no doubt about the safety question on this issue.

DR. BUCK: Mr. Chairman, I would like to ask the member sponsoring the Bill one or two questions. First, what representation was made to the government to have these changes made? Changes in legislation are supposed to be a response by government to the wishes of the people. I'd like to know from the member where the pressure or lobbying came from to make these major changes, and what consultation process went on with the

government and with the projectionists and safety people involved before these changes were made.

Mr. Chairman, I would like to say to the members of the committee that the concern for safety has to be foremost in our minds before we vote on the Bill. But I would like to know from the minister what lobbying and consultation went on before we made these changes.

MR. COOK: Do you want me to respond first, Les, and then you can pick up?

I don't want to be too inflammatory in dealing basically with this issue of fire safety.

DR. BUCK: Never mind your puns.

MR. COOK: So I'll try to keep my remarks to a level plane, although I feel a little challenged by some of the remarks by the hon. member.

I'd like to make a couple of points. I find it incongruous that the hon. Member for Spirit River-Fairview would speak at length on this topic, when he didn't speak at all on rural assessments or the two Heritage Savings Trust Fund amendments . . .

MR. NOTLEY: Rollie, Rollie.

DR. BUCK: Stick to the facts.

MR. COOK: . . . which were somewhat more important I think.

But let me deal with the issues of public safety that he raised. I think some concerns have been raised by the projectionists, and I'll try to raise them and deal with them, and hopefully we'll lay them aside. The union frequently raises the question of nitrate film. Nitrate film is not at all current in North America. In fact in meeting with the union representative, he showed me newspaper clippings of a recent fire in Manila in the Philippines; that was the only example of a recent tragedy using nitrate film that he could offer me. In North America films are distributed through dealers, if you like, wholesalers, to theatres. If there is a nitrate film that comes into North America — Canada or the United States — I understand that film is reprocessed on to a safety film. It is virtually impossible, Mr. Chairman, to have a nitrate film in an Alberta theatre. That's usually the first question raised, and I think that's a reasonable response.

Secondly, there is concern about crowd control. What happens if there's a fire? Who's going to clear out the crowd? That's a question raised. The answer is: it won't be the projectionists, simply because projectionists are in a booth completely removed from the theatre itself. It is a self-contained unit, blocked off with a fire wall so that if there is a fire, it will not penetrate the theatre. The projectionist would have to take a great deal of time and trouble to get out of that booth, go down, and lead the crowd out of the building. I suggest the better alternative is to try to train the ushers, the individuals who are responsible for guiding the crowd, in crowd control safety. That is in fact being done now, Mr. Chairman, so I don't think projectionists are going to be involved in crowd control. They're not trained for it; they're not in a position in theatres to effect crowd control if there is an accident or a tragedy. So that argument is not relevant.

There is the argument that the bulbs that illuminate film are hazardous because they might explode. That's true, but the licensing requirements are the same requirements or warnings that are on the machines. If you

look at a projectionist machine, there are warnings. The maintenance manuals have warnings, and anybody using those machines will be aware that you should use a pair of gloves. That possibility is virtually eliminated.

But, Mr. Chairman, if a person is going to use a fluorescent bulb and the bulb breaks, the phosphorus is an occupational hazard. I don't know that I need a licence to install a fluorescent bulb in my apartment. Common sense dictates that you act prudently. There are adequate warnings on the equipment to forestall a person from not acting prudently. Quite clearly, I don't think licensing here is going to make an individual more responsible or less responsible.

There is the question that if there is a fire, you should have someone able to turn off the machine because the screen will be illuminated with flames and will cause panic. That, I think, is a specious argument at best. Anybody can turn off a switch.

There's another argument, and that is that there are switches inside the projection booth that should be turned up if there is a tragedy. That's true; there are switches in projection booths that should be turned up so the crowd can see the exits. It's also true, Mr. Chairman, that those switches are in other places in the theatre as well. A projectionist is not the sole person responsible for that area of public safety. Those are the main items.

There is one other specious argument raised; that is, that licensed projectionists are there to make sure uncensored films are not shown. I don't think public safety is really an issue in that. Some people might even be glad of that.

I think those are the major questions that deal with public safety, Mr. Chairman. I've raised them and dealt with them. If the members in the far corner want to raise others, I'm sure the minister would be happy to try to deal with those.

The hon. Member for Clover Bar raised the question of what consultation there has been. If he had been in his place when the Bill went through on second reading, he would have heard.

DR. BUCK: I was here, Rollie. I was here.

MR. COOK: No, my friend, you were not.

DR. BUCK: Yes, I was.

MR. COOK: You wouldn't have asked . . .

MR. DEPUTY CHAIRMAN: Order please.

MR. COOK: Walt, I think you have a convenient memory, but that is not unusual. If the member had been in his place, Mr. Chairman, he would have heard the process the government has gone through. It's a lengthy process. I would suggest he read *Hansard*, but for his quick edification I will outline the major headings. The government has been meeting since 1971 with projectionists, members of the public, and people involved in fire prevention and safety from the building branch. I'll just highlight a few of them.

In late 1971 there was a proposal made to reorganize the theatres branch, discussing building standards and public safety. The meeting was with the Deputy Minister Mr. Hohol and representatives of interested public groups. That was in 1971, Mr. Chairman. In 1973 a committee was established to set objectives for a review. That committee had representatives of the union, the

Alberta Labour inspection services division, the tradesmen's qualifications branch, and the general safety services division — again, consultation in process. Late in 1973 that committee reported and made some recommendations that the licensing and certification be changed, that fire safety regulations for existing buildings be consolidated, that there be some new construction requirements in the Alberta building code, which subsequently have been met, for new buildings. In 1976 the theatres branch was integrated with the fire prevention branch. In 1975 there were further meetings held with representatives of the motion picture theatre association of Alberta and the Alberta Motion Picture Projectionists local to discuss new fire safety and building regulations, which had been drafted as a result of this process of consultation. Quite clearly, to this date there has been a great deal of consultation, in 1976 and 1977. These recommendations were redrafted. In 1978 some proposals were made which we're following up on this evening. The new Minister of Labour was able to convince caucus that this package should be proceeded with.

I've dealt with two items that were raised by members in the corner. One, I've raised the issues of public safety that are raised by the union, and I've tried to deal with them. The other was: what kind of consultation was there with interested groups in the general public? I've tried to raise that. Over a process from 1971 to this point, we have had a good deal of consultation with the interested parties. I'm sure the minister would be interested in supplementing those questions and answers. I leave it to him at this point.

MR. YOUNG: Mr. Chairman, very briefly, the hon. Member for Clover Bar asked, why bring this forward? That's a good question. When I had to deal with the regulations I asked, why the regulations? As a minister, I feel it is my duty to ask the simple questions from time to time. I was told that to continue with the regulations would not have a bearing on public safety. I ask, therefore, why have regulations? The question becomes even more legitimate. So much has evolved in the motion picture industry and the projection of motion picture film that we don't need regulations which we used to require. The reasons are twofold. First of all, by virtue of the improvement in our fire regulations and our building standards, we now have in place in other regulations, usually under the umbrella of public institutions, the necessary regulations to assure public safety as far as buildings and the detection of fire are concerned.

Secondly, the technology of the industry has changed very significantly. We've gotten away from the nitrate, cellulose-based film, and with that have removed a great number of problems. I should perhaps add that we have another problem of sorts. We have a tremendous disagreement in the industry as to whether the apprenticeship and licensing program is effective. However, I have to say that it was not the industry that raised the question. I raised the question first on a simple issue of: do we still need the regulations? The safety people responded, no, we do not, because we have it covered other ways.

We have a problem in that the Act presently requires us to be certifying, examining, and issuing certificates for film projectionists, and in fact the total requirement according to the union in western Canada, the four western provinces, would be approximately 25 projectionists a year. That means there aren't enough to create any kind of training program, and in fact the program we have . . . Well, we don't have a program. We have what's called an



apprenticeship program — if you can believe it, a six-month program without pay. So the individuals who presumably are apprenticing are working alongside other projectionists for six months. It just isn't a program in the sense of the normal projectionists' program, and the examination standards are not really relevant to the kinds of equipment projectionists are now operating.

The real public safety is having theatres with well-marked exits sufficient to enable the attendants to escape, if there would be any problem with fire and making sure the fire doesn't spread rapidly. I can also advise hon. members that the majority of fires in theatres lately have been with cooking equipment in the concessions, arising out of grease problems, and with patrons who have been smoking and have left cigarettes where they cause a small conflagration.

MR. NOTLEY: Mr. Chairman, I'd have to say that the Minister of Labour has gone some distance to allay some of the fears I've expressed — with great respect to the hon. Member for Edmonton Glengarry, a little further than the hon. Member for Edmonton Glengarry had gone.

I do want to respond very briefly, though, to several comments made by the member sponsoring the Bill, because in my view the arguments presented in response to the union position could be presented in response to almost any group or trade that has licence to operate. I would say that I think the arguments I have received from the union people still have a good deal of validity. If a fire breaks out, the fact that you have somebody trained to operate the projection equipment, as opposed to either myself or the hon. member — they are able to deal much more quickly with the immediate steps that have to be taken, because they are knowledgeable in the field.

The fact is, too, that as members are probably aware we have a difference of opinion between the theatre operators on one hand, who have a brief to present, and the union on the other. It's also a question of job protection, as it were, and maintenance of income. I recognize that, Mr. Chairman. I think that happens to be one of the facts of life about this issue. But just because it's a fact of life doesn't mean we should dismiss it. Because it seems to me that what we're doing with this Bill today is basically opting for a position that is much easier for the theatre operators than the people who have been projectionists.

I was interested in the observation of the Minister of Labour on the training program, which was certainly no bed of roses — six months without pay. To both the member and the minister: the fact of the matter is that the projectionists want to continue the present licensing position. That's certainly no small secret. I'm certain both the hon. member and the minister are aware there are a number of projectionists who want to land on the Legislature tomorrow. The House not likely sitting, they're probably going to miss that opportunity. But the fact of the matter is that they do feel strongly about the issue.

I guess I would just summarize my view at this time. I acknowledge the fact that our building codes have improved considerably. And while no one is arguing that safety film isn't a tremendous step forward and an improvement in safety over the old nitrate-base film, the concern is still expressed that in the unlikely event — and everybody realizes that everything from Coconut Grove to whatever it may be is an unlikely event. But what we have to do in our building standards, in our certification of people operating equipment, is deal with a set of standards that at least, when the unlikely event occurs,

make sure that the person in a position of some responsibility is able to deal with it.

Mr. Chairman, we probably should vote on this matter and move on to other business, but I would just conclude my remarks by saying there is still a very large question mark in my mind about the safety, and at the same time it seems to me that rather than being even-handed — because I know there are arguments on both sides between the projectionists and the theatre owners, who are basically opting for the position of the theatre owners — I hesitate to use this, but I think in a sense what we have here is a small 2 by 4 the hon. member is applying to the projectionists. At least that's what they think. Maybe not quite as big a 2 by 4 as the firemen felt last fall, nevertheless not an equal-handed position, at least as I see it.

MR. YOUNG: Mr. Chairman, very briefly, since the hon. Member for Spirit River-Fairview has raised the question about the position of the projectionists and the union. There is some degree of union security in the situation. I'll read just two sections from a collective agreement which is in force now, and will be for another couple of years, with the largest theatre chain: "The company agrees to employ only projectionists supplied by the union." In other words, it's a union hiring hall. Going on, "The company recognizes the union as the exclusive bargaining agent for all projectionists in their employ." They have a pretty firm position, and it's a position not unlike most other unions would have with or without the projectionist's licence. While it's a point of discussion, I think on that score there's a pretty fair assurance in respect of their union position.

MR. NOTLEY: Just to answer that for a moment. I acknowledge that that's in the collective agreement. It's in the collective agreement now because you have to be licensed to be a projectionist. If you don't — and anybody can be a projectionist — what you do is make it much easier for subsequent agreements. And these agreements are not written in stone, whether between Famous Players and the projectionists, Safeway and their employees, or Imperial Oil and their employees. They change. They change on the basis of the power in the market place. What you have at the moment with the licensing system is very clearly a status of some significance. If I were the bargaining agent for the projectionists — a status of some significance — if you take that away, then what you do is, even though at the present time there's an arrangement with Famous Players, there's no guarantee that will be there five or 10 years from now.

MR. COOK: Mr. Chairman, very briefly, we'll try to wrap this discussion up, if it's acceptable to the Assembly. The question we're dealing with on that point is the union agreement on training. The union agreement is in force until a new contract is established. So in that sense, because the union hall is the exclusive agent for providing projectionists, even if the contract runs out, they are still in that position until a new contract is established. The question of licensing will not reflect at all on their job security.

The other side of it is training. In speaking to the union representatives, I've made the point that the union, for example, could establish a very short course on how to run a machine safely as part of their services to members. I think that's a reasonable approach to take. I know it's the case in other unions that they provide educational services to their members. I think that's quite a legitimate

role.

The member made two other points, and I think they should be dealt with briefly. The first one is: who can we rely on for expert advice? After all, members in this Assembly are not experts on fire prevention. I accept that and I think it's a sincere and correct observation. I guess my answer is: we have expert advice in our fire safety division of the Department of Labour. Their expert advice is that the public safety is adequately taken care of under other headings and other legislation and, in that sense, this legislation is redundant. They're protected from grease fires and other fires in the theatre by other codes of legislation. They have electrical inspectors who can examine the equipment and make sure it is in good, safe running order. I think that is an assurance to the Assembly.

Finally, I'd reinforce the observation the hon. Member for Spirit River-Fairview made, and that is that over the past few years our building codes and fire protection standards have been raised substantially. I don't think anyone in a theatre is at any more risk than they are in this theatre, if you like. There are people available who can usher people out and close off the building until experts arrive and take care of the problem, if such a tragedy should happen — and we certainly hope that doesn't happen. I think those are the points the hon. member raised. I take them sincerely. Quite frankly, though, I think the public safety is protected by other legislation, by the fire protection branch, who assure us that this move will not endanger public safety. That is the neutral third party, if you like, and I think we can rely on their professional opinion.

If that takes care of the concerns hon. members have raised, I would recommend that the Assembly concur in the Bill and report it to the Assembly.

MR. DEPUTY CHAIRMAN: I'm afraid the hon. member can't do that until we've had the question on the Bill.

[Title and preamble agreed to]

MR. COOK: Mr. Chairman, I move that the Bill as amended be reported to the Assembly.

[Motion carried]

**Bill 53**  
**The Mines and Minerals**  
**Amendment Act, 1980 (No. 2)**

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

[Title and preamble agreed to]

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

[Motion carried]

**Bill 54**  
**The Defamation Amendment Act, 1980**

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

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill 54, The Defamation Amendment Act, 1980, be reported.

[Motion carried]

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

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

MR. NOTLEY: The question on the amendment first?

MR. DEPUTY CHAIRMAN: Yes.

[Motion on amendment carried]

MR. NOTLEY: Mr. Chairman, I would like to propose another amendment, then, since we've passed one. I think I have copies here for all hon. members. The amendment would be that Section 7 is struck out and the following is substituted:

It is not a discriminatory practice for a person to adopt or carry out special programs designed to remedy patterns of limitation or denial based on race, religious beliefs, colour, sex, physical characteristics, source of income, age, ancestry, or place of origin.

The Commission may, on request, give assistance with regard to the adoption or carrying out of a special program in order to aid in the achievement of the identified objectives of the program.

Mr. Chairman, very briefly, the purpose of the amendment now being circulated to hon. members of the committee is to deal with what I think is really one of my major concerns; that is, the power of the Lieutenant-Governor to exempt, and to replace it with a provision that would provide for affirmative action. I suppose we've already had the debate on it, but I would just restate that in my view a specific provision which allows for affirmative action is a much better way of handling it than we have at present. Because as I see it, in the present Act we permit, even with the commitment we received from the minister, that no exemption would be granted without consultation with the commission. Basically what we're doing here, in my view, is allowing the cabinet, the Lieutenant Governor in Council, power, which I think strikes at the heart of what has to be paramount legislation. The only way I can see around that is to deal specifically with the narrow question of affirmative action *per se*, and the amendment is designed to achieve that goal.

MR. YOUNG: Mr. Chairman, in speaking against the amendment, as I read it quickly, I would indicate first of all that what is before us is a suggestion that it is not a discriminatory practice to carry out special programs. I guess the issue which I asked all the groups who indicated an interest in The Individual's Rights Protection Act is: what is a special program? What are the bounds of a special program? Because, Mr. Chairman, in and of itself, a special program is a variation from the very fundamental principles contained in this piece of legislation. With the amendment proposed by the hon. Member for Spirit

River-Fairview, we are giving a very broad exemption. Now it's correct that the phraseology is such that it doesn't say "exemption", but that is really what it is. And it is putting it in a broad context without any control, other than, I suppose, a judicial control at some point. I'm not really sure.

Mr. Chairman, I have to say I object to this on an additional ground; that is, I think — as Saskatchewan has done — there should be an ability on the part of an elected body to be able to work very closely with the commission and to sort out together the policy that will prevail in terms of a special program. After all, it is the government which has to face the electorate. While I have every confidence in the commission, I have equal confidence that any government which would support The Individual's Rights Protection Act would also be very desirous of seeing our society improved and, as I referred to the other day, to have each citizen in our society have an ability to participate in a meaningful way. Mr. Chairman, I've been thrown off my train of thought by some well-meaning . . .

AN HON. MEMBER: Notes.

MR. YOUNG: . . . supporters. Having expressed my two main reasons, first of all that this amendment would not achieve anything which cannot be achieved at the present time under the existing wording of the legislation — and I want to underline that — I want to add one other point which I haven't mentioned. When Saskatchewan moved in this area — and Saskatchewan is being held out by some of my critics, if I can use that expression for them, as having the legislation.

MR. NOTLEY: Not in everything.

MR. YOUNG: The hon. Member for Spirit River-Fairview has a different point of view about the Saskatchewan legislation than some of the persons in the human rights field who have been encouraging me to move in this direction. I would point out that Saskatchewan does include an exemption provision. The net effect of the Saskatchewan provisions is very much as we have included in the existing amendments put forward by the government. We believe we will need those exemption capacities, because we think that particularly in the area of physical characteristics we're going to have to make quite a number of exemptions in conjunction with and on the advice of the commission. I urge all members to defeat the amendment as proposed by the hon. Member for Spirit River-Fairview.

MR. KOZIAK: Mr. Chairman, I would like to add my comments to those of my hon. colleague in speaking against the amendment, for more reasons than just those outlined by my colleague. I know from reading the proposed amendment that it was hurriedly drafted. That shows in what's being proposed.

The hon. Member for Spirit River-Fairview suggests in the amendment, [Section] 11.1, that anybody can discriminate as long as there is some concept that there is a special program designed — and I don't know the meaning of the next phrase — "to remedy patterns of limitation or denial based on . . ." Then the provisions dealing with race and religious beliefs are set out. What that section is saying, notwithstanding The Individual's Rights Protection Act, is that you can discriminate if you have a special program. Having reached that point, the hon.

member does not suggest that the commission should in any way place its seal on the program; this the individual can do without seal. Contrary to The Individual's Rights Protection Act, he can go out and discriminate without the approval of anybody, as long as there's a special program.

Then he goes on to say in Section 11.2 that that individual can go to the commission and request assistance with regard to the adoption or carrying out of the special program, which would seem to me either manpower or dollars — again, not any approval of the discriminatory practice but actual physical or financial assistance, it would seem, in carrying out discrimination. Mr. Chairman, that would seem to me to fly in the face of flagship legislation of this government, and I would urge all hon. members to vote in defeating the amendment.

MR. R. SPEAKER: Mr. Chairman, I just want to make a point to the minister. Under the legislation as it is drafted and before us at the present time, there doesn't seem to be the flexibility or the ability to respond as quickly as we should in many situations. I have had some concern with that, and I mentioned in my remarks at second reading that the Human Rights Commission should have more capability of responding with regard to these various situations. What I'd like to hear from the minister is: after a period of experience, whether the minister or the government would intend to allocate more authority to the Human Rights Commission with regard to the special programs or what we call, hopefully, voluntary affirmative action.

MR. YOUNG: Mr. Chairman, in responding to the most recent question, it is my hope that after some experience — and it may take a few months, maybe six months; I'm not sure — of working with individual illustrations as they come forward, it will be possible to arrive at some general parameters. It would be my hope that once that can be achieved the commission would be able to suggest to the Executive Council these general parameters. They could then be accepted in the form of a regulation, and the commission would be able to operate within that. It would be well known to the public what to expect, and it would be something the commission could process and work with on a day to day basis without reference to Executive Council. So I think the answer to the hon. member's question is yes. But I believe it will require some months and some actual illustrations of working with specific requests until some general rules of thumb and parameters can be identified.

MR. NOTLEY: Mr. Chairman, perhaps if no other hon. members of the committee wish to take part, I'll close the debate. There really are two possibilities to undertake some form of affirmative action program. One is to allow the Lieutenant Governor in Council — as we are under Section 11 — to exempt persons or groups of people, but in the process we run the risk of other groups being exempted too for purposes other than affirmative action. We leave that up to the Lieutenant Governor in Council.

Mr. Chairman, I would say that what I'm doing in this amendment is attempting to limit the ability to qualify some of the basic grounds on which discrimination is not permitted. The hon. Minister of Consumer and Corporate Affairs indicated that anyone can discriminate if one looks at this amendment. If one reads it very carefully,

It is not a discriminatory practice for a person to

adopt or carry out special programs designed to remedy patterns of limitation or denial based on race, religious beliefs, colour, sex, physical characteristics, source of income . . .

Mr. Chairman, it's very clear: ". . . designed to remedy patterns of limitation or denial based on . . .", and then the grounds are outlined. Now the fact of the matter is that this particular amendment is modelled on practices elsewhere. We have various affirmative action programs in other jurisdictions. I would say that the question of affirmative action — you really have two choices. One choice is what we have in the Legislation, which is a very broad exempting power by the Lieutenant Governor in Council which will make it possible to allow some of these voluntary programs, but it will also make it possible to exempt other groups that may wish to be exempted. I can think readily that it won't be too long before the insurance industry is pounding on the doorstep of the minister with this new provision saying, all right, exempt us from the provisions of The Individual's Rights Protection Act. I'd be highly surprised if they don't.

The point is that that's not because of affirmative action. That's because they'd rather not live with the provisions of The Individual's Rights Protection Act. One could argue the pros and cons. But it seems to me, Mr. Chairman, that the way to deal with that is for the insurance industry or any other group that wants exemption to go to the minister and say, all right, we have a very good case why the individual's rights Act shouldn't apply to our industry. Notwithstanding the Bill of Rights or The Individual's Rights Protection Act, let's bring in a "we will allow". That's the way to deal with a thing like this. Here we're really talking about a rather narrow power — admittedly the question is that the commission will be able to exercise it — a narrow power that is zeroing in on affirmative action programs based on remedying discrimination, limitation, or denial based on the grounds contained in the Act.

Mr. Chairman, I can assure the hon. Minister of Consumer and Corporate Affairs that the proposal was not drafted hurriedly. I discussed this with a number of people in the human rights field. We looked at possible ways in which we could draft an amendment which would allow the government to proceed with affirmative action programs and, at the same time, wouldn't allow the broad powers contained in Section 7. I think, Mr. Chairman, this amendment really allows us to move forward with an important area that in my judgment is basic to individual rights legislation and, at the same time, maintain the general jurisdiction of the Legislature.

[Motion on amendment lost]

[Title and preamble agreed to]

MR. YOUNG: Mr. Chairman, I move that Bill 56 be reported as amended.

[Motion carried]

#### Bill 57

#### The Public Inquiries Amendment Act, 1980

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

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill No. 57, The Public Inquiries Amendment Act, 1980, be reported.

[Motion carried]

#### Bill 58

#### The Dependent Adults Amendment Act, 1980

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

MR. BOGLE: Mr. Chairman, there were a couple of questions raised earlier. I have had an opportunity to spend some time reviewing those concerns, not as a sponsor of the Bill but as the minister responsible for the administration of the Act. I would like to give assurances to the hon. members of this Assembly that, as has been stated by the sponsor of the Bill, the intent of the amendments is to assist the dependent adult in all cases. As all members will recognize, the purpose in the Legislation introduced recently — this is the first time the Bill has come forward for amendments — is in keeping with that spirit.

Mr. Chairman, I would like indicate that one concern raised by the hon. Member for Little Bow, which I'm sure all members of this Assembly share, is the matter of potential misuse of the Act. To paraphrase the hon. member, in the sense of senior citizens being declared dependent adults by other members of the family to gain access to their estates, I would give assurances to the hon. members of this Assembly at this time that that is certainly not by any means the intent of the legislation or the amendments. In fact the proposed amendments strengthen the whole way in which the process is completed whereby an individual is deemed by the courts to be a dependent adult. But, Mr. Chairman, I would be very pleased to give my assurance that close monitoring will take place. I would appreciate the same commitment by other members of this Assembly, and by Albertans and organizations within the province as a whole. And through correspondence with a number of organizations, I will endeavor to invite their close scrutiny of the use of that section of the Act.

One other matter was raised. It may be that the hon. member moving the Bill is going to address the question of the urgency and purpose of the Bill. If that is the case, I'll be pleased to refer those matters to him.

Thank you.

DR. PAPROSKI: Mr. Chairman, I'd like to make a few comments. I might forget this particular point. Before I go on, on page 13 members will notice that in the note to Section 17 the word "therapist" is there and should be removed. That word wasn't part of the present Act, and will be corrected in the official copy of the Bill.

Mr. Chairman, before I go on to make other comments, I'd like to acknowledge the excellent work of Anne Russell from the Department of Social Services and Community Health, who has done an excellent job in bringing these fine points and the fine tuning of the amendments in this Act. Furthermore, of course, I'd like to thank those who have participated in the debate.

Mr. Chairman, the urgency of the Bill is well known to those involved in the field, in that on a day to day basis

dependent adults are essentially walking away, and endangering themselves if they walk away from an institution or facility, as the case may be, and there is no legal way to assist them. The staff are trying to contain them in the best way possible and they cannot do that. Unfortunately, we just have to have some legal method of applying such compulsory care orders as we have defined here, or compulsory care certificates. So there is an urgency in relation to that.

Frankly, Mr. Chairman, there is an urgency in relation to all these items, because each in its own way improves the care and protection in the best interests of the dependent adult, so that nothing can be measured in precise detail. With those very few comments, I would urge the members to get this Bill through.

Finally, I would like to make one more comment regarding the request for a delay of the Bill by the hon. Member for Spirit River-Fairview. I would like to indicate to him that proclamation will not occur for possibly two or three months hence, until the places of care are clearly defined in regulation, and that the guidelines and procedures under the social services facilities licensing Act are defined for the method of applying compulsory care orders or certificates of compulsory care. Those are important items. I would hope that if any hon. members or any associations have concerns over that period of time, two or three months or maybe longer, that they submit their suggestions either to me or to the minister. So with those comments I'd like to press on.

MR. R. SPEAKER: Mr. Chairman, to the minister and the member. Certainly I appreciate the commitment both members have given that if further amendments and changes are necessary in the Act, we can consider those amendments by government legislation in the fall, session. I'm sure the member and the minister will honor that commitment, and we can look at some of the special areas and concerns over the summer such as sterilization, the concern I raised with regard to senior citizens, and other presentations that I'm sure will be made to us by concerned people across the province. I'm willing to accept that commitment at this point in time, knowing right well that we'll have further opportunity to make the necessary changes as we see fit.

[Title and preamble agreed to]

DR. PAPROSKI: Mr. Chairman, I move that Bill 58, The Dependent Adults Amendment Act, 1980, be reported.

[Motion carried]

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

**Bill Pr. 2**  
**The Edmonton Research and**  
**Development Park Authority Act**

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

[Title and preamble agreed to]

MR. PAHL: Mr. Chairman, I move that Bill Pr. 2, The Edmonton Research and Development Park Authority Act, be reported as amended.

[Motion carried]

**Bill Pr. 6**  
**The Prairie Bible Institute**  
**Amendment Act, 1980**

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

[Title and preamble agreed to]

MRS. OSTERMAN: Mr. Chairman, I move that Bill Pr. 6, The Prairie Bible Institute Amendment Act, 1980, be reported.

[Motion carried]

**Bill Pr. 8**  
**The Stockmen's Memorial Foundation Act**

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

[Title and preamble agreed to]

DR. CARTER: Mr. Chairman, I move that Bill Pr. 8, The Stockmen's Memorial Foundation Act, be reported as amended.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of the Whole has had under consideration Bills 53, 54, 57, 58, and Pr. 6, and reports with some amendments Bills 52, 56, Pr. 2, and Pr. 8.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

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

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

No.	Title	Moved by
1	The University Hospital Foundation Amendment Act, 1980	Lougheed
2	The Consumer and Corporate Affairs Statutes	Kozia

No.	Title	Moved by
	Amendment Act, 1980	
3	The Attorney General Statutes Amendment Act, 1980	Crawford
4	The Department of Government Services Amendment Act, 1980	McCrae
7	The Radiation Protection Amendment Act, 1980	Diachuk
10	The Colleges Amendment Act, 1980	Horsman
11	The Alberta Municipal Financing Corporation Amendment Act, 1980	Hyndman
12	The University of Alberta Hospital Amendment Act, 1980	Mack
9	The Electric Power and Pipe Line Assessment Amendment Act, 1980	Moore
13	The Municipal Taxation Amendment Act, 1980	Moore
14	The Municipal Election Amendment Act, 1980	Moore
16	The Reciprocal Enforcement of Maintenance Orders Act, 1980	Fyfe
17	The Motor Vehicle Administration Amendment Act, 1980	C. Anderson
18	The Hospitals and Medical Care Statutes Amendment Act, 1980	Russell
19	The Off-highway Vehicle Amendment Act, 1980	Harle
20	The Libraries Amendment Act, 1980	LeMessurier
21	The Department of Culture Act	LeMessurier
22	The Marketing of Agricultural Products Amendment Act, 1980	Pengelly
23	The Wildlife Amendment Act, 1980	Miller
24	The Gas Utilities Amendment Act 1980	Crawford
25	The Public Utilities Board Amendment Act, 1980	Crawford
26	The Land Agents Licensing Act	L. Clark
27	The Social Care Facilities Review Committee Act	Gogo
28	The Alberta Health Facilities Review Committee Amendment Act, 1980	Chichak
29	The Alberta Heritage Savings Trust Fund Amendment Act, 1980	Hyndman
31	The Financial Administration Amendment Act, 1980	Hyndman
32	The Livestock and Livestock Products Amendment Act, 1980	Stewart
35	The Commissioners for Oaths Amendment Act, 1980	Crawford
36	The Notaries Public Amendment Act, 1980	Crawford
37	The Unfair Trade Practices Amendment Act, 1980	Koziak
38	The Alberta Property Tax Reduction Amendment Act, 1980	Moore
39	The Companies Amendment Act, 1980	Koziak (for Oman)
40	The Appropriation (Supplementary Supply) Act, 1980	Hyndman
41	The Alberta Corporate Income Tax Act	Hyndman
42	The Alberta Income Tax Amendment Act, 1980	Hyndman

No.	Title	Moved by
43	The Universities Amendment Act, 1980	Horsman
44	The Department of Municipal Affairs Amendment Act, 1980	Moore
45	The School Election Amendment Act, 1980	King
46	The Societies Amendment Act, 1980	Koziak

**Bill 47****The Appropriation Act, 1980**

MR. HYNDMAN: Mr. Speaker, I move that Bill 47, The Appropriation Act, 1980, be now read a third time.

MR. R. CLARK: Mr. Speaker, before third reading of this particular Bill, I'd like to ask either the Provincial Treasurer or the Minister of Social Services and Community Health to indicate to the Assembly what plan the government now has to meet the funding needs for day care in the province. I raise the question in light of the question we had earlier in question period. At that time there was talk of this being included in supplementary estimates. The minister has now advised me it's not included in the supplementary estimates. Before we call third reading, I'd appreciate an explanation from either the Treasurer or the minister as to the present status.

MR. BOGLE: Mr. Speaker, I had hoped that by the time the Bill received Committee of the Whole study, I would be in a position to advise the Provincial Treasurer and, through the Provincial Treasurer, this Assembly, what additional manpower needs there would be in the department. I should make it clear that we are not discussing a transfer of the actual funding which will flow through the department to the parents. We are talking about any additional staff that may be required in the delivery of the service, whereas in the past that was provided by the municipalities themselves.

The department has not yet been able to determine what, if any, additional requirements will be needed. It may be, Mr. Speaker, that we'll be able to live within the budget as approved by the Assembly. That would be my hope and intent. If that is not possible, other action would have to be taken. As I'm not able to give a firm figure for the plan which was announced to take effect August 1, 1980, that's as much information as I can provide to the Assembly at this time.

[Motion carried; Bill 47 read a third time]

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

No.	Title	Moved by
48	The Election Amendment Act, 1980	McCrae
49	The Trust Companies Amendment Act, 1980	Pahl
50	The Mines and Minerals Amendment Act, 1980	Leitch
51	The Alberta Emblems Amendment Act, 1980	Osterman
52	The Amusements Amendment Act, 1980	Cook
53	The Mines and Minerals	Leitch

No.	Title	Moved by
	Amendment Act, 1980 (No. 2)	
54	The Defamation Amendment Act, 1980	Crawford
55	The Election Finances and Contributions Disclosure Amendment Act, 1980	Reid
56	The Individual's Rights Protection Amendment Act, 1980	Young
57	The Public Inquiries Amendment Act, 1980	Crawford
58	The Dependent Adults Amendment Act, 1980	Paproski

head: **PRIVATE BILLS**  
(Third Reading)

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

No.	Title	Moved by
Pr. 2	The Edmonton Research and Development Park Authority Act	Pahl
Pr. 6	The Prairie Bible Institute Amendment Act, 1980	Osterman
Pr. 8	The Stockmen's Memorial Foundation Act	Carter

head: **GOVERNMENT MOTIONS**  
(continued)

12. Moved by Mr. Diachuk:

Be it resolved that the report of the Select Committee of the Legislative Assembly on Workers' Compensation be concurred in.

MR. DIACHUK: Mr. Speaker, the committee, consisting of nine members of this Assembly, held its meetings last August. Some 95 written submissions, and to these submissions were added many oral presentations when the hearings were held in the cities of Edmonton, Calgary, Grande Prairie, Medicine Hat, and Red Deer. The committee also accepted verbal presentations from interested parties at the end of the day, when time permitted. I was pleased that at no time was a citizen, a representative of citizens, or an employer turned away from the hearings. We encountered some interesting presentations from both employers and employee groups.

On completing the report, the presentations provided were then reviewed with some noted people, such as Professor Ison, who is well known on workers' compensation laws in Canada, and Dean McLaren from the University of Calgary. Through these discussions, members of the committee were able to react and receive reaction to the briefs and concerns committee members shared.

Upon completion of the hearings and the review of the reports, some of the members then attended some of the facilities in other parts of Canada. Also, concurrently with another role one of the members had as a representative of this Assembly in visiting New Zealand, he visited and viewed some of the New Zealand operations after the Commonwealth Parliamentary Conference was completed. Seven committee members spent two weeks in three

of the countries that we thought were diverse enough, but reflected enough the different programs that would assist us in completing our report.

The visit commenced in the Federal Republic of Germany in Bonn, where we found a great co-operative approach from the public sector, the private sector, the federal jurisdiction, and the regional, or that great word our colleague Dr. Reid can pronounce so well, the *Berufsgenossenschaften*. The observations the committee had were that the Federal Republic of Germany is able to cope with many industrial problems. Even though we were there to study their compensation and their health and safety programs, as parliamentarians we got involved in the environment protection discussions, the labor challenges, the labor agreements, and the co-operation. We found that in a very busy society, as they have in the Federal Republic of Germany, they are accomplishing a lot, because they are all proud of what they've accomplished since the war. And they still have many goals ahead of them. A large chemical firm near Cologne, the Bayers, which employs some 35,000 people, has a very fine, record of accident prevention, medical protection, and even in the other areas of environment control and environment waste disposal — 35,000 people working on one plant site. We appreciate that in a chemical firm of that size, which possibly is equal to all the employees and all the chemical industry in Canada, they are able to do things: they don't have to transport these chemicals; their workers are able to be protected; their health is monitored by a large team of professional staff right on the plant site. In a way we envied them, but know it can't be brought into Alberta. At least we're able to learn from them, because they have the experience.

The visit to a coal institute, also the rehab centre of the coal sector in the Ruhr valley, pointed out that they have some advanced studies on black lung and the rehabilitation. They have programs that convinced us. As a result of it, we look at an automatic assumption approach to a worker who is working in a certain environment. At the same time, over the years they were able co-operatively to influence the worker to leave a certain occupation endangering that worker's health, by monetary assistance to be able to compensate the worker while working his way up in a new industry.

The visit to Sweden. To the Swedish people, they have an ideal system. But for the benefit of all members, I have to admit that one member of our committee, the Member for Spirit River-Fairview, did not want to stay there under that system. He wanted to come back to Canada to the free enterprise system.

MR. NOTLEY: Because of the weather, Bill.

MR. DIACHUK: In a visit to the Legislature late in the afternoon before we departed from Sweden, the Speaker of the Assembly was most interested in the hon. Member for Spirit River-Fairview. We couldn't entice our hon. colleague to stay behind, so we brought him back to Alberta. [laughter]

The United Kingdom experience was revealing. They still have the confrontation system. Everyone seems to be interested in protecting the right to be able to hire a lawyer, retain a lawyer, have a lawyer on that firm's staff, to be able to sue for what they feel is rightfully theirs because of an accident, because of an industrial disease.

The day we attended the tribunals was in itself an experience we would not recommend; it would be like reversing the clock to the pre-1920s if we moved to that

tort system. If we reversed time, we would really have to delay all settlement of compensation, as is happening in the United Kingdom; even the approach to rehabilitation. It was quite evident to us that a worker there is not really interested in being rehabilitated until he or she has their day in court to establish the extent of the disability or injury. When the tribunal case is completed, then there is all kinds of interest in being rehabilitated and getting back to the work force.

In the visit to the United Kingdom, we found overall that they have some great health and safety educational facilities and programs. Possibly that is why so many of our people in the division of occupational health and safety are trained in the United Kingdom. They have a positive approach to the monitoring, to the evaluating of the problems of industrial diseases and illnesses. We have another example of where we could learn and benefit from that society. And we are doing it. As I indicated, many of my officials and the people that members of this Assembly hear and read about from time to time are trained in the United Kingdom. Possibly that is the way to continue, because for us to establish a training centre or faculty takes a lot of preparation and a great investment. By ongoing recruitment, we are able to gain these people.

In the overall emphasis on the recommendations of the select committee, there is definitely a shift in the overall emphasis from payment of compensation to prevention of accidents and to the approach of rehabilitation. I'm pleased to advise that upon receipt of the report and the meeting with the select committee, the Workers' Compensation Board has commenced a review and reorganization of the rehabilitation clinic located just south of the University Hospital, with emphasis on rehabilitation and retraining. As a matter of fact, there is an indication that the interest is to move the medical section back into an active hospital, to commence rehabilitation of an injured or disabled worker at any general hospital and progress that rehabilitation through the rehabilitation centre, with the hope and plans of seeing one in the city of Calgary to provide service to other Albertans who have to come to Edmonton for their rehabilitation service.

Overall, we are receiving some concern from the sector this report affects. As some members of this Assembly attended a dinner this afternoon, there is a concern and we must explain about the cost to the people concerned. These factors are not outlined in the report, but the material is available. We will have to meet with these industries and these employers who are concerned, because we in the committee were convinced that there is a saving to industry. The concept of the worker remaining on the pay roll of the employer for the first three days of disability was even supported by some of the submissions made by employers, with regard to the fact that the employers felt they should have some say in whether or not the worker is really disabled. By continuing the payment of the worker's salary for the first three days, they would have control of whether the worker is disabled. At the same time, we were advised that some 60 per cent of the files opened by the Workers' Compensation Board are for three days and less. In the jurisdiction of the Federal Republic of Germany they have this plan, and it is working very effectively. Again, it would be a saving to the employer. They wouldn't have to pay for the assessment of a large staff to process claims that, in many cases, require only one, two, or three days disability, and could then concentrate their efforts on the more disabled workers, be it from injury or industrial disease.

I'm interested in the comments of many of my colleagues, because of the fact that I hope to be able to bring forth amendments to The Workers' Compensation Act in the fall sitting. Therefore, this summer my office and staff will be involved in the review of further submissions members of this Assembly or their constituents have with regard to concerns they may raise to any member on the select committee report. I welcome any other comments, and look forward to the discussion and debate tonight.

DR. BUCK: Mr. Speaker, I would just like to make one or two brief comments. First of all, I'd like to say I felt it was a privilege and an honor to serve on the committee. I would like to compliment the chairman, the hon. Mr. Diachuk, for the chairing of the meeting. It's quite amazing, Mr. Speaker, that when you're on an all-party committee you do develop an *esprit de corps*, because after all, we are servants of the Legislature when we're on these committees, and we are there to try to bring in the most comprehensive report we can. I would like to say that I felt the report we presented to this Legislature is a very comprehensive report. Some major changes are being recommended. It will be the responsibility of the government to listen to the submissions this summer, and out of those submissions the government, in its wisdom, will decide which of the recommendations we have presented to the Assembly will be implemented.

I was very pleased, Mr. Speaker, to see the change in attitude, where we are talking about rehabilitation and are concerned about prevention. Of course these are the areas we quite often overlook, because we seem to be in the great North American fixation of solving a problem after it occurs. So looking at rehabilitation and prevention, this is certainly a step forward.

Another area that causes some concern — I don't know if other members will have an opportunity to remark on it, but I do wish to say that we as a committee were very concerned about the high accident rate in the agricultural sector. This is an area that concerned us very much, and it's an area that should concern the agricultural sector. We all know that farmers are probably the greatest bastion of free enterprisers and rugged individualists. So we are trying to bring to the attention of the farming community and the farming industry that there are some serious problems, in this day and age of extensive lawsuits, where people really could lose their entire farm and operation because of an accident occurring which is not covered by workers' compensation. We have indicated to the agricultural sector that this is an area of concern.

Mr. Speaker, I would just like to say that some of the recommendations were not so popular. Some of them will be popular. But it's the responsibility of the government to look at these recommendations, thrash it out, and then bring in legislation in the fall.

Mr. Speaker, with those few words, I would like to say it was a privilege to serve on that committee.

MR. NOTLEY: Mr. Speaker, in rising to participate very briefly in the report, I too would join with other members on the select committee in indicating first of all to the chairman of our select committee — and perhaps in the final hours of this session we can set aside some of that partisan tinge. I want to say that I think the hon. minister did a really first-rate job chairing the select committee over the almost one year that we . . . [applause] Now that I've lost him the nomination in Beverly next time . . . [laughter]

I want to also pay tribute, Mr. Speaker, to some of the



support staff who worked very closely with the committee. I think Donna Ballard was one of the few members who was not only there on time, but always there ahead of time, and somewhat frustrated on occasion with hon. members. I think we owe a tremendous debt of gratitude to Keith Smith, and especially George Hickson. George Hickson is going to be stepping down before too long from his position as chairman of the claims appeal procedure for the Workers' Compensation Board, but I can't think of anyone who frankly has earned more respect, at least from my point of view and I think other members too, for the way in which he assisted. It wasn't a case of dominating the committee, but assisting the committee with information. I think he did a first-rate job.

Because I know the Lieutenant-Governor is close to arriving, I just want to say a couple of things. Mr. Speaker, it seems to me that as a committee one of the things we agreed upon, and solidly agreed upon, was that we don't want to overcome the basic concept of workers' compensation and move into some kind of glorified tort system. I think the one thing we saw in Britain, irrespective of our vantage point, was that we don't want to get into the tort system. We don't want to drag workers' compensation claims into the courts.

I know that from time to time all hon. members will have constituents call and say, look, we should have the right to appeal; this is our basic right. All one need do is look at the mess in Great Britain to find out what the tort system does. I don't think the hon. minister mentioned this, but one reason the trade union movement is solidly in favor of the right to appeal is that they don't have the Rand formula, they don't have any form of compulsory membership. One method they use to maintain their membership is handling workers' compensation cases. Mr. Speaker, while that may be a good and valid reason for the trade union congress in Great Britain to want to continue this procedure, as far as the committee is concerned it is a recipe for chaos.

I want to deal with one other very controversial point. If I don't raise it, I'm sure the hon. Member for Macleod will. The Member for Clover Bar touched upon it. That is the question of accidents on the farm.

I know we all have been very concerned about the growing evidence — and the evidence is indisputably clear — of the number of accidents on Alberta farms. As the Member for Clover Bar quite correctly pointed out, farmers are free enterprisers; they don't want to get into a form of compulsory compensation. Mr. Speaker, I think the fact of the matter is that we have to move a little further than we've come to date. Of the some 50,000 farmers in this province, only 300 have accounts with the Workers' Compensation Board. Only 300. That means that when you have accidents on the farm, you not only have workers who aren't properly covered but families left without the many benefits available to people covered by compensation.

I think one of the most important recommendations we've made — and I hope hon. members, especially from the rural areas, will make an effort to sit down with their constituents over the summer — is that we asked all farm organizations in this province to consider this question of compensation before September 1, 1981 — not in an abstract sense, but come to grips with it — and get back to the minister with some recommendations on how they see us moving forward with a voluntary compensation plan, one which is going to provide at least some level of security, first for farmers, and then beyond that for those family members themselves. It's not a question of a

compulsory approach, Mr. Speaker, but I don't think we can continue to drift along. I think in concert and tandem with organized agriculture in this province, the next step we must take — but we want to do that in a co-operative way.

Mr. Speaker, the final point I would make: as both hon. members pointed out as well as the Member for Clover Bar, the emphasis has to be to shift from dealing with accidents to prevention. Wherever we went, whether in Great Britain, the Federal Republic, or Sweden — and I still claim it was the climate I didn't like about Sweden — wherever we went, the one thing that I think impressed us all was that in the European countries they have a lower accident rate. The reason they have a lower accident rate is that they have the emphasis where it should be: on prevention. Throughout our select committee report is a very heavy emphasis that in designing our programs in the future, the accident we prevent is by far the best approach to take and the proper spirit in which to approach changes in workers' compensation in Alberta.

DR. REID: Mr. Speaker, I beg leave to adjourn debate at this point.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, His Honour the Honourable the Lieutenant-Governor will now attend upon the Assembly.

[Mr. Speaker left the Chair]

head: **ROYAL ASSENT**

SERGEANT-AT-ARMS: Order! His Honour the Honourable Lieutenant-Governor.

[His Honour the Lieutenant-Governor took his place upon the Throne]

HIS HONOUR: Be seated.

MR. SPEAKER: May it please Your Honour, the Legislative Assembly has, at its present sitting, passed certain Bills to which, and in the name of the Legislative Assembly, I respectfully request Your Honour's assent.

CLERK: Your Honour, the following are the titles of the Bills to which Your Honour's assent is prayed.

[The Clerk read the titles of all Bills to which third reading had earlier been given]

[The Lieutenant-Governor indicated his assent]

CLERK: In Her Majesty's name, His Honour the Honourable the Lieutenant-Governor doth assent to these Bills.

HIS HONOUR: Mr. Speaker, members of the Legislature:

I can see by the hurry that you all want to get away on this recess, so I'm not going to say very much. But I want to thank you for your efforts. By the number of Bills, I

can see you've had a very busy session.

I hope you have some time for recreation and play during your summer recess, but I imagine you will be fairly busy even then. So I want to thank you very much.

SERGEANT-AT-ARMS: Order!

[The Lieutenant-Governor left the House]

[Mr. Speaker in the Chair]

MR. SPEAKER: Possibly hon. members could be equally good spectators while being seated.

If there is no further business before the Assembly, is it the intention of any hon. member to move adjournment?  
[laughter]

MR. CRAWFORD: Mr. Speaker, your suggestion is such a good one that I would now move that the Assembly stand adjourned, pursuant to Government Motion No. 14 passed today, until such time and date in 1980 as may be determined by Your Honour after consultation with the Lieutenant Governor in Council.

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

HON. MEMBERS: Agreed.

MR. SPEAKER: The House stands adjourned pursuant to the motion passed earlier today in that behalf.

[The House adjourned at 10:11 p.m.]