LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, October 28, 1980 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF VISITORS

MR. DIACHUK: Mr. Speaker, it is my pleasure today to introduce to you, and to the members of this Assembly, 46 visitors from Holland. They are the Byzantine Choir, who are guests of the Ukrainian Cheremosh Society and the Ukrainian churches of Edmonton, and are to present two concerts at the Jubilee Auditorium, one tonight and one tomorrow night.

May I point out that their director, Dr. Myroslav Antonowycz, is seated in your gallery, Mr. Speaker. Of interest, in 1976 he received the international who's who in music. This is one of the most distinguished awards in the world that a person involved in music would receive. Seated with Dr. Antonowycz is a guest artist with them, Volodymir Luciv, from London, England; their president, Mr. Paul Hakkennes; and six other members. The balance of the choir is seated in the members gallery. Some of you have enjoyed their rendition of *Oh Canada* and the Dutch national anthem on the steps of this Assembly.

I would now ask them all to rise and receive the usual welcome and accord of the members of this Assembly.

head: INTRODUCTION OF BILLS

Bill 68
The Agricultural Societies Amendment Act, 1980

MR. SCHMIDT: Mr. Speaker, I beg leave to introduce Bill No. 68, The Agricultural Societies Amendment Act, 1980. The purpose of the Bill is to change the aggregate amount for the guarantees of ag. societies from $25 million to $50 million.

[Leave granted; Bill 68 read a first time]

Bill 74
The Planning Amendment Act, 1980

MR. MOORE: Mr. Speaker, I beg leave to introduce Bill No. 74, The Planning Amendment Act, 1980.

This Bill is designed to correct some difficulties we've incurred with respect to the notification of adjacent landowners during a subdivision process, and to ensure that the method of subdivision in this province is speeded up considerably from what is the case at the present time. In addition, there are two or three other matters of import in the Bill, but I should say to hon. members that they are not the major sort of amendments to the Bill that occurred last year. They're as limited as possible, to correct the difficulties that we see at the present time with The Planning Act.

[Leave granted; Bill 74 read a first time]

head: TABLING RETURNS AND REPORTS

MR. YOUNG: Mr. Speaker, pursuant to Section 9(2) of The Pension Benefits Act, I wish to table the annual report of the pension benefits branch for the period April 1, 1979, to March 31, 1980.

MR. PLANCHE: Mr. Speaker, I would like to file with the Legislature Library copies of the publication entitled *Industry and Resources*. This is produced by the Department of Economic Development in co-operation with several other departments, and represents a comprehensive overview of the province of Alberta.

head: INTRODUCTION OF SPECIAL GUESTS

MR. ZAOZIRNY: Mr. Speaker, it is my distinct pleasure this afternoon to introduce to you, and through you to the members of the Assembly, 47 Calgarians from the exciting constituency of Calgary Forest Lawn, who have journeyed here this afternoon to see the Legislature in action and to make sure their local MLA is working hard for the people of Forest Lawn.

They are accompanied on this journey by Mrs. Bonnie Ladner, the constituency office co-ordinator for the constituency of Calgary Forest Lawn, as well as by Mrs. Jackie Larkins, the constituency office co-ordinator for the constituency of Calgary Fish Creek. I would ask that our visitors please stand and receive a warm welcome from the Assembly.

head: ORAL QUESTION PERIOD

Hazardous Materials

DR. BUCK: Mr. Speaker, I'd like to address the first question to the Minister of Transportation. I would like to know if the province has entered into negotiations with the federal government to establish Alberta's role in the administration and enforcement of the federal Transportation of Dangerous Goods legislation.

MR. KROEGER: Mr. Speaker, two weeks ago we had a meeting with the federal Minister of Transport, Mr. Pepin, along with the ministers of transportation across Canada, to work towards co-ordination and to discuss the plans we might have that would be different in various provinces.

DR. BUCK: Mr. Speaker, a supplementary question. Can the minister indicate what plans the provincial government is proposing to supplement the federal legislation?

MR. KROEGER: Mr. Speaker, because of the variety of conditions in various provinces across Canada — for example, we have dangerous goods originating in this province, whereas they might not in Manitoba — our interests would be different from Manitoba's, as an example. Since the jurisdiction transcends three or four departments, we certainly haven't completed a program as yet.

DR. BUCK: Mr. Speaker, can the minister indicate if he has been responsible for any discussions taking place between his department, the CNR, and the CPR, to bypass the movement of hazardous chemicals from the petrochemical centre in Fort Saskatchewan and shunt them to the CPR?

MR. KROEGER: No, Mr. Speaker.

DR. BUCK: Mr. Speaker, can the minister indicate if he is going to initiate any discussions, or just let it ride?

MR. KROEGER: As I mentioned, Mr. Speaker, this does cross a number of departments. We're going to have to co-ordinate the program. For example, we're working with Environment, Economic Development, and Disaster Services.

MR. ZAOZIRNY. A supplementary question, Mr. Speaker. Can the minister advise the Assembly as to whether or not it is the intention of this government to impose special licensing requirements on the haulers of hazardous goods?

MR. KROEGER: Mr. Speaker, that kind of decision hasn't been taken as yet, so I wouldn't be prepared to answer directly.

MR. MOORE: Mr. Speaker, as a supplement to the answer provided by the Minister of Transportation, I wonder if I could add for the information of the House that within the government we have formed a task force of senior people drawn from various departments, headed by Mr. Ernie Tyler, who is in fact the director of Disaster Services but is acting as the head of a task force, to work with provincial departments, the federal government, and other provinces in the whole matter of the transportation and handling of dangerous goods, which includes dangerous chemicals.

The federal Transportation of Dangerous Goods Act was assented to by Parliament on July 17. Since that time, Mr. Tyler and officials of Environment, health and occupations, Transportation, and Economic Development, have been working to ensure that we're able to co-ordinate our efforts with respect to the transportation, handling, storage, et cetera, of dangerous goods with other provinces and the federal government.

There are two important aspects to this from Alberta's point of view. Mr. Speaker, one is ensuring that we have safety with respect to the citizens of our province and Canada from goods produced in Alberta. Secondly, as the major future supplier of chemicals, at least in western Canada, it's important that we ensure that there is uniform legislation across the country. Surely we don't want our petrochemical industry to be in a position where they have to package in 10 different ways to meet 10 different provincial regulations.

Mr. Speaker, we're in a situation where in my view it's not possible for us to be totally in control of the situation in terms of complementary legislation right across Canada for a period of perhaps six to 12 months. We believe that the federal Act may in fact be proclaimed this fall, but it will take the balance of this year and perhaps well into the latter part of 1981 before we are able to co-ordinate totally the efforts of the provincial governments in Canada, the federal government, and the industry, and bring about a set of regulations that are uniform and consistent from one province to another, bearing in mind as well that we must maintain our provincial jurisdiction in those areas where we have it.

MR. NOTLEY: A supplementary question to the hon. Minister of Municipal Affairs. This matter has been raised before and discussed in past sessions. The minister indicated six to 12 months. Can he advise the Assembly what the obstacles to reaching an agreement are? Are they essentially technical problems of dealing with complementary legislation, or are there any serious jurisdictional questions that could in fact delay a unified approach for longer than six to 12 months?

MR. MOORE: Mr. Speaker, if I might just give some examples. The regulations under the federal Act are now in their fourth draft and have been reviewed by all provincial governments. The code and regulations are to include national standards and approved practices, which are the types of containers and so on that might apply. The regulations are also to contain the method and kind of information to be distributed regarding dangerous goods, chemicals, and so on. As I say, they're in the fourth draft.

Just by way of information, there are nine classifications of dangerous goods, covering over 3,500 different products. Our technical committee must look at each one and try to classify it in the right classification.

Then of course there are exemptions for certain kinds of goods travelling in certain modes, while there are no exemptions travelling in other modes. Obviously a dangerous good moving across the prairies on a railway track where there are no people involved has a different set of standards than it might if it moves into an area like Fort Saskatchewan or a built-up area where there is a lot of population. So those are some of the very extreme difficulties we're dealing with.

Mr. Speaker, our government worked for close to four years to try to get a Transportation of Dangerous Goods Act brought about nationally. That was accomplished, as members may recall. I recall answering these questions some time ago. We went through a period when the government of the day had introduced a Transportation of Dangerous Goods Act. The Liberal government was defeated. The Conservative government then introduced it. They were defeated. Then the Liberal government reintroduced it. So it took almost two years to get the Act passed, after everyone in Ottawa had agreed.

While I, and I'm sure all members of government departments, would like to see it proceed much faster, it just simply takes the time I indicated. Mr. Tyler, who has been seconded from Disaster Services to head this interdepartmental group, is working full time on nothing but ensuring that there is co-ordination in the implementation of the plan across Canada. As I said, it's in Alberta's interest from both an economic and a safety point of view, perhaps to a greater extent than any other province.

DR. BUCK: Mr. Speaker, if you will pardon a professional observation, trying to get some action is tougher than pulling teeth. Mr. Speaker, a supplementary question to the minister . . .

MR. SPEAKER: With regard to supplementaries, might I respectfully draw the attention of the House to our having an unusually large number of members who wish to ask questions today. Possibly we might reflect that in some brevity in the questions, and also in the answers.

DR. BUCK: Mr. Speaker, a final supplementary on this question to the Minister of Environment. Can he indicate what instructions were given to the ECA Hazardous Waste Management Committee as to the consideration that committee would give to moving hazardous chemicals to and from proposed disposal sites?

MR. COOKSON: Mr. Speaker, I'd have to review the terms of reference we gave the panel that conducted the public hearings. I'm not sure whether they included the problem of transportation; however, quite often during the hearings one has to accept the submissions on behalf of the public. No doubt they will have some comments in those particular areas when the report comes in.

MR. ZAOZIRNY: A supplementary question, Mr. Speaker, to the hon. Minister of Social . . .

MR. SPEAKER: Followed by a final supplementary by the hon. Acting Leader of the Opposition.

MR. ZAOZIRNY: Thank you. To the Minister of Social Services and Community Health, with regard to his responsibilities in the area of public health. Could he advise the Assembly whether his department or in fact the government is giving active consideration to the introduction of some comprehensive waste management legislation to ensure safe disposal of hazardous wastes?

MR. BOGLE: Mr. Speaker, through the. Provincial Board of Health — a board made up of representatives from the Department of Social Services and Community Health and the sister departments of Environment and Agriculture — there have been discussions within the past months on matters such as those raised by the hon. member. I might also mention that through the 27 health units and two local boards of health in the province, that's an ongoing area of discussion and concern, particularly as it relates to waste management.

DR. BUCK: Mr. Speaker, a final short supplementary to the Minister of Environment. Can he indicate what information has gone out to the handlers of hazardous chemicals? For instance, the wrong material is put in the wrong tanker and the tanker dissolves. Can the minister indicate what directions have gone out from his department as to handling the chemicals in such a situation?

MR. COOKSON: Mr. Speaker, we've recently established a schedule of chemicals under The Hazardous Chemicals Act. Our terms of reference are not necessarily in the area of handling at this time, because we've been waiting for the federal legislation to be in position. I'd have to check to see if there has been any specific correspondence in that regard.

DR. BUCK: Mr. Speaker, the second question is to the Minister of Environment. His last answer touches on part of it. Can the minister indicate if the list being compiled for him on The Hazardous Chemicals Act of 1978, is complete at this time?

MR. COOKSON: Yes, I have the authority under the Act to establish a hazardous chemicals list. That has been established. The schedule defines certain chemicals in a pretty broad definition. As you probably know, the chemicals come out under a lot of trade names. For example, one would have to take a trade-name chemical and refer it to the schedule to be absolutely sure that it is included in that schedule.

DR. BUCK: Mr. Speaker, to the minister. Can he indicate if legislation will be enacted in the spring after this list is compiled?

MR. COOKSON: Mr. Speaker, under The Hazardous Chemicals Act we have legislation to deal with certain problems related to hazardous chemicals at the present time. Now that we have a schedule, we will be enforcing that part of it. We would like to explore some other areas under the hazardous chemicals legislation. We're working on that particular problem at the present time. DR. BUCK: Mr. Speaker, my final supplementary is a short one to the minister. Can the minister indicate when the ECA Hazardous Waste Management Committee report will be presented to the minister? Has a deadline been set?

MR. COOKSON: This fall, Mr. Speaker. Maybe late in the fall, but I'm hoping this fall.

Feed Grain Sales

MRS. CRIPPS: Mr. Speaker, my question is to the Minister of Agriculture. Is there federal legislation that requires the Canadian Wheat Board to supply feed grain to eastern Canada?

MR. SPEAKER: It would appear that the hon. member is asking a question on a matter of law, as to whether there is legislation in a certain area.

MRS. CRIPPS: Sorry, Mr. Speaker. Mr. Minister, my understanding is that on October 17 there was a sale of wheat to Japan at $193 a tonne. The asking price at Thunder Bay at the same time was $144 a tonne. I'd like to know if the minister has made representation with regard to the directive from the Canadian Wheat Board that feed barley must he shipped from Alberta to Ontario to supplement feed barley there, at a loss of $40 per tonne to the Alberta feed grain producer.

MR. SCHMIDT: Mr. Speaker, to comment on whether it's a loss of $40, the exact amount: first of all, in 1974 the Canadian Wheat Board assumed the responsibility of providing feed grain to eastern Canada, f.o.b. Thunder Bay, at the American corn competitive price. The Wheat Board controls the export of grain in Canada.

I think the inference in the hon. member's question is basically that if the Wheat Board grants an export permit of coarse grain to Ontario and a need arises for coarse grain to supplement Ontario, the Canadian Wheat Board then has the opportunity to move and to price coarse grain at the Lakehead based on the competitive corn price. That price varies almost from day to day as to the domestic — in other words, the price based on the competitive corn price as to the price that is quoted for export. If it's $40 at that particular time, that would be the differential. It has exceeded $40 at times.

MRS. CRIPPS: A supplementary, Mr. Speaker. The Wheat Board directed that Alberta grains go to make up that deficiency in Ontario. I understand that the federal government directed the Wheat Board to release 30,000 metric tonnes of Ontario feed barley for sale, thus ensuring the Ontario producers of feed grains a differential in

price, because theirs is going for export and the Alberta barley is going for feed grain.

MR. SCHMIDT: Mr. Speaker, the Canadian Wheat Board has the prerogative to issue the export permit — in this case the amount the hon. member mentioned — in the size that if the export permit creates a deficit of feed grain in the province of Ontario, feed grain from the western provinces is made available, f.o.b. the Lakehead, at the basic price that was quoted.

MR. NOTLEY: Mr. Speaker, I'd like to direct a supplementary question to the hon. Minister of Agriculture. Has the government of Alberta been able to review the figures compiled by the government of Saskatchewan with respect to open marketing of feed grains since 1974, in particular where the Saskatchewan government has estimated a loss to prairie farmers of some $150 million over the last three crop years as a result of the open market not getting the equivalent corn price.

MR. SCHMIDT: Mr. Speaker, I shan't comment on the exact figures because I'm not sure — nor have I had the opportunity to study them to find out whether the figures are a true representation — other than to say that we agree that the loss to the western producer in regard to feed grain has been substantial because of the differentials in price since 1974.

MR. SPEAKER: I believe the hon. Member for Drayton Valley had a supplementary which perhaps I should have recognized a moment ago, otherwise we may lose our train of questioning.

MRS. CRIPPS: Thank you, Mr. Speaker. My supplementary is to the minister. Has the minister made representation to the federal government regarding this differential in price and their interference in the allocation of feed grains?

MR. SCHMIDT: Yes, Mr. Speaker, and to add further to not only the requests because of the differential in the supply of barley to eastern Canada but the total aspect as to the differential, both price between the domestic and export and the problems it arises, not only to the barley producers in western Canada but indeed the natural advantage to our livestock people that is lost.

MR. SPEAKER: A final supplementary by the hon. Member for Vermilion-Viking.

MR. LYSONS: Mr. Speaker, I'd like to ask the Minister of Agriculture if he could explain what provinces make up the Canadian Wheat Board. [interjections]

MR. SPEAKER: With great respect to the hon. member, that would appear to be a matter of public knowledge.

Water Management — Peace River

MR. BORSTAD: Mr. Speaker, my question is to the Minister of Utilities and Telephones. Proposals for building the Dunvegan dam were to be in last June. I wonder if the minister might be able to give us a status report on where that stands at this time.

MR. SHABEN: Mr. Speaker, the government invited proposals in the spring of this year. We received two proposals early this summer. The proposals have been circulated to five departments of government, in addition to the Department of Utilities and Telephones, requesting a thorough review of the proposals and questions that arise, from the points of view of various government departments. I've received those responses, and we are now prepared to have follow-up meetings with the two proponents to discuss the concerns that have arisen as a result of this review.

MR. BORSTAD: A supplementary, Mr. Speaker. Has there been any consideration on behalf of the government becoming financially involved in this project if it goes ahead?

MR. SHABEN: No, Mr. Speaker, it would be premature for that aspect to be considered at this time.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Will it be the government's intention to deal with only one of the two proposals and finally recommend that it go to the ERCB for hearings, or will there be an attempt to synchronize the two proposals and present one for public hearings? When would public hearings likely take place?

MR. SHABEN: Mr. Speaker, as I indicated earlier to the Member for Grande Prairie, the intention is to sit down with the two proponents separately and conduct a thorough meeting on their specific proposals. As for what course of action the government might take in terms of accepting one or other or neither proposal, that decision has not been taken.

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

MR. NOTLEY: Mr. Speaker, a supplementary question. What discussions have taken place with the British Columbia government concerning the question of water management and power production on the Peace River, including the possibility of a somewhat larger structure at Dunvegan that might make it unnecessary to build the third dam now being proposed in British Columbia?

MR. SHABEN: Mr. Speaker, the discussions have gone on over a period of years. The most recent discussions have concerned the use of water in the Peace River. The Minister of Environment may wish to supplement my answer, but we have come to an agreement as to the use of the water. One of the interesting benefits that we have discovered as a result of the Bennett dam and the storage facility is that there is significant improvement to the hydro potential at Dunvegan. The possibility of moving to a medium-head or high-head dam has not been reopened, since the low-head dam would not flood back into the Peace country, into the B.C. portion. We're proceeding on the basis of development of the low-head dam.

Technical and Vocational Institutes

MR. ZAOZIRNY: Mr. Speaker, my question is to the hon. Minister of Advanced Education and Manpower. It relates to questions asked in the three previous sittings of the Assembly, with respect to self-governance in the southern and northern Alberta institutes of technology. Can the minister advise the Assembly whether he has now

completed a review and determined whether or not these institutions will be granted the same self-governing principles accorded to the colleges and universities in our province?

MR. HORSMAN: Mr. Speaker, the review is proceeding. I think it would be useful to bring members up to date. There are three potential methods of dealing with this matter: the status quo, of course, is one; the other is to consider moving the technical institutions under The Colleges Act; the third would be to provide a separate Act dealing with technical and vocational institutions.

Another factor is also being taken into consideration. That relates to the new technical/vocational institution which has been announced by the government and is being reviewed at the present time as to its location and programming. That element is part of the current review. Of course we also have to take a very careful look at the relationship of the staff, in terms of both instructional and support staff at the institutions, with respect to any possible move to a board-governed status, under either a new Act or one of the existing pieces of legislation.

In short, Mr. Speaker, the matter is currently under review, but I'm not in a position to advise which of the alternatives we will be recommending to the Assembly.

MR. ZAOZIRNY: One supplementary, Mr. Speaker. Is the minister at least in a position to give an assurance to this Assembly that by the 1981 spring sitting of the Legislature he will bring to this Assembly the completion of the review and an announcement with respect to policy direction of this government?

MR. HORSMAN: Mr. Speaker, I'd like to be able to give that assurance. However I can indicate that my personal ambition is to come to a relatively quick conclusion with regard to that matter, at about the same time that we resolve the issue as to the location and programming of the new technical institution, so it would start out on the grounds of a clear understanding as to how it is to be governed. As I say, we want to be very careful that we examine the staff relationship in these institutions. That is of considerable concern and has been one of the reasons we have not been able to reach a clear position at this stage, in view of their current negotiating position and so on, which relates to my colleague the Minister of Personnel Administration rather than to my department.

MRS. FYFE: Thank you, Mr. Speaker. I wonder if the Minister of Advanced Education and Manpower would advise the Assembly if he has received a report from the advisory committee that has been reviewing locations for the third technical institute for Alberta.

MR. HORSMAN: Yes, Mr. Speaker, I have. That matter is being carefully reviewed by me at the moment.

MR. NOTLEY: Mr. Speaker, my supplementary question to the hon. minister is: what consideration is given to the value of placing this centre in a community such as Camrose, with a college already in operation, so there would be the challenge of two institutions in one place and a cross-fertilization of ideas? What consideration is given to that concept in choosing a location?

MR. HORSMAN: Mr. Speaker, there will be a very large number of considerations. At the present time, I have not yet reviewed all the factors that have been put in the departmental report. Certainly the location of the institution with regard to accessibility to other institutions of learning will be taken into consideration. As to the relative values of each of the components, I'm not prepared to say at this stage what those might be.

MR. MUSGREAVE: Mr. Speaker, can the minister assure us that in the difficulties he's having in this review, he has discussed the matter with the unionized personnel of the two institutions involved and that their views on this important matter have been taken into consideration?

MR. HORSMAN: Mr. Speaker, that is one of the difficulties being encountered at the moment. I have had discussion on a very informal basis, I think it's fair to say, with various groups in the institutions. There seems to be some conflict amongst the various organizations as to what their position is with respect to the organization, in terms of their bargaining position. As to what it might be under a board-governed status as opposed to its current provincially administered status, this is one area currently under the direction of my colleague the Minister of Personnel Administration. I think it's fair to say that it is not the intention of my department to become involved in the current labor negotiation situation in any way that would disrupt that situation at the present time. Therefore, it is one of the areas of — if I could put it this way — some considerable concern, and perhaps on the part of some people, even some considerable degree of confusion. When the current issues are resolved, hopefully we will be in a better position to hold those discussions referred to by the Member for Calgary McKnight.

Federal Budget

MR. D. ANDERSON: Thank you, Mr. Speaker. My question is to the hon. Premier, further to the correspondence between the Premier and the Prime Minister tabled in this Legislature yesterday. Could the Premier indicate if in fact it is true that the Prime Minister invited him to meet in Ottawa yesterday to discuss the energy position of the federal government prior to the introduction of the budget this evening?

MR. LOUGHEED: Mr. Speaker, yes, that's accurate. As I was answering the question from the Member for Little Bow yesterday, I pointed out the difficulty of going beyond what we had discussed that I would make public in my telephone conversation with the Prime Minister. As I understand it, though, he has advised the House of Commons today that he did extend to me an invitation to go yesterday for a preview of the budget to be brought down in the federal House today. It was clear that if I accepted that invitation, I should be under no illusion that it involved any aspect of negotiation, but merely a preview. I felt that under those circumstances, those officials of the Alberta government who are in Ottawa today could well handle the preview.

MR. D. ANDERSON: Mr. Speaker, one supplementary question for clarification to the Premier. Is the Premier saying that it was made clear to him that there would be no discussion of the budget that was to come down tonight, but rather just an opportunity to look at what has already been determined?

MR. LOUGHEED: Mr. Speaker, that's exactly the case, and that I should be under no illusion otherwise.

MR. NOTLEY: Mr. Speaker, a supplementary question, if I may. This flows from the Prime Minister's answers today in the House of Commons. Did the Prime Minister indicate that there would be some pleasant surprises for Alberta in the budget?

MR. LOUGHEED: Well, Mr. Speaker, I suppose there is always that element of hope.

Helmet Legislation

MR. PURDY: Mr. Speaker, I would like to ask a question of the Attorney General. Can the Attorney General inform this Assembly when the appeal will be heard regarding the recent helmet legislation that was ruled invalid, because of The Individual's Rights Protection Act, by Judge Thomas.

MR. CRAWFORD: Mr. Speaker, the appeal in that case is progressing and should be heard within a few weeks. My recollection of the date that has been given to me is that it would be heard on November 12.

MR. PURDY: A supplementary question to the Attorney General, Mr. Speaker. Will solicitors from the Attorney General's Department be representing the government, or will it be an outside firm?

MR. CRAWFORD: Mr. Speaker, I'm not positive what the arrangements are in that respect. For that particular type of case, it is most likely that they would be members of the department.

Highway Construction

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Transportation. Could the Minister indicate what progress has been made toward completion of the highway construction program for 1980, and if any of the contractors faced a shortage of asphalt as a result of the construction program?

MR. KROEGER: Mr. Speaker, the progress has been very good. Of course we have to estimate the completion — we can't be sure — depending on what sort of weather conditions we'll experience. The allocation of funds has been almost total. And no, there was no problem with asphalt supply.

MR. MANDEVILLE: Mr. Speaker, a supplementary question. Could the minister indicate what progress has been made with the plan that was discussed for twinning Highway No. 1 from Strathmore to the Saskatchewan border?

MR. KROEGER: Mr. Speaker, we're developing some proposals on not only that but both transCanada highways. We will be coming forward with some suggestion in the near future.

Projectionists' Legislation

MR. NOTLEY: Mr. Speaker, I would like to direct this question to the Minister of Labour and ask if he is in a position to outline to the Assembly what steps the government has taken to discuss with both the Alberta Federation of Labour and the projectionists' union the concern of both organizations with respect to the impact of Bill 52 on breaking up the projectionists' union.

MR. YOUNG: Mr. Speaker, the hon. Member for Spirit River-Fairview should understand that that Bill has nothing to do with the projectionists' union in the sense of breaking up that union. In respect of that, therefore, there wouldn't be any discussions.

However, there were discussions starting last fall — in fact, it's over a year ago — with the projectionists about the regulations in respect of apprenticing and certification requirements. The conclusion then was that there had been so much technological change in the area of projection equipment and in the nature of safety film that most of the regulations which related directly to those two items were redundant. The redundancy also extended to a good portion of the training that had been provided to projectionists, which was strictly an apprenticeship training and was an unusual form of apprenticeship wherein individuals worked without any kind of remuneration for periods of months — in this day and age, not a very good arrangement. When that information is combined with, in this case, the mutually agreed position that the questions in the exam were not relevant to today's equipment, it is pretty easy to see that major changes had to be made. That was what we debated last fall.

Mr. Speaker, a good number of the concerns for public safety are covered off now in other regulations under the controlled building regulations and fire regulations.

Finally, Mr. Speaker, to come back specifically to the point the hon. member has just raised. The most recent development has been correspondence from the president of the Alberta Federation of Labour, which I believe was received yesterday or the day before. That will be responded to sometime this week. The other item of correspondence which occurred over the summer was a letter from me to the business agent for the projectionists — dated in June, I believe — to which there has been no response. The burden of that letter was that if the projectionists felt that they still need a specialized training program, it would be important to establish the content of that program, and that I would be interested as a third party, because it doesn't fall under my department directly, in knowing from them what the content of such a training program could be so that we could identify whether it was possible to put such a program together through existing programs at NAIT and SAIT.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Has the department investigated the complaints of the three members of the projectionists' union in the city of Calgary who have been locked out of the Towne Cinema, which incidentally is the first theatre whose contract with the projectionists has lapsed and is therefore open to negotiation? Has the department examined the complaints of these three people, which relate specifically to the union's concern that Bill 52 represents a not very subtle form of union-busting?

MR. YOUNG: Indeed, Mr. Speaker, the department has, because a conciliation officer has been involved. I've had very complete reports because of allegations coming to my attention. I have satisfied myself, and I have a commitment from the operator of that theatre, that for the duration of the dispute that theatre will continue to use projectionists who are certified and licensed under the

former regulations. So in that sense, there is absolutely no reason to allege that what is happening there is union destroying in any sense. What we have there is a good old-fashioned dispute about the rate of pay.

MR. NOTLEY: A supplementary question to the hon. minister. In that good old-fashioned dispute about the rate of pay, is the minister able to confirm to the Assembly that the offer from Towne Cinema was $2.25 an hour less than the former contract?

MR. YOUNG: Mr. Speaker, the only affirmation I would get into is that the dispute is over the rate of pay and, most particularly, over the continuation or otherwise of a cost of living allowance, which was written into the former contract and which the theatre owner in this case wants to delete, as I understand it, and the union wants to keep. I don't think I can make any other comment, because I don't have the details of the dispute here. But I know that is central to the issue. I wouldn't want to verify what the hon. Member for Spirit River-Fairview has alleged in his question, because I don't have the details to do that and I'm not at all sure that it would be right if I had the detail.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister.

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

MR. NOTLEY: In view of the fact that this has been brought to the minister's attention by both the union and the Federation of Labour, I would ask the minister whether or not he has attempted to find this out through the aegis of his department, because it's a very serious question. Also on the question of safety, Mr. Speaker, is the minister able to confirm that at the present time only three theatres in Alberta have adequate sprinkler systems?

MR. YOUNG: Mr. Speaker, dealing with the first question the hon. member posed, which was whether I had attempted to find out what was happening there because of the allegations or representations made to me, indeed I did. The representations were made that union-busting was occurring in that incident. I satisfied myself that that was not the case and that that was an unfounded allegation. Following inquiry, I have in fact a written commitment from the owner of the theatre that no projectionist who was not a qualified, certified projectionist under the former regulation would be used. Mr. Speaker, that satisfied me that no union-busting was going on, and that there was in fact a wage dispute. It is not my position to judge the rightness or wrongness, the fairness, or the equity of parties in different positions in the private sector when they are having a dispute over what the rate of wages should be.

Distress of Leased Chattels Act

MR. PAHL: Thank you, Mr. Speaker. My question is directed to the hon. Attorney General. In view of the many representations by the public to members of the Assembly on Bill No. 5, The Distress of Leased Chattels Act, could the Attorney General advise the Assembly whether these representations have in fact been heard, and of any results from those representations?

MR. CRAWFORD: Mr. Speaker, I've had a number of representations. I had a discussion with the hon. Member for Edmonton Gold Bar, who is the sponsor of the Bill. Given the distress expressed by some of the people who got in touch with us with regard to certain provisions of the Bill, he and I are of the view that we would not be proceeding with it beyond the stage it's at in this session, and that in the event that it is brought back, it would be significantly changed. However, there is no specific commitment to bring it back.

Super Loto Lottery

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Culture, and is with regard to Super Loto. I wonder if at this time the minister could indicate whether the rules for distribution of the funds from Super Loto have been finalized and, secondly, whether Alberta's share of costs with regard to administering Super Loto have been finalized in relation to other provinces.

MRS. LeMESSURIER: Thank you, Mr. Speaker. There have been no changes in the format established on day one in, January last year, when we signed the contract, as our proportion was to the payment to the federal government of our funds. I would ask if the hon. member would please repeat the first part of his question.

MR. R. SPEAKER: Mr. Speaker, the first part of the question was with regard to the utilization of funds. There was some consideration and discussion in the spring session about the potential of communities in Alberta having access to some of the funds from Super Loto. Has any decision to that effect been made at this time?

MRS. LeMESSURIER: Thank you very much. Mr. Speaker, there has been no change in the format of the funds allocated from Super Loto. The first allocation, of course, was to pay our allocation to the federal government, the second was to the Edmonton Coliseum, and the third was to the town of Olds. When that had been done, then we would reassess the Super Loto funding.

MR. R. SPEAKER: Mr. Speaker, to the minister. Is there any indication when those other administrative procedures would be finalized? Can we expect something this fall, or will there be announcements in the spring session of the Legislature?

MRS. LeMESSURIER: Mr. Speaker, the hon. Minister of Recreation and Parks has already made an announcement concerning the money for the Olds arena, which amounted to $2 million.

MR. R. SPEAKER: What about my community?

MRS. LeMESSURIER: That will have to come down the line when we reassess the funding of Super Loto.

MR. SPEAKER: I apologize to the two members who weren't reached. We've exceeded the time, but I think we did fairly well under the circumstances.

ORDERS OF THE DAY

head: MOTIONS FOR RETURNS

MR. HORSMAN: Mr. Speaker, I move that motions for returns 127 and 128 stand and retain their place on the Order Paper.

[Motion carried]

125. On behalf of Mr. R. Clark, Dr. Buck moved that an order of the Assembly do issue for a return showing the cost of the 11-day tour taken by Mrs. Chichak, Mr. Hyland, and Mr. Batiuk to study European irrigation facilities in September 1980.

[Motion carried]

126. On behalf of Mr. R. Clark, Dr. Buck moved that an order of the Assembly do issue for a return showing:
   (1) a copy of the agreement between the Law Society of Alberta and the Attorney General regarding the establishing of the legal aid plan;
   (2) a copy of the agreement between the government of Alberta and the Law Society of Alberta regarding legal aid, which came into effect on February 13, 1979.

[Motion carried]

head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

211. Moved by Mr. Zaozirny:

> Be it resolved that the Legislative Assembly urge the government to consider the establishment of the office of Commission Counsel to the Law Enforcement Appeal Board, such Commission Counsel to be entitled to attend at any and all internal disciplinary hearings into alleged wrongdoings by peace officers against private citizens for the purpose of monitoring the evidence presented at such hearings, and such Commission Counsel to advise the Law Enforcement Appeal Board as to specific disciplinary charges, if any, which should be laid against a peace office before the Law Enforcement Appeal Board, and of which such peace officer would be advised prior to being required to give evidence before such board.

MR. ZAOZIRNY: Thank you, Mr. Speaker. I'm pleased to have the opportunity to bring to the floor of this Legislative Assembly a subject which I view as being of real importance and some controversy not only in this province but in the entire western world. That subject is, of course, the question of policing the police.

I wish to acknowledge at the outset some minor trepidation in raising this issue, knowing full well that there are those who view any incursion into this rather sensitive area as an attempt to hamstring our peace officers in the proper discharge of their duties. So let me say and make it clear at the outset that I neither seek to, nor believe that the measures suggested in this resolution will, impair in any way the effective operation of the excellent police force we are so privileged and fortunate to have in this province. By the same token, I believe the proposed resolution will provide us with a more effective procedure for ensuring, in instances of citizens' complaints against peace officers in the discharge of their duties, that justice will not only be done but will clearly be seen to be done, from the viewpoints of both the private citizen and the peace officer.

[Mr. Purdy in the Chair]

I think it also has to be stated at this time that the role of the Law Enforcement Appeal Board has been dramatically limited by the recent decision of the Alberta Court of Appeal to the effect that the Law Enforcement Appeal Board has no jurisdiction over the Royal Canadian Mounted Police, notwithstanding that they are under contract to the provincial government and are in fact acting in the capacity of municipal peace officers in many communities throughout Alberta. I think this situation must be of concern to all Albertans, for it effectively means that no external review of alleged disciplinary offences by members of the Royal Canadian Mounted Police acting in the course of their duties in this province is possible in Alberta.

I think it would perhaps be useful at this point to review the history of the Law Enforcement Appeal Board in Alberta. It was established in 1973 under The Police Act, with a specified membership of not more than three persons, at least one of whom had to be a member of the judiciary. Its purpose is to provide an independent review body for citizens who have a grievance concerning the conduct of a peace officer, as well as providing an appeal to a peace officer who believes that a disciplinary action taken against him or her was either excessive or not justified at all. The present procedure requires that an aggrieved citizen file the complaint in writing with the police department in question. That same department then conducts an internal investigation of the matter, which the citizen is not entitled to attend. The citizen is later advised as to the outcome of the internal investigation and, at the same time, that should they not be satisfied with the result, they may then appeal the matter to the Law Enforcement Appeal Board, which is by statute the final avenue of appeal.

It should also be pointed out that this disciplinary review is in addition to and quite apart from the normal remedies that citizens may pursue through the civil and criminal courts.

One might ask, surely, isn't that more than enough protection for the private citizen? The fact is of course, Mr. Speaker, that the remedies available through the civil and criminal courts are available only after having successfully negotiated one's way through the complex, expensive, and time-consuming system of the formal courts and, in the case of the criminal courts, satisfying an extremely high burden of proof of wrongdoing; namely, proof beyond any reasonable doubt whatsoever.

So in fact, Mr. Speaker, the disciplinary review mechanism is an important ingredient in the overall justice system, and it behooves us as legislators to ascertain whether the present system can be improved to better ensure that the rights of private citizens and peace officers alike are protected.

Mr. Speaker, I recently had the opportunity to attend a symposium entitled Policing the Police, sponsored by the Calgary Police Commission. At that symposium Sir Robert Mark, the former commissioner of the metropolitan police in London, England, stated the following:

> The most essential requirement for an effective disciplinary system is the certainty of an impartial, thorough, and technically competent initial investiga-

> tion. No matter how competent and distinguished a reviewing authority may be, failure to fulfil that requirement means that in almost every case the review is no more than shutting the stable door after the horse has bolted.

Mr. Speaker, I believe that Sir Robert is absolutely correct in his assertion. In the spirit of both that assertion and the pursuit of the principle that justice must not only be done but be seen to be done, the concept of a Commission Counsel is put forward to this Assembly. It is submitted that it is virtually impossible to ensure that the disciplinary process be truly effective without some mechanism for at least monitoring that initial review conducted by the police department and by a completely impartial and objective third party; namely, the Commission Counsel.

The Commission Counsel would provide the public with a very modest window into that internal hearing. It is submitted that the mere entitlement of the counsel to attend at such internal hearings would increase the likelihood that those hearings would be conducted at all times with an acute sensitivity, an acute sense of fairness to both parties, the peace officer and the private citizen, and would go a long way to allaying any public scepticism as to the objectivity with which such internal hearings are conducted. In other words, justice would both be done and be seen to be done. That is important, Mr. Speaker, not only to the general public but to our peace officers as well, for it is very much in the interest of the police that there be public confidence in these internal investigations.

In addition to providing that important window into internal hearings, the Commission Counsel would perform a number of other important tasks. First, in the event that a citizen's complaint was dismissed by the initial internal review and the citizen appealed to the Law Enforcement Appeal Board, the Commission Counsel would fill the void that presently exists in relation to citizen complaints and their appeals by adding one step to the overall appeal process. This would be a review by the Commission Counsel of the citizen's appeal and of the internal investigation report itself, prior to the appeal being sent to the board.

In those citizen's appeals where the Counsel could not determine a clear issue, the citizen would be so advised, but would still be completely entitled to bring his appeal before the Law Enforcement Appeal Board. In the event the Commission Counsel felt the appeal had merit, he would be empowered to act in a capacity similar to that of a Crown prosecutor, in that a proper charge could be laid against the police officer under the municipal police disciplinary regulations, and a hearing would then proceed before the Law Enforcement Appeal Board. In such a case the peace officer would, of course, be given fair notice of the exact nature of the disciplinary charge he must meet, well in advance of that hearing, thus eliminating one grievance that peace officers have with the present structure of the Law Enforcement Appeal Board. They argue that a peace officer can be issued a notice to attend as a witness and, after giving evidence, can be found guilty of a violation under the municipal police disciplinary regulations, of which they had notice. At that point, of course, there is no further avenue of appeal.

There does appear to be some real controversy about the present jurisdiction of the Law Enforcement Appeal Board to lay a disciplinary charge under the legislation. Some argue that the board has no such jurisdiction. On the other hand, the Edmonton Police Association, appealing a decision of Mr. Justice Bowen allowing the Law Enforcement Appeal Board to call peace officers as witnesses, appealed on the basis that this constitutes double jeopardy, in that the peace officer is not charged at that time with any disciplinary matter and could come as a witness, give evidence that could be self-incriminating, be found guilty of a disciplinary offence, and have a sentence imposed upon him by the board with no further right of appeal thereafter.

Mr. Speaker, it is submitted that this controversy could be resolved by appropriate legislative enactments relative to the establishment of the office of Commission Counsel, which enactment would also ensure that peace officers are not placed in a self-incriminating position before the Law Enforcement Appeal Board.

Thus, Mr. Speaker, the Commission Counsel can provide an effective window on internal hearings; ensure an independent review of all citizen complaints; perform an ombudsmanlike role in advising citizens on the merits of their appeals and as a result possibly lessen the number of appeals as well as lessening the dissatisfaction of some appellants in the overall process; provide a clear means for a specific charge to be laid against a peace officer in a citizen's appeal, if such is warranted; and ensure that peace officers are aware, well in advance, of any specific charge they might have to meet before the Law Enforcement Appeal Board.

But, Mr. Speaker, what of the critics of such an innovation? It is to be anticipated, I suppose understandably so, that some senior police officers will not support this resolution. They would argue that they are already being overpoliced and that the lot of the law enforcement officer is not an easy one at all. They would argue that a Commission Counsel would be a step toward making the whole process more formal, too formal. They will argue strongly that the resolution smacks of double jeopardy if, through the Commission Counsel, the board can indisputably find a peace officer guilty of a disciplinary offence after the internal review has dismissed the citizen's complaint. They will argue that it is unworkable and that there were some 2,200 internal hearings in the province of Alberta last year. Finally, they may well argue that, pursuant to Section 12 of The Police Act, a legal counsel has already been used to assist the board and therefore the intention of this resolution has already been met.

Mr. Speaker, I concur completely with the view that our peace officers do indeed have a very onerous responsibility at the present time and under the present circumstances. In that regard I would point out my request to the hon. Solicitor General during question period to increase grants to municipal police forces to allow them to increase their manpower and better fulfil those very onerous responsibilities they have undertaken. I am pleased to see that he has made a move in that direction already.

Notwithstanding my recognition of their difficult role, I firmly believe that the introduction of a Commission Counsel will not result in the police being overpoliced, nor will it cause the process to become overly formal. It's certainly true that while internal hearings shouldn't be too formal, the way in which they are conducted must be fair to both the citizen and the peace officer. The presence or possibility of the presence of a Commission Counsel should help ensure that principle, that basic tenet of fairness.

Nor, Mr. Speaker, do I accept the predictable argument of double jeopardy. That argument is raised in virtually every instance where there is an extension of the means and mechanisms for appeal. On the contrary, it is

arguable that this change will remove the kind of concern raised by the Edmonton Police Association in its appeal of the decision of Mr. Justice Bowen on the issue of double jeopardy resulting from the self-incriminating situation that a witness can find oneself in.

Furthermore, Mr. Speaker, if the Law Enforcement Appeal Board cannot presently become involved with the results of an internal hearing, cannot interfere with them, surely we require some mechanism such as the Commission Counsel for public access to that internal hearing, to ensure to the public that justice is not only being done but also will be seen to be done.

Mr. Speaker, the proposal is not unworkable. In its initial phases of implementation, while the Commission Counsel will be entitled to prompt notice and the opportunity to attend any and all internal disciplinary hearings, the counsel will undoubtedly be selective as to the hearings actually attended. But as mentioned earlier, the mere existence of the right of access should have a positive impact on the pursuit of fairness at these hearings. Experience will dictate the value of attending more or less internal hearings, and the actual attendance, or non-attendance, of the Commission Counsel at that hearing will not disable the counsel from performing the other valuable functions discussed earlier.

These functions are not being carried out by legal counsel at the present time, Mr. Speaker. The role of legal counsel is presently limited to advising as to the compellability of witnesses, getting involved with the cross-examination of witnesses at board hearings, and related limited functions. The role of the Commission Counsel would clearly extend beyond those limited duties and would likely require legislative change to facilitate the role.

In conclusion, Mr. Speaker, let me simply say that this proposal represents a sincere attempt to balance the legitimate need of peace officers in this province to be allowed to discharge their responsibilities without being handcuffed by unreasonable regulation, with the right of the public to know that in the judicial system in this province, no one is above the law and that justice will be pursued in both form and substance. I look forward to hearing the views of my legislative colleagues on this important matter.

Thank you.

MR. ACTING DEPUTY SPEAKER: Mr. Speaker, I think the Minister of Education would like to revert to introduction of visitors.

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS
(reversion)

MR. KING: Thank you, Mr: Speaker and all my colleagues. It is my pleasure to introduce to you, Mr. Speaker, and through you to the hon. members of the Assembly, seated in the gallery: high school exchange students from the province of Quebec, Alberta host students, Alberta teachers, and the ministry officers responsible for the second year of educational co-operation between the provinces of Alberta and Quebec.

Les eleves du Quebec proviennent des regions du Saguenay/Lac St-Jean, du nord de Montreal, et de la ville de Quebec. Ils sont parmi nous depuis le debut de Septembre. On retrouve les eleves un peu partout dans differents coins de notre belle province.

Les eleves que nous — I always have problems with this, Mr. Speaker — *accueillions ici aujourd'hui frequentent des ecoles de la region d'Edmonton et les regions centrales et nord d'Alberta; par example, Stony Plain, Gibbons, Ferintosh, Fairview, Sexsmith, and Niton Junction.*

May I also ask you to extend your recognition particularly to M. Francois Gauthier from la maison du Quebec, Mr. Nick Chamchuk, and Dr. Henriette Durand of the Alberta Department of Education, who are participating in the mid-term evaluation.

Would this exchange contingent please stand to be recognized by this Assembly.

MOTIONS OTHER THAN GOVERNMENT MOTIONS
(continued)

MR. LITTLE: Thank you, Mr. Speaker, I too welcome the opportunity to speak to Motion 211. I think it would be fair to say that Canadians generally, but more particularly western Canadians, have been well served by the police community. When I reflect on the beginnings of law enforcement in the west, the arrival of the North West Mounted Police on the western plains in 1874 established a reputation for justice and fair play which has made their successors, the Royal Canadian Mounted Police, one of the world's most respected law enforcement bodies. The arrival of the North West Mounted Police on the western plains signalled the arrival of law and order and contributed in no small way to the orderly manner in which the development of the west took place in sharp contrast to the experience of our neighbors to the south where, not infrequently, law enforcement became the responsibility of the individual settler. Indeed a significant difference in the attitudes to law enforcement is doubtless a product of those early beginnings.

Most of us still believe it is the right of every citizen to have access to law enforcement agencies that are effective, respected, and most of all, trusted. I am persuaded that most Canadians still have a high regard for the men and women who form the Canadian police community.

Some years ago, Mr. Speaker, I worked quite closely with Dr. J. Edwin Boyd of the Department of Psychology, University of Calgary, to improve the communication and the relations between the citizens of that city and the police, and to determine attitudes of the public towards the police community. In all, five studies were conducted, complete with scientifically prepared questionnaires. The first such study was in conjunction with a police exhibition which 80,000 citizens attended. When the analysts came up with a report, they couldn't believe the good feelings that apparently existed between the citizens and the police. In fact one of the analysts said, obviously you selected an area where persons were favorable to the police community. I said, well, as a matter of fact the persons distributing the questionnaires took care to hand out many of the questionnaires to persons who we knew had brushes with the police.

However, I do have some misgivings of the perpetuation of these attitudes today. Indeed there are ominous signs that both the public perception of the police and their self-perception are deteriorating. A number of years ago President Johnson commissioned a massive study of crime and law enforcement. It is reported in the volume The Challenge of Crime in a Free Society, which indicat-

ed things in the justice system were not going all that well. If you'll permit me, Mr. Speaker, I will quote from the president: Despite the warnings of our law enforcement officials, years of public neglect have too often left the law enforcement system without necessary resources and public support. Despite the devotion of our law enforcement officials, our law enforcement system does not deter enough of those who can be deterred. It does not detect and convict enough of those who cannot be deterred. It does not restore enough rehabilitated offenders to the law-abiding community.

About the same time, Dr. Niederhoffer prepared his now famous *Behind the Shield,* which covered in great detail the low morale, the low self-perception, and the high rates of separation in the New York Police Department. He reported that mental and emotional breakdowns among members of that force far exceeded the city average, while suicides among the members of the New York police force were 12 times the city average. Neiderhoffer continued his inquiries, and in 1975 he and his wife prepared the volume *The Police Family***,** in which they studied alcoholism, marriage breakdown, and even child abuse among the police family. It was a shocking indictment.

Yes, many of you may say, we're always aware of the problems of morale, corruption, and abuse of power in the U.S. system, but it just doesn't happen here. I must admit that we do less research and less study into the problems of the police community in Canada, but today there are clear indications that alcoholism, marriage breakdown, and domestic problems are becoming more prevalent among Canadian police personnel. In spite of the fact that pay and benefits are at an all-time high, separations have reached an almost unacceptable level. In spite of lowered entrance qualifications, recruiting of suitable personnel for the police profession is becoming more and more difficult.

Then came the final blow to our national pride. The Royal Canadian Mounted Police, that most respected of our police organizations, has been under constant scrutiny for the last two years by way of both the Keable and the McDonald inquiries, for alleged abuse of police powers and, I can tell you from the calls I have received, to the dismay of many Canadian citizens. On behalf of my fellow Canadians, may I suggest to those conducting the inquiries: please complete the inquiry and let the police get on with the job.

But back to the U.S. scene for just a moment. One of the most destructive forces contributing to the low morale in the U.S. police organization was and still is the Civilian Review Board, whose guiding belief was that the police could not be trusted, but above all, could not be trusted to discipline their own.

Douglas McGregor, that renowned personnel advisor, stated:

> People tend to behave in ways which tend to fulfill our expectations of them. If we extend trust, we are more likely to receive [in return] trustworthy behavior.

Not too long ago two members of the Winnipeg Police Commission suggested that the police interview room should be equipped with closed-circuit TV so they could be kept under observation at all times. Is this one more indication of our lack of trust of the police community? Wouldn't it be just as reasonable to put a closed-circuit TV camera into the room where the lawyer interviews his client? It seems that cop bashing has become a popular sport. It's played both indoors and out, and now in every season.

My own knowledge of the law enforcement community is that they do discipline their own, quickly, effectively, and by no means leniently. I can tell you of many situations of double jeopardy within that system, once in the chiefs office and again in the courts. Surely none of you would consider lenient a fine in the courts followed by a reduction in rank and therefore a reduction in salary. By all means, get rid of the bad eggs as quickly as possible, but let us not brand the whole police community with the sins of the few.

A few moments ago I referred to the U.S. experience with the Civilian Review Board, whose very being is based on the opinion that police management cannot be trusted to carry out their own disciplinary procedures. It appears to me that the philosophy of [Motion] 211 closely follows this concept.

Let me emphasize, let me make it abundantly clear, Mr. Speaker, that at this point I have no criticism for the Law Enforcement Appeal Board when performing the function of an appeal body for both parties. Indeed when the board was created in 1973, I applauded loudly. They have performed a most useful purpose for both parties, the citizen and the police officer. Surely the police officer is also a citizen and entitled to the same consideration at the appeal level. It is only fair and right that every judicial or quasi-judicial decision should have an appeal mechanism. However, it is equally important that the appeal function and the prosecution function be kept totally and completely apart.

Mr. Speaker, I am troubled by the proposal. How in all honesty could a board render fair and neutral decision after listening to a report of the departmental hearing from a counsel whose stated authority and purpose is to recommend charges against the unfortunate police officer? As my colleague stated a few moments ago, yes, justice should not only be done but be seen to be done. Shall we charge him twice? Shall we try him twice? Shall we sentence him twice? Once sentenced, to whom does this police officer appeal the sentence? Surely not to the board who accepted the recommendations for the charge.

The principal criticism of the police during departmental hearings has been a lack of communication between the police chief and the aggrieved citizen. Mr. Speaker, the police department can correct this problem without going to the lengths of another watchdog whose duties and responsibilities appear biased, to say the very least.

What we need today is not more watchdogs for the police. We have made their job difficult enough. We need more understanding, more support, more trust for the police. If society makes it difficult or impossible for the police to function effectively, society is the loser.

DR. BUCK: Mr. Speaker, I would like to get very briefly into the debate this afternoon. I would like to say to the hon. Member for Calgary McCall that most of the sentiments he has expressed are basically the philosophy and feelings I have. The pressures and forces now being brought to bear upon our police officers are threefold to fourfold of what they were even a decade ago. If we are going to expect our society to survive, we are certainly going to have to give our police officers more support as a society and as a citizenry than we presently are. I know we expect them to work some of the most ungodly shifts, some of the most ungodly hours I've ever seen. Still, we expect them to do that with a smile on their face. It's pretty difficult to smile when you have to retrieve some youngster's body from a ditch or a flaming car wreck.

So, Mr. Speaker, in responding to Motion 211, I'm able to offer only lukewarm support for the measures it proposes. Specifically, I can appreciate what the hon. member may be attempting to gain by ensuring immediate legal advice is offered to those conducting disciplinary hearings. However, I cannot support the establishment of a body which would undermine the authority of a police chief in disciplinary matters without more concrete evidence that such action is necessary. The motion before us proposes that a civilian body be established to monitor police disciplinary hearings. The motive for this is said to be to increase accountability in internal proceedings. In rising to this proposal, I intend to, one, examine the precedent of occupational reviews; secondly, to consider safeguards on internal police reviews that are currently provided through the LEAB, the Law Enforcement Appeal Board and the police commission, and examine whether it is desirable or necessary to increase the power of these bodies; and thirdly, to consider limiting the Commission Counsel function to provide prompt legal advice at disciplinary hearings, rather than expecting them to fulfil a watchdog role.

Mr. Speaker, I argue that there does not appear to be a police discipline problem in Alberta today. Present safeguards against police wrongdoings are indeed workable. It's very, very interesting to see that in the greatest majority of cases the actions are left with the police officer unscathed. The Police Act states that discipline within municipal police forces is the responsibility of the chief of police. This means that if a citizen launches a complaint against a police officer, any informal contact with the complainant, investigation of the charge, and/or disciplinary hearing will be dealt with in the first instance by the chief of police or by officers he has appointed on his behalf.

Motion [211] specifies that the Commission Counsel should operate only at disciplinary hearings arising from citizen complaints. It implies that there is some question of the capability of the police to deal with matters of this nature. The argument here is that an internal hearing by nature invites suspicion of conflict of interest. The corollary to this, Mr. Speaker, is the assumption that the police will always try to protect their own from censure for their actions. Clarification of the context within which these internal investigations occur demonstrates the fallacy of this philosophy.

Mr. Speaker, if at any stage of the proceedings it is determined that the case being investigated deals with a violation of a federal or provincial Act or statute, with the exception of the municipal police Act, the case is automatically handed over to a court of law. Hence, internal disciplinary hearings deal only with matters directly related to the job a policeman holds.

Occupational review boards function in many areas of our society. We accept this practice for the self-disciplining and self-limiting professions — lawyers, doctors, social workers, and numerous other groups — because we acknowledge the need to understand the nature of their occupation in making a fair assessment of the worker's behavior. Some argue that the power legally to wield force grants the policeman a tremendous influence over others and provides reason for his profession to be viewed differently from others. I cannot support that argument. They see the need to require of him greater accountability. The gaps in this logic become apparent when we consider the power of judges or doctors over others. I argue that if government by internal disciplinary organization accepted for these professions, it should be accepted for the police.

Mr. Speaker, there's no evidence that police hearings by their very nature are unduly suspicious. A policeman is in fact not even judged by his peers in internal disciplinary proceedings. Municipal police disciplinary regulations state that those conducting an investigation must be superior in rank to the officer whose conduct is being examined, and in larger police forces this task is handled exclusively by a team of special investigators.

Similarly, disciplinary hearings are chaired by the chief of police or a senior officer. Studies show that police involved in disciplinary work tend to be very sensitive to public scrutiny of their behavior, because any laxity on their part would jeopardize the public image of the force as a whole. These bodies tend to be stricter in their judgment of what conduct is acceptable for police than most civilian bodies are. Ultimately, Mr. Speaker, the effectiveness of internal disciplinary proceedings tends to counter any doubts about this nature. Again I would emphasize there's little indication that the system is not working at present.

Granting this to be so, one might argue that the interest of the citizen is unfairly weighed against that of the officer being investigated. Here I point to the safeguards built into the system to ensure that the policeman gets a fair hearing. An officer is informed of possible charges he may be facing as soon as an internal investigation is launched. At this stage he may volunteer an explanation for his conduct. However, if he accounts for it only on the request of his superior, this testimony cannot be used as evidence in the hearing. If after the internal investigation, Mr. Speaker, it is decided that charges will be laid, the defendant is given a copy of the charge sheet as soon as possible. Hearings are delayed until the defendant is satisfied that he has had sufficient time to prepare his case. For more serious offences the officer is allowed legal counsel at the hearings, and at all hearings he can summon witnesses and cross-examine them. Rules of evidence followed in the courts of Alberta are applicable to disciplinary hearings.

Given these provisions, I think it's safe to say there's little chance the defendant's case will be misrepresented. However, the system is not without safeguards. An appeal mechanism for disciplinary decisions made by the chief of police or his agents is specifically provided through the Law Enforcement Appeal Board. Members of this body are drawn from outside the police force, an inquiry is launched at the request of the complainant or the officer charged, the police commission, the Solicitor General, or at the initiation of the board itself. Upon notice that an inquiry will be made, the chief of police is required to forward copies of all investigation reports, all statements and correspondence sent and received with respect to the complaint. If the board decides that the initial inquiry was not as thorough as it should have been, it can conduct its own investigation. In this case it has the same power to summon witnesses and to call them to testify as is provided to the police disciplinary hearing. Should the board decide that a mistake was made by the chief; of police in meting out punishment, this body can vary the sentence as it wishes.

Motion 211 proposes that a Commission Counsel would inform the Law Enforcement Appeal Board of charges the officer would face. Since those arising from the police investigation would already be clear, this motion is obviously intended to allow new or additional charges to be laid. The appeal board, like a court of appeal, has the power to reduce or even to annul the

original charge. To add to this power to levy new charges at a secondary or appeal stage, however, would in essence be to retry the case. The Commission Counsel's definition of charges precedes the Law Enforcement Appeal Board hearing. This office, then, would simply be revising the incident already studied by the police. Double jeopardy is not acceptable in a court of law, Mr. Speaker. A policeman facing a disciplinary charge should not be denied the same right of due process just because he is a police officer.

Granting this, I cannot support this aspect of the proposed counsel's function. I remain convinced that there is insufficient evidence that policeman tend to be careless or negligent in levying charges against their peers. Unless such claims can be substantiated, I am of the opinion that in supporting this motion we would be tremendously unfair. We would be asking police to subject themselves to a double jeopardy situation for the sake of a public relations campaign. Basically that's what it would amount to. If on the other hand, Mr. Speaker, it is demonstrated that there is a genuine problem in levying charges, I suggest that the answer is to deal with the root of the problem. Specifically, we must alleviate the problem in its initial stages rather than change the nature of the appeal mechanisms.

Mr. Speaker, with respect to the possibility of incomplete charges being laid by police investigators, I would point out that within current regulations a chief of police is ultimately held accountable for deficiencies covered by the Law Enforcement Appeal Board. This is accomplished by the fact that all findings of the board must be forwarded to the police commission. A situation where incomplete charges were laid would be the result of a shoddy investigation. Given the measure of accountability that is built into the system, the likelihood of such an investigation passing unnoticed is minimized.

On a different note, Mr. Speaker, I believe a valid case could be made for establishing a body to offer more legal advice at internal disciplinary hearings. By this action we are not suggesting that those conducting internal hearings are negligent. What would be suggested is that a potential problem exists in expecting police to administer rules: of the courts without more than just adequate legal training. As an illustration of this principle, I refer to an incident reported in *The Calgary Herald* last week, where the Law Enforcement Appeal Board overruled a judgment of a disciplinary hearing because it felt that this decision had been based on evidence which should not have been admitted. Given that to call for a reinvestigation of the case by police would be to try the case twice, the board felt its only recourse was to overrule the original decision. Legal technicalities of this nature are often difficult enough for those in the legal profession to grapple with, let alone a lay body. For this reason, I feel that inclusion of a legal adviser at internal hearings could be beneficial.

In conclusion, I would support the establishment of a positive support mechanism to the internal disciplinary hearings. I think that's reasonable. Any changes beyond this must be justified by a genuine failure in the system. Should the supporters of this motion provide concrete proof of the incompetence of police disciplinary hearings, I would be willing to change my stance. Until this time, however, I cannot see that interfering with the power of the police chief or robbing a policeman of the right to a fair trial only for the sake of a public relations game, would gain anything.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: I'd like to draw to the attention of hon. members that the two previous speakers, the Member from Clover Bar and the Member for Calgary McCall, broke the rules of the House by reading speeches. The Member for Calgary McCall was more discreet about it. It's strictly against the rules of this House, and the citation from *Beauchesne* prohibits it.

DR. BUCK: Mr. Speaker, I'd like you to prove to me that I read my notes verbatim. If you can do that, I would accept your ruling.

MR. ACTING DEPUTY SPEAKER: Well, we can always take the notes and compare them with *Hansard*.

DR. BUCK: Mr. Speaker, I think you'll find they are not identical. [interjections]

MRS. FYFE: Mr. Speaker, I would like to join in the debate of [Motion] 211, not because I have any municipal police forces within my jurisdiction, but because I would like to add my sentiments to the two previous speakers. It's not often I'm in agreement with the Member for Clover Bar and the Member for Calgary McCall.

MR. DIACHUK: Careful.

MRS. FYFE: In a limited area.

The proposed Bill relating to the establishment of the Commission Counsel to the Law Enforcement Appeal Board would have application in only a limited number of jurisdictions. As we, are well aware, the RCMP covers many of the urban and rural jurisdictions throughout our province. Nevertheless, I appreciate that a large number of the Alberta population does have municipal or urban police forces. In a judgment by Chief Justice McGillivray, establishing that the Law Enforcement Appeal Board cannot hear appeals against a member of the RCMP, we certainly have two levels or two areas of police officers. The Royal Canadian Mounted Police Act establishes that the force has its own code of acceptable conduct and has provision for dealing with conduct which is unacceptable.

Therefore, Mr. Speaker, Motion 211 would not apply in the majority of jurisdictions within our province. While I agree there is a serious concern related to conduct of police officers, as there is with all public employees, I do not in any wish want to say that in the differences between municipal and RCMP force members, we should take away or detract from the members of the RCMP, which the Member for Calgary McCall set out so well in his words previously. In referring to Motion 211, I am concerned that this motion, which would have access to information carried out within an internal investigation, could be interpreted as interfering. I do not know of another profession where an internal investigation would be treated with legal counsel representing an appeal board.

I don't feel that the establishment of a Commission Counsel would necessarily ensure that the complaint from a citizen of the province would necessarily have the feeling that it was carried out in a more judicious or proper manner. I think the key is that under The Police Act presently, the communication is sent to that complainant. They have the right to an appeal process, to a re-evaluation, or to a judgment as to the conduct of the particular officer or the complainant involved.

The Law Enforcement Appeal Board was established in The Police Act of 1973. The provisions of this Act

include that the board will be comprised of not more than three members, and that one of those members, who shall be a member of the judiciary, shall be designated as chairman. The purpose of the Law Enforcement Appeal Board is to provide an independent review body for citizens who feel they have a complaint. The person having a complaint against a police officer must file this complaint in writing. I think it's important, Mr. Speaker, that it is done in writing, so it's not a frivolous complaint but one that has substance. It must be filed with the department in writing. The matter will then be investigated internally. The complainant then must be advised of the outcome of that investigation, and at that point made aware that he has access to the Law Enforcement Appeal Board.

Another aspect of this appeal avenue is available to a municipal police officer who is not satisfied. And I think this area was covered fairly sufficiently by the previous two speakers. Very briefly, my concern and reason for speaking in this area is that I feel that protective services, which are the key responsibility of local government, are a very sensitive, very essential, and very important area. The reason police work has such a degree of sensitivity is that it's dealing with people; it is dealing with people relationships. Nothing can be more sensitive than a police officer having to deal with young people, with family disputes, and with all the areas that we ask our police officers to get involved in; areas that aren't pleasant, areas I'm sure none of us would want to have to take some of the responsibilities that we ask this body of people to do for us. Therefore, because of this sensitivity and because of the stress and pressure we put on this body, morale is critical in any police force.

Mr. Speaker, I do not feel that this motion would contribute to a system of improved protection services. In fact, I'm afraid it might have the reverse effect.

Thank you.

DR. REID: Mr. Speaker, in rising to speak on Motion 211, I'd like first of all to reassure the Member for Calgary McCall that this was not a united front on the back benches on this side.

People might wonder why I would become involved in this particular debate after my recent personal interest in this subject. Perhaps angels are looking after me. I hope they are. My reason is that I have a family history that has made me personally involved in police work. My great grandfather was a policeman who became an inspector, my grandfather was a policeman who became a chief inspector, and my father was a, policeman who became an assistant chief constable before he became a diplomat. It was perhaps his diplomatic influence that interested me in politics rather than his police interests.

Mr. Speaker, there are essentially two philosophies of law enforcement. The first is that we are all essentially law-abiding beings, that the vast majority of us usually obey the laws quite willingly and out of volition, and that there's a small criminal element who choose to live by their wits on the wrong side of the law, as opposed to those of us who live by our wits on the right side of the law. That philosophy essentially means that the police role is a guardian action for the law-abiding majority of citizens, to deal with us on those occasions when we happen to step over the limits, and really to keep a much broader and much more careful watching brief on the criminal element, without of course treading upon their individual rights.

The other philosophy of law enforcement is that people are essentially opportunistic, that they will break the law if they feel they can get away with it, and that essentially all that keeps people on the right side of the law is the presence of the police and the threat of being discovered or prosecuted. In that case, of course, the police are essentially behaving as an army, occupying the position an army takes in an occupied country. They are essentially the only influence that prevents a breakdown of society.

When we get the conflict between those two philosophies, we get into difficulties with law enforcement. Essentially two types of complaints develop when the ordinary citizen meets up with a policeman. There are the valid complaints that occur when people prescribing to the first philosophy of law enforcement meet a police officer who believes in the second philosophy. You then get the ordinary citizen who has, usually in some minor fashion, broken a minor traffic law or something like that and feels that his charge and management by the police officer have been grossly out of line and that he should have some means of correcting that or at least of obtaining satisfaction with his complaints.

The natural events are that a complaint is lodged with the chief of police and the internal investigation goes into action. The individual takes no part in that internal investigation. He is usually given no information as to the evidence that is taken into consideration at that investigation, and he finally receives a letter from the chief of police saying, your complaint has been investigated and has been found not to be valid; if you wish to take further action, go to the Law Enforcement Appeal Board. Or he may receive a letter from the police chief saying, your complaint has been investigated; it was found to be valid, and suitable disciplinary action has been taken. That's not a very satisfactory conclusion for that individual citizen.

He then has the alternative of going to the Law Enforcement Appeal Board, an action he may be rather diffident about. He doesn't know much about it. It may well be the very first time he's had any dealings with the police force. To get into the actions of a quasi-judicial body like the Law Enforcement Appeal Board terrifies many people, and they just don't do it. For that reason, in the main I support this motion, as it introduces the possibility of an unofficial hearing by the Commission Counsel to decide whether there are grounds for an appeal to the appeal board. It's not a judicial decision, because all the counsel would do is give advice as to whether or not a case exists. If the individual citizen still insisted, he would be able to take a case to the appeal board, even where the counsel did not think there was a valid case.

There are some other benefits in having the Commission Counsel there. For the individual there would be assistance in presenting his case to the appeal board, if he wished it. The other fact is that there would be a review, without a full appeal board hearing, of the functions of the internal disciplinary hearing by the police force.

Having said that, I also have some real concerns about the idea. The involvement of a Commission Counsel is inevitably going to make the hearings much more formal in their nature, if there is an appeal board hearing. Having been a coroner for many years and now being a medical examiner, without criticizing Mr. Justice Kirby and the results of his report on The Coroner's Act, the coroner's hearings that were held by doctors, not by judges or lawyers, were very informal on occasion, and I myself frequently took from children evidence that would not have been acceptable in a court of law. When we

went to the medical examiner function under The Fatality Inquiries Act, we went to hearings, public inquiries, that were held, in many cases, by a judge of the Provincial Court. The hearings by nature became much more formal, and the rules of court evidence began to be used. Coroner's inquests were to find out where, when, and by what means somebody died. They were not to attribute blame. They functioned very well on that basis. The involvement of a Commission Counsel may, in actual fact, convert appeal board hearings into a very formal hearing also. Again, it's conceivable that some evidence may not be accepted.

The other concern I have is that if the Commission Counsel is involved in the internal closed hearings of the police force and he subsequently recommends an appeal board hearing be held, there is almost going to be a presumption of guilt on the part of the police officer against whom the complaint has been lodged. I'm not going to go into the details of that. The Member for Calgary McCall, who is a generation closer to police work than I am, has done that quite eloquently.

But on the balance of the benefits and the deficits of appointing a Commission Counsel, I myself am more inclined to support the motion, with the reservations that I have mentioned. With that, I would recommend it to members, and am interested to hear what other members of the Assembly will have to say on the subject.

Thank you.

MR. COOK: Mr. Speaker, I wish to participate in the debate this afternoon on the motion presented by the hon. Member for Calgary Forest Lawn.

First of all I'd like to compliment the other members who participated and to suggest that the hon. Member for Edson has stolen most of my thunder, in the sense that he has eloquently weighed the advantages and disadvantages, pointed out the liabilities and opportunities for improvement in the system, and recommended its approval to the Assembly. The hon. member having done that, I won't choose to do that. I'll throw away half my notes. I'm always brief and to the point, as all members of the government caucus will attest.

Before I move adjournment of the debate, Mr. Speaker, I'd like to make just a couple of quick points. The police force is a very important part of the justice system. It is really the arm of the state in enforcement of the laws this Assembly and the Parliament of Canada pass for governing the citizens of our province or country.

The hon. Member for Calgary Forest Lawn mentioned that justice has not only to be done but be seen to be done. I'd like to raise, for hon. members' concern, a couple of events that have happened recently in the city of Edmonton, where some young ladies have been stopped on the street, some people would suggest with very little cause, and have been taken down to the police station and forced to submit to a body search. It's raised considerable concern. I don't want to comment one way or the other on the propriety of the police force's activities, but I would like to suggest that had some sort of legal counsel been available to show both the police and the young women involved, their rights and the procedures of the appeal process, I think a lot more information would have been available to both parties. Perhaps with that kind of communication, some of the difficulties and public outcry would have been minimized.

That's the point I'd like to leave with hon. members. This procedure would be seen to be impartial and thorough; it would give the appeal process a great deal more competency. I grant that there would be some difficulties with the formalization of the hearing process, Mr. Speaker, but I think it's important that the review procedure be seen to be fair for both sides. It would also be useful for the members of the police force who wish to have some disciplinary action reviewed, to see whether it was done in proper form or not.

With that, Mr. Speaker, I think I'll sit down. I understand other hon. members would like to participate. I won't move adjournment. I'll leave the hon. member about another minute for this hour.

MR. KNAAK: Mr. Speaker, it's always difficult to follow my colleague, especially with a closing like that. But I did want to participate . . .

MRS. OSTERMAN: It's a good thing he thought he had to quit at 4:30.

MR. KNAAK: I think my colleague believes he had to quit at 4:30. We actually go 'til 5:30, so we're okay.

With respect to this motion, I think a lot of times we forget that what we're talking about is the disciplinary procedure of the police force. What's forgotten, and what I have not yet mentioned, is that the police officer is subject to the same criminal and civil laws that every other individual performing his function is subject to. In other words, a medical doctor is subject to disciplinary proceedings by his own College of Physicians and Surgeons. In addition, he's liable to the ordinary law for negligence or any other matter, or for that matter criminal law, if it's serious enough. The same is true for a lawyer, who is subject to his own disciplinary proceedings before the Law Society, his own regulatory board. He's also subject to legal liability pursuant to the ordinary law outside that disciplinary procedure.

So it is with the police force. What we're talking about here is just a disciplinary procedure. An individual is certainly entitled to pursue his rights in law. There might be trespass, or if it's an assault, trespass to a person, which is a civil remedy entitling a person to damages. Or in terms of assault, he'd be entitled to pursue the criminal law. This is a distinction I want to leave with the Assembly. I think it's an important one, since any remedy before the Law Enforcement Appeal Board deals with the discipline of the police officer, not with a remedy with respect to the member of the public.

The Architects Act, which has now been introduced, embodies a policy developed by this government that, by and large, professional groups should be entitled to discipline themselves, subject only to there being a window to the public. Mr. Speaker, that is being accomplished by having a representative of the public on the disciplinary board.

Other than that, generally no appeal to any court is provided for the individual who is laying the complaint, if the disciplinary body rejects that appeal. To give an example, if you needed some medical work and, say, additional medical work was done without your consent, you would have a proper complaint. You would take it to a disciplinary board. Assuming the disciplinary board, the College of Physicians and Surgeons, rejected that complaint vis-a-vis the medical doctor, you would not have a disciplinary appeal thereafter. All you would have, which is a substantial remedy, is a remedy in what they call trespass to a person, which entitles you to substantial damages if you can prove your case. Again, what we're talking about with respect to the police force is merely the

disciplinary matter, not the remedy the public can have in law.

I have confidence in our police force. I think they're being substantially handicapped already, not so much by the disciplinary procedure outlined here, but by the way the law is applied. It seems the criminal has every advantage already. It must be a terribly frustrating job for the police to find that they finally catch a killer, he is convicted, he's sentenced to 10 years, and he's out on parole after three, committing another crime and being chased again.

This idea of the Commission Counsel — although I agree that every reasonable step should be taken to protect the public from unreasonable police behavior, I think there has to be a balance. It may be that a police officer misjudges a particular isolated instance. But how severe should the disciplinary procedure be in that regard? Should he first be disciplined by his colleagues, as any other profession is? Then, if we have this idea of a Commission Counsel, he's at the hearing. He then makes a recommendation to the Law Enforcement Appeal Board. He's cross-examined, and then a decision made. In most cases, I think it's too much if we have a counsel who acts more or less on the side of the public, in addition to the existing machinery.

Therefore, I would suggest that we possibly consider the idea of reviewing the present procedure, putting it more in line with our own policy on professions, where in fact we have a member of the public present at the first hearing so the public is informed and aware of what is happening at the first hearing, as it is or will be in all other professions and semiprofessional groups. If we do that, I believe a Commission Counsel is not necessary.

Thank you, Mr. Speaker. May I adjourn debate?

MR. ACTING DEPUTY SPEAKER: Has the hon. Member for Edmonton Whitemud agreement to adjourn the debate?

HON. MEMBERS: Agreed.

CLERK ASSISTANT: Motion No. 203: Mr. Isley. Debate adjourned: Mr. R. Clark speaking.

213. Moved by Mrs. Cripps:

> Be it resolved that this Assembly urge the government to consider a review of regulations governing wellhead locations, to permit greater flexibility and to ensure maximum efficient use of the land by the owner of the surface rights.

MRS. CRIPPS: Mr. Speaker, I can't honestly say it gives me any pleasure to introduce this motion, but the location of wells causes real problems in rural Alberta. The situation can't be ignored. The problem occurs because we have two different owners of the rights on the same property, the mineral rights holder and the surface rights owner. The development of these two resources is often incompatible and, in fact, causes serious conflictions of interest.

My understanding is that when the mineral rights, which are generally owned by the province, are sold, the buyer is guaranteed the right to develop those mineral rights; that is, a right of entry. The assumption is, of course, that the oil company will negotiate an agreement with the landowner. If an agreement cannot be reached, the dispute is taken to the Surface Rights Board. The disagreement between the surface rights owner and the mineral rights owner does not mean that the farmer can refuse entry until an agreement is reached. It merely means that the Surface Rights Board gives the oil company a right of entry or a permit, and both parties present their case to the Surface Rights Board for an arbitrary settlement of the terms and conditions of the lease. In all fairness, there were approximately 10,000 surface rights agreements last year, of which only 10 per cent, or 1,200, were presented to the Surface Rights Board. These, of course, did not all deal with oil leases, but also with pipelines, power lines, and rights of way.

Mr. Speaker, the specific motion deals with the location of oil well leases. When I phoned the energy conservation board about the target areas, I was told that the spacing is kept uniform to protect the equity of the mineral owner. Notwithstanding that point, we have two people who have vital interests in the surface area. I was astounded to hear that this particular member of the board didn't feel the target area made any difference to the farmer. If the well is not drilled on the target site, the ERCB restricts the production to protect other mineral holders who may have adjacent oil well leases.

Mr. Speaker, I would like to submit that with today's technology it should be possible to set fair production quotas without placing the well in the centre of the quarter section. In fact in fully developed fields, one operator controls the entire production, with all the mineral holders sharing on a quota basis, depending on their mineral rights ownership.

If I might outline the target area locations, in the case of gas wells there's generally one gas well per section, depending on the field. If this is the case, the drill spacing unit would be in the four centre quadrants of that section. The well must be 1,000 feet from the fence line. The oil well spacing is generally one per quarter section on a location 1,200 by 1,200 feet near the centre of that quarter. The location can only be discretionary within that 1,200 square feet. This causes real problems in agriculture.

It is a normal practice to farm in fields of a quarter section or more. For this reason a well site located in the centre of the quarter section will most likely also be located in the centre of a field. The inconvenience of this central location is further accentuated by the construction of an all-weather access road connecting the well site to the main road. The severance of the fields leads to decreased efficiency of farm operations and, in some cases, even inhibits the use of large machinery. In the case of a producing well, the location of the well cannot be corrected for maybe up to 25 years, if that's the life of the well.

The Department of Agriculture and Unifarm have done some calculations oh the cost of farming around the wellsite. There are nine field operations: cultivation, disking, harrowing, seeding, fertilizing, spraying, swathing, combining, and baling. These are all in the normal practice of cultivation and farming operations. With today's mechanization, turn time and extra time involved could total an extra 12 hours, using the perpendicular method of farming. If summer fallowing, a six operation, the extra time would be six or seven hours. The normal headland around a wellsite is 6 acres. Two passes of a 30-foot cultivator would take 23 minutes. For the rest of the field, two passes would take 26 minutes. So half the time is spent going around that 6-acre headland.

In determining the cost of farming around the wellsite, we also have to consider the road leading to the well, the power line, and the power poles, which present obstacles to the use of large, mechanized equipment. According to

the Department of Agriculture, turn time, slowdown time, overlap, tramping, and double seeding cost the farmer an average of $850 per year per wellsite. That's using custom costs as per the departmental schedules for the nine operations. The reduction in yield is estimated to be another $250. The extra material supplies, seed, fertilizer, and weed spray from the overlapping, would cost $50. The total cost is $1,150 per year. If the life of the well is 25 years, that's a sizable direct expense for the farmer, not including the loss of the use of the 4.9 acres which is assessed at another $494. The inconvenience of such an obstacle in field operations is impossible to assess.

Mr. Speaker, the present well-spacing order does not allow enough flexibility as to the optimum location of wellsites for a modern, highly mechanized agricultural industry. However, there is confusion as to what exactly is the problem with the wellsite locations, and whether that problem can be rectified by increased compensation for the farm operator. The amount of compensation for loss of production and lost time is of importance to the farmer, but the real challenge is to devise such a system whereby both the petroleum companies and the farmer can come to a mutually agreeable wellsite location. I'm sure we'll have some representations on the surface rights hearings which are coming up, about the location of wellsites. Right now we have an inflexible position, so that even the oil companies do not have a choice of where the wells are located.

There must be some alternatives for well locations; for example, all wells in the corner of a quarter, say the southeast corner of every section. At least this would eliminate roads and power lines in the centre of the quarter. The fence lines are already there, so in many cases you have turn time there anyway. There could be one common target area where you have both oil and gas wells, including all four quarter section lines and touching section lines north and east. This spacing would provide a big enough area to allow the farmer and the hydrocarbon operator to locate wellsites in a mutually agreeable location.

Many reasons for conflicts between the owners and oil companies arise because of well location. I've had farmers say, I don't want it there at any price; if they put it over in the corner of the quarter, I don't mind, but I absolutely don't want it in the centre of my field. The landowner might not mind if it wasn't going to be so disruptive to his operation. Of course the oil companies have absolutely no choice in the site location.

Mr. Speaker, the motion asks that consideration be given to greater flexibility. Surely there is no need for this inflexibility of the target-spacing regulations. The time has come to update spacing regulations to match today's future ways of farming.

I think I'll leave the irrigation district and the northern district to other members. I'd like to close by saying that the farmland is decreasing, not increasing. We must preserve it and use it efficiently. Surely we can reach a solution that is fair to both the mineral rights holder and the surface rights owner.

Thank you.

MR. BORSTAD: Mr. Speaker, I am pleased today to rise and speak on Motion 213, brought in by the Member for Drayton Valley. I think it is a very important motion, and is of great concern to farmers throughout the province. I would like to mention for a few moments the seriousness of it for those in the grain growing business, the livestock raising business. Part of this problem is brought on because of the oilsite location. It's located in the centre of a quarter with a road allowance going into it. If you take the wellsite as 400 by 400, which will give you about 4.5 acres, then put in an all-weather road 50 feet wide, you're looking at something like 8 or 9 acres which have been taken out of production.

If you take the 7,500 wells that were drilled in the province last year, for example, and multiply that by 8, you're going to end up with some 60,000 acres of farmland that was removed from agriculture in this province last year. This is only an example of what's happening to agriculture in the loss of land. This loss is a result of the well placements being forced upon the farmer. He not only now ends up with one large field, but he has two or four small fields, or cut up even worse than that. In many cases he cannot even use the size of equipment he used to use; in some cases he has to use smaller equipment in order to farm the land around the wellsite. Thus there is inefficiency in the production, which translates into negative economics as far as the farmer is concerned.

[Mr. Speaker in the Chair]

Why do we have this situation? Does it mean that if well spacing were changed, dry holes would result? I don't think so. All it would mean is that target areas that were selected without any consideration for the detrimental effect on farmers would be removed. One has to wonder why such a system was installed initially, which I believe is totally incompatible with farming operations. We can only surmise that the decision was not given without any agricultural input, or if it had been, it failed to see the problems spacing would cause. We have spacing units not to guarantee a well's being a producer, as these are done by geological means. The target areas are to protect equity of the mineral owner, not to guarantee the success of the well.

How can we change this target area? Well, I say that target areas have been changed throughout the province; for example, SU-8000 in the southern part of the province. In this case the target area was moved so irrigation would be carried out more economically to get away from the movement of the pivot systems and the wheeled irrigation units. It has proven worth while and did not result in total chaos as predicted by some.

I realize it would be impossible to totally change wellsite locations in an area that had been developed, but in new developing areas I see no reason why we cannot move that target area to another part of the quarter. The good example of Grande Prairie — last year in the Elmworth-La Glace area we had companies indicating their willingness to move wellsites off the middle of the quarter sections to the northeast corner, but because the regulations were established they either could not or would not.

If this is not done, we will have another infringement on agriculture, I believe another example of the farmers being compromised by the oil industry. I do not believe either one is more important. I think they're both important to this province, and we must work out methods so neither the landowner nor the oil company will be compromised.

I would like to quote from one of the recent board orders, which states: The board recognizes that location of wellsites creates problems for the farming industry. However, it finds that the revision of the province's spacing regulations would not resolve them. Adoption of

the northeast corner target areas or other alternative target configurations would provide some benefits to the farming operations but could generate certain petroleum inequities. The board does not find the petroleum activities do hamper normal farming operations, but a major revision of the province's spacing regulations is not warranted.

Last spring the ERCB held a hearing in Grande Prairie. Farm groups and oil companies made their presentation before the ERCB. As the Elmworth-La Glace area is a newly developing area, the ERCB handed down a decision that would allow that target area to be moved to the northeast corner of the quarter and allow flexibility in well siting, which will very greatly effect agricultural conditions in that area because it will not only reduce the amount of land being taken out of agriculture but will also be of greater convenience to the farmer himself.

I believe that if the wellsite locations are moved to a more compatible area on the farmer's land, where some of his ideas are taken into consideration, there will be a greater reduction of the conflict between the farmers and the oil industry. Probably there will even be a reduction in the number of complaints coming before the Surface Rights Board, because I think that's where the initial complaint starts. We have a land man who says he comes onto a quarter with the idea that he's going to negotiate with the farmer, but he says the wellsite's going to go in the centre of the quarter. I don't think there's much negotiating of that stand; where the wellsite is going is a foregone conclusion. He leaves, and the first thing you know, the farmer's handed an order saying he's going to have to appear before the board.

I believe that if the wellsite locations are moved or are more flexible, we'll have less complaints to the Surface Rights Board. There are precedents in the irrigation areas in southern Alberta, and more recently in the Elmworth-La Glace area. Therefore I urge the members of the Assembly to support the motion.

MR. HYLAND: Mr. Speaker, I would like to take part in Motion 213, asking for consideration of target spacing areas in the drilling of oil and gas exploration. Firstly, I would like to talk about the irrigation areas two of the previous members spoke about, and what happens when you get a well drilled in the middle of especially a pivot system of irrigation where the unit is fixed to go around in a circle and there is no way to move it. You have a well drilled in the centre, which is approximately near the pivot point, and a great amount of your acres can't be irrigated because you can't get close to that structure associated with exploration that exists in the field.

A number of years ago some changes were made in ERCB regulations to move wellsites to the corners, sometimes to the northeast — depending on if there happened to be a homesite in that area or not — and sometimes other corners. That's not the case in every respect, that a site is automatically moved to a corner when it's drilled in an irrigation area. So we still continue to have problems with sites in the centre or in other areas throughout the field where you have problems with irrigation equipment. It becomes quite costly to go around them, and you start to lose a lot of productive land.

There was one case where this man applied to the ERCB to have a wellsite moved to the corner. The recommendation was refused by ERCB, saying that because he was going after a certain kind of product, he had to drill in that spot to hit the oil or gas or whatever it was, because of the geographic formation underneath. So after he had spent considerable money on a pivot irrigation system, it appeared that the system would become useless on that field. Negotiations ensued, but they still wouldn't move the location. I understand they agreed at last to rebuild the system to make it work around or over the structures that would be left. It is still something you have to work around for many years.

Some time ago when I was on the select legislative committee on fisheries, we toured the Cold Lake project. Here we have a number of wells, seven or more I think it was, in a straight line some 50 or 60 feet apart, all drilled down so many feet and then directionally drilled. If in an area like that they can go down a few hundred feet and directionally drill for the remainder of their depth, the total depth being somewhat shallow, I don't see why that can't be done not only in the irrigation area but all areas of the province: put the well sites in the corners, go down so many feet and then directionally drill.

Another example of that is right in the irrigation area at Taber. I think there are seven wells 100 feet or less apart, just on the edge of town, straight south of the sugar factory. Obviously, they don't all go straight down. There must be a pool of oil underneath Taber, because the pumps on the wells work almost constantly. It can be done when it's wanted to be done. If it can be done to get at oil underneath a town, two or three miles around that town where many more wells are drilled, there's no reason they couldn't be started in the corner of a field and directionally drilled into whatever location in the field is desired. Yet you see right there and a few miles away that the wells go straight down.

Mr. Speaker, not only would the wellsites and mechanical equipment around the sites be in the way of various equipment, but the pipelines leading to and from those sites could be a few feet from the road, running in straight lines instead of through the centres of the fields. As other members have said, there would be no need for right-of-way into the property for roads into the wellsites, so about half the acres needed to drill and maintain a wellsite would be saved.

In an area that has irrigation, such as much of the area I represent, you wouldn't have the problem we're running into now, with pipelines going down through the centres of fields. A farmer goes to put a pivot irrigation system in, puts his main line to the system underground, and runs into problems with who has the right to cross the easement granted to the oil companies and at what depth that easement has to be crossed. In a few instances it creates much hardship and disrespect between the two parties when they start to negotiate to try to get access across that easement. It being on his own land, he can't do anything about it unless he and the oil company can agree at what depth that other pipeline has to cross.

The target spacing areas, as they are called, I am sure would greatly improve the feelings and PR between the oil and farming industries, our two major industries in Alberta. As the Member for Grande Prairie said, it would probably stop a lot of cases that go before the Surface Rights Board, because they would possibly settle a lot of them. There wouldn't be as much land involved. There wouldn't be as much hard feeling created right off the bat. Possibly a lot of these problems would be solved before they get to the Surface Rights Board.

The Member for Grande Prairie quoted a board finding suggesting there would be a drastic change in the productivity of a wellsite if it can't be drilled straight down instead of angle drilled. If that's the case, I'm sure all the wells I mentioned, especially around an area like

Taber — the oil companies wouldn't spend the kind of money it takes to drill a well, and to angle drill it, to get into a pool of oil. If they are not as productive, I'm sure they wouldn't be drilling them. Obviously the chance and the know-how are there. The majority of the time, they have consented to drill these wells in areas where it involved irrigation equipment and where it is beneficial to get at a pool and they have no other choice, such as under towns or municipalities.

I think all members should support this motion because a number of these target areas have been started. We should consider supporting the mandatory use of that, because the technology is there to drill these wells. I think it would greatly improve the public relations between the two groups concerned.

Thank you.

MR. LYSONS: Mr. Speaker, I too am pleased to get into this debate. I'm going to take a little different view from other members. The motion reads:

> Be it resolved that this Assembly urge the Government to consider a review of regulations governing wellhead locations to permit greater flexibility, and to ensure maximum efficient use of the land by the owner of the surface rights.

This certainly is a very noble objective, one I believe we should pursue wherever and whenever possible.

I would like to spend a moment or two, not exactly to debate what the other members have said, but there are a number of things in the oil patch that make it useful if they can drill where the company wishes to drill. What complicates things, particularly with the farmer, whether the well is oil or gas, or indeed a water well — we have a number of water wells where they're popping up all over, and we're pumping the salt water back into the formations. Whether the oil from those wells is trucked or piped; it depends on whether the well is drilled in the winter, summer, spring, or fall, and whether the wellsite itself is fenced, or what types of oil they're drilling in.

I well remember speaking with my colleagues here about the corner locations and so on, and how great it would be if we could pick out target areas and have everyone drill in those spots. In fact they are doing that in clusters in the Lloydminster heavy oil field. It was interesting that not too many weeks ago I had a group of farmers talk to me about this business of drilling in clusters. They feel they're being cheated because they can move into a corner and fan out four wells. They pay one surface right, one entry right, and one annual lease. The farmers feel they're being cheated on three wells. Not only that: what quarter are they drilling on? Let's say they pick the northwest corner of a section. Three other people could easily be affected on that. So we have that to consider.

It certainly makes a great deal of difference whether it's served by electricity, natural gas, propane or diesel motors in the actual pumping operation. Of course the gas well is the best of all worlds, if it happens to be sweet gas. If it's sour gas, we have this other problem. If your house happens to be next to the sour gas well, it can be a problem. Most farmers that have had problems in my area with gas wells, or where the gas is seeping into the water system, they can actually pump water. When it comes out of the tap, it looks like water. God help you if you light a cigarette by the sink; it can burn your face. So we have this problem to contend with, if you're locating in particular target areas.

One of the members mentioned directional drilling. It depends what sort of formations your drilling in, whether you're drilling in very, very deep zones or in the Cold Lake field where you maybe drill 500 or 600 feet, or in the zones where I'm from it would be anywhere from 1,900 to 2,300 feet. So you have those problems to contend with.

You also have the problem in some of the drilling operations where you get sloughing off in the wells. Some of the wells you just couldn't possibly drill in a directional manner without doing all sorts of unique things like cementing them in, starting over, and going back. I'm not a geologist. I've never worked on a drilling rig. This is what the industry tells me.

Hon. Member for Drayton Valley, I think we have probably missed something in this resolution. It should probably have been pointed out that once a well is drilled, wherever it may be drilled — and certainly if we can get a corner location that suits the mineral owners and the lessors and all these other people — there should be an annual lease based on the problems developed with the well. Like I say, if it's a nice clean gas well, no problems really to anyone if it's in a pasture or wherever it's located. But you never really know whether you're going to get all these other problems, whether you're going to get water out of that well, salt water with your oil, oil and gas, or worse yet I suppose for everyone involved, strictly a dry hole. But whenever the well is drilled, a completely new assessment should be able to be made of it.

That's the biggest rub I've heard from farmers. They generally hope the company will get nice clean gas. But if they happen to be sitting there with a great big tank propped up in the middle of their field, they have a road going in and the truck that hauls that oil out has to go in and out of there every day of the year whether it's winter or summer, wet or dry, these people really pay the price. There's no question about that. You can't be chasing the oil company all the time for somebody damaging crops. And most farmers certainly wouldn't want the gas wells and oil wells fenced.

So we have all these problems and, although the resolution is a very noble one, I would suggest that we always bear in mind that there are these other things to consider and many, many more. I've just written down a few things as I was sitting here at my desk. But we have to consider all these things and in all cases, first, try to work for the best interests of the farmer and, second, for the industry.

Thank you very much.

MR. L. CLARK: Mr. Speaker, it's a real pleasure for me today to rise to speak on Motion 213, which in effect is asking the government to review the regulations laid down by the ERCB governing the location of wellheads. I suppose if you look at that, it really means that there should be some co-operation between the oil companies and the land and surface rights owners. I would like to compliment the Member for Drayton Valley for bringing this motion forward. It's a good motion. It's very important, and it's one that I'm sure we'll be looking at in the surface rights committee.

Mr. Speaker, as a farmer and a rural person I would like to put before the Assembly today some of the feelings and concerns in regard to surface rights and what their rights are. The thing that concerns me most is the fact that many of our farmers do not realize, and have never really understood the system, of how to go about defending their rights as a surface owner. I'm going to give you

a little example of a farmer from Drumheller who phoned me just last week. He's retired on 10 acres of land on the top of the hill at Drumheller. He was very concerned when he phoned me, because he found out an oil company was going in and drilling a well on five of those 10 acres he had bought to retire on. What concerned this farmer most was that the Cats were preparing the wellsite two days before he had notice that a right of entry order had been issued. In fact the site was prepared almost before he got notification of it. I asked him if he had notified the Energy Resources Conservation Board, because his biggest concern was not really the amount of money he was going to get from the well, but the location of the well being so close to his residence. At first he said he had, but when I talked to him further I found out that he had only notified the Surface Rights Board. As a farmer, he didn't realize that the location of that well does not come under the Surface Rights Board but under the ERCB. In checking with the ERCB and the Surface Rights Board, I found that indeed an oil company was not required to notify the farmer that a right of entry order had been issued and that they could move in without informing him, which they did in this case. They also said it would be much preferable if they did notify him, but it was not required.

Now you may well say — and I can hear some of my urban legal opinions coming forth — that maybe he should have made it his business to find out. Maybe he should have made a real effort to go and find out. If he didn't understand it, he should have made an effort to find out what steps he had to take.

Well, let's say he didn't know the procedure and let's say, Mr. Speaker, that he wanted to find out. Where would he go?

AN. HON. MEMBER: To L.A.

MR. L. CLARK: To L.A.? It's a good place. If I were him, I would probably ask for The Surface Rights Act. But I'll defy anybody to find in The Surface Rights Act where it states that the location of the well doesn't come under The Surface Rights Act. It doesn't say it does, but it doesn't say it doesn't either.

Where else could he go? Well, our Department of Agriculture puts out a little pamphlet, Negotiating Surface Rights. With your permission, Mr. Speaker, I'd like to quote a few things out of this little pamphlet.

> Ownership of land does not mean that the [owner] has exclusive control of his property.

I don't think there's a farmer in Alberta that disputes that. In our country I'm sure we all know that we have two owners: those who have the minerals below, and we also have the surface rights.

It goes on to say, Mr. Speaker:

> The Surface Rights Act comes into effect when the. . . owner or occupant and the company are unable or unwilling to reach a private agreement regarding the use of the land concerned.

Now that leads me to believe, if I read that as a farmer, that The Surface Rights Act is the one. I'm in the right Act. That's where it should be. It doesn't say to go anywhere else for location; it just says to check with this Act.

I'd like to quote another page in this same booklet, Mr. Speaker. This is for easements that are drawn up between the oil companies and between landowners and the oil companies. It states:

> They are specifically drawn to enable and protect the company's operations and installations respectively and therefore could vary greatly.

It goes on to say:

> Many clauses, in the easements particularly, are very broadly written to cover things that might occur and therefore should be studied carefully. **A** contract should not be signed until the intent of each clause is understood. It may be desirable to contact a person to have [these] complex matters explained.

Well, Mr. Speaker, this may be all well and good for anybody who has a good lawyer or if they have the time and money to find one. I'm not knocking the legal profession.

SOME HON. MEMBERS: No, no.

MR. L. CLARK: What really bothers me about this booklet put out by the Department of Agriculture and the Farmers' Advocate, is that nowhere in this book do they tell the farmer that the location of the wells comes under another board, namely the ERCB. Nowhere.

The fact that there are two different boards is not readily known to the rural people out there. It's just not known by the farmers, and it wasn't known by me until I got into the position I am today. Maybe it's time, Mr. Speaker, that we have one board that looks at all the surface rights, be it location or compensation, and that all lands taken for the public good come under one Act.

At this time some provinces work under — and I can name one of them: B.C. We in the surface rights committee were in B.C. They work under 13 different Acts. Can you imagine the confusion to a landowner when you have to work through 13 different Acts to try to find out where you're going in surface rights? Really, I think it's ridiculous. I am happy to say that in Alberta that is not the case. Although we have The Expropriation Act and The Surface Rights Act, and we have the ERCB setting the location for wells, pipelines, and power lines, at least we're not forcing our landowners to work under 13 Acts.

Mr. Speaker, I would like to say that although we in Alberta probably have the best surface rights agreements in Canada today, we still have a ways to go in improving the system of dealing with our landowners. Due to the amount of oil activity and power line construction in this province, I believe Alberta should lead the way in surface rights. Not only should it lead the way, but it has led the way in setting up a surface rights committee to study this problem, to go out into the communities to hear the concerns — not just the concerns of the farmers, but the concerns of the oil people, the energy people, the power people — to go out and listen to both sides of that argument and come back with a recommendation to this government for remodelling our Surface Rights Act.

Well spacing is not the only concern. It's an important concern, but not the only one. There are other concerns, and many of them have to do with power lines across irrigation districts. I'd just like to mention a case in point in southern Alberta where a large power line went directly through an irrigation pivot system. This really puts the irrigation farmer right out of business. It's a real concern. It's also a concern to the dryland farmers with large equipment, trying to squeeze in between the power lines and the oil wells.

I have a lot of other concerns. Mr. Speaker, but I see that time is slipping by. I really haven't finished yet, so I beg leave to adjourn debate.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

DR. BUCK: Mr. Speaker, on a point of order, before we rise for this afternoon. I do wish to apologize to the Acting Government House Leader. I was meeting with the Speaker when Mr. Clark's motion came up. I would like to ask if the Assembly would consider holding the motion Mr. Clark adjourned, Motion [203], and have it retain its place on the Order Paper.

MR. SPEAKER: Does the Assembly agree with the request of the hon. member?

HON. MEMBERS: Agreed.

MR. HORSMAN: Mr. Speaker, it's not proposed that the House sit this evening. So members of the Assembly can gather information coming from elsewhere in Canada, by whatever means. Therefore, I should shortly be moving adjournment. However, I do want to point out that tomorrow, following the question period, it is expected that we will deal with a number of government Bills on the Order Paper.

[At 5:28 p.m., on motion, the House adjourned to Wednesday at 2:30 p.m.]