LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Friday, November 14, 1980 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF BILLS

Bill 92
The Mines and Minerals Amendment Act, 1980 (No. 3)

MR. LEITCH: Mr. Speaker, I request leave to introduce a Bill, being The Mines and Minerals Amendment Act, 1980 (No. 3).

The purpose of the Bill is to enable the imposition of penalties for late filing of returns and reports by the passage of regulations. It would also authorize the Minister of Energy and Natural Resources to extend the term of leases in certain limited circumstances, and contains a number of other technical amendments.

[Leave granted; Bill 92 read a first time]

Bill 238
The Privacy Act

DR. BUCK: Mr. Speaker, I'd like to present Bill No. 238, The Privacy Act.

The purpose of the Bill is to provide Albertans with control over the dissemination of personal information contained in automated systems. This control is essential for the preservation and enhancement of individual privacy in our increasingly computerized society.

[Leave granted; Bill 238 read a first time]

head: TABLING RETURNS AND REPORTS

MR. SCHMIDT: Mr. Speaker, I beg leave to table the 1979-80 annual report of the Department of Agriculture. Also included in that report is a report of the Wheat Board moneys trust fund account.

MR. HYNDMAN: Mr. Speaker, I wish to file two documents in the Legislature Library for the general information of members: firstly, guidelines for investment in equities of Canadian companies to be followed by the commercial investment division of the Alberta Heritage Savings Trust Fund; secondly, the document setting forth the processes of investment management of the government, including some general biographical information in respect of those involved in the investment function. I'll have copies available for members this morning.

MR. R. CLARK: Even though the committee wouldn't let you table it.

MR. RUSSELL: Mr. Speaker, I wish to file a copy of some documents that provide information requested by some members during the Heritage Savings Trust Fund Committee of Supply discussions last evening. I'm making additional copies available to the hon. members for Spirit River-Fairview and Calgary Buffalo and the hon. Leader of the Opposition.

I should explain that listed are the members of the comprehensive cardiac care advisory committee, which I believe is a committee the hon. leader was inquiring about. Also, a copy of a contract between the cardiac care evaluation committee and the government, and those are not the same members. I think an impression was left that they were. Also, a list of the members and panels on the committees involved with the review of the cancer research projects, and a copy of a letter provided to the Leader of the Opposition describing why we cannot release the names of members of the public who had their project requests turned down. I undertook to get that information last night, and didn't realize the situation existed as is outlined in the letter.

MR. CHAMBERS: Mr. Speaker, I wish to table the annual report of the Alberta Home Mortgage Corporation for the fiscal year ended March 31, 1980. Copies will be available for all members.

MR. HARLE: Mr. Speaker, I'd like to table the response to Motion for a Return No. 118, asked by the Member for Little Bow on May 13, 1980.

MRS. LeMESSURIER: Mr. Speaker, I would like to table the annual report of the Alberta Foundation for the Performing Arts for the year ended March 31, 1980.

head: INTRODUCTION OF SPECIAL GUESTS

MR. SCHMID: Mr. Speaker, I would like to introduce to you, and through you to the members of this Assembly, 20 students from several high schools in Calgary and Edmonton who are hosting 26 students from West Germany on an exchange program.

Mr. Speaker, this highly successful ideal of understanding among nations is sponsored by the public school boards of Calgary and Edmonton. The students from Germany attend classes here for three months while living with their host parents. Students from Calgary and Edmonton will travel to Germany for the same length of time next year to stay with their friends while attending school there.

Herr Landtagspraesident Amerungen, Ich moechte besonders die Studenten aus Deutschland hier in unserem Landtag herzlich willkommen heissen und ihnen nicht nur noch einen schoenen und interessanien Aufenthalt in unserer Provinz wuenschen sondern auch Ihnen Erfolg und Glueck fuer ihr weiteres Leben in ihrem Namen und im Namen der Mitglieder dieses Landtags, unseres Ministerprasidenten Peter Lougheed, uebermitteln den Studenten aus Bayern: Bitte gruessen sie mein Geburtsland aufs herzlichste. Jetzt schon euch alien: froehliche Weihwachten und ein glueckliches neues Jahr.

[as submitted]

Mr. Speaker, I would like to take this opportunity to wish the students not only every success but that the lasting friendships they establish will be a milestone for

peace and understanding.

The students are accompanied by Mrs. Kuehne, whom I'd like to thank very much for being the hostess for their trip to Edmonton. She's from Bonnie Doon high school in my constituency. Mr. Knob from Calgary is also with them. They are in the members gallery, and I would like to ask them to rise to be recognized by this Assembly.

MR. KUSHNER: Mr. Speaker, on behalf of the hon. Member for Calgary Currie, it gives me great pleasure to introduce to you, and through you to the members of the Assembly, some people from Mount Royal College, which is located in the beautiful and wonderful constituency of Calgary Currie. For that matter, any constituency in Calgary is a beautiful and wonderful constituency.

Mr. Speaker, the people here are Chris Frazer, the president of the Mount Royal College students' association; Robin Telfer, academic vice-president of the Mount Royal College students' association; Sue Stuart, the council rep. for the Mount Royal College students' association; John Wilcox, the chairperson of the cutbacks committee; and Simon Loban, a student. [interjections]

Cutback, is that what it is? Well, I'm trying to read somebody's writing here. I'm sorry if I made a mistake. Well, at least they're not on the " L S D " . [laughter]

I would like the members of the Assembly to give them their cordial welcome, please.

head: MINISTERIAL STATEMENTS

Department of Housing and Public Works

MR. CHAMBERS: Mr. Speaker, I'm pleased to be able to inform members of this Assembly that our government will be allotting an additional $250 million from the Alberta Heritage Savings Trust Fund to the Alberta Home Mortgage Corporation to meet the very strong demand individual Albertans and builders and developers in this province are placing on the corporation's lending programs.

It is important to note that these additional funds are supplementary to the $671.5 million in the corporation's 1980-81 capital budget, and are also supplementary to the $505 million allocated from the Alberta Heritage Savings Trust Fund for expansion of the Alberta family home purchase and core housing incentive programs that we implemented in March 1980.

As of September 30, 1980, six months into this budget year, the corporation had applications approved and in process totalling $637 million, which represents 95 per cent of the corporation's '80-81 budget. Actual amount of approvals during the period are about equal to the total amount committed in 12 months of the previous budget year. The allocation of these additional funds will allow the Alberta Home Mortgage Corporation to continue lending under its various programs and to contribute substantially to maintaining an adequate level of new housing starts in our province into 1981.

The corporation forecasts that these additional funds could add as many as 2,500 new single-family units to the 5,500 on which loans are already either approved or in process this year under the Alberta family home purchase program; further, 1,500 rental units to the present 4,500 under the core housing incentive program, 1,000 serviced lots to the 1,000 already committed under their residential land program, and 400 more mobile-home stalls to the 200 now financed under the mobile-home park lending program.

Mr. Speaker, these figures illustrate how significant the corporation's role is in providing affordable housing to Albertans during periods when high interest rates and other economic factors outside the control of this government reduce construction starts at a time when demand for housing is high.

head: ORAL QUESTION PERIOD

Energy, Constitutional Legal Proceedings

MR. R. CLARK: Mr. Speaker, I'd like to direct the first question to the Attorney General, then to the Minister of Energy and Natural Resources. The questions deal with the negotiations and discussions with Ottawa on the question of the constitution, also energy issues.

Mr. Speaker, my initial question to the Attorney General is: in light of the comments made by the government of Canada in the last two days, what are the prospects now of a joint reference to the Supreme Court of Canada on the legal action initiated and announced in the Assembly by the Attorney General this week?

MR. CRAWFORD: Mr. Speaker, it may be that my colleague the Minister of Energy and Natural Resources would wish to supplement my response, because the conversation a day or so ago, which touched upon this point, was between him and Mr. Lalonde. But if I can give the impressions I now have after reading the news reports of what Mr. Lalonde said in the House of Commons, the federal government indicated in that way that they would be willing to see the reference go directly to the Supreme Court of Canada, which is a route that is open to them directly but not open to us. Our only route is the one we chose, the Alberta Court of Appeal.

I think the circumstances are that Mr. Lalonde indicated that Mr. Chretien would be getting in touch with me, and that was done. All that arose from that was my suggestion that I send to Mr. Chretien, which I've arranged to be done, a copy of the documents we have prepared for filing and which are in the process of being filed in the Court of Appeal here subsequent to the order in council signed on Wednesday.

In summary, Mr. Speaker, the situation is that the suggestion has been made by telephone that it might be possible to link the references in the form of a joint reference to the Supreme Court of Canada. But until such time as the federal minister and his officials see what it is we propose to place by way of questions, they wouldn't have any idea whether our wording is agreeable to them. Of course the question as to whether they would want to submit other questions and amend or vary our proposals in any way hasn't even come up yet. So I would think that we will simply continue with our proceedings, but we will be in touch with them to see what result, if any, there is from Mr. Chretien's phone call to me.

MR. PAHL: A supplementary question to the Attorney General, Mr. Speaker. In light of this information, could he advise the Assembly whether this would make any change in the expected time frame he indicated to the House on November 12?

MR. CRAWFORD: Mr. Speaker, I think it would be the case that if the reference went directly to the Supreme Court of Canada, it would be a little bit faster than going

two steps: to the Court of Appeal, then to the Supreme Court of Canada. That's only because the case would need to be argued only once instead of twice. But the overall difference in time frame is really an unknown.

Part of any lapse of time in such proceedings is based on preparation time that various counsel may ask in either court; in other words, submissions they make to the court in regard to the dates they would prefer and the decision the court makes in regard to what dates are available on its schedule, also the question of whether judgments might be reserved in either case, because if they are there's no way of knowing really how long that would be. So it's hard to say whether it would speed up the matter to go by one reference rather than two, but in all likelihood there would be some small advantage in time.

MR. ZAOZIRNY: A supplementary question, Mr. Speaker. Could the hon. Attorney General advise the Assembly whether a similar invitation to go directly to the Supreme Court of Canada has been made by the federal government in respect of the challenge by six provinces to its constitutional package?

MR. CRAWFORD: Mr. Speaker, although we will be represented by legal counsel and will in fact be a party in all three courts of appeal, those courts are in other provinces, and the main carriage of those actions would be in the hands of the attorneys general of those provinces. So all I can say is that I do not know whether any suggestion like that has been made. No information has come to me which would indicate such a suggestion has been made in respect to those other references.

MR. NOTLEY: A supplementary question to the hon. Attorney General. What discussions have taken place with other producing provinces vis-a-vis possible legal action by the government of British Columbia, also with respect to the government of Saskatchewan concerning the levying by the Crown in the right of Ottawa against the Crown in the right of Saskatchewan? Have there been any discussions so that in fact there might be a joint reference of all these concerns to the Supreme Court of Canada, rather than doing it one at a time?

MR. CRAWFORD: Mr. Speaker, I can respond in part to what I think has occurred in other provinces because, if I'm not mistaken, the Saskatchewan government has simply kept its options open in regard to the possibility of taking proceedings. I think Premier Blakeney said publicly that they were giving consideration to the aspect that particularly involved charges against Crown corporations of the province of Saskatchewan by the federal government. I would have to say that using that as an illustration, the points that would be argued in that case would not be the same as in the case we have submitted by way of reference to our Court of Appeal.

I guess I would have to say, Mr. Speaker, unfortunately these matters tend to be complex, and a myriad of possibilities of legal points can be raised. I do not see that it is necessarily an advantage to group them all, any more than it would be in other lawsuits which may for some purposes be similar but which nevertheless are distinct on their facts. I would not want to see a reference so comprehensive that every possibility was raised in it, because it might result in the mind of legal counsel and perhaps of the court not being specifically directed to the concerns that we think are most pre-eminent in the issues we have raised, which we do say are unique.

In respect of the province of British Columbia, all I could say is that we know of their concerns in regard to the taxation on natural gas by the federal government, and we have kept them informed of our proceedings in the sense of our preparation and our schedule for bringing the matter to our Court of Appeal. All of that is public now, and we are providing them, with what information we have. They in turn are consulting with us from time to time about the possibility of other proceedings which they would consider, but they have made no decision and no public statement in that regard.

MRS. CRIPPS: A supplementary, Mr. Speaker. My question is in reference to the Attorney General's answer to the first question. If the reference is appealed, is there any change in the wording, or is the wording carried forward from the Alberta Court of Appeal?

MR. CRAWFORD: Mr. Speaker, very briefly, that would be merely a procedural matter in the hands of the court. But in the event of an appeal, the situation would be that what is appealed is the judgment in the court below, and argument is made based on the judgment and on the same assumed set of facts.

MR. ZAOZIRNY: A supplementary question, Mr. Speaker. Could the hon. Attorney General advise the Assembly whether any consideration is being given by the government to advising the federal government that the Alberta government would be prepared to go directly to the Supreme Court of Canada with its reference on energy, provided that the federal government agrees to allow the three provinces who have initiated action on the constitution to make an immediate reference to the Supreme Court of Canada, and provided that those provinces are agreeable to such an approach?

MR. CRAWFORD: Mr. Speaker, I have some difficulty with that question because of the last point made by the hon. member in the question; that is, the views of the three provinces that have carriage of the proceedings. So I think there probably would not be a basis on which I could respond to what our attitude would be on the main part of the question.

MR. ZAOZIRNY: A supplementary question then, Mr. Speaker. Could the hon. Attorney General advise the Assembly whether he is prepared to communicate with those respective provincial governments to determine whether they would be agreeable to such an approach?

MR. CRAWFORD: Mr. Speaker, I certainly have no objection to ascertaining their wishes. I might say I'm still in the process of ascertaining my own wishes in respect of the matter. If there is any doubt about what that means, my legal advisors are keeping under consideration the matter as to what our next step should be. Since the question raises the possibility of in effect merging not the issues in the cases but the approach with regard to the federal government, and involving the other three provincial governments at the same time, I'm not able to make any useful response to that today.

Oil Sands Projects

MR. R. CLARK: Mr. Speaker, as I indicated in my initial question, I'd like to pose a supplementary question

to the Minister of Energy and Natural Resources. It goes back to negotiation discussions with the federal government on the oil sands project. The $38 the federal government offered in the budget for oil sands projects, which is 25 cents below the world price — is it now the position of the Alberta government that a price above the blended price is going to have to be acquired for oil sands plants before these projects are economically viable?

MR. LEITCH: Mr. Speaker, I thought we'd covered that at great length in preceding question periods. I'll try again, and simply say that our position during the negotiations was that approval of the oil sands plants was contingent on our reaching an acceptable energy package.

In the sense that pricing for oil from the plants formed part of that energy package, our view was that it should be world price, subject to a force majeure clause. Of course that force majeure clause was in the Syncrude agreement and, incidentally, has been in our agreements with respect to pricing for conventional oil. We negotiated the royalty terms on the assumption that the oil from the plants would attract international prices. That was the basis on which we were negotiating the royalty terms with the project developers. Now as to what price enables the projects to proceed, that is in part a decision by our government but also in part a decision by the project developers.

As I indicated in the Assembly earlier, it was my understanding, and that was confirmed with respect to Alsands by their announcement yesterday or the day before that the $38 . . . It's not the $38 *per se*. The way it escalates is the critical question. The $38 is close to the world price at the moment, but it's a question of how that escalates. The proposal in the federal government energy program is that it escalate in accordance with the consumer price index after January 1, 1981.

Now that may be something much different from the price index, if you like, for the construction and operation of those plants and much different from the world price. But as I pointed out earlier, that decision really is substantially one to be made by the project developers. In the case of Alsands, they've indicated that would not be a price that would enable their project to proceed.

MR. R. CLARK: One further supplementary question to the minister. Then the royalty terms the Alberta government was negotiating with Alsands, to be very blunt, was based on an amount approximately 25 cents above the price the federal government has offered in the budget at this time, taking into consideration the escalation factor from here on.

MR. LEITCH: Mr. Speaker, the price at this date is really quite irrelevant, because the oil will not come out of the plants until seven years or so down the road, then will continue to come out for the lifetime of the plants thereafter. So the price at this time is not the relevant one. The price that is relevant is when the oil starts to flow from the plants.

Our negotiations with Mr. Clark's administration, with the present administration, and with the developers have been on the basis that the plants would attract world prices, with the exception of the force majeure clause. We had not gotten down to discussing the precise terms of such a clause. Essentially it would come into operation if there were unusual events affecting the world price of oil in the sense that it wasn't trading, as in my view it is today, in the normal demand/supply situation.

So it's not really the price today that is relevant; it's the price to be paid when oil is being produced. Under the present proposal that price is determined by starting with $38 on January 1, 1981, and escalating it by the consumer price index, which may be a totally different number than the international or world price at the time oil is being produced.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. I realize that the future world price is a matter of some conjecture, but I raise this question because when the Syncrude project was first discussed in the House, we had tabled the Foster report, I believe, which outlined projected world prices. My question to the minister, Mr. Speaker: during the discussions to date with the Alsands and the Imperial Oil people with respect to Cold Lake, have there been any projections of the world price into the future as we had in the case of the Syncrude project in 1973?

MR. LEITCH: Mr. Speaker, the answer to that is yes. I guess everyone involved in the industry and in these negotiations is making projections as to what the future price will be. So there are a number of projections as to future world prices.

MR. NOTLEY: Mr. Speaker, a supplementary question.

MR. SPEAKER: A final supplementary, followed by the hon. Leader of the Opposition with a closing supplementary.

MR. NOTLEY: In view of the fact that the information was made available vis-a-vis the Syncrude project, would it be the intention of the government to table the information as to the anticipated world prices so that we are able to have something to base a public assessment on?

MR. LEITCH: Not until after negotiations are concluded, Mr. Speaker. The hon. member will remember that in the case of Syncrude we filed all that information after the negotiations were concluded. I would anticipate something similar in the case of the Alsands or Cold Lake projects.

MR. R. CLARK: Mr. Speaker, the final supplementary question to the minister. In the course of the Alberta government's deciding its strategy to link the go-ahead or non go-ahead of tar sands plants to an overall energy agreement, what is the government's position with regard to the price and the timing of oil from the Hibernia field coming on stream?

MR. LEITCH: Mr. Speaker, I gather the hon. Leader of the Opposition is asking me to make a projection as to when oil might flow from Hibernia and under what conditions. I don't feel that is something I should or could be doing. The question of pricing is going to be a decision of the governments involved in that, which would not be our government.

All I can say to the question as to when is that from all the information I've been able to gather, I expect it would be a number of years before any appreciable volumes of oil could be produced from the Hibernia field. That would only occur if future development confirmed some of the optimistic expectations understandably held by industry and those directly involved in the field.

Social Assistance Adjustments

MR. R. CLARK: Mr. Speaker, I'd like to direct the second question to the Minister of Social Services and Community Health. It flows from representation that has come to our office from individuals on social assistance and the increases there have not been as far as allowances for increased rent, utilities, and clothing. In light of what's happening with utility payments and the rental situation in Edmonton, is the department now actively considering adjustments to the amounts the department considers maximums?

MR. BOGLE: The short answer to the question is yes, Mr. Speaker. There is an ongoing review of costs associated in various communities across the province with individuals who receive social assistance. I'm sure the hon. member is aware that in the area of rent, for example, a different scale is used depending on the size of the community and the actual cost of rental conditions in that community. The general response to the question is yes, it is under review at the present time.

MR. R. CLARK: Mr. Speaker, to the minister. When might the results of that review be finalized and a decision made with regard to possible adjustments in rent and utility rates?

MR. BOGLE: Mr. Speaker, I cannot indicate that it would be this week, next week, or next month. I can say we are concerned. The budget brought down by the federal government certainly has had a negative impact on individuals on fixed and lower incomes. That's part of the overall review at the present time.

MR. R. CLARK: Mr. Speaker, a further supplementary question to the minister. Is this review we are advised is going on part of an ongoing review the department does, or is some special review taking place as a result of the increased cost of living, the federal budget, and what's happening to utility costs? What I want to ascertain is: is this a special look now, in light of some of the hardships brought to the minister's attention, or is it an ongoing thing the department is always involved in, where you have some home economists come in and make some adjustments every few months?

MR. BOGLE: Mr. Speaker, it's both. First of all, there is an ongoing review of costs by the department. Recommendations are made through the department to the minister. In turn, those are considered by cabinet.

I might also mention that due to some concerns brought to our attention by members of the citizens' appeal committees, a special review was conducted on the question of clothing allowances. I think we can look at specific examples where, for special medical reasons, a person on social assistance finds they've either gained or lost weight dramatically, or there has been some other change. At present a standard amount is set.

The citizens' appeal committees have the right to waive shelter allowances, to increase that amount if, in their opinion, there is a shortfall, and to grant extra moneys in a variety of other areas. At present under the regulations passed in April 1978, I believe, the citizens' appeal committees cannot adjust the clothing allowance. As a result of discussion with members of citizens' appeal committees, I certainly believe that for special medical reasons, if it can be demonstrated to the committee that an increase is required in that particular case, the committee should have that jurisdiction. Therefore, within the next week or so I will propose to cabinet a change in the regulation.

MR. R. CLARK: Mr. Speaker, the third area I wanted to question with the minister deals with clothing allowances. A concern was brought to my attention. I note for youngsters 11 years of age: $204 for clothing for the full year. Recognizing these youngsters aren't really responsible for the situation they find themselves in, I make the plea to the minister in the form of a supplementary question. Is the minister prepared to look seriously at the clothing allowances, especially for children but also for adults, in light of $204 a year for youngsters under 11 years of age; 12 to 17, $228 a year — it simply doesn't meet the needs.

MR. BOGLE: Mr. Speaker, about a week and a half ago I had an opportunity personally to review the allowances for foster parents and what they are entitled to through the department. A decision was made that we would immediately increase the basic allowance by 10 per cent. That was an attempt to reflect adequately the increased costs that are faced.

The question of clothing allowances for individuals receiving social assistance, particularly children, is one item I have asked the chief deputy minister of the department to take a very careful look at and to report back to me in the very near future so that we can adequately assess whether the funding in place is adequate. I question its adequacy, as does the hon. Leader of the Opposition. I intend to be in a position to review that personally in the very near future.

Oil Sands Plants Emissions

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Environment and ask if he is able to inform the House what took place at the meeting two days ago, I believe, between officials of the department's, pollution control division and representatives of Syncrude and Suncor in Fort McMurray.

MR. COOKSON: I'm not sure which meeting the Member for Spirit River-Fairview might be referring to. We have ongoing meetings, Mr. Speaker. There have been recent discussions with Suncor with regard to problems they have.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is the minister in a position to advise the Assembly whether the meetings with respect to Suncor were called at the request of the department or the company?

MR. COOKSON: Mr. Speaker, we work on these problems together. If there is an emission problem our monitoring has detected, we would initiate it. If we get regular emission reports from the company that indicate they are beyond certain regulations or guidelines we have, we would initiate the meeting with the company concerned.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. The minister indicated that the department works with the companies, but were the discussions based largely on impressing on Suncor the need to comply with standards? What discussion was given to the Suncor priority in a company memo: "To provide

Alberta Environment with a defensive presentation to use against political pressure"?

MR. COOKSON: Mr. Speaker, I'm not familiar with the document the Member for Spirit River-Fairview has, and I'd be pleased to review it with him.

In the case of Suncor, we have had a problem with the electrostatic precipitator. That piece of equipment is designed primarily to remove the particulate materials from the air and, for some time, the particulate has been beyond what we would consider a normal amount of emission. In this particular case, however, the particulate is primarily ash in nature, which is primarily silicon and oxygen. We have assessed that there is no health danger to the fact that the equipment is not working properly. We have discussed with Suncor an upgrading of the facility so they can bring it down to within what we would consider limits established by Environment.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. With respect to the precipitator which I gather is not fully operational — and the minister indicated the problems with it — has the department given Suncor a specific timetable? Also, has there been any consideration to a certificate of variance in this particular instance?

MR. COOKSON: Mr. Speaker, if it is beyond the requirements as laid down by our department, a certificate of variance would be issued. I'd be happy to check that. There is a time frame with regard to the particular piece of equipment — I think spring of 1981 — where we anticipate the problem should be rectified.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. minister. Is the minister in a position to inform the Assembly what discussion concerning SO_2 emissions has taken place between Suncor, in particular, and the department, and whether the assessment of the department with respect to SO_2 emissions is available and could in fact be tabled in the House, as has information with respect to Syncrude?

MR. COOKSON: For some time now, Mr. Speaker, we've always agreed to table any certificates of variance in the Assembly, and we'd be pleased to do that. It has not been drawn to my attention, at least recently, that there's any major problem with Suncor going beyond the licensing requirements of SO_2 but I would check on that particular point and report back.

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

MR. NOTLEY: Mr. Speaker, my question specifically to the minister is not with respect to the licence — I'm sure there is no question of variation there — but the standards set by The Clean Air Act. Have there been emissions which exceed the standards set out in The Clean Air Act, as opposed to the licence which was granted some years ago?

MR. COOKSON: Mr. Speaker, part of the requirement under The Clean Air Act is to design emission levels. They then become part of the licensing procedure. This licensing in regard to emissions may range from point to point in the province on the basis of the plant itself, on the time at which it was constructed, on the location, and a number of other variable factors. So to answer the member, the clean air legislation lays out the parameters of licensing procedure, then in turn we go from there as to what rate of emission we would establish for a particular plant.

Bow River Pollution

MR. MANDEVILLE: Thank you, Mr. Speaker. My question to the hon. Minister of Environment concerns the petition with 10,000 names from the Brooks area that was presented at the spring session. They were concerned about the high level of pollution in the Bow River. Is the minister's department continuing to monitor the quality of water in the Bow River?

MR. COOKSON: That's correct, Mr. Speaker. We do that on an ongoing basis. We work jointly with Social Services and Community Health and the boards of health of the province, and that information is public.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Has the minister had any recent meetings with Calgary with regard to its tertiary treatment plants and upgrading its treatment systems?

MR. COOKSON: Mr. Speaker, the most recent meeting I can recollect was when we officially opened the Fish Creek plant. We enjoyed some wine and cheese. Of course, since then my officials have dialogued with the city of Calgary. We believe the official opening of the new plant has contributed a lot towards upgrading the quality of the Bow. Insofar as the proposal for phosphorous removal, it's an ongoing process that the city of Calgary will be undertaking, and we anticipate it will be in place by 1983.

MR. MANDEVILLE: One final supplementary question, Mr. Speaker. Is the policy of the Department of Environment to monitor all rivers to test the quality of water in the province?

MR. COOKSON: That's correct, Mr. Speaker.

Housing Policy

MR. MUSGREAVE: Mr. Speaker, I'd like to address my question to the hon. Minister of Housing and Public Works. I'd like to advise the minister that I was very pleased with his announcement today regarding extra funding for housing and residential lots. But my question is: can he advise me if the Alberta Home Mortgage Corporation will be making this money available to families and to single persons residing in the province?

MR. CHAMBERS: Mr. Speaker, the money is certainly being made available to families. I think I understand the import of the hon. member's question. To this point in time the Home Mortgage Corporation has always taken the view that families should have priority, basically because it's conceived that it's probably easier for single people to find accommodation at any given time than it is for families.

Given the facilities of the corporation and the size of the job they are required to do at this time — and it's a substantial one; the financing and the construction being done through the Alberta Housing Corporation represent something like 47 per cent of all residential construction

in Alberta right now — the staff are doing a major job, and therefore it becomes a question of priorities. The board of the Home Mortgage Corporation has decided, at least to this point in time, that the first priority has to be to house families. That isn't to say that single people wouldn't be considered for benefits under these programs in the future.

MR. MUSGREAVE: Mr. Speaker, I have a supplementary. Is the hon. minister aware that the private sector does not discriminate by sex but by ability to pay? I have been appreciative of the volume of work that the Housing Corporation has to do in processing mortgages. But is he not aware that in effect the only game in town for mortgaging for single people — and I'm now referring particularly to women; I'm going to discriminate on women. Will the hon. minister assure the House that he will go to the board and convince them that this matter has to be considered now, rather than be delayed until the extra money he put into the corporation today is processed?

MR. CHAMBERS: Mr. Speaker, I appreciate hearing the views of the Member for Calgary McKnight, and I will certainly pass those views along to the board of the Alberta Home Mortgage Corporation. We're always after input from all members.

A lot of housing is still being built out there by the private sector, and I hope that amount of housing will increase. I'd like to see the private sector building more and more housing in Alberta. As I mentioned before, certainly this subject has come before the board of the Alberta Home Mortgage Corporation on a number of occasions. It's not a question of discrimination; it's a question of setting priorities with the facilities you have. To this point in time the board has deemed priority to be for families, again with the view that single people should probably be able to have an easier time of finding accommodation than families.

MR. OMAN: Mr. Speaker, a supplementary. It's not clear in his answer whether or not when he talks about families that would include a single-parent family, either male or female.

MR. CHAMBERS: Under these criteria, Mr. Speaker, families are defined as couples, couples with children, or single-parent families.

DR. PAPROSKI: A supplementary, Mr. Speaker. I wonder if the hon. minister would also take into consideration the supportive views of the Member for Edmonton Kingsway regarding the comments of the Member for Calgary McKnight.

MR. NOTLEY: It's a long way to the cabinet yet, Ken.

MR. SPEAKER: The hon. member has suitably flagged his memo.

AN HON. MEMBER: There's a long trail awinding.

Point of Privilege

DR. BUCK: Mr. Speaker, my question is to you, sir, as the servant of the Legislature. This has to do with an Alberta Agriculture publication, which I would like to read to the members:

> Who is the Farmers' Advocate?
> The Farmers' Advocate is a civil servant appointed by the Legislature to deal with ... problems and complaints of farmers not related to the Government and its Agencies.

Mr. Speaker, my question is to you, sir: has it been brought to your attention that the Advocate is not a servant of the Legislature?

MR. SPEAKER: It has now. [interjections]

I would have to construe the hon. member's intervention as raising a Point of Privilege. I'll be glad to take it under consideration and respond.

Farmers' Advocate

DR. BUCK: Mr. Speaker, can the Minister of Agriculture indicate to the Legislature why the Advocate was indicated as an appointment of the Legislature, not as the appointment of the Minister of Agriculture?

MR. SCHMIDT: Mr. Speaker, I'm not familiar with the document the hon. member has. The Farmers' Advocate is directly responsible to the Minister of Agriculture and falls under that department.

MR. MOORE: That was printed in '72, Walter.

DR. BUCK: Mr. Speaker, the last time I looked, the minister was the Minister of Agriculture. I'm asking the Minister of Agriculture directly. Can the minister indicate if he had any input into the presentation of the brochure? It's under the letterhead of the Minister of Agriculture. I would be pleased to table it so the minister can know what he puts out in his own publications, Mr. Speaker.

MR. SCHMIDT: Mr. Speaker, I'd look forward to the tabling.

Public Service Negotiations

MR. BATIUK: Mr. Speaker, I'd like to direct my question to the Minister responsible for Personnel Administration — I almost said the minister responsible for strikes. [laughter] Would the minister advise the status of negotiations with Division 2 employees?

MR. STEVENS: Mr. Speaker, I suppose I should strike back. [laughter]

Division 2 employees, administrative and program services, have a contract that has been negotiated and ratified. I would assume employees would be receiving their retroactive pay and new adjustments prior to the end of this year.

ORDERS OF THE DAY

MR. SPEAKER: I believe there are several members who, with permission of the Assembly, would like to revert to Introduction of Special Guests.

HON. MEMBERS: Agreed.

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

MR. THOMPSON: Thank you, Mr. Speaker. On behalf of the Member for Camrose, I would like to introduce a grade 9 class of 23 students from New Sarepta. Their teachers are Mrs. Dale Long and Mr. O. Olesky. They are seated in the members gallery, and I would invite them at this time to stand and receive the welcome of the House.

DR. BUCK: Mr. Speaker, I'd like to introduce to you, and through you to the members of the Assembly, a group of grade 6 students from Fort Saskatchewan. They are accompanied by their teachers Pat Sprague, Ben Mandrusiak, Mike Marianicz, and Muriel Buchakowsky. They are also accompanied by some parents. They are seated in the public gallery, and I'd like them to rise and receive the recognition of the Legislature.

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

[Mr. Appleby in the Chair]

Bill 59
The Alberta Heritage Savings Trust
Fund Special Appropriation Act, 1981-82

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill 59, The Alberta Heritage Savings Trust Fund Special Appropriation Act, 1981-82. This Bill is brought forward pursuant to Section 5 of The Alberta Heritage Savings Trust Fund Act. Bearing in mind the fact that Bills of this kind have been presented in the Assembly each one of the last four years, I don't believe it's necessary for me to elaborate at length. It is implicit in the Bill that, after consideration, the government feels that 30 per cent is the appropriate figure with respect to the transfer of nonrenewable natural resources during the '81-82 fiscal year. I'd be happy to answer any questions in closing debate on second reading.

[Motion carried; Bill 59 read a second time]

Bill 62
The Petroleum Marketing
Amendment Act, 1980

MR. LEITCH: Mr. Speaker, I move second reading of Bill 62, The Petroleum Marketing Amendment Act, 1980. The principle involved in this Bill would be the granting to the Petroleum Marketing Commission the capacity to market products derived from oil sands in Alberta. The commission now has the capacity under its legislation to market petroleum or synthetic oil, and this would merely add to that capacity the ability to market, store, and do the other usual things with respect to products derived from the sands. It doesn't require the Petroleum Marketing Commission to do that, Mr. Speaker; it merely gives it the authority in the legislation, should it be decided at a future date that the Petroleum Marketing Commission ought to be marketing or otherwise dealing with products derived from the oil sands.

[Motion carried; Bill 62 read a second time]

Bill 63
The Natural Gas Price Administration
Amendment Act, 1980

MR. LEITCH: Mr. Speaker, I move second reading of Bill No. 63, The Natural Gas Price Administration Amendment Act, 1980. This is a companion Act to The Natural Gas Pricing Agreement Act. Both acts deal with the mechanism for marketing natural gas produced in Alberta, the distinction being that The Natural Gas Pricing Agreement Act deals with the marketing of natural gas when we have a natural gas pricing agreement in place with the federal government, and The Natural Gas Price Administration Amendment Act would deal with the marketing of natural gas when we do not have an agreement in place with the federal government, as is the case at the moment.

The amendments proposed deal with the method of calculating the Alberta cost of service and are, in essence, comparable to those we passed a short while ago amending The Natural Gas Pricing Agreement Act.

[Motion carried; Bill 63 read a second time]

Bill 68
The Agricultural Societies
Amendment Act, 1980

MR. SCHMIDT: Mr. Speaker, I move second reading of Bill 68, The Agricultural Societies Amendment Act, 1980.

The basic amendments in the Act are the changing of the total aggregate amount of loans guaranteed by Treasury to ag. societies from $25 million to $50 million. The interest and growth in the ag. societies in this province have challenged the aggregate amount of $25 million, and the change is required for long-term lending for the future.

[Motion carried; Bill 68 read a second time]

Bill 71
The Natural Gas Rebates
Amendment Act, 1980

MR. SHABEN: Mr. Speaker, I move second reading of Bill 71, The Natural Gas Rebates Amendment Act, 1980.

The amendments in this Bill are a reflection of the government's announcement on August 8 to implement a new natural gas price protection plan and to place in statutes the formula for calculating that rebate; also to establish a statutory fund from which these rebates would be paid, in view of the long-term commitment to price protection to Albertans. The third important element is for the first time to provide price protection to Albertans who live in remote areas and do not have access to natural gas. Those are the basic elements of the legislation, Mr. Speaker.

As a result of the federal budget of October 28, though, we felt it will be necessary to make some amendments during committee study of the Bill. Those amendments are necessitated by certain provisions in the energy program announced in the federal budget that make it difficult for the provincial government to determine the Alberta border price, which is the basis upon which the support price is developed. Therefore we will introduce an amendment where that support price will be established by order in council as opposed to being established as

described in the Bill. It should be noted that in the past the support price was established by order in council.

[Motion carried; Bill 71 read a second time]

Bill 72
The Department of Transportation Amendment Act, 1980

MR. KROEGER: Mr. Speaker, this has to do with the increase in the revolving fund used essentially for land purchase for rights of way and, to a degree, for equipment and gravel purchase. We're moving from a $60 million factor, a position that's held since 1976, to $110 million.

I move second reading.

[Motion carried; Bill 72 read a second time]

Bill 79
The Labour Relations Act

MR. YOUNG: Mr. Speaker, I am pleased today to move second reading of Bill No. 79, The Labour Relations Act.

Bill 79 and Bill 80, its companion Bill, constitute a major revision of The Alberta Labour Act and would, in effect, replace the current Alberta Labour Act. This follows on revisions in 1973 and 1977, particularly in relation to the construction industry, and last year in connection with the designation of site agreements for megaprojects.

Mr. Speaker, Bill 79, The Labour Relations Act, would apply to all employees in the province of Alberta excluding those covered by The Public Service Employee Relations Act. In that connection, I wish to make it clear that to the best of my knowledge the legislation proposed will in no way affect any employees now covered under The Public Service Employee Relations Act. Of course it will not apply to policemen and firefighters, who are covered under The Firefighters and Policemen Labour Relations Act. A few other groups are also excluded, one being most employees and staff of colleges and universities.

The increase in the ambit of Bills 79 and 80 taken together will be to include the application to domestic and agricultural workers for purposes of wage recovery and termination of employment. Bill 79 alone applies to the unionized sector of Alberta and, in that connection, would apply to approximately 29 per cent of the employees in the province.

Mr. Speaker, I'd like to clarify for the record the procedure that was followed in arriving at the proposed amendments, because certainly there has been some confusion related to the public in the last number of days. Without reflecting upon the reasons that may have happened, let me go through the procedure which was in fact followed. I'm not suggesting that the hon. Leader of the Opposition had a part in that, because I don't believe he did.

First of all, in speeches I made in 1979 I indicated to quite a number of groups that my program for legislation review would include a hoped for review of The Alberta Labour Act, to be effective in 1980. So considerable forewarning was given.

The second step was that on December 27 letters were sent by the Department of Labour, I believe from my office, to a large number of interested groups and individuals in the province. Also in December 1979, ads were run in various weeklies and newspapers. Those ads and the correspondence indicated that responses to the request for communication should be received by February 29, 1980. In fact we have not ceased to look at any contribution that has been advanced from an individual or a group to this very day.

As a consequence of those initiatives we have received, I believe, over 90 submissions of various types. Those submissions indicated the desires of individuals and groups as to what they would like by way of amendment and, in some cases, what they wouldn't like. In other words they indicated both satisfaction and dissatisfaction. Some went so far as to make suggestions for what should be. Others simply raised problems from their point of view.

Having received that input, our approach was that the most useful model we could follow would be for department officials and myself to look at all the materials submitted, to consider that in the light of our own experiences, and to develop some proposed suggestions for change. The proposals were circulated on a restricted basis.

Perhaps before I become involved in that discussion, Mr. Speaker, I should give the floor to you for reversion to introduction of visitors, I believe.

MR. DEPUTY SPEAKER: Does the hon. Member for Edmonton Gold Bar have permission of the Assembly to revert to introduction of visitors?

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS
(reversion)

MR. HIEBERT: Mr. Speaker, I wish to introduce to you, and through you to the members of the Assembly, 15 members of the St. Brenden's Scout group. They are accompanied by their leader, Mr. Jim Wiesner. They are in the public gallery. I would ask them to rise and receive the welcome of the House.

head: GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill 79
The Labour Relations Act
(continued)

MR. YOUNG: Mr. Speaker, returning to the material that was supplied to groups, it was in the nature of proposals to amend certain features of The Alberta Labour Act. They were statements of expression of principle with some very concise reasons why they were being advanced. They were advanced under certain very clear conditions. One condition was that the proposals would be treated in confidence because they were just that, proposals. A second condition was that they should be treated as proposals and not commitments of any type. That had to be made very clear.

Through that process we hoped that the interested groups would be able to direct their attention not just to the concerns as they saw them, but to the concerns as seen by the department in administering the legislation, and to proposals to deal with those concerns. We wanted to advance some reasons for the suggestions so that we could have a thoroughgoing debate.

Mr. Speaker, I felt then and believe now that we are dealing with a most important area of the regulation and operation of our society. The most useful and beneficial legislation would be that legislation which is hammered out on the anvil of a good, thoroughgoing debate.

I am pleased to say that with three or four exceptions the confidence in which the material was presented to the groups was respected. Based on that approach, some 22 groups had meetings with department officials and me. I would point out that to the best of my knowledge I was absent for only three scheduled meetings, and that absenteeism occurred as a consequence of pressures from collective bargaining disputes which were prevalent in the months of August/September.

Furthermore, I would indicate to members that the Canadian Bar Association has a labor relations section. In meetings held with that group, some of the draft legislation was actually put before them so that, again, we would have the benefit of their experience and their understanding of labor legislation and would be able to reflect that to us.

In summary, we have been working in a very active way on this legislation for almost a full year. Notice was given for at least 18 months before that. We have received over 90 submissions. We have met on more than one occasion with at least 22 groups, three and four times with some of those groups. I have to say that I cannot find any substance for the allegation and concern that there has not been enough time. I would respectfully draw to the attention of the Assembly that there is really no opportune time to deal with labor legislation, but there are some periods in the sequence of collective bargaining when it is more opportune than others. We do in fact have a sort of grouping of the expiry of collective agreements, and in my view it would be best to deal with this legislation at this sitting. It's much less of an incursion upon the activity in collective bargaining now than it would be in the spring.

That comment which I've just completed, Mr. Speaker, could be taken to apply not just to Bill 79, but also to Bill 80, since we dealt with them both in the same way.

I'd like now to turn to Bill 79 and discuss five or six items in this Bill which are different from the existing legislation in respect of labor relations. First of all, I'd like to deal with the acquisition and loss of bargaining rights. In this legislation, we have deleted the requirements for the applicant to have to respond to the challenge of being a proper bargaining agent. We are retaining the test of appropriateness. We are also, of course, retaining the requirement that the applicant be democratically selected, but we are not continuing to require that the test of "proper" be met. The reason for that is that it is difficult to know exactly what "proper" means. Unless the Board of Industrial Relations, as it now is, could use that term and give a very explicit reason by virtue of its usage, it could of course be challenged before the courts.

[Mr. Speaker in the Chair]

I think I should state this clearly: we believe the underlying test should be, first of all, that the employees should have the right to select the group or the bargaining agent they wish to have represent them as a union. Further, we believe there should be assurance that the constitution of the union provides for equality of participation for each union member within the affairs of that union. You may find some effort to develop that thesis in Section 137. I won't refer to it again, but Section 137 of Bill 79 goes some distance further, in our view, to try to assure the ability for every union member to participate on an equal basis.

The final comment I'd like to make on the removal of the test of "proper" is that it is our view there will be a potential shortening of the process for applications in the sense of the legal challenge which seems all too frequently to emerge around that particular test.

I turn now to another aspect of certification, not because it's a change but because it has been the source of a great deal of discussion and some confusion. Therefore, I'd like to clarify for hon. members exactly what is possible. If hon. members refer to Section 38 of the Bill — actually, I believe it starts at Section 33 — they will find that there are in fact three procedures by which a union may apply for certification.

The first procedure is that a majority of the members are members in good standing of the trade union. For elaboration, I guess we could contemplate the situation where an employer is hiring employees through a hiring hall, and the employees who come to him are members in good standing. The second approach is where the employees, within 90 days from the date of application, have applied for membership and have paid a $2 fee. The third is the situation where a majority of the members have indicated in writing that they are interested in becoming members of the union and having the union certified to represent them.

Mr. Speaker, in the first two cases, where the majority are members in good standing or have applied for membership in the union by paying the $2, if it is clear from evidence placed before the Board of Industrial Relations, currently, then certification may be issued without the necessity of a vote, because it will be presumed that they would not be members in good standing or would not have paid their membership fees unless they supported the trade union.

In the third situation, which apparently is either not very clear in the present legislation or, at any rate, has not been used very often, there is provision for the members to indicate in writing their support for a trade union to represent them. If a majority do that, they are at that point enabled to determine, by virtue of a secret vote, whether a majority of the employees do support the particular trade union. In this legislation we have clarified that possibility, and I draw that to members' attention.

This whole area of the procedure by which a trade union may become certified is very controversial for these reasons: it is argued that some groups of employees in this day and age are much larger than they used to be — thousands of employees — and that, accordingly, the 90 day sign-up period is an unfairly short time for the bargaining agent to obtain a fair opportunity to get a show of support from potential members. So the argument has been advanced for a period longer than 90 days. Countering that has been the argument that a sign-up or union-organizing exercise is disruptive, both to the individual employees and to the employer's operation. I could suggest yet another argument, that no period of sign-up is long enough if the union's organizing officials do not proceed in an efficient way, and of course if there aren't enough officials available to do the job. So it gets into a matter of considerable judgment.

Another alternative advanced was, rather than require a sign-up of 50 per cent, require a sign-up of 35 per cent, 30 per cent, or some other arbitrary percentage. That would trigger a vote to determine if the majority of employees favored joining the union. The more I listened

to the debate rage around me as we got into this concept, the more it seemed that the better way to go would be to leave the provisions as I have expressed minutes previously and stay with, but clarify, the concept of the petition route or some similar procedure.

It's also clear, and the chairman of the Board of Industrial Relations concurs with me in this, that it would be advantageous for the Board of Industrial Relations to express in writing the guidelines which would be followed, both for the indication in writing by employees who want to become members of trade unions — what the requirements should be that the board would observe — and, secondly, to express in writing the kind of discussion and campaigning, if you will, which can occur — what's fair on the part of the union organizers and on the part of management when there is an organizing drive. A considerable amount of confusion on those matters came clearly to our attention.

Before I leave certification, I should like to draw to the attention of members another aspect that may occasion some comment; that is, the ability contained in this legislation for minor modifications — and I refer to them as minor and believe them to be so — in respect of revocation of certificates of trade unions. First of all I should say that there are four interested parties: the employees, the trade union, the employer, and the Board of Industrial Relations, currently. As it stands at the present time, it is possible to have a situation in which there is a dormant certificate: a union has been organized, gets a certificate, does nothing with it; doesn't bargain, effectively doesn't represent the employees. Over time the employees may not realize that situation exists. The union officers may disband and forget about the situation. Or the union may find — it does happen — that having gotten a small group of employees it just isn't worth while, from their point of view, to follow through and properly service a bargaining unit.

As a consequence of looking at this situation and determining that there is a fairly large number of dormant certificates — which become hazards, if you will, to other trade unions when they may try to move in and organize, and suddenly there is a dormant certificate which applies in a given circumstance — we've tried to provide for avenues for each of those four parties to initiate certificate revocation. We're obviously going to do that under very stringent circumstances in terms of the employer and the Board of Industrial Relations.

The consequence of that, Mr. Speaker, is that after three years when there has been no activity, after due notice, and when no opposition or interest have been demonstrated by the parties the Board of Industrial Relations may have tried to contact, the board may be able to remove some of these redundant certificates on its own initiative. But it will be done with very great caution, because it is not an effort to do anything other than clear away some of the cobwebs which exist in respect of these dormant certificates.

I would make one other comment with respect to the certification process. Under Bill 79 there is now a requirement that an applicant for certification may not reapply if the application is not upheld for a period of 90 days from the date of that decision.

Mr. Speaker, I turn now to the labor relations board concept in this legislation. The first observation to be made is that at the present time we have a Board of Industrial Relations composed of 15 members. Three of those are full-time, a chairman and two vice-chairmen. The board has the ability to sit in panels, and it has certain duties and obligations. Some of those duties and obligations extend to the employment standards area. Under the companion Bills 79 and 80, that responsibility is totally removed, so that in future what we conceive of here as a labor relations board will have responsibility in a statutory form only with respect to labor relations, not labor standards.

The second observation that should be made in connection with the labor relations board is that this legislation provides for the chairman to sit alone for two purposes, and two purposes only. First of all, to deal with questions related to a strike or lockout vote. The kind of question, which hon. members will appreciate, is this: who is eligible to vote; was proper notice given — resolving that kind of question, much as a returning officer has to in an election process. As it now stands — and we've had some experiences — we've had to have a panel of the board get together. It may be at odd hours of the day in relation to normal working hours. We have to assemble a panel and hear such things as: was Joe X entitled to vote in a strike vote or on a matter of getting an opinion from a group of employees? We think those kinds of decisions of straight objective judgment, very clearly could be handled quite competently by the chairman sitting alone.

The second area where the legislation would enable the chairman to sit alone is in respect of cease and desist orders in the event of a legal strike or lockout allegation or challenge. In respect of those decisions, the chairman's decision is appealable to the courts. So there is an appeal beyond the chairman if a party wishes to do that.

We think those are two areas of fairly forthright decision and question. Given the complexity of today's bargaining, we believe we should be able to proceed more quickly and with less encumbrance by having the chairman alone deal with those matters.

The other area of change I draw to members attention with respect to the labor relations board is the capacity of the board to rectify or to make right. At the present time, in the existing Alberta Labour Act, the capacity of the board does not extend that far. Perhaps I should illustrate what is contemplated here with an example. If during an organizing drive the employer calls into his office, or doesn't bother calling him in but simply tells an employee or several employees who are key to that drive who may make the difference between the majority and otherwise, if you support the trade union you'll be fired, or words to that effect. The significance of that may be such that there is no way we can go back, regardless of the board's advice or order that that's an unfair labor practice. It may very well preclude a fair expression of opinion ever being obtained from those employees. The threat has been there, and it's too late after the fact to try to tap them on the wrist and say, that shouldn't happen, without having effect. So if there's clear proof of that situation, the board may be able to order that the trade union be certified in respect of that bargaining unit, without a vote.

Conversely, if there is clear evidence the representative of the organizing bargaining agent is using tactics somewhat stronger than the persuasion we would think fair, it's almost impossible to have what can be considered a fair vote and a clear, fair expression of opinion. Again if that kind of evidence were brought forward, under these amendments the board would have the capacity to order that the application for union would fail. So it does enhance the ability of the board to deal with matters of that nature.

Mr. Speaker, I turn now to the procedure by which the government has an ability to assist parties in connection

with disputes they may have, their inability to come to a collective agreement. First I want to outline that we are dealing with a relatively small number of the total collective bargaining that goes on. But we are dealing with the high-profile disputes and collective bargaining. Generally speaking, over 70 per cent of collective bargaining proceeds without any governmental assistance or intervention. A very small proportion of it ever leads to a work stoppage. But of course that is the area that has to be of great concern to government and public services generally.

At present we have a system that by statute requires the intervention of a conciliation commissioner in every dispute before a legal work stoppage can occur. A conciliation commissioner has to be appointed and has to endeavor to assist the parties, and under our existing Alberta Labour Act is required to make one choice of three recommendations. The certainty that that must happen is there for all parties, and that there is going to be that delay in the proceedings.

We also have the ability to appoint a conciliation board; rarely done, but there have been three or four of them in the last year. They are used in particular circumstances, usually on the advice of a conciliation commissioner that it might help the parties to a better understanding of how they may achieve a collective agreement.

If those two efforts fail and the work stoppage occurs, or even if there isn't a work stoppage, the department offers the assistance of a mediator. That's the system as it now exists.

The proposal in Bill 79 is to replace the concept of conciliation commissioner, conciliation board, and mediation, with the concept of mediation and the possibility of a disputes inquiry board. Effectively under this legislation we would not require the parties to wait for the intervention of government assistance, if a party sees it in that light. However, the concept we have is that a mediator would be appointed in a dispute that did not appear to be proceeding to a successful conclusion. That could happen on the request of either party or on direction of the minister.

We have a good information system in terms of computer print-outs of the expiries of collective agreements. So we pretty much know what agreements are expiring, and have a capacity to follow through on the potential dispute areas. The mediator would have the challenge of assisting the parties to the dispute, and would stay with the dispute for as long as it continued, unless there were some very good reason given for a change of mediator or perhaps the appointment of a disputes inquiry board.

I would like to underline two things in connection with this process. One, the mediator's appointment would not be a required element of intervention prior to a work stoppage. That responsibility would rest with . . .

I've been reading a note that suggests an hon. member would like to introduce another hon. gentleman. Since my train of thought is broken, I give him the opportunity now.

MR. NOTLEY: Thank you, Mr. Speaker. I wonder if I could have unanimous leave of the House to revert to Introduction of Special Guests.

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS
(reversion)

MR. NOTLEY: Mr. Speaker, I'd like to introduce to you, sir, and through you to members of the House, the former premier, from 1972 to 1975, and now the Leader of the Official Opposition in our sister province British Columbia, Dave Barrett, in the Speaker's gallery.

head: GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill 79
The Labour Relations Act
(continued)

MR. YOUNG: Actually, Mr. Barrett will undoubtedly be pleased to know that there are some members of our society who believe the introduction of this legislation has moved me right over to his particular philosophy. [interjection] Well, that depends on who one listens to.

Going back to the question of government intervention and the mediator, I've already indicated that in this legislation there wouldn't be a bar to a work stoppage virtue of the appointment of the mediator or otherwise, and that the mediator would stay with the dispute throughout. Now I'd like to underline two reasons why I think this is an important move. First, in my view the present system is so structured that the parties focus a part, if not a large part, of their energies on the process itself, on making use of the system there which is certain to advance their particular position at the bargaining table.

We believe the change will remove that capacity to some considerable degree. First of all, it will force the parties to recognize that they are at one another's discretion in terms of whether there will be a work stoppage sooner. Secondly, they know that the person they begin to deal with as the third party trying to assist them is going to be someone they have to work with throughout the balance of the dispute. So a greater uncertainty is more quickly brought to their attention. There is less process around which they can jockey for position in terms of how they appear to a third party. I think those are two very important advantages to this change.

There has been the suggestion that the removal of the statutory requirement for conciliation removes a cooling-off period. In my view that argument doesn't sustain, because when the system is certain as to a third party intervention, surely there is not a cooling-off period when that third party is active. Both parties know that's going to be there, so they simply build it into their system. I don't understand and can't appreciate how that can be construed as a cooling-off period.

I'd like now to address the question of the disputes inquiry board. As proposed, the disputes inquiry board could be appointed before a strike or lockout commences. In those events, it could preclude the strike or lockout for a period of time exactly equivalent to the period of time the conciliation commissioner appointment under present legislation operates, which is a time fixed — 20 days, I believe — for the work of the conciliation commissioner to go forward, and then a time fixed after that for the parties to consider the recommendations. That is exactly what is proposed with regard to the disputes inquiry board. However, there is additional flexibility, in that the disputes inquiry board may be appointed after a work stoppage is commenced. In that event, the appointment

of the disputes inquiry board does not terminate the work stoppage. It may continue while the disputes inquiry board is at work.

So it is possible to have a disputes inquiry board which, if appointed at the right time — before stoppage commences — is a bar for a limited time to work stoppage. It is possible to have a disputes inquiry board appointed during a work stoppage which is not a bar to a work stoppage and does not force the parties back to work.

I think the last point that should be made with respect to the change in procedure here is that the net effect, in my view, is to add some additional elements of uncertainty as to what the mediator may do, because the mediator has some greater capacity than our existing conciliation commissioners. It would be my hope that the removal of the certainty of the third party, the greater capacity of the third party, the ability to be more flexible with respect to the disputes inquiry board — that these three moves will force the parties to recognize their responsibility to a greater degree and to do it more quickly than under the existing situation. I would hope that the cumulative effect will be more prompt attention to collective bargaining. From a management point of view, I would think that the relationship with staff has to be a very major concern of management. After all, they're the human assets of a company and, in many cases, are far and away the greatest asset the company has. It should warrant first-priority attention from management. I would hope this leads in that direction.

I would just reference one other item. Some amendments to this legislation will be brought forward at committee study. I think most of them will be minor. But I draw one that is receiving very serious consideration to the attention of the hon. members. I'm not promising it as an amendment, but I am saying it is receiving very serious consideration. The concept of the co-ordinating council dealing in the construction area has been omitted from this legislation. Its inclusion is being very seriously considered, and I can say it will likely be included by way of an amendment at committee study.

Mr. Speaker, I believe I have identified the major points of amendment. While this document is rather voluminous, it's not all new. I think I have hit the important new areas.

MR. R. CLARK: Mr. Speaker, in taking part in the debate on the Bill, I really want to make four points. Before I make the four points, I note with considerable interest the minister's rather pre-announcement that the co-ordinating council concept may very well find its way back into the Bill. I suspect the minister got some good advice last evening on that particular point of view.

I want to make four points. First of all, Mr. Minister, the comments made by you with regard to the discussions that have taken place during the summer and last winter, the fact that on December 17 the first letter went out to organizations, individuals, and groups that were interested in giving views on the Labour Act — I'm not critical of the procedure that was followed at all. But I would say very straight-forwardly to the minister that I question very much the wisdom of bringing the legislation in and appearing as if it will be through this House within four weeks. To the minister and his departmental people, and to some of the major organizations that have been in rather constant contact with the minister, they may not be seen as major changes. But, Mr. Minister, I think we all have to recognize that it wasn't until just a very few days ago that members of the Assembly could get copies of the Bill to send out to interested groups or individuals. In fact, if my memory is accurate, it was this week before copies were available on a sizeable basis; I concede that provincial organizations were able to get copies earlier.

But I think when this kind of legislation comes in — sizeable legislation that the government has worked on for the best portion of a year — it isn't good enough not to be able to have a sizeable portion of the legislation available for all interested groups, be they provincial organizations, local groups in various areas across the province, or individuals.

It's from that point of view, Mr. Speaker, that I raised the question last week about the wisdom of holding up the legislation after second reading and dealing with it again the spring. If I interpreted the minister's comments this afternoon, the plea was made that during this time of the year there's a bit of a lull before the next round; there may never be an opportune time to change the rules, but if there is anything close to an opportune time, this is as close as we're going to get. I'm not totally convinced by that argument. I hadn't heard that argument before, but I am frankly not convinced that's a reason we should push a thing through in the best portion of not more than four weeks of the thing being distributed across the province.

The second point I want to make, Mr. Speaker, deals with Section 147, I believe. It's basically the principle of orders in council being passed in situations such as the nurses' strike last year or the teachers' strike in Calgary. We have had that kind of legislation in this province for many years. What I'm saying is that when we have a situation like the nurses' strike or the teachers' strike in Calgary, and realizing that after the cabinet passed the order in council as far as the nurses' strike was concerned, there was a fair period of time when there were court challenges and so on — I think all members in this Assembly had to realize the rather fine line between the law being adhered to and not being adhered to. It seems to me that as we mature somewhat in the area of labor relations in this province, despite the fact we've had the approach of orders in council directing people back to work, we would be very wise to consider the concept of such situations coming to the Legislative Assembly.

Now I know that's messy, and the argument can be made that we'd have to call the House back in. But Mr. Speaker sent letters to all members of the Assembly just before this last session started, indicating what the date of the fall session would be but, very properly, filing a caveat saying that if something were to take place, the date in that letter could be superseded by later instructions from the Speaker's office. I see that being a perfectly reasonable approach.

Mr. Minister, I simply say that as we mature in the area of labor/management relations in this province, in my judgment we would be wise to consider seriously the procedure we follow as far as ordering people back to work by orders in council is concerned.

The third comment deals with a matter I raised the last time the legislation was dealt with. It's the question of the old Board of Industrial Relations. It may well be, Mr. Minister, that this matter has been dealt with in the course of the legislation. If it has, I would appreciate the minister saying so when he concludes the debate.

For some time I, and others I'm sure, have had the feeling that the Board of Industrial Relations basically has had two functions: one, that some of the people involved with the board have been involved in the mediation process; when they put on their other hat as

members of the Board of Industrial Relations, the same people found themselves having to make decisions about jurisdictional and standards questions and so on. In fact a case has been drawn to my attention where people found themselves making one decision as a member of the Board of Industrial Relations, then not too long after found themselves involved as part of the mediation staff of the Department of Labour.

In 1973, the last time the Act was written, if my memory is accurate, the then minister said he was prepared to look at the question of the two functions. Is it possible to have an assurance from the minister that with the disputes inquiry board we will not have people sit on that replacement for the Board of Industrial Relations, making decisions there in the normal course of decisions they have to make — jurisdiction, problems of the work place, and the whole range — being involved in the mediation process by the department?

The minister nods his head a small amount. I hope that means yes. I'll await the reply from the minister later on.

MR. YOUNG: I'll respond.

MR. R. CLARK: Oh. The minister is simply saying he will respond, not that he's prepared to give that kind of indication to the Assembly.

The fourth and last comment I'd make is this, Mr. Speaker. It is my intention to support the Bill in second reading. I just say in conclusion that I think Alberta has been served very well by Mr. Bob d'Esterre, who was actively involved with the Department of Labour for an extended period of time. I note with some regret that he has left the department. I don't imply any malicious reasons for that at all. I understand Mr. d'Esterre is now involved in a private consulting business. I, for one person in the House, simply would want to say that I think Alberta has been well served by Bob d'Esterre. I think we're going to miss his services.

MR. NOTLEY: Mr. Speaker, in rising to take part in the Debate on Bill 79, first of all I would have to express some concern to the House on the fact that we're going ahead with both Bill 79 and Bill 80, two very important Bills, companion pieces of legislation. Yet, in my view, there has not been the kind of general discussion, which is valuable not only for the government to consider its position but for members of the Legislature to consider our positions.

I would juxtapose two issues, Mr. Speaker. One is the question of the workers' compensation select committee report, where we had extensive public hearings throughout the province. As a consequence of that report, which was made available last spring — all sorts of opportunity for input throughout the province. Yet we're not going ahead with the implementation of recommendations from that report. We're going to wait until next spring, and who's to say we're even going to proceed next spring? On the other hand, when it comes to changes in the Labour Act, and the new employment standards legislation — where, as the minister well knows, there's a good deal of controversy — we are rushing ahead with it.

I suggest it would have been much better had the government introduced the legislation this fall and done precisely what they did with other pieces of legislation. We did it with The Planning Act, The Alberta Heritage Savings Trust Fund Act, the health professions Act. We did it with a whole series of important Bills. The legislation was introduced, held over, and reintroduced in the spring session, so that there was an opportunity to get some kind of meaningful public input. I realize there has been a process of consultation. We discussed that a week ago in the House. But the Leader of the Opposition is correct. It's not much consultation that we get as MLAs, when we just have the Bill for a few days and we're not able to get response from our constituents on the Bill.

Beyond that, Mr. Speaker, I think there should have been some formalized process of public hearings. While you have the major stakeholders at least being consulted, who speaks for the many, many thousands of people, over 60 per cent of the work force, who aren't members of a trade union? When we dealt with the workers' compensation select committee report, at least these people had an opportunity to come out to the public hearings, and many of them did. There were a number of people who didn't belong to any organization, a business organization or a trade union, but were simply there in their capacity as individual Albertans who had some valuable contributions to make to the select committee and its deliberations.

I would say quite frankly, Mr. Speaker, considering the importance of Bill 79 and Bill 80, especially Bill 80, which we're no doubt going to come to later this morning, it would have been very valuable to have held public hearings so that we'd get some input from the people of this province.

Mr. Speaker, I want to deal with a number of the changes outlined by the minister and some of the things that haven't been changed. We all know there are groups in the province who would like to see substantial changes made in the legislation. The Alberta Federation of Labour has drafted a model labor Act which, I'm sure, they've submitted to most, perhaps all members of the Assembly — I know to the minister and to the government — in years past. They would have liked to have seen a number of provisions in their model labor Act translated into concrete legislation. So it's not just a case of some of the things in this legislation which they may disagree with, but some of the things which they are very strongly in favor of are not contained. The same arguments can be presented for management groups.

I raise that because in addressing the Bill before us, it seems to me that we have to take a moment to assess this whole question of free collective bargaining. You have many people who are quick to say that the free collective bargaining system doesn't work very well, that it's important for government to get into the act at an earlier stage. You have those who argue that we should do away with the right to strike and have some kind of labor courts, as they do in Australia — all kinds of quick-fix solutions which sound good on paper but, frankly, don't work very well when you try to put them into practice. If you quarrel with the role of collective bargaining and would like to see that replaced by labor courts, I think all you need to do is look at some of the chaos in countries where you have labor courts and where you don't have the ultimate right to withdraw your services.

Mr. Speaker, to put it very simply, to make collective bargaining work there has to be an "or else". An "or else" is basic to the collective bargaining system. The "or else" on the management side is that they have the ultimate right to lock out; the "or else" on the worker's side is the ultimate right to strike. If you remove that "or else" and get into a situation where the government is going to be imposing solutions, you have a recipe for industrial chaos.

I raise that, Mr. Speaker, because the first point I want

to deal with is the question of the emergency powers of the cabinet. Under the terms of this legislation, as under the terms of the amendment put forward in the House in the fall of 1975, the cabinet has the right to stop a strike if, in the view of the Lieutenant Governor in Council, "unreasonable hardship" is at stake. Before, another term was used. The term in the 1973 legislation was "extreme privation". In 1973 we said, "extreme privation" and cabinet could stop a strike. In 1975 that was changed to "unreasonable hardship". In actual fact that change made it relatively easy for the cabinet to intervene and stop a strike.

Mr. Speaker, not all members of the Assembly may agree with me, but it's my view that the right to withdraw one's services is pretty fundamental in a democratic society. No right anyone has in a democratic society is unconditional and unqualified. From time to time the basic rights of people must be qualified, but the question is, who makes the decision as to the qualification? In my judgment, in our parliamentary system those qualifications must take place in the Assembly, as a result of an open debate by the Legislature with respect to a back-to-work order. I strongly feel that is how we should handle those kinds of situations.

I know — and the Leader of the Opposition alluded to it, and it's an important point. One might say it's more convenient for the cabinet to be able to sign a back-to-work order and say, in the Calgary teachers' strike and in the nurses' strike in the spring, it's "unreasonable hardship" so back to work you go. But if we're dealing with people's rights, Mr. Speaker, in my judgment the qualification of those rights should be made as a result of a formal debate in this House.

It isn't that difficult to call the House into emergency session. Sometimes I think members take themselves too seriously. They think it isn't possible to be called into emergency session on very short notice. We don't need to consign to the cabinet the power given under Section 147 of the present Act. We can do it where it should be done, which is in the Legislature, where the vote that is taken clearly makes us accountable. If there's a standing vote, it's there for all members, for all the people in the province to know. The debate is in the open, and we can be judged accordingly by our constituents. I would like to see this government move away from the greater power that was given in 1975 which, in my judgment, allows the cabinet far too much ease in stopping a dispute.

Mr. Speaker, I want to deal with several other issues that are important as well. On the question of the conditions necessary for membership, there is no change here either. We don't have a Rand formula in Alberta. There's no change between the present Act and this proposed Act. But I think one thing that would work quite a bit better is to have an application of the Rand formula in the province of Alberta. I'd be interested in a response from the minister as to why the government did not move in that direction.

On the question of the redundant certifications, at first glance this seems quite innocuous, but I'm not sure how innocuous it is. Take a coal mining situation, for example. It's quite possible you could have a mine close down for three years and a day, and then it would be opened up again. During the period of time, that certification would be lost. I think we have to debate that and, rather than getting into the details of it now, I'll certainly question the minister on it in somewhat more detail when we get into committee.

Mr. Speaker, I think Section 26 is important. Again it's not a change, but I think it should be; that is, the only disciplinary power given to a union leadership is with respect to non-payment of dues — no other powers of discipline at all. Yet they are legally responsible as a result of this legislation. It seems to me that it is a highly dubious proposition to make people legally responsible if in fact their powers of discipline are so constrained that they don't have control over people. The only way one can argue for legal liability is if you give people the necessary control so they can accept that liability. When you set out the liability and constrain the ability of the organization to discipline its members, it seems to me you're putting the leadership in an impossible position.

I want to deal with the principle contained in Section 34. In his introductory remarks the minister also alluded to that principle; that is, there must be a sign-up of at least 50 per cent of the people in a shop before an application can be made for a certification vote. But it must be remembered that we are talking about a certification vote, Mr. Speaker. Certifications take place as a consequence of a vote. That being the case, why is it necessary to have 50 per cent sign up? We don't have 50 per cent of the people signing a petition before we have a plebiscite in a municipality. You can have a plebiscite on the basis of — what is it? — 3 per cent of the ratepayers signing a petition. Some people say it should be higher; I'm not suggesting it should be only 3 per cent. You obviously have to have a significant number of people in favor before you go the next step, but do you really need 50 per cent?

If one looks at the result of the last provincial election, even on the basis of a high popular vote, 57 or 58 per cent of the vote, this government still doesn't represent 50 per cent of the eligible vote. Yet we're saying that before we can have a certification vote, we must have a sign-up of 50 per cent. Manitoba has a sign-up arrangement of 35 per cent. Incidentally, that has been kept with the Lyon administration, which could never be accused of being pro-labor. It seems to work reasonably well in that province. I agree there has to be a significant number, but I quarrel with whether it has to be 50 percent. I would like the minister to advise the Assembly why 50 per cent is required.

Mr. Speaker, the question of the powers of the board — and the board is given very substantial powers. Under Section 44, for example, certification can be revoked for no reason. Admittedly, the union can appeal; nevertheless we give very extensive power to the board. In legislation, when you're talking about a properly constituted certification in the first place, I really question whether we should be consigning to the board the power of revoking a certification unless that is defined in the most careful way.

Section 49: before another application can be made for certification, there must be a wait of at least 90 days from the decision of the board. Now that seems very reasonable, except what happens if the board sits on its decision? We have decisions now which are, in some cases, six months in abeyance. So in actual fact, that 90 days from the time of the board decision isn't really 90 days. It could be considerably more; it could be as much as eight, nine, or 10 months.

Similarly, Section 75: on 150 days notice by an employer or union, we could have province-wide bargaining invoked. That has some significant implications, although the minister has indicated he may have more to say about that when it gets to committee stage.

Section 89: strike notice increased from 48 hours to 72

hours. Again, Mr. Speaker, that is not a major matter, but it just makes it a little easier for the employer dealing with the employee.

Now, sections 101 and 104 are this disputes enquiry board. I would just have to say on that issue that I have some real doubts about the minister's response on the role of conciliation and the conciliation board. Sure, there is a certain amount of posturing; I think we all recognize that. Nevertheless, the whole collective bargaining process is based, first of all, on setting out your case, trying to get as much as possible, then narrowing the difference. The narrowing of the difference is what collective bargaining is all about. It seems to me that one of the advantages of the present legislation is that that very attempt the minister talks about — I think the minister used the word "appearance". In my view that very process is important, because in order to make a better case you have to narrow the gap. Narrowing the gap is what collective bargaining has to be all about. It seems to me that at the moment we're taking away a rather important process in narrowing the gap and replacing it with uncertainty. Yet in the final analysis, this disputes enquiry board is going to have considerable power. It's a sort of variation of the Taft/Hartley Act applied to Alberta. Incidentally, not at the request of the parties involved in the dispute, but as a result of ministerial power.

I look under sections 101 and 104 of the Act. I may be misreading this, but it seems to me we can be looking at somewhat longer than 30 days, somewhat longer indeed. Section 101 — and I only read the section, Mr. Speaker, because I think the principle is important to establish here. The principle is: what is an unreasonable time?

> If a disputes enquiry board is unable to effect settlement of a dispute within
>
> (a) 20 days of the date it is established, or
>
> (b) any longer time that may be agreed by the parties to the dispute or fixed by the Minister . . .

So it seems to me, Mr. Speaker, that we're looking at a longer delay. The minimum delay will be the 30 days: 10 days and the 20 days. But we could have a significantly longer delay than that, as I read the legislation. I may be misreading the legislation, but that strikes me under the section to be fairly clear that it could be longer than 30 days.

I know the minister is hopeful that this is going to make the process easier and that that element of uncertainty, as he says, is going to force the parties together. I suspect what's going to happen is that it'll be just exactly the opposite, and the additional intervention, if you like, will be pounced upon by one or both parties, depending on the facts of the case, and that instead of improving the climate, we'll just be dragging out the process, and we'll have the government involved in more and more of the action. I think the role of the government in collective bargaining is conciliation, setting up the process where we bring the parties together and narrow the differences. But any process which in fact is arbitrary to the extent that we say, all right, for 30 days, 60 days, however long it is, you're not going to go ahead with the work stoppage — inevitably, Mr. Minister, that has the teeth in it which is going to get your department involved in the process of bargaining more than is good for you and more than is good the process of collective bargaining itself.

I want to comment very briefly on certain other elements of the Act. I see that no secondary picketing is allowed as a consequence of Section 113. This simply means — and it's not as innocuous as it sounds either — that if you've got two plants, one unionized and the other not, it would be possible for a company to transfer a large part of their operations over to the other plant and mitigate the impact of a legal strike. So the ruling-out of secondary picketing is not going to totally make it easy for the employer; no question. Nevertheless, the ruling-out of secondary picketing is much more beneficial to the employer than it is to the employee.

Mr. Speaker, as I look at Bill 79, which has been presented to the Legislature this morning, in general summary I would argue first of all that we should have had some formalized public hearings. Secondly, in the absence of those hearings, what's the rush? Why not do as we've done with other pieces of legislation? Hold it over. It's not going to be the end of the world. After all, our system is basically working quite well. Our record compared to other parts of the world is more than adequate. It's working quite well. So what's the rush? What's the rush to change it? Thirdly, the question of the emergency power, which is just a holdover from the changes made in 1975, gives far too much power to the cabinet, power which in fact should be properly exercised by the Legislature as a whole. Finally, Mr. Speaker, in a large number of more detailed ways, it seems to me that this legislation, subtly but significantly, shifts the balance to the management side of the table. That's why I was a little amused when I — I'm sorry the minister has such a hurt look on his face.

DR. BUCK: Quizzical look.

MR. NOTLEY: Quizzical look. That's why I was a little amused when the minister suggested that he'd hopped over to the Barrett side. I would remind the minister that the famous back-to-work order in British Columbia came as a result of a formal debate in the Legislature and was for a period of 90 days, I believe, at which time mediation occurred. But that came as a result of a vote in the Legislature of British Columbia, not as a consequence of a cabinet order.

I still have a number of questions with respect to Bill 79 that, in my judgment, have to be more fully responded to by the government. Most important of all, we've got really one of the more important pieces of legislation before the fall session. That being the case, I really question the wisdom of pressing on with it this fall rather than getting back to the stakeholders, the people, through some form of public hearings, so we might have better input to be able to deal with this in a more exhaustive and thorough way in the spring session.

MR. MACK: Mr. Speaker, I welcome the opportunity to participate in the debate on Bill 79. As the hon. minister has indicated, it is a fairly large Bill. A number of very important areas are proposed to be amended, and the recommendations thereto.

To some degree I share the concerns expressed by the hon. Leader of the Opposition as well as the hon. Member for Spirit River-Fairview with regard to the perhaps adequate time frame that has been extended to the various affected groups with regard to the changes. However, it is my understanding that there has been fairly substantive input to the legislative changes, which therefore would lend some comfort with regard to the adequacy in the area of input insofar as the recommended and ultimate changes that were initiated for amendment.

I have had a number of years of experience in the area of collective bargaining, labor relations, and some of the

difficulties in the areas where it could be said that both management and labor use the third party as a crutch. I would state that the current legislation seems to lend itself to that type of crutch being used. In other words, you can drag out negotiations needlessly, and that ought not to be. This has been a constant concern, and probably will be, even with these changes. But any area that can enhance the collective bargaining process, I certainly support without any equivocation. I believe that where there is deliberate foot-dragging for whatever purpose — and at times there are advantages in dragging. I myself have exercised it for advantage: simply, if you're one of the first ones at collective bargaining, a level hasn't been set. Essentially that level is being struck by the group that's in collective bargaining. It presents a real challenge, but at the same time there are unknowns. When you come down to the fine strokes, or short strokes, as we frequently refer to them, that is when you have to separate the real issues and the trade-off issues, and attempt to reach a settlement that would be equitable and be embraced by a large majority of the group one represents. This is not always easy to achieve. Quite often time is a friend as opposed to an enemy. I think it goes both ways; time is being used both ways.

I really feel collective bargaining is a very serious matter. It's also very technical and difficult. Certainly as opposed, let's say, to a decade ago, today is almost a brand new ball game in terms of approaches to collective bargaining. The process is basically the same, but the approaches are entirely different. Particularly in the area of management, technical aids are available to management that are not necessarily available to the average working organization or collective bargaining group, unless they happen to be a very large group. So the difficulties are none the less very profound.

I believe if we had legislative mechanisms to dissuade deliberate procrastination in terms of collective bargaining, it would be a tremendous asset. It may shorten the term of agreements, Mr. Speaker, but it would certainly enhance the process of arriving at a collective agreement much earlier. I would certainly favor that. I would much rather have a one-year agreement that could be arrived at in the early stages of the agreement. I always use the bench mark of no longer than three months, because it's much easier to have a large group of employees consider a package that has been expired for only two to three months than one that has been expired for nine, 10, or 12 months. They say, we've gone along now this long; why not wait longer, and why not ask for the moon? It becomes far more difficult. Part of the current legislation certainly lends itself to dragging the process out. I support any legislation that would minimize dragging out the collective bargaining process. In fact, I would like to see it.

The hon. Member for Spirit River-Fairview reflected on the Rand formula. Most municipal employees are under that formula. I support the Rand formula, because the previous agreement continues to cover employees and, in most instances, retroactivity is automatic as far as wages, but not benefits. However, it has some inherent side effects as well. It too does not necessarily enhance collective bargaining. It provides protection for groups, and for that reason it certainly is one that I favor retaining. But I would prefer the agreements that state: "no agreement, no work". Then your collective bargaining process takes place prior to the expiration of an agreement. That's basically where one should address the expiring agreement: prior to, not after it has expired.

Although this legislation is not really addressing that particular question, the Rand system is good because it provides for organized groups the right and security of an automatic union deduction and the right of an employee to employment, on the employee's skills, not belonging to an agent. I support that principle. I think employees should have the right to employment based on their skills as opposed to belonging to an agency. The Rand system provides that. I think it was part of Judge Rand's commissioning to study that very system when he studied the lengthy strike at, I believe, the Ford plant in the early '40s. I support the Rand system. I think it has many, many plusses. In many respects very seldom do we have a service withdrawal or wildcat strikes because there has not been adequate addressing of the retroactivity and so on. An agent can have the right to bargain for the majority of the employees, but it does preclude an employee from employment, because for religious reasons or whatever else, they may not choose to join an organization. I think we should all support that concept. First of all, if we believe in human rights, I think individuals should have the right to employment, based on the skills they bring to the employer and not because they have to join an agency.

With regard to the principles of certification and whether it should be a 50 per cent vote or something less than that, I really believe that today we would like to think, no matter what we do, that at least we have 50 per cent of our people supporting us in whatever direction we might be going. I do not share the same concern as the hon. Member for Spirit River-Fairview with regard to whether or not we have a majority. I think the majority ought to be there. Within the organization itself, I think you must have a two-thirds majority to amend a by-law within an organized labor group. The standards for them are very high. I would think the minimum standards ought to be at least 50 per cent. I would hope I wouldn't be dragged into an organization by 35 per cent of any group I might belong to. I think that it should require at least 50 per cent of that group within that organization to say, yes, we would like this organization to be our spokesman and to represent us in collective bargaining.

I also support the principles and elements within the proposed amendments that would enhance or at least shorten the period of certification. I think that's important. If this government has been criticized at all in this area, it has been in the difficulty in being able to achieve certification by employees who have expressed, by 50 per cent plus one, that we would like this organization to be our spokesman. I support that legislation, because I think both parties ought to be able to act much more quickly in these areas, as opposed to having it dragged out on technicalities and thrown out by the Board of Industrial Relations.

Generally speaking, I think the board has served Albertans and the labor movement well. There are some concerns, however. I certainly support the area where the chairman has been extended authority to make certain decisions, but I hope that authority would rest with the chairman and not with vice-chairmen. If we can get that assurance, I have no difficulty with it. Delegation of authority in that area ought to be limited to the designated individual, who in this case is the chairman.

The total area of labor relations is extremely complex, an area that is misunderstood by most whom it affects very profoundly. I support the changes in secondary picketing. I frankly do not feel that a party or a group of employees who have not been a party to any dispute —

pickets are set up in front of, let's say, public transportation. All of a sudden, people are out there at 5 o'clock in the morning, depending on transportation, and it doesn't show. No one has advised them. Where there is a proper service withdrawal and the public is advised as such, the public knows they're not going to be sitting or standing at a bus stop at 4:30 or 5 o'clock in the morning waiting for public transportation that doesn't show. This is what secondary picketing has the ability to do. I oppose that. I think primary picketing should be allowed, and there should be an accommodation for that. But where it disrupts the lives of many, many Albertans, secondary picketing should not be allowed. So I certainly support that change in the legislation.

I support the fact that has been so ably expressed by the Member for Spirit River-Fairview, that there ought to be an "or else". If the collective bargaining process is going to retain its viability and merit, it has to have the right of employees to apply some form of pressure. Unfortunately that pressure seems to be service withdrawal. We have not been able to achieve an alternative to service withdrawal. It hasn't been without trying. We have tried. We have the voluntary binding arbitration route, and it just has not worked. We don't know at this point what principles we would have to develop to get the voluntary arbitration boards to work. So as unfortunate as it might be, the service withdrawal element has to be there.

Very briefly, Mr. Speaker, I support the principles of the change, adding my concern that we trust that all interested parties have had an opportunity to review the changes and have responded with their concerns. Very briefly, I think the labor standards amendments have elements which basically support the employee, particularly, where it involves wages. The employee can now have a mechanism to be able to collect a salary duly earned that would normally be paid to that employer he was employed with, owed by a third party. Under current legislation this is not available. I support that, and I certainly commend the minister for bringing that particular amending formula into the Legislature. Again it's protection for the employee.

Thank you very much.

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

HON. MEMBERS: Agreed.

MR. YOUNG: Thank you, Mr. Speaker. May I express my appreciation to the hon. Leader of the Opposition, the Member for Spirit River-Fairview, and the Member for Edmonton Belmont for their participation in this debate on what is undoubtedly a most complex issue. If I could make observations on some of the points raised, some of which probably will be dealt with at committee study.

There has been comment about the desire for public hearings. My review of the public hearing process is that it allowed interested groups to come before officials and, hopefully, the minister, to read their dissertation in public, and to respond to questions on their dissertation, their expression of views. My view was that while that is useful, whether the brief is read in public isn't all that significant. The party may publicize it, if indeed the media will co-operate, or in the event that it's come to the department, we can read it without having it read to us. What would be of more value to us is to be able to have those interested and knowledgeable parties reflect not only on what we were advancing, but if that omitted some of their considerations, to reflect on that. It would be a more on-point debate, if I could put it that way. That was the reason for the change in procedure.

Comment has been made on the emergency tribunal provision. I would only say that that is relatively unchanged. There has been a minor wording change in a couple of sections, but that did not change in any manner the principle at issue. I think the members who have spoken to that particular provision in the legislation recognize it is essentially unchanged from previous legislation.

The hon. Leader of the Opposition raised a question concerning his perception that there may have been some involvement of personnel of the Board of Industrial Relations in a mediation capacity. As I interpret it, his comment and concern are that he perceived them to have a judical or quasi-judicial role and that that might be somewhat blurred by their mediation effort, as he saw it. I think there may be some misperceptions with respect to that. There is an effort to make sure that those persons who are either on the board or employees reporting to the board dealing with that kind of decision don't become involved in a mediating sense, other than if a matter a party is bringing before the board would appear to lend itself very quickly to an effort to simply clarify, so a better understanding could simply resolve the issue.

With respect to the point raised by the Member for Spirit River-Fairview on the redundant certificates — the three years plus a day — I think I can give him every assurance that there is no desire or inclination here to exercise that area of the legislation in a union-busting sense. That's not the purpose of it, rather to clarify and remove some of the cobwebs that have accumulated over a long period of time, when certificates have been issued and there has been really no provision for a third party to act on their removal.

An observation was raised in connection with the failure to deal with the ability of the trade unions to discipline their own members in greater respect than is provided under Section 26. That is a concern I share. To be candid, it is very much a two-edged sword. I would have liked to be able to move further with it, but it seems to be most difficult to address in a way that doesn't become very, very encumbering. The reason the hon. member advanced, though, is a reason which I would believe not to be as great as he has expressed. I think that was that the trade union is in fact legally liable for the actions of its members. I would think that legal liability is surely going to be tempered, by whoever is adjudicating the case, by the capacity that the trade union has, or has not, to affect control of members, and to act responsibly in the circumstances.

The hon. Member for Edmonton Belmont reflected upon the problem which arises from the suggestion that some number other than 50 per cent of the eligible employees should be required to sign an indication of interest in having a trade union. I think his expression responds well to the point of view advanced by the hon. Member for Spirit River-Fairview. Contrary to what I understood the hon. Member for Spirit River-Fairview to say, I would only say that there are indeed circumstances when unions are certified without a vote. In my earlier comments, I outlined the two methods by which that may occur and would simply draw those comments to his attention. We may take it up at committee study if there is a confusion there. But I don't want to go unnoted that

it is possible to have certification without a vote of the employees. The vote is only there when there is a question about the majority or a question as to the clarity of the demonstration of interest by the members.

One point has been raised I didn't comment upon, which I should. There is indeed a change in the expression of the term of strike notice, but I believe not exactly as the hon. Member for Spirit River-Fairview expressed it. This legislation provides for 72 hours notice. I believe the existing Alberta Labour Act expresses it as two working days. Those two working days have led to a great deal of debate about what a working day is. It has been debated that if it's a continuous process, it includes Saturday and Sunday; if it's not a continuous process operation, it may not include Saturday and Sunday. It just gave rise to some confusion. So the attempt here was not to change significantly the length of the notice, rather to make it notice certain by expressing it as hours.

The second last observation I think it useful to make at this point would be with respect to the mediation process. It does not remove a possibility to assist the parties; it simply puts it in a different form. It does remove the requirement, imposition, or intervention, if you will, of government to preclude a work stoppage without certain processes having been followed through. But that doesn't take away, and I wouldn't wish anyone in the Assembly to so believe — it is the intent of our mediation staff to assist in every dispute where they are asked to do so, either by the parties or by me. So every assistance can be given to the parties, as is now the case; in fact greater assistance, in my view.

Mr. Speaker, the last observation I want to make is to assure the hon. Member for Edmonton Belmont that in those two instances where specific capacity has been given for the chairman of the Board of Industrial Relation — or, in this legislation, the chairman of the labor relations board — to deal with those two matters, it is only the chairman who will have that capacity.

Mr. Speaker, I think that concludes my comments on second reading. I commend this Bill for the approval of the Assembly.

[Motion carried; Bill 79 read a second time]

MR. CRAWFORD: Mr. Speaker, on Monday the House will sit in the evening. We'll begin in the afternoon with Committee of Supply to deal with the matters left over from last night. In the event that Committee of Supply is concluded, we would return to second readings.

Mr. Speaker, I move we call it 1 o'clock.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

[At 12:58 p.m., pursuant to Standing Order 5, the House adjourned to Monday at 2:30 p.m.]