

LEGISLATIVE ASSEMBLY OF ALBERTA**Title: Monday, November 17, 1980 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF BILLS****Bill 85****The Business Corporations Act**

MR. KOZIAK: Mr. Speaker, it's my pleasure this afternoon to introduce Bill No. 85, The Business Corporations Act.

In making that introduction, Mr. Speaker, I should call to hon. members' attention the fact that it's probably the thickest piece of legislation they will have to peruse during the next months. I say that because it's not our intention to proceed beyond first reading of Bill No. 85 at the fall session of the Legislature, the intention being that the Bill would receive wide distribution and the opportunity for response. Then, taking those responses into account, a reintroduced Bill would be brought forward for the Assembly in spring 1981.

It's a substantial piece of legislation that is based on the sterling efforts of the Institute of Law Research and Reform over the last years, and is based on many of the principles they brought forward. With this Bill, Mr. Speaker, we are replacing the outmoded Companies Act that has been in existence in this province since 1929. The purpose of the Bill is to promote business effectively by bringing the law for Alberta companies in tune with the realities of the 1980s and to protect the interests of shareholders and creditors.

Mr. Speaker, one of the highlights of the Bill is the efforts that provide for the protection of rights of minority shareholders. Under circumstances where perhaps the entire nature of the business of the corporation would be changed, where the assets of the corporation were to be sold, or where there would be an amalgamation, minority shareholders would have the right to have their interest in the company bought out at fair value by the corporation — a very effective change which parallels changes that have taken place in corporate law in the federal House and other jurisdictions in and out of the country.

At the same time as I make the introduction, Mr. Speaker, I would indicate that it would be difficult for me to deal adequately with all the principles during first reading and introduction of the Bill. For the benefit of members I have prepared a very brief summary of some of the new principles contained in the Bill. Those are appended to a press release of today's date. I'll make arrangements to have these distributed to all members of the Assembly so that can whet their appetites for the reading they will have to pursue over the next months.

At the same time as I make this introduction, Mr. Speaker, I should recognize the presence in the members gallery of the Registrar of Companies, Mr. Hal Thomas; his deputy, Mr. Bert Proskiwi; and other members of the companies branch who have served us well over many

years and particularly in the trying, hectic times of the previous year or two.

[Leave granted; Bill 85 read a first time]

Bill 94**The Alberta Health Care Insurance
Amendment Act, 1980**

MR. RUSSELL: Mr. Speaker, I beg leave to introduce Bill No. 94, The Alberta Health Care Insurance Amendment Act, 1980.

The purpose of this Act is to provide some ongoing administrative changes necessary for the smooth functioning of the large Health Care Insurance Commission. Secondly, it will establish a committee comprised of members of the board of the College of Physicians and Surgeons, whose responsibility and duties it will be to assess amounts of extra bills forwarded to patients by members of the profession. Mr. Speaker, this is a response and the course of action that will be followed by the government for the next few months with respect to the matter of what's been known as extra billing in the province.

[Motion carried; Bill 94 read a first time]

Bill 73**The Public Inquiries
Amendment Act, 1980 (No. 2)**

MR. ZAOZIRNY: Mr. Speaker, I request leave to introduce Bill No. 73, The Public Inquiries Amendment Act, 1980 (No. 2).

The purpose of this Bill is to ensure that a duly convened public inquiry has full access to public buildings and documents contained therein, if such documents are relevant to the inquiry in question. The Bill also provides a comprehensive set of rules concerning the disclosure of such documents to a public inquiry.

[Motion carried; Bill 73 read a first time]

MR. CRAWFORD: Mr. Speaker, I move that Bill No. 73 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 216**The Recreational Rivers Act**

DR. BUCK: Mr. Speaker, I'd like to indicate my continuing concern for the protection of the environment by introducing Bill 216, The Recreational Rivers Act. Mr. Speaker, the Bill establishes the power of the Minister of Recreation and Parks to give protective status to any river or section of a river that has potential for recreation, education, tourism, or the nurturing of wildlife.

[Motion carried; Bill 216 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. TRYNCHY: Mr. Speaker, I wish to file the annual report of the Recreation, Parks and Wildlife Foundation.

MR. DIACHUK: Mr. Speaker, it gives me pleasure to table the Farmers' Safety Almanac, which was sponsored by the Alberta and British Columbia Farm Equipment Dealers Association and the Alberta farm safety program.

Mr. Speaker, the farm safety calendar is the first of its kind in Canada, and offers monthly safety messages and photographs applicable to farming operations in Alberta. This almanac will serve as a useful tool in making many individuals aware of hazardous situations in the farming environment.

head: INTRODUCTION OF SPECIAL GUESTS

MR. APPLEBY: Mr. Speaker, it is my pleasure this afternoon to introduce to you and the other members of the Assembly a group of grades 10 and 11 students from the Edwin Parr high school in Athabasca. They are accompanied by their group leader and teacher, Mr. Marvyn Rogers. They were delivered here by their bus driver, Marg Chorzempa, who is to be commended for finding her way to the Legislature without a new road map.

They are in the members gallery, Mr. Speaker, and I would ask them to rise and be welcomed to the Assembly.

head: ORAL QUESTION PERIOD

Education Evaluation

MR. R. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of Education. It flows from the announcement the minister made one day last week with regard to the whole question of achievement tests. Will the minister advise the Assembly if the proposed achievement tests will be similar to those achievement tests that have already been introduced and that grade 12 students now have the option of writing? Further, might I ask in my initial question if the overall results of these achievement tests will be made public.

MR. KING: I'm not aware of any achievement tests being offered at the grade 12 level for the optional use of students.

MR. R. CLARK: Mr. Speaker, then let me put the question to the minister this way: will the results of the achievement tests the minister outlined in the ministerial announcement last week be made public? When I say "be made public", not on an individual student basis but the overall results, so the public will have an opportunity to see how well we are measuring up or how well we may or may not be doing.

MR. KING: Yes, Mr. Speaker.

MR. R. CLARK: Mr. Speaker, I'd like to ask the minister if he can elaborate somewhat on the announcement that achievement tests will be administered by means of a sampling procedure significant at both local and provincial levels. I ask the question in light of inquiries made of me and others as to the procedure the department will be using in that kind of sampling mechanism.

MR. KING: We are administering achievement tests at the present time on a selected course basis. We will

continue to do that; we will extend the use of them to grades 3, 6, 9, and 12.

The achievement tests are not meant to be a measure of the achievement of individual students but only of the group of students; that is, the students in grades 3, 6, 9, or 12. Therefore, the test will not be administered to every student in that grade but only to a sample of the students. The sample will be developed in such a way that it will be significant at the jurisdictional, local, and provincial levels. In other words, the results of the examination will be useful to the local school board in determining overall how well their jurisdiction is operating. Similarly, it will be useful to us in the Department of Education in determining how well a sample of students across the province is doing.

MR. R. CLARK: Mr. Speaker, then a further supplementary question to the minister. Once the significant number of students are given these tests locally and provincially, what steps will the department take when it finds out that some jurisdictions — on not a one-year basis but a continuing basis — either fall further behind or find themselves some distance behind? What will be regarded as a reasonable standard across the province?

MR. KING: I don't think we will take or need to take any steps, Mr. Speaker, because I suspect that when the jurisdictions discover that for themselves, they will reallocate their resources in order to deal with the problem. I think that's a decision that is best made at the local level.

MR. R. CLARK: Mr. Speaker, to the minister. In the initial part of the announcement made last week, reference was made that this was the first of a three-phase effort, the second phase being the evaluation of teachers and school systems. My supplementary question to the minister: what time frame is the government looking at in announcing its intentions as far as the evaluation of school systems? Also, at what stage is the government in developing that school system evaluation at this time?

MR. KING: That statement was in the ministerial statement only in order that the government could acknowledge that evaluation of the educational activity doesn't depend upon student evaluation alone. The fact of the matter is that we're in a position to make an announcement about student evaluation because of the work begun by my predecessor when he appointed the Minister's Advisory Committee on Student Achievement. So while we are interested in teacher, system, and program evaluation, what we are talking about is probably implementation over a period of five or six years. To develop a good program of evaluation in each of those three areas, because it is important, is going to be time-consuming.

MR. R. CLARK: Mr. Speaker, a supplementary question to the minister. I appreciate that it's going to be time-consuming, but I want to ascertain from the minister some kind of time frame and the procedure for consultation in developing this system of evaluation of systems.

MR. KING: I can only repeat that at this moment I would say the time frame would be in the order of four to six years. It's going to be a lengthy process.

We are only beginning to develop a preliminary position on those issues in the department, and I don't think consultation with other interest groups would be too fruitful until we have developed a preliminary position our-

selves to present to other interest groups. When that has happened, the hon. member and the representatives of the interest groups can be assured that we will involve them very much in a process of dialogue.

MR. R. CLARK: Then following that along, Mr. Speaker, to the minister. We're looking at a period of four to six years before we have evaluation of systems in place. What is the time frame for the evaluation of teachers? At what stage is the department in the thinking of its position on that question?

MR. KING: We're in the same position with respect to teacher evaluation, system evaluation, and program evaluation. As to which one we will move on first, it is still too early to say. I wouldn't like the hon. leader to believe they will be dealt with in the order they were listed in the ministerial statement, because that might not prove to be the case. As we get more into each of them, we may discover that with the co-operation of the ATA, the ASTA, and others, we could move more quickly on system evaluation than teacher evaluation, for example.

MR. R. CLARK: Then following along further with the announcement the minister made, Mr. Speaker, what effect will this announcement have, and what discussions have taken place between the department and the post-secondary educational institutions in the province so Alberta students will not find an increase in in-house entrance examinations at the universities and colleges or entrance examinations brought in from other parts of Canada or the United States? What will be the effect on Alberta students from the standpoint of entrance qualifications at our postsecondary educational institutions?

MR. KING: The results of the announcement of last week are to broaden the opportunities for evaluation in the basic education system. While we did that for our own concern for basic education in the province, we expect it will be well received by the postsecondary institutions. If we broaden the opportunities for student evaluation, we are also broadening the means by which post-secondary institutions can evaluate potential entrants. So we expect it will be well received, and we think the result will be that there will not be entrance examinations at postsecondary institutions.

Nevertheless, while I state that that is our conviction, the universities are and always have been free to set the entrance standards they thought were appropriate. They could have had entrance examinations at any time in the past. They chose not to because they were satisfied with the school-leaving examinations offered by Alberta Education and the local school boards.

MR. R. CLARK: Mr. Speaker, just one last question to the minister. The minister used the terms "expect" and "think" that the postsecondary institutions will look favorably upon this announcement and a broader assessment base. Has a commitment been received from the universities and colleges that they will co-operate with the Department of Education and in fact move away from the trend towards entrance examinations and be prepared to accept from the Department of Education the results of students who participate in the announcement the minister brought forward? Do we have a commitment from the colleges and universities, or is it simply an expectation and a hope?

MR. KING: We have absolutely no commitment, Mr. Speaker, because no commitment was asked for. I think that would have been wholly inappropriate.

Legal Aid

MR. R. CLARK: Mr. Speaker, I would like to ask the Attorney General with regard to the question of legal aid and the representation made to the Attorney General by the Criminal Trial Lawyers Association regarding problems with preparation time and research fees. It is my understanding that some 30 members of the Edmonton Criminal Lawyers Association have in fact indicated to the government that unless adjustments are made in some facet of legal aid, they may not be able to or will choose not to continue to co-operate with the program. What consultation has the Attorney General had with this aforementioned group? Can the Attorney General indicate to the Assembly that an arrangement can be worked out where legal aid will not be withdrawn by these individuals?

MR. CRAWFORD: Mr. Speaker, the subject the hon. Leader of the Opposition asks about is an important one. As far as the government's response to any representations, the present situation is that I have not yet reviewed the particular concerns referred to. If a brief has been presented to my office, I am not in a position to respond to that, although I certainly saw some public remarks on the subject by some representatives of the criminal bar.

Mr. Speaker, I think it would be important to note that one of the features of making sure the bar is not unduly burdened by legal aid cases is to make sure that the case load is spread among a sufficiently large number of lawyers. One of the principles of the legal aid system is that it is not, in the usual sense, a practice in which practitioners can engage for full rates or usually anything approaching that.

MR. R. CLARK: Mr. Speaker, a supplementary question to the Attorney General. I remind the Attorney General that last November the hon. gentleman indicated to the Assembly that he would be meeting with officials of the legal aid program, with a view to reviewing legal aid and then bringing forward some possible changes to the program. Is the Attorney General in a position to indicate if significant basic changes will be forthcoming in not only funding but the legal aid program? At this time is the government giving consideration to bringing in legislation that would really firm up, in a legislative format, the legal aid program in Alberta?

MR. CRAWFORD: Mr. Speaker, I am not sure any legislation is required for certain changes in policy. I did meet with the board of directors a number of months ago, no doubt following the period the hon. member refers to in his question. At that time we reviewed the entire program and the budget for the legal aid foundation.

One of the things about which practitioners would be making representations — I would think to the board of directors in the first instance, and then perhaps to me as well — is on not so much the funding of the program but the schedule of fees payable out of the program to the practitioners who are handling cases. My memory is that the program itself is still operating at a surplus. That, therefore, doesn't seem to me to be the difficulty; it's

really a matter of what schedule of fees applies at the point where the practitioner sends in his account.

MR. NOTLEY: A supplementary question, if I may, to the hon. Attorney General. Has there been any assessment by the government of the August 1979 Student Legal Services summary of legal aid? The observation the hon. Attorney General referred to of the surplus: in this document the submission is made that the reason is a cutback in services as opposed to a lowering of demand.

MR. CRAWFORD: Mr. Speaker, each year the funding system yields an increasing amount available to the plan. It seems to me that the challenge is to adjust the schedule of fees, which has been set by the Bar Association, within the parameters of the amount of funding available. Although remarks are being made at the present time, as perhaps there have been before, that more funding could be used, the program has always functioned within the budgetary figures available to it and based, as I say, on a schedule which my memory is that it is established by the Law Society. It still functions at a surplus, perhaps not a large surplus.

As to the brief the hon. member asked about, that would be over a year ago. I can't say what consideration was given to it at the time it was received. I'm sure a formal response was made.

As to cutbacks in services, I am not aware that's taking place, although I think the Legislature and the department should have a careful eye towards the expansion of areas in which legal aid operates. I know the view of the board of directors of the Legal Aid Society, as at the last time I met with them, is that some of the tendencies to increase the area of coverage in a significant way and get into all sorts of areas outside of what it was originally designed for may not be in the best interests of the program.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Attorney General. What review has been made of both the document I referred to and the brief of the Criminal Lawyers Association that expressed concern about the senior counsel in most firms dropping out of the system and that in fact the people who take legal aid cases tend to be junior counsel, and that this is attributed, at least in part, to Alberta's having the lowest per capita funding of legal aid, outside of the Maritimes? What assessment has been made of the serious contentions in both these briefs with respect to the impact on senior counsel being available for legal aid?

MR. CRAWFORD: Mr. Speaker, I would have to refresh my memory as to the representations made in the briefs the hon. member refers to and check what response might have been given, which I'd be very pleased to do.

As to the overall question of whether or not senior counsel involve themselves as much as might be desirable, I would be cautious about generalizations on a subject like that, because many criminal cases should not have senior counsel, based on the degree of complexity, or lack of it, in a particular case. There is no question that there are serious cases where senior counsel should be involved. But to suggest — I'm not saying the hon. member is suggesting it. To approach the issue of legal aid with the view that every type of offence is one that should be handled in court by a senior counsel probably would not be accurate. I would think that within the average law firm the balance of the most serious cases being handled

and the less serious cases being handled by the appropriate counsel in each case is probably a reasonable balance.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. Attorney General. Bearing in mind the Attorney General's comments that not every case requires a senior counsel but some serious cases do, what assessment has been made by the government of the so-called three-tier system in operation in the province of Ontario, which allows the legal aid system the flexibility of paying a higher fee to senior counsel where those people are required?

MR. CRAWFORD: Mr. Speaker, without review I'm not able to comment on the Ontario system. It seems to me that the question of whether the profession is adequately handling serious offences — and everyone agrees they should be handled with the greatest care — is a question which I would think the profession itself is best able to assess.

Although I have recently met with the benchers, according to the best of my memory, it has not been expressed to me as a concern that this is happening with regard to legal aid. Once again, if they bring it forward or in the event that it's brought forward at the next meeting by me and my officials, it's certainly a matter that could be addressed at that time. No one is underestimating the importance of having senior counsel in serious offences.

Utility Line — Fish Creek Park

MR. PAYNE: Thank you, Mr. Speaker. My question today is to the hon. Minister of Recreation and Parks. Could the minister advise the Assembly as to the progress of his review of the aesthetic implications of the above-ground power transmission line proposed to cross Fish Creek Park adjacent to or near the suburban Calgary community of Deer Run?

MR. TRYNCHY: Since the last time the member raised the question, Mr. Speaker, we have had some discussion with my department. It's my understanding we will be modifying the program, and I think it will be acceptable to the people of Deer Run.

MR. PAYNE: A supplementary, Mr. Speaker. In examining those modifications, I wonder if the minister would give consideration to this alternative. On an earlier occasion the minister indicated that the cost of a subterranean installation would be prohibitive. My own information indicates that the need to take the line under the river in fact would be prohibitive. Therefore I'm asking if the minister could advise as to the feasibility of putting that line underground, except for that portion that would cross the creek itself?

MR. TRYNCHY: Mr. Speaker, that sounds like a logical thing to do. I want to say to the hon. member that I appreciate the work he has done with us in the past while, and I ask him to continue working with us. Certainly we'll check into that.

DR. BUCK: I see how much time he gets in caucus.

Roadway Improvements — Edmonton Area

MRS. FYFE: Thank you, Mr. Speaker. I would like to ask a question of the Minister of Transportation relating

to severe traffic congestion in the area northwest of the Edmonton metropolitan region. During the October municipal elections the residents of St. Albert voted overwhelmingly to support the northwest arterial, commonly known as the north-west bypass. Can the minister advise the Assembly when construction will begin on the southerly portion of this bypass that will connect Edmonton's inner ring road with this bypass from the northwest part of Alberta?

MR. KROEGER: Mr. Speaker, I can appreciate the member's concern, because we in Transportation are totally aware of the congestion. I can't comment specifically on the so-called north-west bypass, but the specific question related to the southern end. As the member would know, we did pave the north half to 137th Avenue. The rest of the area from 37th to 125th will have to be co-ordinated with the various jurisdictions. There are four of them: St. Albert, the two counties, and the city of Edmonton. Timewise, it would seem that since we have to cope with a railway underpass, with the completion of 125th Avenue, as well as 170th Street coming down, the time lines would indicate completion about 1984.

MRS. FYFE: A supplementary, Mr. Speaker. I appreciate the minister's concern and the work his department has done in the past. But I wonder if the minister is prepared to give consideration to a new transportation program that would provide for roadway improvements that are interjurisdictional, such as the minister just mentioned, and ones that pose severe traffic bottlenecks such as those endured in the northwest Edmonton region?

MR. KROEGER: Mr. Speaker, we have to work with the various jurisdictions, and we are doing that. We're working on planning with the city of Edmonton on an ongoing basis and have had several meetings with St. Albert. Certainly we have to involve the other two rural jurisdictions, and we are doing that.

MRS. FYFE: Excuse me, Mr. Speaker, I don't think the minister answered the question. I was wondering if he is prepared to give consideration to a transportation program that would fund interjurisdictional roadways, therefore not having to rely just on the municipalities to try to resolve these bottlenecks.

MR. KROEGER: Mr. Speaker, keeping in mind that we're looking at some possible changes in boundaries that relate to the Minister of Municipal Affairs, who isn't here today, it would be a little difficult for me to get very specific on that one right at the moment.

MR. COOK: Mr. Speaker, a supplementary question. Would the Minister of Transportation undertake to bear in mind the considerations of inner city residents with regard to any proposed freeways that might cut through and disrupt existing communities, to serve the outlying residents who simply want to get to work a few minutes earlier?

MR. KROEGER: Mr. Speaker, that is simply a part of the ongoing planning we do with the urban jurisdictions.

Natural Gas Tax

MR. LYSONS: Mr. Speaker, I'd like to direct my question to the Provincial Treasurer. Has the federal govern-

ment backed down on its position with regard to the export tax on natural gas?

MR. HYNDMAN: Not at all, Mr. Speaker. I presume the hon. member is referring to the report of last Friday, wherein the federal energy minister indicated that there would be no change in the export price of natural gas. In fact that move by the federal government confirms in the starkest possible way that despite their denials, the federal budget tries to impose a natural gas export tax. If there was ever any doubt about that, Mr. Speaker, I think it's now crystal clear that that federal natural gas export tax exists, and that it is not an add-on but a take-away of the revenues and cash flow of Alberta and Canadian producers, and a take-away from the ownership interest of Alberta citizens in their exported natural gas.

Liquor Retail Outlets

MR. NOTLEY: Thank you, Mr. Speaker. I'd like to direct to the hon. Solicitor General a question I gave the hon. gentleman notice of on Thursday. Is the minister in a position to advise the Assembly whether the government has had an opportunity to review the circumstances surrounding the unconditional lease between the Alberta Liquor Control Board and London Pacific Investments Ltd. with respect to the Blue Quill shopping centre store?

MR. HARLE: No, I haven't, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Solicitor General. As a consequence of the controversy and concern expressed about this, is he in a position to advise the Assembly what review is taking place concerning the procedures of the Alberta Liquor Control Board in developing and signing agreements where the city by-laws in fact prohibit liquor stores?

MR. HARLE: Mr. Speaker, I'm not aware of any review.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Solicitor General. What consideration is the government prepared to give to a review of this particular matter, in view of the protests of citizens in the community and the concern of at least several city aldermen vis-a-vis the relationship of the province and the city? Will there be a review?

MR. HARLE: Mr. Speaker, I think the position the Alberta Liquor Control Board has taken is well known. They feel they should go into a community only where they feel there is a demand for their services. That has been the position they've taken.

MR. NOTLEY: A supplementary question to the hon. minister. Is the minister in a position to inform the Assembly whether there will be any loss of funds by the Liquor Control Board with respect to this 10-year unconditional agreement, or whether an amicable settlement in fact has been made and no penalty will be involved?

MR. HARLE: Mr. Speaker, from the information I have at the present time, I can't predict the outcome of those events.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. In view of the concern I'm sure we all have — including the hon. minister — that we not lose

public funds, when is the minister going to be in a position to assure himself of the facts so he can inform the Assembly?

MR. HARLE: Mr. Speaker, I think I've indicated about as far as I can go at the present time.

Alternative Automobile Fuel

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Member for Calgary McKnight, as chairman of the Research Council. The province of B.C. is making tests on converting vehicles from gas to natural gas, and they've indicated that they could deliver natural gas to the pumps for 7 cents a litre. Has the Alberta government had the opportunity to study this experiment that has been released by the B.C. government?

MR. MUSGREAVE: Mr. Speaker, that's the first I've heard of this particular experiment. I'll look into it and report back to the Legislature.

75th Anniversary — Medallions

DR. BUCK: Mr. Speaker, my question to the hon. Minister of Government Services has to do with the 75th Anniversary medallion program. I'd like to know if the minister is in a position to indicate when the second issue of gold medallions will be available for senior citizens who were missed by the first presentation?

MR. McCRAE: Mr. Speaker, they should be ready about December 1.

DR. BUCK: Mr. Speaker, a supplementary question to the minister. So we can indicate it to senior citizens, can the minister indicate the cut-off date for people who have been missed and even to this time have not sent in their applications? Has a deadline been established?

MR. McCRAE: Mr. Speaker, I think we would accept applications right to the end of the year. We haven't really come down with a hard and fast application deadline. But for anyone who shows evidence that he's entitled or should be entitled to a medallion, we would look very charitably on his application.

Mr. Speaker, I would like to take this opportunity to comment, if I might, on the medallion program, which I think was so very, very successful. There were upwards of 5,000 gold medallions. [interjections]

MR. SPEAKER: Order please. There would be some need for a change to *Standing Orders* to permit the Chair to embark on an exercise of this kind.

DR. BUCK: I'll ask a few more questions and he can show the ineptitude of the program as it progresses, Mr. Speaker. With the silver medallion program, many of my constituents have given me the information that many people have been missed. Can the minister indicate to this Assembly what steps are being taken to indicate to Albertans who have been missed by the silver medallion program what avenues they have to indicate to the government that their medallions have not been delivered to them? What process do they have to inform the minister?

MR. McCRAE: Mr. Speaker, could I comment generally that in the early fall about 5,000 gold medallions were

delivered to those entitled; that is, persons 75 years and older, the pioneers of Alberta. In answering the question, I would like to congratulate the members of this Assembly on their very industrious efforts in getting those medallions to the eligible recipients so well, so capably, and in such pleasing fashion.

In terms of the silver, I think there was a cutoff point towards September 1; I've forgotten the precise date. There was a mailing list of persons eligible at that time. Those have gone out. Other names were being added to the list during the summer — put on the computers — and they should be going out towards the first part of December. It could well be that some of those persons who feel they have been missed will probably get theirs towards December 1. If after the second mailing has gone out they are still not in receipt of their silver or gold medallion, as the case may be, they should apply through their M.L.A. or the 75th Anniversary Commission.

DR. BUCK: Mr. Speaker, a supplementary question. Can the minister indicate if the program of medallions that will be going to the schools is his responsibility, or will the Minister of Education be looking after that program?

MR. McCRAE: That should go to the Minister of Education, Mr. Speaker.

DR. BUCK: Mr. Speaker, to the Minister of Education. When is the medallion program for children in our schools going to commence, so the young people of Alberta will know that it may be in the anniversary year and not in the year after?

MR. KING: They have already been delivered in some jurisdictions, and they have been distributed to every jurisdiction in the province. In that connection, the hon. member will be interested to know that every superintendent has been advised of the fact that this is in commemoration of a provincial anniversary and that M.L.As, including the hon. member opposite, might like to be involved in the distribution of the medallions in the schools.

MR. WOO: Thank you, Mr. Speaker. My question is directed to the Minister of Government Services and reflects a concern relative to ads which have appeared in local newspapers soliciting the purchase of senior citizens' gold medallions. In view of a range of prices offered from \$172 to \$225, and to ensure that medallion recipients who wish to sell are not disadvantaged by such transactions, can the minister advise the House of the true value of both the gold and silver medallions?

MR. SPEAKER: I have some hesitation in a question that leads to market information of that kind. But possibly if the department has made an examination of it, it's something the minister might wish to share.

MR. McCRAE: Mr. Speaker, I'm very surprised to hear that individual entrepreneurs are advertising to buy the medallions. We generally compliment the entrepreneurs of Alberta, but in this case I'm a bit surprised and would have some reservations about the course of action being undertaken by those entrepreneurs.

Without giving specific detail as to the exact daily value of either the gold or silver medallions, I would like to say that they do have a value in excess of the number

quoted in terms of gold. I think I heard from \$178 to \$225. In terms of the gold component, they are worth well in excess of that at today's or last week's gold values.

The intrinsic value must surely be much, much beyond that, and I would hope senior citizens would not be pressured or even encouraged to sell them. In terms of the history, in terms of the individual's participation in this province, they have a value so far beyond the values apparently quoted in the advertisement that I just hope there isn't any real effort by entrepreneurs or whatever in Alberta to buy the medallions from senior citizens.

MR. NOTLEY: A supplementary question to the hon. Minister of Consumer and Corporate Affairs. Has there been any consideration of the department looking into these advertisements on the basis of The Unfair Trade Practices Act?

MR. KOZIAK: Mr. Speaker, there hasn't. I'm pleased that the matter was raised in the Assembly today. I don't know that The Unfair Trade Practices Act does have application; however, that's something that bears review.

I would only add to the comments of my colleague that I hope there aren't those who would prey upon senior citizens in this respect because of other aspects. It may be that the misrepresentation prohibitions in The Unfair Trade Practices Act might apply, but I wouldn't want to speak on that.

I'm interested in the fact that the Speaker has not already interrupted me in my answer, in saying I would be providing the hon. member with a legal opinion. Be that as it may, I'll review the matter and see if there is any application of the Act and the services we provide.

Calgary Olympic Bid

MR. R. CLARK: Mr. Speaker, I'd like to direct a question to either the Provincial Treasurer or possibly the Premier. It deals with the commitment the government made to the coliseum in Calgary. I raise the question in light of the new mayor and city council in Calgary, and some question as to the location. Can the Treasurer assure the Assembly that the arrangements for financing a coliseum in Calgary, which were announced by the government, apply to a coliseum whether it's located adjacent to the Stampede facilities in Calgary, as long as it has the backing or recommendation to the government from the committee headed by Mr. Dickie?

MR. LOUGHEED: Mr. Speaker, I'd be pleased to respond on behalf of the government. I believe the Leader of the Opposition is aware that with regard to that matter the Member of the Legislative Assembly for Calgary north is participating in terms of representing the government interest, with others.

MR. R. CLARK: It was his statement [inaudible].

MR. LOUGHEED: I appreciate that.

The position of the government of Alberta on the matter is this: we believe the matter of location should be a decision made by the city council in Calgary. However, the purpose of the financing relates to supporting the bid by the Calgary Olympic Development Association, to strengthen their bid for the 1988 Winter Olympic Games. We would be quite disappointed if there was any protracted delay in that decision so that at the time the bid

was in fact made, which I believe is in fall 1981, construction of such a coliseum was not under way in Calgary.

MR. R. CLARK: Mr. Speaker, a supplementary question to the Premier. Then is it fair to take from that answer that the location is the responsibility of the city of Calgary? Is provincial financing then incumbent upon receiving recognition from the group trying to get the Winter Olympics to Calgary? Do they in fact have to give their blessing to the location, if I can use that terminology? Is provincial funding incumbent upon that?

MR. LOUGHEED: Mr. Speaker, we haven't been definitive about that particular matter. It is clear that our funding, which is significant in terms of the project, is predicated on support for the Calgary Olympic Development Association bid, as I mentioned in my first answer. We would certainly hope they would be satisfied and prepared to accept the decision by Calgary city council. I do want to reiterate that any undue delay in the decision by Calgary city council with regard to the project would be very disappointing as far as we're concerned, because of the basic reason for financing.

MR. R. CLARK: One last supplementary question to the Premier. I pose the supplementary question this way to make it very clear that the three conditions the province would be concerned about are: one, that the project is under way by the time Calgary makes its bid for the Olympics; two, that the site is approved by Calgary city council; and three, that the committee headed by Mr. Dickie, with the Member for Calgary north on it, approves the site and recommends it site to the cabinet.

MR. LOUGHEED: Mr. Speaker, I didn't mean to respond that way with regard to the last point. I was referring to the Calgary Olympic Development Association, which is involved in the bid, being satisfied that the site selection is of a nature conducive to encouraging the bid itself.

With regard to the joint city of Calgary/government of Alberta committee, that has to do with assuring that when the site is selected it is in a location that can permit the construction and operation to occur in a way that meets the other provisions contained in our proposal to the city of Calgary, which incidentally was accepted by Calgary city council in July this year.

ORDERS OF THE DAY

head: GOVERNMENT MOTIONS (Committee of Supply)

[Mr. Appleby in the Chair]

MR. CHAIRMAN: Will the Committee of Supply please come to order.

ALBERTA HERITAGE SAVINGS TRUST FUND CAPITAL PROJECTS DIVISION 1981-82 ESTIMATES OF PROPOSED INVESTMENTS

MR. CHAIRMAN: We have two votes of departmental estimates that were held for further information.

Hospitals and Medical Care

MR. CHAIRMAN: Would the minister like to comment now?

MR. RUSSELL: Mr. Chairman, I believe I've responded to the outstanding questions the hon. Leader of the Opposition posed to me. I can't think of any additional information that's outstanding, unless the filing of those answers has led to some supplementary questions.

MR. R. CLARK: Mr. Chairman, in the statement made Thursday night when we discussed the evaluation of the cardiac care, these are the comments made by the minister:

... the actual term of the evaluation is approximately 18 months, and they haven't started yet. The contract was signed, back-dated to the beginning of this fiscal year

which would be some 9 months ago

but they're still not under way. They will require about 18 months [before] they commence work.

My questions to the minister: why was it necessary to back-date the work, and what are the logistical problems for 18 months before we can start?

MR. RUSSELL: My understanding, Mr. Chairman, is that they're ready to start almost immediately. There are no specific logistical problems. I think I mentioned earlier that because of its nature, the heart component of this applied research program got off to a much slower start than did the cancer research aspect. An examination of the past fiscal year's reports of the fund's expenditures would show that.

There was no particular reason for back-dating the contract to April 1, other than that was the beginning of fiscal year. This evaluation contract is being paid for out of the research funds; that is, it is a project of the fund itself. The way the funds are allocated is that there is \$7 million each fiscal year, plus a 6 per cent inflation factor, plus a rollover from the previous year. Each project is funded out of a fiscal year's budgetary amount, arrived at under the formula I just described. So in that sense, it does make sense to have the term of the contract correspond to a fiscal year. But I know of no other reason for it than that.

MR. R. CLARK: Mr. Chairman, following along, also in the area of cancer research, one of the areas covered in the information the minister made available to us was a letter we received concerning the question of names of individuals whose applications had been turned down. If I recall, the gist of the letter basically was that this isn't done anyplace else, and we really don't feel it would be appropriate to release the names of individuals whose projects were turned down. I have some difficulty with that rationale. That being the case, and obviously we're not going to get the information, then if not the names of people who have had projects turned down, is it possible to at least get a description of the projects which have been turned down or refused funding?

MR. RUSSELL: Mr. Chairman, I appreciate what the hon. leader is getting at. In discussing this with Dr. Grisdale, he assured me that if any member of the Legislature wants some particular piece of information that relates to turned down requests, they would be able to make that information available on a confidential basis.

MR. R. CLARK: Mr. Chairman, I appreciate the hon. minister's offer in doing that. But I would say to the minister that that puts someone, especially on this side of the House but any MLA, in a very difficult situation. In my own situation, I go to Dr. Grisdale, he gives me the information, and then I come across the information in the course of doing research elsewhere. Frankly, you end up in a very difficult situation when it comes to dealing with a matter of that kind.

Mr. Minister, is there any reason a brief description of the projects for which funding is refused can't be made available on a non-confidential basis, if I can put it that way? I fail to understand the significance of refusing to make that information public. I have some difficulty with individuals' names, but I'm prepared to accept that. From the standpoint of the broad, general projects ...

MR. RUSSELL: Mr. Chairman, we're venturing into an area where I'm not really qualified to answer. I can only guess at answers. In some other instances I know it's been felt that in any kind of competition, the nature of the entry itself — if the entry is identified, in some circumstances it automatically identifies the author. I know this is true in literary and architectural competitions, and I'm guessing that could be an answer in this case.

But the more important thing is that I've been having some difficulty answering these particular questions because I really don't know what the hon. leader is getting at. Until now there have been no requests from anybody to have this information made public. If a concern has been expressed to the hon. leader's office that it ought to be, or that something is wrong, then I think we should identify that and perhaps I could respond to that. I don't know where this line of questioning is leading us, and I'm having difficulty trying to get the information that I think the leader wants.

MR. R. CLARK: Mr. Chairman, I thought I made quite clear the other night where the question is leading us when I raised the question of a large portion of the grant funds for cancer research going to people who are either on one of the assessment panels or in fact have the project put forward in their own name. Now I know the information we've received says the names of the people are taken off. But by your own admission, Mr. Minister, just because one takes the name off a proposal, people in the immediate research community pretty obviously know where the project came from.

The real problem I have is sorting out in my own mind, and in the minds of some people in the medical community, over half the research money in the cancer area in the last three years, excluding this year, going to people who are on the various panels. I made it clear the other night, and I'm not making any allegations here today, but it gets into this question of conflict of interest. That's why I think it would be a healthy situation for us to be as public as we possibly can. While the minister may not have had individuals come to him, certainly I've had individuals approach my office with real concern about having this kind of distribution of research funds. Mr. Minister, that's exactly where I think we have to zero in.

MR. RUSSELL: I'll be glad to follow that up if the leader wants to refer any of those complainants to me. They haven't been to see me. I guess that's why I'm having trouble identifying the scope of the problem, if there is one. I don't know where else you could get the various panel members if you didn't go to the scientific

community and the medical fraternity, especially those who are experts in these fields. Quite frankly I'd be rather surprised if some of those people weren't on the list of persons who were getting projects funded.

But if someone has been to your office and they believe something strange is going on or they're unhappy with the arrangements, I would like to know about that. Perhaps we could make improvements, in consultation with the Provincial Cancer Hospitals Board and the assessment committees. But I simply haven't had any cases of that brought to my attention, and I don't know of any, other than one, a gentleman who made himself public, generated a fair amount of publicity, and was given a pretty straight answer. He didn't submit a scientific application, didn't meet the qualifications of the science community. And I've responded to him and colleagues who have written on his behalf. So I think he's aware of the answer. He has to do his work better. It's that simple in that case.

MR. R. CLARK: Mr. Minister, has some consideration been given to the idea of lifting the Alberta residency requirements for grants and awards and allowing all Canadians to apply, as long as the research is done in Alberta?

MR. RUSSELL: Not to this point, Mr. Chairman, although I think I indicated earlier that the program is being actively reviewed at this time, because very shortly we're going to have to decide whether long-term commitments should be entered into that would carry these programs beyond their initial five-year lifespan. Whether the original parameters were too narrow is a good thing that we ought to consider at that time. After all, they were intended to be applied research programs carried on in institutions within Alberta, as opposed to the broader pure research under the heritage medical trust research fund.

MR. R. CLARK: Mr. Minister, that's one proposal I think the committee should consider very seriously.

The second proposal I think the committee should consider very seriously is the idea of going out of the province to avail ourselves of at least some of the people who could make some judgments on the worthwhileness, the validity of the various proposals put forward. I'm not suggesting it should be a non-Albertan panel by any stretch of the imagination. But it does seem to me that if we're to deal with this question of 50 per cent of the research money going to people who are on the panels in one form or another, if we're concerned about it — certainly I'm concerned about it, because with no guidelines I think it isn't the kind of situation to be looking at — have we given consideration to adding some people from outside of the province to the panel, not to dominate the panel but on a consulting basis? Perhaps they'd be used primarily in a situation where there's this potential for some conflict.

MR. RUSSELL: I can't disagree with that suggestion, Mr. Chairman.

MR. R. CLARK: Mr. Chairman, I have just one other area. What is the future of the northern Alberta cardiac institute? Has it been shelved temporarily? Permanently? Also, what's the status of the Attorney General's legal proceedings with regard to Dr. Talibi? Thirdly, is the Calgary General Hospital's cardiac rehabilitation unit

large enough to be useful for cardiac patients across the province, including northern Alberta, or in fact will we see the same kind of thing developing here in Edmonton?

MR. RUSSELL: You'll see the same kind of thing developing here in Edmonton. The current proposal is to establish it on a comprehensive basis in the Royal Alex Hospital, and consultation is going on at this very moment among the hospitals and the medical fraternity to put the final details on paper with respect to that program, which is fairly comprehensive. In regard to that, the institute is really in a holding position until they see the final outcome of that program for the Royal Alex.

With respect to the legal action under way with Dr. Talibi, I'd refer that question to my colleague the hon. Attorney General.

MR. CRAWFORD: Mr. Chairman, discussions between the two sides in regard to the Talibi matter have gone on for some time. That's not to say that discussions have been continuous, but they've been resumed from time to time in regard to the possibility of some settlement. Nothing has been resolved in that respect. I don't have any feel for how soon it might be. In the event that discussions fail, of course proceedings would go ahead at that time.

MR. R. CLARK: Mr. Chairman, I'm not sure of the legal niceties here, but perhaps not being sure would allow me to ask the Attorney General: is the government negotiating with Dr. Talibi regarding the possibility of repayment of a portion or all the money — I think \$140,000 is in dispute — and the possibility of not pressing charges. Is that one of the alternatives that the Attorney General's department is looking at?

MR. CRAWFORD: Mr. Chairman, I really feel that all I should say, considering the fact the parties are in what by their very nature are confidential negotiations between solicitors, is that the general nature of the claim is, of course, known, the allegation being that certain over-payments were made, and a figure was used in the neighborhood the hon. Leader of the Opposition has again stated just now. All that is being attempted in those discussions is to resolve the question of the potential suit; in other words, to arrive at what would undoubtedly be some form of compromise between the parties. To try to speculate about what the ingredients of any compromise would not be fair to the process.

MR. R. CLARK: Mr. Chairman, one last question to the Minister of Hospitals and Medical Care. While the northern Alberta cardiac institute is in a holding pattern, are we continuing funding?

MR. RUSSELL: I don't think we fund that institute, Mr. Chairman.

MR. CHAIRMAN: Are you ready for the vote?

MR. RUSSELL: Mr. Chairman, I move the resolutions be reported.

[Motion carried]

Recreation and Parks

MR. CHAIRMAN: The other vote which was held dealt

with Recreation and Parks. Does the minister have some further information or comment?

Is there a question on the part of the hon. Leader of the Opposition?

MR. R. CLARK: Mr. Chairman, I wanted to make a few comments and ask the minister a number of questions. The questions will relate primarily to the 1977 projected costs for each of the facilities and the new 1980 projections. Mr. Minister, I suspect you have those with you.

Just to give a couple of examples of the kind of information I'd like: in '77 the projection for buildings in Kananaskis was \$4.6 million, and in 1980 the projection is \$15.3 million; campgrounds, from \$10.4 million to \$24.6 million; the same thing with trails, road, golf course, regional utilities, fish and wildlife enhancement, Ribbon Creek planning, planning and administration, and miscellaneous, that's gone from \$200,000 to \$7.8 million. If one takes the \$40.5 million cost projections we were given in '70, I see that in 1980 they're \$200 million. So that's one area, Mr. Minister: could we get a bit more detailed explanation than there is in the booklet that was presented to the House on Thursday evening. There is precious little in this booklet as far as the rationale or the reasoning why the increase in each area is concerned.

Mr. Chairman, the remarks I want to make are basically these. I'm under no illusion, when I raise these questions in the House, that a great deal is going to happen as far as this program is concerned, other than hopefully to point out to members of the committee that this is not a situation any of us in the Assembly can be very pleased with when we see the costs increasing fivefold. I found it rather amusing on last Thursday evening when the minister used the comparison of a young family. I think he used a couple building a house. Their budget was \$50,000, and they received advice from their friends and upgraded the house. If we were to follow that comparison in this Kananaskis Country situation, we would have increased it five times. That would have meant this young couple wouldn't have been building a \$50,000 house; it would have been a \$250,000 house. I think the minister used the term, advice from friends to upgrade the home.

Let's follow that comparison just a little and, for a moment or two, assume we're the parents of this young couple. What are we going to do? We have this young couple who were going to build a house for \$50,000, and all of a sudden the cost of the house, as a result of advice from their friends, has gone to \$250,000. What do the families involved — in this case, what choices does the cabinet have? Well, there are really two choices if you're looking at this family. The family would have the choice of saying to this young couple: you clucks, this was going to be a \$50,000 house; when you've spent \$50,000, that's it. The family would be prepared to kind of take the embarrassment that goes with everybody seeing their kids couldn't live within a budget, that they had very poor advisers for friends, and that they didn't know what they were doing when they got the plans for the house finished. That would be the situation.

Or the family has the other choice: to say, on the surface, look, these kids have gotten themselves far deeper into something than we ever expected they would, and I guess we're going to have to go along and make the best of a bad situation where the cost of this house, to use the minister's example, has increased five times. But I suspect that the parents involved would take some steps for the future. I suppose herein lies the lessons that have to be learned from this situation as far as Kananaskis Country

is concerned.

I want to make very clear at the outset that we on this side of the House supported the project when it was announced. It may well have been that we on this side of the House were somewhat negligent in our responsibilities last year when the estimates went through. I'd be quite prepared to accept that responsibility. I wasn't here that day, but the responsibility rests with me and I'm quite prepared to accept that.

That being the case, the project having increased fivefold, to over \$200 million, we have to recognize this simply got out of hand. I know the present minister was not the minister when the thing was announced. I would hope, Mr. Minister, that we now have a handle on this situation. I can appreciate the situation the cabinet had of not wanting to stop the project when it got to \$40 million. But I would suggest that the friends and advisers who were involved, whether in giving this young couple or the government advice on this project, should be done away with forthwith. Young couples can do without that kind of advice, and the government can too. It was bloody poor advice regardless of where it came from, Mr. Minister. I trust that after a fair amount of embarrassment, this project is now going to get back on the road. I hope we wouldn't see the same advisers involved in the parks that are going ahead adjacent to the cities, that we approved in the course of these estimates on Thursday evening.

I want to deal with two or three specific areas. One is with regard to the Wedge Lake fishpond. Someplace in this report that was handed out the other evening, reference is made to the fact that we're now testing Wedge Lake to see if it will hold water, after we've taken the bottom out of the lake so we could have greens on the golf course. In the estimates the minister says he is confident the answer to the question of whether it will hold water is yes. I would have assumed, Mr. Minister, that we would have had more than just an expression of confidence by the minister. Once again, people I've talked to who visit the area often, who have a real concern with that area, don't have nearly that kind of confidence.

Secondly, as we pointed out to the minister in the Heritage Savings Trust Fund committee, after we've done what we have to the lake, will it support fish, or in fact is the reason we have fish and wildlife enhancement increasing from \$600,000 to \$4.7 million an effort to make Wedge Lake livable as far as fish are concerned so we don't have any more embarrassments on that particular project? I'd be very interested in some comments, sir, on the question of Wedge Lake and its water-holding and fish-supporting capacity.

Mr. Chairman, the third area I want to touch upon with the minister is the question of the road budget. Once again it may well have been that we on this side of the House missed something last fall when the estimates went through. But when we first had the minister come before the committee and we discussed Kananaskis Park, in reading the comments by the minister I frankly was amazed that no reference was made at that time that the money for these roads was coming out of the Heritage Savings Trust Fund capital projects. No reference by the minister. Even if the minister had forgotten to make those kinds of references, it would seem to me that some members on the government side of the committee would have made those kinds of references.

So now we get down to the nitty-gritty. I'd like to know, Mr. Minister, when that decision was made to finance the roads in Kananaskis Park and Kananaskis Country, leading to this \$200 million project. When was

that decision to take the money out of the Heritage Savings Trust Fund made, and when was it announced publicly? I've gone through our records and have not been able to find any public announcement at all, in the form of a press release or anything like that from the minister's department or the Provincial Treasurer's department as to when that particular announcement was made. It may well have been that we missed it. Frankly I would be far more pleased to learn we missed the announcement and the press release has been misplaced than I would that the press release was never made at all. I'm certain a \$114 million road project would be worthy of a rather sizable announcement from the department.

Mr. Minister, in my initial remarks I made some reference to this young couple who built a house that started out to be \$50,000 and ended up being \$250,000. It increased five times. But to me the most shocking part of the whole thing is that if we follow that comparison, the young couple didn't take into consideration at all how they were going to get to the house. From my point of view, that's one of the most shocking parts of this whole thing. When we made the announcement on Kananaskis Country and Kananaskis Park, we thought roads would cost \$10 million. The cost of roads has now gone up to \$114 million. I don't lay that responsibility on the Minister of Recreation and Parks, but he is the minister who comes to the committee for basic approval.

Mr. Minister, last time I checked, Kananaskis Park hadn't moved, nor had Kananaskis Country. It's still west of Calgary, south of the Trans-Canada Highway. With all the engineers and the ability this government has, to estimate that in '77 it was going to cost \$10 million and today it's going to cost \$114 million, I think shows very clearly how poorly thought out this project was.

It was a very imaginative scheme when it was announced, but it was extremely poorly planned and the finances got totally out of character. Had we said at the time that it was going to cost \$100 million, \$125 million, \$75 million, or \$200 million, it could have been viewed from that point of view. But to see the kind of increase we have . . . I know the government isn't going to turn the wheels back, but my hope and reason for raising it once again on this occasion is that hopefully this kind of situation will not develop when we build a second Kananaskis Country west of Red Deer in the Eastern Slopes, or west of Edmonton, in the Edmonton region. Hopefully we're not going to be involved in the same kind of thing in Medicine Hat, Lethbridge, Red Deer, Grande Prairie, Lloydminster, or wherever these urban parks are to be developed.

Mr. Minister, I say very candidly, looking squarely in the eye, I know you were not the minister when this started, and the lack of planning involved is certainly not your responsibility. But the buck-passing has to stop with your office, and unfortunately you're the person who's in that kind of situation.

MR. NOTLEY: Mr. Chairman, I'd say just a couple of words on this matter. I would think that even though the specific question of Kananaskis 2 is not part of the estimates, it would probably be useful, when the minister responds, to give us some indication at this stage of the planning process with respect to Kananaskis 2. I think the most important point that has to be stressed as a result of this enormous increase is not what happened in the past but what we are going to put in place so it doesn't occur in the future. And the stress that has to be emphasized here is the planning mechanism so we don't get into a

similar kind of cost increase down the road.

I know there are explanations as to part of the increase. Part of the increase is that it was originally intended that highway costs would come out of the normal operating costs of the Department of Transportation, and then that was shifted over to the capital projects division of the Heritage Savings Trust Fund. But as the minister well knows, representing a rural riding, we could make the same case just as well, just as strongly, with respect to needed roads from one part of rural Alberta to the other. When we suddenly latch on to the Heritage Savings Trust Fund and say, all right, we're going to glob on to almost \$100 million worth of Heritage Savings Trust Fund money to finance roads for a park of this nature, which supersedes the operating budget of the province, then you have a good deal of concern, and rightly so.

In the Heritage Savings Trust Fund report, which has been tabled in the House and which precedes discussion of the estimates, I think two recommendations are important. Number 3 on page 17:

This committee re-affirm its recommendation of last year that stated:

"That where funds are allocated for an ongoing program that will take more than one year to complete, the Alberta Heritage Savings Trust Fund's Annual Report incorporate amounts expended in the reporting year, the total expended to date, and the total budgetary figure for the program."

I think the question the Leader of the Opposition raised is very important, because frankly I don't recall seeing any formal statement of the increase in this project before the minister appeared before our committee. In view of the fact that a formal recommendation had been made by the select committee in 1979, I really wonder where this information is.

Secondly, we have the recommendation this year. I quote Recommendation 2 on page 18:

That, where capital projects undergo a "conceptual change" involving significant alteration of projected capital investment estimates, such changes and resulting estimates be reported to the Committee.

Now, I appreciate that today we have before us some information on the Kananaskis project, and that on Thursday last week the minister gave us a reasonable breakdown of the increases, including the \$128 million which is there as a result of program expansion or additions. But what I think is very important is that Recommendation 2 be adhered to not just by this department but by all departments. If there are going to be conceptual changes, if you've got committees and they're coming in with ideas and making recommendations on how they think a project can be improved, and that is going to significantly alter the final cost of the project, then in my view Recommendation 2 on page 18 applies. We have to have that information, not only as a committee but specifically all the members of the Assembly and, through us, the people of the province.

I don't think one need say any more about the analogy of the House. The Leader of the Opposition has made the point reasonably well. We've gone from a little starter home in Glengarry to the most expensive home on Whitemud Drive, and that's quite a difference for that young couple, and particularly a difference for the parents who might have to shoulder the cost of the mortgage if they're helping out the young couple.

But the fact of the matter is that there was something seriously wrong (a) in the planning process and (b) in the

reporting process. The Leader of the Opposition was fair enough to say that all the responsibility [can't] be laid on the shoulders of the current minister, because this project has gone on for several years. But I think the assurance we have to have as members of this committee is that as we get into other park megaprojects, we now have in place in the Recreation and Parks Department the kind of process which won't get us into a repeat of the current controversy.

Perhaps when he answers some of the specific questions, the minister might take a few moments to give us as a committee some information on the present plans of the government with respect to Kananaskis 2, and what assurances the department can provide to members of this committee, before we grant authorization, that the pitfalls the department has identified as a consequence of the Kananaskis project will not take place again.

MR. GOGO: Mr. Chairman, I want to make some comments with regard to the urban parks the minister is proposing from the Heritage Savings Trust Fund. The members of the opposition keep pointing out what they refer to as facts. I don't argue one way or the other. I guess that remains to be seen.

I would like to say, Mr. Chairman, that I as a member of a city riding am deeply appreciative of the hon. Minister of Recreation and Parks with regard to the urban parks in the five designated cities in the province. I think Capital City Park and Fish Creek Park have been going long enough to amply demonstrate the need for urban parks for Albertans. It's undoubtedly an experiment unique to North America, and maybe elsewhere, whereby co-operation between municipal authorities and provincial authorities as the funding arm is bearing out in a very significant way the desires of 55 per cent of Alberta's population to date in those two metropolitan areas.

The fact that as we conclude 1980 we're looking at a somewhat dramatic increase in energy prices that may well affect travel in the province, I think it's particularly important to note that the five cities designated by the minister — I don't know what the population adds up to, but indeed it's a significant part of the population. It will certainly take the pressure off the rural parks, no question about that. I think it's exciting. I think the minister should be commended and, assuming it's passed, the government is to be commended likewise.

I'd like to put to the minister a couple of minor questions, which may not be so minor. The degree of co-operation between the provincial government and the municipal authorities: as I understand it, government is funding each of those five cities based on a per capita formula. To me it appears very adequate. The breakdown of that is both the acquisition of land and the building of the parks in the urban areas. As I understand it, the costs for the parks will be absorbed by the government until they are fully operational, and then for a couple of years after on a very fair sharing formula of 75:25.

It seems that the area I represent, Mr. Chairman, has a propensity for having a flood every 10 years. Naturally the question arises: what safeties or guarantees are there within the planning proposals that either Environment or somebody is going to be looking after the very real problem of flooding in that area once it takes place? I'm confident that it's going to take place. But I would like some degree of assurance, before we as a government and I as the member for the constituency get under way, that there is going to be adequate protection.

Again, Mr. Chairman, I want to commend the minister for a very innovative plan. I know it's a great personal satisfaction for him that he's been able to convince the government to expand the urban park program of the two cities of Alberta into another five.

Thanks very much.

MR. TRYNCHY: Thank you, Mr. Chairman. I'll start with the question from the last speaker and work my way to the first speaker.

I appreciate the comments the hon. Member for Lethbridge West has just presented to us. I can assure him that we plan to work very closely with the city in all aspects. When you talk about what type of planning we'll have within the floodplains of the park in Lethbridge, certainly I hope the city people are well aware of the problems and will convey them to our people. If we do construct parks, we hope we'll construct the types of facilities that could stand a flood and not be damaged. So certainly I hope the member also will work closely with the city administration and give us some guidance.

In regard to per capita, we tried not to really follow the per capita grants per city; we tried to develop the concept of a park that would do the job. So in some cases it might be a few dollars more per capita than in other cities. It wasn't our intention at all to have it so firm that you couldn't move either way. So we developed a park, and if the need got to a per capita basis overall, that was fine. If it didn't, if it overlapped or overran, we didn't feel that was a hindrance. The operating costs, as mentioned, will be 100 per cent until the park is completed. It will be 75 per cent provincial, 25 per cent city for two years after construction, and then it will be on a fifty-fifty basis thereafter. Hopefully the cities and ourselves will work that out. I appreciate his comments, Mr. Chairman. Once we get this approved, it'll be time to look for another five cities. I guess we'll start doing that.

The Member for Spirit River-Fairview wanted to know the planning process for Kananaskis Country number 2. Mr. Chairman, I want to say at this time that we have no planning mechanism set aside because we're not that far advanced. But I can assure the House that if we do get involved with Kananaskis 2 during my term, and I hope we do, the whole thing will be laid out in full detail, as I have done with the urban parks this year. We'll have a total cost of the package and know where we're going.

He also mentioned, why were the Kananaskis roads moved to the heritage fund? I would say, why not? Where are these roads? Aren't they within Kananaskis Country? Why not have that come from the same fund as the rest? Certainly it's good business, because you don't have involve the local, ministers, and the transportation budget throughout the rest of the province. So if we want to keep it separate, that's where it should be. I, my committee, and the members of this government worked hard to get that moved from the general revenue budget to the Kananaskis heritage fund budget. I supported it and think it's a good move.

DR. BUCK: Not only that; there's lots of money there.

MR. TRYNCHY: The hon. Member for Clover Bar might be right in saying that, but I think it was a policy accepted by the public and encouraged by all members on this side of the House. If the opposition feels we did something wrong, I'd like to see how they could prove it and how we could do it differently.

DR. BUCK: Easy, Peter, you're taking yourself in.

MR. TRYNCHY: They also mentioned that we should show the total cost of the project. Yes, I agree. It was there, and I'll go over that in a few minutes. They said, we weren't given the information. It's easy for them to read *Hansard* of last year when I spoke in the House, and pick out the things they want. But they forget. If they look at my last few words, I said I had more information available. Nobody asked. Am I supposed to spoon-feed the opposition? Surely it's up to them to ask the questions. The information is there. We weren't hiding anything. I had that information. Surely the public out there wants them to work. If they're not asking the questions, they're not doing their job.

[Mr. Purdy in the Chair]

Mr. Chairman, I want to move now to the Leader of the Opposition. He wanted to know why the cost has gone from \$40 million to \$200 million. I thought I outlined that pretty clearly last Thursday, but possibly it needs redoing. So I want to start. We talk about the house and the young family I referred to. Certainly, that's exactly what happened. But we shouldn't try to fool the public by saying it has increased fivefold, which it hasn't. If you take out transportation, which is a separate issue that has nothing to do with construction of the house, you'll find that the increase is no more or less than what I mentioned last Thursday.

In 1977 the road budget was \$10 million. They want to know why it was changed. Before me I have a proposal worked on by Transportation, by the cabinet committee for a number of months. When I became chairman of the Kananaskis cabinet committee, I wanted to put the package together. I wanted to pick up all the pieces, so to speak, put them on the table, get them together, and present the total package. We've done this. We looked at the road budget. We had a road plan for 1977, and we could have lived with it if we had wanted to. It was \$10 million. But when I visited the area, along with other members, and we looked at the condition of the roads, they certainly would not have been acceptable to the public. So we put forward an upgrading program and arrived at a plan where addition of roads would be another \$103 million; an upgrading program that would be increased by \$103 million from the original \$10 million.

MR. R. CLARK: Mr. Minister, would it be possible to outline what roads were added since '77?

MR. TRYNCHY: Yes, I can get to that. It'll take some time to get through it, but I guess we can.

MR. R. CLARK: Can you just give me a copy?

MR. TRYNCHY: Yes, Mr. Chairman, I suppose I could provide to the hon. member the map of what was added. We could save a lot of time.

Certainly, when you take a total road budget of \$114 million, which is an addition, an expansion, and not part of the original budget whatsoever. It wasn't in there, wasn't planned to be there, and was never mentioned. If you read the release by the Premier on October 7, 1977, there was no mention of a total road package. That's been ongoing until last October. Last October we approved the budget that we see today. We approved that it

would be a five-year term, but we didn't have the funds approved until June 1981. That's why it wasn't announced last year, but we could have given a ballpark figure of where we were.

The next question was Wedge Lake, and why was the budget for wildlife from \$575,000 to \$4 million? Let me put this forward. We have a budget of \$3.3 million, and here is what it entails: a trout-rearing facility, which will be approximately \$2 million — nothing to do with Wedge Lake; Sibbald Creek fishponds, \$80,000; the Kananaskis reservoir fisheries enhancement program, \$50,000; Spray Reservoir fisheries potential, \$50,000; the osprey enhancement program, \$5,000; Gap Lake rehabilitation program, \$15,000; Rawson Lake brood pond, \$15,000; fish reintroduction, \$20,000; stream protection project, \$60,000; McLean Creek fisheries enhancement program, \$90,000; fish and wildlife administration, \$162,000. Mr. Chairman, that pretty well explains that program.

The hon. Leader of the Opposition mentioned that in that report there is no mention of whether Wedge Lake will hold water. I hope he can appreciate that report was March 31, 1980. During the course of 1980 we worked very closely with Fish and Wildlife. We had all summer to test and analyze Wedge Lake. The report is for the year ended March 31, 1980, so we've had since March 31 until this date to work with Wedge Lake. Our information is that it will support fish, the water is being retained, and Fish and Wildlife within the government supports that in total. I don't know where the hon. Leader of the Opposition gets his information or what environmentalist he used. We don't have that information. If he has something he feels we should have, I'd appreciate getting it.

Mr. Chairman, I guess the question was, what caused the increase of our program expansions? Let's go to the special user facilities, facilities for the handicapped, an increase of \$1 million. We've never had any of these types of buildings to look at. We had nothing to work from. The original estimate was just that, an estimate. We expanded the program by building more, and larger facilities. So there was an increase of \$1 million through a new estimate based on final plans and program changes.

The park visitor centre increased \$880,000. The original estimate did not include displays and landscaping. Park administration centre, \$2,000,000; the original estimate was just for parks and transportation. It did not include wildlife, mountain rescue, and fish and wildlife. So that was an addition. Bow Valley shop, \$1 million, was increased in size and expanded. This was based on final cost planning. Elbow/Sheep administrative complex, \$2,000,000, was expanded to serve Parks, Forestry, and Fish and Wildlife, which it didn't do before.

Trails and snowmobile areas, \$1.3 million: that was due to increased number and cost of stream crossings. We did this to protect the environment in a number of cases. This was never planned for. If we had gone along with the original concept, I suppose we could have gotten by. But the environmental impact would have been great. We've expanded hiking and horse trails by \$1.3 million. We've increased standards in the original low estimates, and expanded the program to more trails.

[Mr. Appleby in the Chair]

The big one of course is roads, \$103 million. I've explained that. The original blue book budget of \$10 million was just for the road to the park and nowhere else. So when we went forward with an upgrading pro-

gram, we brought it forward and put it into the Kananaskis budget instead of general revenue. Golf course, over \$3 million: expanded from 18 to 36 holes. Regional utilities were not mentioned, \$6 million: that is because of the high standards for environmental impact and protection. I've mentioned fish and wildlife. We're up over \$4 million. The big one for program additions, \$3 million: landscaping for all the facilities was not included.

Kananaskis recreation centre at the golf course, to accommodate the golfers, cross-country skiing, and all that, was not in the blue book. That's \$2.5 million. Ribbon Creek alpine village, \$5.5 million: the access infrastructure was not included in the original estimate in the blue book.

A new \$3 million addition at Evan-Thomas recreation vehicle campground was just brought on stream recently. Day-use areas, \$6.5 million, were not included in the original blue book estimate.

Emergency services to provide the services in case of injury, accident, avalanche, or what have you, were not mentioned or included: \$1.5 million. Planning and administration, which were not included in the first estimates, amounted to \$3.5 million.

Mr. Chairman, that's not all of them, but those are major ones. That's why the budget has increased, like that family house from \$40,000 to \$80,000. In this case, it went from \$40 million to less than \$100 million excluding roads. I think it's a good program. We've got a handle on it, and I'm sure it's a program every Albertan will be very happy and very pleased to see there.

MR. R. CLARK: Mr. Chairman, to the minister. I appreciate the information the minister's given us. Two things at least have come rather clear to me. One, Mr. Minister, we had a number of things that were simply not included in that initial announcement. For what reason would that happen? It would seem to me to be for one of two reasons. One would be that it was decided to add a number of things after the project started. Now with any project that size, I can see some additional things being needed. But I look at the magnitude of the things that were not included, not in the blue book: infrastructure, emergency services, planning administration, and the minister mentioned a lot of other areas. Mr. Minister, that should force all of us to ask ourselves very, very frankly, what happened to our planning process? Why weren't these things included?

More important than that, what lessons have we learned from the standpoint of planning on Kananaskis that we can apply to the city parks we've got coming up, to Kananaskis 2, or to the next park that comes along. We've had two days in the committee and a day here on the matter. I would hope two things have happened, Mr. Minister. I note that you said last October that we got a handle on the package and the road decision was made and so on. That's much better than not making the decision until now, even though it was just last October. The other thing, though, is what kinds of things will we have in place for the next things that come along? If you could give us some indication of the kind of things you think we need to be sure to have in place for future developments like this, then it would seem to me quite likely that we could move on from the project.

MR. TRYNCHY: Thank you, Mr. Chairman. I appreciate the comments of the Leader of the Opposition, because they're valid. Certainly in our future planning, as I've mentioned before, the urban parks will be tied to our

budget of \$57 million in 1980 dollars. That's where we'll be. We won't move until we make darned sure we can live within that budget. I suppose the next Kananaskis Country, wherever and whenever it might be, would have to be the same way. Certainly I'll work towards that end.

We're asked, why the changes? I guess when the citizens' advisory committee for Kananaskis was appointed, they had hearings, meetings with the public at large across the province. The public brought things to light that were never thought of or included in the blue book, for whatever reason I'm not sure. But there were additions, improvements, and upgrading. That's how it got to be a better project than anticipated. Certainly, we've listened to the public. We've also had really good co-operation from the towns within the Canmore corridor and the MLA for that area. Things have come up that we weren't aware of. I guess when you plan in a delicate area such as Kananaskis, where you have to be certain the environment is not damaged, things you didn't think of will pop up almost every day. It's something new; it's never been done before. So I suppose you might say things weren't included. But it wasn't because they were not to be included.

In that announcement, the Premier announced that we would be doing the planning on an ongoing basis, and it was built with that in mind. It was no cut-and-dried deal where you laid it out, like Capital City Park. Planning was ongoing for the next five years. Maybe that's not the route to go. I don't think it's that bad; I think it's worked well. But that's why some of that stuff wasn't done. We've had a number of letters from the general public, which come to my office. I brought it back to the cabinet committee. We worked with our departments and all the ministers involved — Environment, and Housing and Public Works — and tried to put together a package that would be an asset to the people of Alberta. So certainly we've learned from this. I'm sure it'll be a valuable set of tools for the next one.

MR. CHAIRMAN: Are you ready for the motion on the vote?

MR. TRYNCHY: Mr. Chairman, I move the resolution be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of Supply has had under consideration the following resolutions and reports the same:

Resolved that from the Alberta Heritage Savings Trust Fund, sums not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 1982, for the purpose of making investments in the following projects: to be administered by the Minister of Hospitals and Medical Care, \$9,200,000 for the Alberta Children's Provincial General Hospital project, \$4,735,000 for the applied cancer research project, \$12,440,000 for the applied heart disease research project, \$27,000,000 for the Southern Alberta Cancer Centre and Specialty Services Facility project, \$46,000,000 for the Walter C. MacKenzie

Health Sciences Centre project; and by the Minister of Recreation and Parks, \$11,000,000 for the urban parks project, \$2,807,000 for the Fish Creek Provincial Park project, and \$60,321,000 for the Kananaskis Country recreation development project.

MR. SPEAKER: Having heard the report, do you all agree?

HON. MEMBERS: Agreed.

MR. HYNDMAN: On behalf of the hon. House leader, I'd like to ask unanimous leave of the Assembly to revert to Introduction of Bills in order to introduce Bills 77 and 78, with respect to heritage fund appropriations.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF BILLS**
(*reversion*)

Bill 77
The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1980

Bill 78
The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Supplementary Act, 1980

MR. HYNDMAN: Mr. Speaker, I request leave to introduce Bill No. 77, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1980, and Bill No. 78, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Supplementary Act, 1980. These being money Bills, His Honour the Honourable the Lieutenant-Governor, having been informed of the contents of each Bill, recommends the same to the Assembly.

Mr. Speaker, I believe the contents of the Bills do not require a lengthy explanation. They simply reflect the estimates which have just been completed.

[Leave granted; Bills 77 and 78 read a first time]

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

Bill 84
The Health Occupations Act

MR. BOGLE: Mr. Speaker, I move second reading of Bill No. 84, The Health Occupations Act. Bill 84 represents one of the first steps in the implementation of the government of Alberta Policy Governing Future Legislation for Professions and Occupations, which was tabled in the Legislature in May 1978.

Mr. Speaker, having introduced the Bill for first reading on October 30, it's my intent to make some remarks today, then to adjourn debate to allow further input from a variety of organizations and interested groups before proceeding with other speakers on second reading of the Bill, which I anticipate later this week.

This afternoon I intend to outline five basic principles: first, the seven primary objectives of the Bill; secondly, a description of the Bill itself; thirdly, the changes that have been made in Bill 84 from its predecessor Bill 30, which was introduced a year and a half ago, in the spring of 1979; fourthly, to indicate those health occupations which we intend to designate under the Bill as recommended to the proposed health occupations board; and fifthly, to relate the Bill to the public to show how the public will benefit from this piece of legislation.

The objectives of Bill 84 are, number one, to provide the public with safeguards where there is risk from the practice of unregulated health occupations. Many groups and individuals have expressed concern to the provincial government in the past about the need to control the practice of various health occupations to prevent unqualified individuals from practising those occupations. In Alberta there has been a rapid proliferation of a wide variety of practitioners holding themselves out to be health professionals. This Bill is proposed to control the practice of certain health professionals where there is a risk to the public. In short, the primary purpose is to protect the well-being of Albertans.

Objective number two: permit the regulation of certain health occupations which do not now have legislation of their own. The Bill is intended to provide a means to regulate those health occupations which are not presently regulated under other Acts of the Legislature, but which meet the criteria set out in Bill 84. Briefly, occupations to be regulated would be these groups:

- (a) whose practice involves some risk to the health of the patients or clients which they serve;
- (b) whose tasks require that the practitioner have special knowledge or technical proficiency required on the job or with special education or training; and
- (c) whose practitioners exercise some independent responsibility and judgment in the care of patients or clients.

Approximately 20 health professions are regulated under existing Acts of the Legislature. We estimate, Mr. Speaker, that about another 30 health manpower groups will meet the criteria set out in this Bill, and thus require some form of regulation.

Objective number three: provide protection for members of those health occupations who may now be contravening the provisions of The Medical Profession Act, 1975, or other professional Acts. We are concerned that practitioners of some of these health occupations, presently unregulated, may be practising medicine contrary to the provisions of The Medical Profession Act or other Acts of the Legislature. The Medical Profession Act, 1975, defines the practice of medicine as follows:

- (1) a person shall be held to practise medicine . . . who
 - (a) alleges ability or willingness to diagnose or treat any human disease, illness, deformity, defect or injury, or
 - (b) advertises or claims ability or willingness to prescribe or administer any drug, medicine or treatment, or
 - (c) either (i) prescribes or administers any treatment, or (ii) performs any operation or manipulation, or (iii) applies any apparatus or appliance for the prevention, alleviation or cure of any human disease, ailment, deformity, defect, or injury, or

- (d) acts as [the] agent, assistant or associate of any person, firm or corporation in the practice of medicine as set out in

The Medical Profession Act also contains a provision that protects people from prosecution for practising medicine if they are practising their profession or occupation under some other Act of the Legislature. Thus if a person performs any of the functions referred to in the definition of the practice of medicine, and is not protected by some Act of the Legislature, that person could be criminally prosecuted under The Medical Profession Act, 1975. Therefore one of the major objectives of The Health Occupations Act is to protect from possible prosecution those practitioners who are practising a health occupation that has become widely accepted but involves some form or degree of medical practice and hence some risk to the public. These practitioners would be protected by providing a form of registration under the Act of the Legislature. An example of such a health occupation would be an acupuncturist or paramedic.

Objective number 4: to implement the provision in the government's policy that each health occupation be self-regulating, where practical, rather than placed under the supervision of another health profession. One of the positions set out in the government of Alberta Policy Governing Future Legislation for Professions and Occupations is that

the decision to place one profession or occupation under the legislative supervision and/or work supervision of another profession or occupation should be made only where it can be demonstrated that the advantages from a public standpoint clearly outweigh the disadvantages.

In light of this position, another objective of the Bill is to ensure that one health manpower group is not responsible for regulating the affairs and practices of another group when that type of regulation is not warranted.

At present dental hygienists and dental assistants are regulated under The Dental Association Act. Bill 84 contains a provision, Section 33, through which those occupations would henceforth be regulated under The Health Occupations Act. Associations representing the dental professions and occupations presented some strong arguments to have various dental occupations treated in a different way. I have therefore undertaken to recommend that Section 33 not be proclaimed along with the rest of the Bill. This recommendation will be made on the understanding that the associations will work with the government over the next year to develop a different approach that might be recommended to government and this Legislature. If we are not successful, I would recommend proclamation of this section of The Health Occupations Act, and provide the same coverage for the dental hygienists and dental assistants.

Objective number 5: to establish a health occupations board to advise the government on matters respecting the future regulation of various health manpower groups not presently regulated. One of the major difficulties that has been encountered in responding to lobbies of various groups seeking some form of regulation, has been the lack of a body of experience capable of assessing or evaluating health occupations and advising the government whether any form of government regulation is in fact necessary. Thus a further objective of the Bill is to create such a body, the health occupations board. The board would develop such expertise and advise the government which occupations require some form of regula-

tion, as well as to advise on [other] matters relating to the regulation of those health occupations.

Objective number 6: to provide a degree of peer regulation for those manpower groups regulated under the Bill. One of the main issues addressed in this Bill is the degree of self-regulation that will be vested in each of the health occupations. We have recognized that many of the health occupations that might be regulated by Bill 84 do not currently have professional associations representing their practitioners to which self-regulating powers could be delegated; some simply because no such associations have been organized, and some because there are too few practitioners to form one. Other health occupations have a number of professional associations representing persons practising in the field, no one of which could represent the views of all practitioners to whom self-regulation should be delegated. In other health occupations, a single professional association exists, but does not represent all persons practising in the field, in which case it would be considered unfair to require membership in the professional association in order to practise in the province, or to give the professional association regulatory powers over non-members.

Therefore this legislation provides a form of regulation by committee of one's peers without making membership in the professional association mandatory in order to practise. At the same time any professional association that represents the majority of persons practising in a particular health occupation, will have major representation on this peer committee. Further, once a health occupation committee has been established, any new appointments to that committee will have to be registered practitioners of that health occupation.

Objective number 7: to put in place legislation that permits the government to respond to the need and desire for regulation of various health occupations, and to do so in a way that minimizes the cost of registering and disciplining members of those health occupations. Another objective of this legislation is a practical one. Government appreciates the need for some form of regulation for a wide variety of health occupations. But it also recognizes the practical impossibility of dealing with specified and separate pieces of legislation for each of these groups. In addition to the 30 new groups mentioned earlier, almost all 20 health professions already regulated under existing Acts of the Legislature are seeking amendments to their legislation. Thus a variety of health occupations desiring regulation could be accommodated in a reasonable time frame.

It is also recognized that professional registration and regulation are expensive, both for the individual practitioner who may be faced with licensing or registration fees, and the professional association which must bear the cost of any registration and disciplinary procedures prescribed under the traditional form of professional legislation. Under Bill 84 no fees will be charged for practitioners registered under the Act. The provincial government will also assume responsibility for costs incurred in registration, regulation, and disciplining all practitioners in those health occupations falling under the jurisdiction of The Health Occupations Act. The rationale for this approach follows:

- (a) the fact that no fee is payable by individual registrants under the Act will not interfere with the professional association's capacity to solicit membership fees from practitioners;
- (b) many of the professional associations concerned are in the early stages of development, and could

not afford the high cost of registering and regulating the practitioners; and

- (c) where there is no association or a number of associations, it is difficult or impossible to levy charges to cover the costs of regulating and disciplining members.

Mr. Speaker, I would now like to move on to a description of Bill 84. This Bill is intended to provide a means of regulation for a wide variety of health occupations which are presently not regulated by any legislation in the province of Alberta. The Bill provides for the establishment of the health occupations board, which will consist of nine persons, at least one but not more than three of whom must be members of the College of Physicians and Surgeons. The functions of the board are:

- (a) to evaluate and designate health occupations requiring regulation under the legislation;
- (b) to regulate the educational qualifications, scope of practice, and standards of conduct for each of the designated health occupations; and
- (c) to act as an appeal body from decisions of health occupation committees.

The Act also requires that the Minister of Social Services and Community Health establish health occupation committees for each of the health occupations designated by the board. A health occupation committee will consist of a minimum of three and a maximum of nine persons who are associated with and knowledgeable about the health occupation concerned. If a professional association exists and it represents a majority of the practitioners of that occupation, then a majority of the members of the health occupation committee must also be members of that association. Once a health occupation committee has been established, any new appointees to that committee will have to be registered under the Act to practise that profession.

The functions of the health occupations committee are

- (a) to act as an advisory body to the health occupations board, with the right to receive notice of and attend all the board's meetings at which matters relating to that health occupation will be addressed;
- (b) to exercise the same authority as other professional regulatory bodies respecting matters of registration — that is, all decisions of the registrar to refuse registration must be referred to the health occupation committee for review of that decision; and
- (c) to exercise the same authority as all other professional regulatory bodies with respect to disciplinary matters involving members of the health occupation.

Health occupations committees will also be empowered to initiate meetings with the board for the purpose of requesting the board to make new regulations relating to that health occupation.

The Bill provides for the appointment of a registrar, who will be an employee of the Department of Social Services and Community Health. The function of the registrar will be

- (a) to provide information to the board to assist the board in determining whether a health occupation should be designated under the Act;
- (b) to serve as secretary to the board and to the various health committees or, alternatively, to delegate that function to a member of the health occupation committee where appropriate;
- (c) to register all applicants for registration under the

Act who meet the qualifications prescribed by the board, and to refer those who do not meet those qualifications to the appropriate health occupation committee for review; and

- (d) to receive and refer any complaint respecting a practitioner registered under the Act to the appropriate health occupation committee for disciplinary hearing.

The legislation contains sections describing how complaints are to be handled, and provides for appeals to the courts of decisions of the board with respect to a hearing it has held. Under this legislation the Executive Council will retain the authority to approve, disapprove, or vary regulations of the board. There are no annual fees prescribed under the Act for persons registered in any health occupation.

Mr. Speaker, I would like to move on to the third general area, which is a description of the changes made in Bill 84 relative to the earlier piece of legislation introduced in the spring of 1979. Members of the Assembly will recall that when I first tabled The Health Occupations Act, as Bill 30, in the House on June 28, 1979, first reading was given. Copies of the Bill were sent to interested groups, asking for their comments and suggestions. We had anticipated that approximately three and one-half months, until the fall sitting, would allow all groups ample opportunity to study the Bill and provide sufficient input. It was late September before there were any comments. By late October 1979, a number of groups were asking for more time to study the Bill and prepare briefs. As a result, on November 14, 1979, in reply to a question, I informed the Assembly that the government would not proceed with Bill 30 at that sitting of the Legislature.

During last fall and this past winter, we received many briefs, letters, and petitions. I met with a number of groups, as did members from the department and some members of this Assembly. Some individuals and groups strongly supported Bill 30, others supported the Bill in principle but were concerned about various aspects, and others were opposed. We have tried very hard to take into account all feelings expressed and, wherever possible, to bring forward changes to Bill 84 to reflect those concerns.

Following is an outline of the major changes that have been incorporated into Bill 84 from Bill 30. Number one: any restriction on services that may be provided by a health occupation will not apply in hospitals, nursing homes, or other institutions approved by the minister. This change is found in Section 2(3), and is a direct response to representations by the Alberta Hospital Association and various hospitals across the province. Mr. Speaker, it was never the intent of the government through Bill 30 to interfere in any way with the normal bargaining relationships and normal relationships between the employer and the employee.

Number two, we added the following requirements for the health occupations board when it was conducting an investigation into a health occupation to determine if it should be regulated under Section 4(4), which was amended by adding the following sections:

- (a) evaluate the degree of direct and personal impact that the care or treatment that is normally provided by a person engaged in the practice of that health occupation may have on the health of persons to whom that care or treatment is provided . . .
- (c) evaluate the extent of independence of practice

- in that health occupation that is necessary or desirable for a person who is, in the course of his employment, engaged in that practice,
- (d) consider what qualifications may be desirable for applicants for registration to practise in that health occupation, whether with respect to education, training, or possession of a specified body of knowledge or technical proficiency . . .

A number of the groups felt that the direction provided to the health occupations board needed to be more clearly stated. In addition to adding the above sections, we have restructured the whole section. These changes are a direct response to representations made by the following groups in particular: the Alberta Association of Registered Occupational Therapists, the Alberta Hospital Association, the Alberta branch of the Canadian Society of Laboratory Technologists.

Number three, the following two changes are initiated to alleviate concern by a number of groups that the board would be dominated by members of the College of Physicians and Surgeons. Section 3(1)(a) provides that there will be "at least one but not more than 3 members of the College of Physicians and Surgeons" on the health occupations board, and Section 3(12) sets a quorum for meetings of the health occupation board. The following two groups made particular reference to this concern in their briefs: the Alberta Hearing Aid Audiologist Association and the Alberta Association of Registered Occupational Therapists.

Fourth, the following two sections were added to ensure recognition of existing professional associations:

- (a) Section 5(8) provides that once a health occupation committee is established and a registrar completed, the committee members appointed after that must be drawn from registered practitioners. If there is a professional association representing a majority of the members practising in the province, a majority of the committee members must be both registered practitioners and members of the association.
- (b) With 4(2) we have added a provision to Section 4 requiring that the board consult with any professional association established in the province which has as one of its objectives the representation of persons engaged in that health occupation before making any regulation designating that health occupation.

Many groups were concerned that Bill 30 would weaken their organizations, many of which are of long standing and well recognized. Because it provided no recognition of their existence, these changes were made with those concerns in mind. We believe that under this Bill such associations will be enhanced and strengthened. These changes are a direct response to representation from the following associations: The Northern College of Physical Therapists, the Alberta Dental Hygienists' Association, the Alberta Dental Assistants' Association, and the Alberta Hospital Association.

Five, a new section has been added, Section 7(2) and (3), empowering a health occupation committee to initiate a meeting with the board for the purpose of requesting the board to consider proposals for regulations relating to that health occupation. This section was added to ensure that the health occupations board would take into account the concerns of each health occupation committee. In making the changes we have tried to reflect the concerns expressed by a number of persons at a general meeting held October 30, 1979, in Edmonton, with repre-

sentatives of professional associations and other interested parties.

Number six: restrict applications under Section 4(1)(a) regarding investigations for determining whether a health occupation should be regulated by the Act to applications made by professional associations representing a majority of persons practising that health occupation in the province. It was suggested that the wording in Bill 30 left the health occupations board open to having to conduct an investigation even if only one individual had made the application. The Alberta branch of the Canadian Society of Laboratory Technologists suggested the approach we have initiated in this Bill.

Item number seven: add a provision to Section 16(3) and (4) with respect to annual returns to permit practitioners to maintain their standing if they have participated in an educational or training program relevant to the practice of that health occupation, even though they have not practised the occupation for at least 30 days in the previous year. This change was made in response to the concerns expressed by a number of groups that in setting practice guidelines considered minimal to maintain competence, practitioners should not be discouraged from taking educational or training programs relevant to that health occupation. The Speech and Hearing Association of Alberta made these points in their brief.

Number eight: to limit to \$500 the amount of a fine that can be imposed by any Health Occupation Committee under Section 20(9)(b). This change is a response to a suggestion made by the Alberta Hospital Association.

MR. SPEAKER: I hesitate to interrupt the hon. minister. I realize he's dealing with an extremely important topic which affects professions and occupations in the province. But I wonder if we're infringing on the prerogative of Committee of the Whole for dealing with the details of the Bill. I realize there are a number of principles involved, and perhaps the hon. minister is illustrating those principles. Perhaps it's unavoidable, but I'm just expressing that concern.

MR. BOGLE: I appreciate that, Mr. Speaker, and it was with some trepidation that I came forward with remarks as lengthy as they are today. On the other hand, a number of organizations and individuals have expressed, directly through my office and through a number of MLAs in this Assembly, their concern as to the impact Bill 84 will have on those associations.

With the indulgence of the House, I'll proceed, but if it's the wish that we shouldn't . . .

HON. MEMBERS: Agreed.

MR. BOGLE: I believe I was at point nine.

MR. SPEAKER: Before the hon. minister goes on with point nine, there may be some concerns about a time limit, but may I point out to the Assembly that this Bill amends several Acts.

HON. MEMBERS: Agreed.

MR. BOGLE: Thank you, sir.

Nine: amend Section 23(2) to permit appeal of a decision of a health occupation committee to require persons who have not been actively engaged in practice to take additional training or pass an exam. This change is a response to a representation made by the Speech and

Hearing Association of Alberta.

Tenth, section 31 was added to prohibit members of a health occupation committee or of the board from serving as executive officers of bargaining units or as part of a negotiating team. This change was a response to representation made by the Alberta Hospital Association.

Eleventh, section 24(2) was added to give persons to whom a complaint relates, the right to appear at hearings and to be represented by legal counsel. This change was in response to a suggestion made by the Alberta Dental Hygienists' Association and the Alberta Dental Assistants' Association.

Moving on, Mr. Speaker, to groups that might be designated under the legislation. As members of the Assembly are aware, I mentioned that we estimate that approximately 30 health manpower groups meet the criteria set out in this legislation. It is not our intention to advise the health occupations board which groups they should in fact be regulating. That is one of the functions of the board. On the other hand, we will recommend to the health occupations board certain groups that might be designated. Section 4(1) of the Bill provides that

The Board shall conduct an investigation into a health occupation in respect of which

- (a) an application has been made by ... the association of persons ... engaged in that ... occupation ... [or]
- (b) the Minister has directed the Board to make an investigation.

The following is a tentative list of health occupations that we plan to refer to the health occupations board for investigation as soon as possible after it has been established: paramedics and ambulance attendants, acupuncturists, occupational therapists, speech pathologists and audiologists, prosthetists and orthotists, hearing aid dealers, and laboratory technologists.

Next, Mr. Speaker, I would like to deal with the question of how the designation of a health occupation under this Act will benefit the public. The main benefit to the public of the designation of any professional group, such as an acupuncturist, under this Act is to assure that

- (a) any person using the title of acupuncturist has achieved a certain standard of education, training, and technical proficiency considered essential for undertaking the complex tasks associated with the profession;
- (b) practitioners must maintain a certain level of competence through practice or by participating in an educational or training program;
- (c) there is an avenue through which complaints regarding the skill, judgment, fitness to practise or conduct of a practitioner can be directed for review by a committee of the practitioners' peers; and
- (d) persons practising that profession can do so without contravening the provisions of The Medical Profession Act.

I would like to give an example of how a group of health occupations individuals might become regulated under this legislation. I would do so by selecting for illustrative purposes the registered occupational therapists. The first step would be that the health occupations board would conduct an investigation in accordance with Section 4 of the Act as to a result of a request by either (a) the association, or (b) the minister.

Step two: if after looking at

- (a) what is done and the complexity,
- (b) the degree of direction or supervision a practition-

er receives, and

(c) the educational programs in Alberta or elsewhere, and after

- (a) evaluating the degree of direct and personal impact that the care or treatment can have on the health of the patient, and
- (b) determining the services the group may provide,
- (c) evaluating the independence of practice that is experienced,
- (d) considering minimum qualifications that are felt to be required,
- (e) considering minimum standards of competency that are required, and
- (f) consulting with the association,

the board decides there is high potential for harm to the public, they will designate the health occupation, subject to cabinet approval.

Step three: after the executive council approves the regulation designating the occupation, the minister would establish a health occupation committee of from three to nine members. The majority would be drawn from the Alberta Association of Registered Occupational Therapists. It should be noted that subsequently all appointments to the committee would be drawn from the registered membership.

Step four: the board, with the advice of the health occupation committee would

- (a) prescribe services the group may provide, along with limitations within which those can be provided;
- (b) establish qualifications and conditions of eligibility for registrants;
- (c) set out standards of conduct and competency of members; and
- (d) make regulations regarding training programs and examinations to determine eligibility.

Step five: the registrar would enter the names of persons meeting the qualifications in a register and keep the register up to date. Step six: the health occupation committee for the occupational therapists would

- (a) investigate complaints regarding incompetence or unprofessional conduct,
- (b) review applications for registration and re-registration that are referred by the registrar and decide what is to happen.

Step seven: if the health occupation committee feels that changes to the regulations made by the health occupations board are desirable, it would request a meeting with the board to consider and discuss the same.

In conclusion, Mr. Speaker, I would like to say that Bill 84 represents a major step forward which will permit the regulation of a large number of health occupations and professions that are not now regulated in this province. At the same time, it will provide improved safeguards to the public against unqualified persons holding themselves out as qualified health professionals.

Mr. Speaker, I beg leave to adjourn the debate.

MR. SPEAKER: Does the Assembly agree?

DR. BUCK: Mr. Speaker, may I just ask the hon. minister one question? In the section where it says the designated health occupations means the health occupations designated by regulation under Section 27(1), is the minister in a position to indicate if that list of occupations will be available to us when we get to committee stage?

MR BOGLE: Mr. Speaker, possibly the member wasn't in his seat when I read a list of, I believe, eight health occupations that we would recommend to the health occupation board, out of an approximate list of 30 that we envisage the board might eventually designate. That ultimate list would, of course, under the requirements I have indicated in the Bill, if those standards and criteria are met, then the health occupations board would have the right to recommend the same to Executive Council for approval. I am not in a position at this time to indicate all of the 30-odd groups, because I'm giving a ballpark figure. But I have indicated the groups that we do feel would definitely fall within that range and would be recommended to the proposed health occupations board.

DR. BUCK: Thank you, Mr. Speaker. I am sorry, I did hear the figure of 30 but didn't hear that eight would fit the designation.

MR. SPEAKER: I'm now putting the motion for adjournment of the debate by the hon. minister. Does the Assembly agree?

HON. MEMBERS: Agreed.

[Motion carried]

Bill 81

The Financial Administration Amendment Act, 1980, (No. 2)

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill No. 81, The Financial Administration Amendment Act, 1980 (No. 2). The two amendments contained in this Act are essentially straightforward, Mr. Speaker. The principles of them are as follows.

First, the Section 2 amendment in paragraph two is a response to the recommendations last year of the Auditor General, in that it will make public, visible, and available for public scrutiny and scrutiny by the Legislative Assembly the annual reports in a financial sense of the seven entities listed there.

The second part of the Bill deals with the principle of enabling the Treasury Board, and therefore the government, for the first time to pay interest on accounts which are overdue. There are occasions from time to time where it is felt proper and appropriate that interest be paid on overdue accounts. I understand that well over 90 per cent of the accounts which are rendered by suppliers of goods or services to government are paid by the government within 30 to 45 days. There are a few, however, which for varying reasons are sometimes not paid for a greater length of time, and it was felt appropriate to have the power reside in the Treasury Board so that on presentation of appropriate evidence under unusual circumstances that one might find, interest could be paid.

[Motion carried; Bill 81 read a second time]

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

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

[The House recessed at 5:16 p.m. and resumed at 8 p.m.]

Bill 80

The Employment Standards Act

MR. YOUNG: Mr. Speaker, it's my pleasure this evening to move second reading of Bill No. 80, The Employment Standards Act.

Much of my introductory comment dealing with Bill 79 last Friday morning would apply equally well to Bill 80. That portion of my comments which dealt with the process of consultation would certainly be identical, also some of my comment relative to putting what we now have in The Alberta Labour Act into two separate companion pieces of legislation, being Bill 79, The Labour Relations Act, and Bill 80, The Employment Standards Act.

Perhaps, Mr. Speaker, I should indicate first of all that The Employment Standards Act, will remove a very considerable amount of regulation. I would like to underline that for hon. members. Quite a significant number of regulations of the Board of Industrial Relations govern minimum employment standards. They will be distributed to all hon. members later on. We think those will be reduced in the order of 60 per cent, so we'll be cutting back considerably on the amount of regulation. I'd like to indicate that some of the content of that regulation is obviously going into the legislation, and we think for very good reason.

To give you an illustration of the significance of that change, at the present time the statutory holidays for the province are identified by regulation. Clearly an extension, an addition to, or a reduction from those statutory holidays would have a very significant impact upon the economy of the province, particularly upon the social arrangements which we have in the province. So you will now find the listing of the statutory holidays, as it happens in this case, in the definitions section. That is just one illustration of the inclusion of what was in regulation and how that will go into legislation.

The first point I would wish to underline, then, is that some items appear in this legislation which weren't in The Alberta Labour Act but were permitted by The Alberta Labour Act and were in regulation.

I think two benefits flow from that. First of all, the members of the Legislature will in future, of course, have to be addressed in terms of any amendments of those very substantive policies which reflect upon our social and economic life in the province. Secondly, for those persons who want to know what the standards are, The Employment Standards Act would be a much more comprehensive and complete document.

The next item I would draw to the attention of hon. members, Mr. Speaker, is a change. This again reflects back to the change from the existing Alberta Labour Act. The provision which now exists for the Board of Industrial Relations to be an initiator or, in some cases, the sponsor of standards, shifts and becomes completely a political responsibility, a governmental responsibility, and in some cases, a legislative responsibility. So we are changing the regulation-making capacity away from the Board of Industrial Relations, putting some of it right in the Act, and putting other of it to Executive Council order. The Executive Council will be uniquely responsible for those particular orders or changes in regulations.

In respect of that, I would like to underline that we are bound by international agreement, if for no other reason than by international convention, to involve in a consultative process in any change which would affect that kind of regulation. That is an undertaking I give to members of the Assembly. Whether that will be done through a process of consultation with the major organized interest groups in our society or whether the labor relations board, as it will become, will be used in an advisory capacity will depend to some degree upon what issue is being addressed.

I should like to mention that one of the major areas of reduction in regulation has to do with the provisions for hours of work. We are very much deregulating in respect of hours of work. We have moved to establish some minimum conditions. It is hoped that those minimum conditions will enable employees and employers to arrive at their own agreement in respect of such things as flextime and compressed work week. Those are the two major areas which have grown rather rapidly in terms of the orders and special exemptions which have had to be given.

What in effect has been happening is that employees and employers, trying to accommodate their own best interests, would come before the board or standards officer and ask for approval for an arrangement which they have mutually worked out. We see no reason why they should be forced to come before a government agency to vet what they have mutually agreed upon. So we have tried to put some outside parameters. For instance, they will not be able to work more than 12 hours in a day without exemption, regardless of whatever limit they may put on the number of days. The employer will not be able to work employees over eight hours in a day unless he pays overtime or unless there is an agreement by which the extra hours can be traded for hours that would otherwise have been worked within a 44-hour work week. So there are the two parameters, the eight-hour day and 44 hours in a week. There's a maximum 12 hours for the length of day. There's a requirement that the overtime, if it is not going to be paid as overtime, be banked. That has to be done within an envelope of three months, so there cannot be an accumulation over a long period of time. We believe that that will allow the parties to arrive at their own arrangements without the necessity of governmental intervention. As I mentioned, that is a very significant development and a very great degree of deregulation.

In another part of the Act, we have moved to clarify the status of employer deductions or deductions from an employee's pay. This is not, I think, a major change in practice, but there were problems. Perhaps I could give an illustration that would help hon. members. Under the existing provision, for instance, it would not be possible for an employer to deduct from the wages of a waitress in a restaurant if someone came in, purchased a meal, and left without paying. Unless there were some very unique circumstances, the waitress or waiter could not be held responsible for that particular unfair attitude on the part of the diner. No matter how good or bad the meal was, it wouldn't be possible for the restaurateur to deduct. So we have tried to clarify and still respect the arrangements which are normal in industry today, and we've had very extensive consultations with respect to that area.

Another area hon. members should note is the extension of a portion of the standards to agricultural workers and domestics. It would now be possible for the officials of the Department of Labour to assist in the recovery of

wages. Up to this point, farm workers, unlike other workers, could not be assisted if they had problems in the recovery of wages. They will now have the same access and the same rights to assistance as any other worker. Also, both those classes of workers will now have the ability and the protection of the notice of termination which has been provided to other workers.

We have not moved to extend to these two classes of workers the standards in respect of hours of work and minimum wages, and perhaps I should indicate the reason I have not moved in that direction. The nature of the farm worker or the domestic is such that it is a very close working relationship with the resident or the farm-owner, in most cases. Generally in these situations, we don't find the farm employer keeping a close record of hours. If we were to require that, we might very well alter in a major way the relationship which has existed there.

I would suggest that this point has given us some debate, and will probably give me some more, but I think the situation is very simple when we reduce it to its basics. Are we going to continue the relationship which farmers have with their employees or are we not? In some occasions that is a relationship very much like a relative or a part of the family. If we decide not to, perhaps we can move in the direction of requiring keeping records of hours of work. But if it is to maintain that relationship — and that has many benefits for many employees — then we believe that we will have to not intrude upon the requirements for the keeping of hours of work. Of course, it follows that unless hours of work are kept, there is no point in trying to regulate in the area of minimum wage.

Mr. Speaker, I now want to move to another element of the administration of the legislation. If hon. members happen to be familiar with the existing Labour Act, the Act makes a provision, in fact it heads it — I can't find it at the moment, but the heading starts off with the expression that the department has a responsibility to arbitrate differences between individual employees and management. Those differences may be of many types. They may be what the minimum wage is, differences on the hours of work, a question of what overtime, vacation pay, or holiday pay are, what notice of termination is, or a variety of these things. As I say, there now exists a responsibility upon the department to try to resolve those differences. What in fact happens is that the officers of the department endeavor to ascertain the facts, then try to get a resolution by agreement. If a mutually acceptable agreement cannot be worked out, the only resort the officer of the department has is to charge the employer with failing to abide by the legislation, and we get involved in a court process based upon the efforts of the officer to uphold the statute.

Mr. Speaker, we have made a very major change in that approach. We have tried to move from a quasi-criminal procedure to a civil procedure in terms of resolving these disputes. What is being provided for takes into account suggestions advanced to the department and to government by chief judges of the court at various times who have been very unhappy about having what, in terms of court cases, are relatively small problems of hundreds of dollars or a few thousand dollars but which, to the employee involved, may be very significant. So we've tried to take into account the opinions advanced to us by the judiciary. We have also had advice given to us by the Ombudsman.

The procedure that has been worked out is the following: there is a provision for an officer of the department, on receipt of a complaint, to check the facts of that

complaint. As at the present time, the officer will try to resolve the issue by mutual agreement. If there is no mutual agreement, the officer can issue an order. If the complaint is upheld, the order will be an order to the employer to pay or make the appropriate adjustment. The employer has a specific time in which to respond. If the employer disagrees, he may appeal to an umpire. Failing the appeal to the umpire, if there is no action, the officer can lodge his order with the court. Our anticipation is that the umpire procedure as outlined in the legislation will be founded upon the use of provincial court judges who will sit as umpires and not as judges, even though they would be members of the judiciary. Our hope is that they will be able to develop expertise in the area, will be sufficiently spread around the province to be reasonably convenient to both employers and employees, and will be fair-minded yet at the same time bring a degree of informality. They will have their judicial experience and at the same time will be sitting without the necessity of all the formalities of a court.

So the first appeal from the employment standards officer would be this umpire system, and of course there can be an appeal from the umpire directly to the court. That is the procedure we hope will produce much speedier resolution of differences of opinion, will remove the criminal stigma from the charges or the failures to comply on the part of the employer — because often the employer could disagree on what the employer saw as a very good case without any intention to be caught in a criminal way — and will remove a workload from the court system as well. I think that's a very important advance which, following what I obviously hope will be passage of this legislation, will take us some time to put in place, but one which will work to the advantage of the employees, employers, the government, and the court system.

Another major advance I wish to identify has been with respect to wage recovery. Sadly, I have to relate that there is a problem in this and other provinces — we're not unique — in the recovery and payment of wages. The problem develops on the part of some employers who are the type who don't like to pay, so they just don't. Others, through no intent on their part, find themselves in bankruptcy. Others, who don't intend to be around very long, move into the province, start a business, run up some bills, then leave.

We have made two efforts to enhance the ability to recover the wages of employees caught in these circumstances. I might mention that there are hon. members of this Assembly who could give some quite personal experiences with respect to the problems of which I speak, because this summer a number of them related to me problems from their constituency. It's rather sad to see a student who has worked for the summer find that the last six weeks of employment are not weeks of paid employment because there has been a bankruptcy or a problem with regard to the employer, and that the department is relatively unable to do very much about it.

Mr. Speaker, first of all we have developed a system which we think, if followed through, enables either the employee or the officer of the department, if the complaint comes early enough, to register that liability and hopefully give that claim a higher priority than might now be the case. As a second and perhaps more important step, we have provided for a third-party demand.

In the situation of the third-party demand, if the officer has reason and evidence to believe that the employer is likely to disappear from our jurisdiction, perhaps may be

engaged in changing legal identities, or — and this would be an unusual situation, but it might occur — where that particular employer disputes the liability and refuses to co-operate, the officer can issue a third-party demand. Of course the demand is possible only if the officer is able to identify some assets or revenue that are owing from another party to the employer. Once seized with the third-party demand, the party owing money to the employer then either has to acknowledge that he does owe money and pay it over to the department for holding or must retain the funds until the dispute is resolved. Failure to do that means that the third party becomes liable for the amount of the claim being made against that party.

We believe this initiative, which the officers of the department will use with a great deal of discretion and care, will enhance our ability to assist employees who find themselves in situations where they are dealing with employers who might leave our jurisdiction or endeavor to use other methods to escape having to pay wages which are due and payable to employees.

Mr. Speaker, I think I have reviewed the main changes before us in Bill 80. Perhaps I may summarize and say that, first of all, they are an inclusion in Bill 80 of a lot that we now have in regulation, so that it is a more comprehensive, complete document of the standards as they apply to employment in our province. Secondly, we believe it has provided for a much more expedient dispute resolution system, dispute being a difference of opinion between individual employee and employer; third, a more effective wage recovery system for employees in certain circumstances; fourth, a change in administrative functions from what is now the Board of Industrial Relations to the Lieutenant Governor in Council and the Legislature; and fifth, a considerably enhanced flexibility in hours of work to respect the changes which have come about in our society in regard to the compressed work week and the flex-time arrangements which are now current.

Finally, Mr. Speaker, we should not overlook the inclusion, for the first time under any labor standards, of agricultural and domestic workers in respect of assistance in recovery of wages and protection in terms of notice of termination. Last of all, there is the clarification of the permissible deductions from employees' pay.

I commend Bill 80 to the Assembly for second reading.

MR. NOTLEY: Mr. Speaker, I'd like to make a few comments with respect to Bill 80, now before the Legislature, first of all dealing with the two aspects of Bill 80 that I think are a step in the right direction. I'm pleased to see improvements in the wage recovery provision in Bill 80. I'm sure there are still going to be all sorts of problems, nevertheless I think the proposals in the legislation before the Legislature today will be of some merit.

While I think the jury is still going to be out on this, another improvement is the question of arbitration between labor and management on the question of standards, and the use of the so-called umpires who will be provincial court judges. It seems to me that this could be helpful. We'll have to wait and see, but it strikes me that it could be a step in the right direction.

I'd like to deal with some of the concerns I have about Bill 80. I think we have to be fairly frank in reviewing a piece of legislation like The Employment Standards Act, and recognize that this is a piece of legislation of some real importance, especially to the unorganized. When you deal with a shop where there's a union on one hand and management on the other, in 99 cases out of 100 the

balance between the two will protect the rights of both sides. But over 60 per cent of the work force in this province is not organized. It is to this very significant minority that The Employment Standards Act applies.

These are the people who don't have an effective bargaining agent to speak and negotiate on their behalf, and as a consequence the rights that they have must be laid out in legislation. Too often in unorganized situations, the minimums become the maximums. That's not true where you have organized labor bargaining on behalf of the people. The Employment Standards Act simply becomes the threshold on which the whole collective bargaining process builds an infrastructure of agreements, in everything from holidays to pension plans to wages, what have you. But we're talking about the 60 per cent of the people who don't belong to organized labor.

Mr. Speaker, the minister talks about one of the objectives of The Employment Standards Act being to include regulations which are now under The Alberta Labour Act and put them in the form of specific legislation. I don't quarrel with that in principle. What I do quarrel with though, is that it seems to me what we've done is taken old regulations and simply put them in legislative form. In my judgment some of the provisions of this Act simply aren't good enough for the 1980s.

Let me begin outlining what I mean by that by referring to a position paper that was obviously prepared by the department. It's under the auspices of the minister, August 21, 1980. It deals with a number of proposals. I'd just like to take a moment and outline some of those proposals. On page 4 of this particular document we have the extension of labor standards to include agricultural and domestic workers. We're going to do that now in the area of wage recovery, and that's certainly a step in the right direction; I fully support it. But the proposal on page 4 also deals with vacation pay, general holiday pay and, the two areas the minister mentioned, notice of termination and wage recovery. So we have moved back somewhat from the position paper of August 21, 1980.

Then we get into hours of work. Again if we look at this document, we'll see that the basic work week will be eight hours per day, 40 hours per week. In the legislation we have before us, that's now 44 hours before any overtime can be paid. An employer may require an additional four hours per week without employee consent; that's now up to 48 hours per week. All hours beyond 44 must be worked voluntarily except in emergency situations; that's now up to 48 hours.

So what has happened is that something occurred between August 21, 1980, and the introduction of this legislation which has in fact rolled back at least some of the changes that one might reasonably have anticipated we'd be making. Certainly if we're going to move from regulation to legislation, one would expect an improvement in the basic rights of working people who aren't organized. Again I make the point that where you have strong unions, we're not going to be worrying about this, because they'll look after their members; they usually do. The problem is with the people who aren't organized and have to rely on the legislation we pass in this House to give them reasonable employment standards.

I've mentioned the change from 40 to [44] hours. In most cases, although there'll be the provision for flex-time, this is going to mean basically a six-day week for many people who aren't organized. Section 32 of the Act concerns me as well, because we set out \$3.50 an hour as the minimum wage. I must confess that in this day and age, \$3.50 an hour is not a very generous minimum wage.

But the concern I have about Section 32 of the Act is that, under the terms of this legislation, if the person is handicapped we can reduce the minimum wage below \$3.50 an hour. Now this is a kind of affirmative action in reverse, Mr. Speaker, which in my view is clearly inconsistent with The Individual's Rights Protection Act. There was a lot of discussion in this House last spring about the improvements we were making when we modified The Individual's Rights Protection Act, a lot of ballyhoo about what we were doing for the handicapped. Yet in Section 32, we have a situation where an employer can pay an individual at a wage less than the minimum wage if that person is handicapped. After the problems which occurred at the CNIB a little over a year ago, surely we should be insisting that the handicapped should be paid the minimum wage, especially if the minimum wage is as low as \$3.50 an hour.

I want to deal with Sections 33 to 40, which deal generally with the question of vacations and vacation pay. Again, Mr. Speaker, compared to other provinces, we certainly aren't moving very far or very fast. As I read the Act, a person can be made to work — this would be the extreme case; normally they would work a year before they would get two weeks — for one day less two years before they would be eligible. That would be the extreme case; I want to underline that. But again we're not dealing with a situation where it's the United Steelworkers versus McIntyre Porcupine in Grand Cache, but where it's Mrs. Jones working at the minimum wage in a community where the only protection she has is this piece of legislation. As I read the Act, it's one day less two years before Mrs. Jones is guaranteed a holiday. Beyond that no matter how long a person works for an employer, the minimum provision is two years. Mr. Speaker, we all know that we get three weeks, four weeks, even more than that, as a consequence of collective agreements. But again, at the risk of being repetitious, it's important to come back and make the point that with respect to holiday pay, minimum wage, and all other labor standards, this piece of legislation will set out the minimum rights for people who don't have somebody who is strong and effective in the bargaining place to speak for them.

I would just say to the minister: why did we not look at other provinces where, after a period of several years, three weeks vacation is provided? It's not affecting adversely the economies of these other provinces. It seems to me, Mr. Speaker, that considering the boom and the wealth in this province of ours today, it is not unreasonable to expect wages based on a holiday pay supposition of at least two weeks. We have a situation where the disparity between our unorganized workers and the people in a union will grow even larger. I would say to the minister: why did we not have a commitment to a better holiday pay provision if we're moving from regulation to putting this kind of standard in statutory form? Why did we settle for something that clearly is inadequate? I see no provision for meal breaks or rest periods. How does that square with our health and safety legislation?

I want to deal briefly with the issue of farm workers and domestics. The legislation has been changed to include notice of termination and wage recovery. That's a step in the right direction. But why not vacation pay? Why not general holiday pay as was recommended on page 4 of the document? The minister says that that would interfere with the close, almost family relationship. It seems to me that when we're dealing with the rights of people we have to set out certain standards. No question, the government feels they have a bit of a political

problem on this front. But I suggest that we're going to have to look at workers' compensation for farmers, not only for employees on a farm but farm family members. At least as a result of the select committee report, we now have an effort being made to awaken an interest among the agricultural community on this important question. Perhaps there is a little bit of self-interest there because farmers, especially the more business-oriented farmers, are quick to realize that if they don't have some kind of insurance protection, workers' compensation or at least some other private insurance protection, they can be sued. With some of the settlements now in the courts, it pays to have protection. As we move to an agriculture in Alberta that is more business oriented, it seems to me it is not unreasonable to expect that employees on the farm have reasonable entitlements as far as employment standards are concerned.

One can argue the case in respect to agriculture. As I've mentioned, I've concluded that we should move in that direction. I find it absolutely incredible to understand why we've ever had any problems with domestics. By and large, domestics are employed by higher income people, and I have never been able to fathom why domestics are not given the same rights as anybody else. The best argument we can come up with — and I sometimes wonder if the minister really agrees with it himself, because according to this document of August 21 he didn't seem to; he seemed to have a different view at that time. But I really wonder if we can argue in 1980 that domestics who, by and large, are employed by high income people should not have the basic protection of The Employment Standards Act. Saying that we have this nice, happy, close, almost family working relationship is not the substitute for basic rights that should be contained in legislation.

Mr. Speaker, a number of other areas might be examined. The question of clarifying the status of employer deductions, the question of flex-time; I think that really cuts both ways. I could see some advantage in a certain amount of flexibility, and I'm open-minded on that particular question. I can also see potential for abuse. Again it's not going to be potential for abuse where you have a fairly strong organization representing the workers. If you're talking about the chemical workers union, there is no problem with flex-time there because they'll make sure it works out to no detriment on the part of the employees. But again we're talking about the situation of people who are not protected by anything other than the legislation we have before this House.

I would just conclude my remarks on Bill 80, Mr. Speaker, by saying that while the move towards codifying in statute what was formerly in regulation is laudable in theory, it would be an awful lot more laudable if we moved beyond the early 1940s in terms of our thinking and standards, and insisted on standards comparable at least to other provinces in the 1980s. While the provision for the recovery of wages and the flexibility with respect to provincial judges as umpires perhaps have some merit, I still think we should be more insistent on more contemporary standards with respect to minimum wages, hours of work, and holidays.

I conclude with this point again, Mr. Speaker. I really think this incredible Section 32, which allows us to pay less than the minimum wage to the handicapped, is wrong. It's just basically wrong. It's completely inconsistent with everything we've said in this Assembly about human rights and in the individual's rights protection debate last spring. To allow that kind of bargain base-

ment approach when you have a \$3.50 minimum wage in the first place, is just completely wrong in my judgment. When we get into committee stage at least, I think we should be looking at amendments to that particular section.

MR. GOGO: Mr. Speaker, I'd like to make a comment or two about Bill 80 on second reading. I couldn't help but observe the Member for Spirit River-Fairview speaking about minimum wages. I don't pretend to be that knowledgeable about labor across Canada, but my understanding is that the two provinces that have the highest minimum wage also happen to have the highest unemployment in Canada. I often wonder if there's not a great significance between the two. My experience, although very limited — I know a small grocery store owner who has had to pay the minimum wage. Where three or four years ago he had three widows working several hours a day, he's now had to reduce that to one, I think, thanks to this government in terms of upgrading labor standards.

Be that as it may, the one point I want to comment on that is long overdue is an area in Bill 80 that covers what I think is a significant number of Albertans. I'm pleased to see this government is now in step with other jurisdictions. I'm referring specifically to the third-party demand for wages. I believe there are a great number out there who we would term fringe employees, who for whatever reason are not organized, unionized, or 'associationized'. They're not doctors, lawyers, or Indian chiefs, but they seem to fall between the cracks. I would term them casual labor. They work for a variety of employers. Those employers know how to work the system, and indeed they are working the system. In speaking to Labour Department people in my constituency, I was shown, not in detail, the size of the files, great huge files of investigations they had done on behalf of complaints by employees who had not been paid. Mr. Speaker, I believe the third-party demand we have included in Bill 80 will go a long way toward resolving these things. I was interested in the Member for Spirit River-Fairview saying it just might help. Well, there's no question in my mind at all that when we have a judge of the provincial court of Alberta as an umpire, it's not only going to help but it's going to work.

So I would certainly endorse Bill 80. Thank you, Mr. Speaker.

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

HON. MEMBERS: Agreed.

MR. YOUNG: Thank you, Mr. Speaker. I appreciate the comments from my colleague from Lethbridge. Of course I would have to appreciate the plaudits from my colleague from Spirit River-Fairview. I have to take some issue, though, with the persistent practice which seems to be about, to refer to the document he says he has, dated August 21 or 23, I'm not sure which, as a set of recommendations. If there is one thing I tried to emphasize last Friday before this Legislature, it was my view that a more useful debate to those participating in it — the public, employees, and employers of this province — could be had if, subsequent to the review of the recommendations made by the 90-plus various parties to department officials and me, and a review of the concerns from a departmental point of view, trying to do the best

we could for the employees and society in Alberta, we advanced some propositions which could be considered for debate when we met with the respective parties.

As I indicated, this would mean they could focus on what we thought was important and on what the groups who wished to make representations to us felt was important. No matter how I describe that process, it seems my hon. colleague persists in redirecting it to a different end, for different purposes. While that is a good game, it nevertheless causes me to wonder if sometimes, in the effort to be as fair and even-handed with all concerned as I can, I haven't created some problems for myself in the ability of people to redirect the shape I had thought we were trying to achieve.

Having identified that we do not agree on the interpretation of the process and procedure that was followed, I'd like to reflect on a couple of the observations that were made. First with respect to the provisions for exemptions from minimum wages or working conditions, in this instance for the handicapped: that is not a new provision. Regrettably, however much we might wish in this Assembly to make it otherwise, we are talking about meshing the world of social concern with the world of economic reality, and that is very difficult. If we are going to come to that particular question, as I see it we are faced with the decision of whether it is better to have some people actively engaged in a contribution for which they feel they can take credit within the limits of their capacity relative to the real world, or not to do that at all and, regrettably, to engage them in make-work projects, occupational projects, or whatever. This legislation doesn't address how far we can go in that respect. It simply sets up a vehicle by which the exemption could be made if it was a desire to make it.

The debate will go on and will have to be addressed in a different context, in a different way, as the hon. Member for Spirit River-Fairview knows. But it is a fact that we have a good number of people in our society who through no fault of their own, and I believe I can safely say through no fault of ours, are unable to contribute to the degree that the market place, putting a value upon their contributions, would suggest is competitive with others. It is clear, and we strive very hard in the Department of Labour, in conjunction with the officials of Social Services and Community Health, to make sure there is no abuse of that provision. It is equally clear that there have been situations where people were kept in a training program too long, where the program wasn't sufficiently defined, and perhaps in a program where the hard truth wasn't brought home. People were allowed to remain in a training program, in a training mode, rather than saying to them, you're not succeeding in this program. That has created some illusions and problems, which have been reflected upon by the hon. member.

The other point I think should be made is that we are indeed dealing with minimum employment standards here; no question that these should be interpreted as the employment standards that we'd like to see. The fact of the matter is that we discovered there are quite a few people working 44 hours a week. Our surveys indicate that. Those people would be impacted by a change to 40 hours per week. Regardless of whether that would be our preference or not, that's a fact.

The hon. member has also reflected on agricultural and domestic workers. I don't think I can add anything further to what I already said in my opening comments on those two groups of persons. In my judgment, the fact is we either are going to distinguish very sharply a different

form of employment relationship from that which prevails now — and for those of us who think that is better, that is clearly the direction we would like to go; those of us who think there are substantial benefits and advantages to employees in that situation now, will opt to stay in the format and procedure that we have respected in terms of this legislation.

But I do not believe it is possible to get into the business of close counting of hours in the relatively unstructured framework that prevails in a domestic employment situation or an agricultural situation. As we all know, in agriculture the weatherman is a very significant dictator of what kind of employment is involved, and whether there's a half day off, three hours off, or whether it's a longer day. If we're going to go into the process of counting those hours rigorously, daily and hourly, in my view we are going to change substantially a relationship which has prevailed for a long time in a very basic industry of this province. I think it's a simple judgment which has to be made, but it's a judgment that tips us in one direction or the other.

Mr. Speaker, I believe that covers the main comments I wanted to make in summary. I would urge all members to support second reading of Bill 80.

[Motion carried; Bill 80 read a second time]

Bill 82

The Alberta Government Telephones Amendment Act, 1980

DR. WEBBER: Mr. Speaker, I move second reading of Bill No. 82, The Alberta Government Telephones Amendment Act, 1980.

The amendments to this Bill will allow AGT to participate in the development of products and services that are needed by its customers throughout Alberta. It will also assist in diversifying our economy in Alberta through such actions as joint ventures of AGT with the private sector where specific research and development of manufacturing opportunities exist. Finally it will allow AGT to participate in telecommunication opportunities outside Alberta; for example, in international consulting.

I'd like to make just a few comments about AGT and the telecommunication industry which will lead to the reasons for these amendments, Mr. Speaker. At the end of 1979, AGT had some 11,000 employees in Alberta, a total plant investment of about \$2 billion, and annual operating revenues of over \$500 million, with an annual growth rate of about 20 per cent. In the past year, we have added members to the AGT Commission. These members have been businessmen from the business community, and I think are making a very valuable contribution to the commission with regard to the input they give.

AGT is now growing so that it is about the third largest telecommunications carrier in the country, after Bell Canada and B.C. Telephone. It provides a number of services to Albertans, not only the long-distance services to all Albertans and the local exchange services to about two-thirds of the population. A number of other services include various types of data communications and terminals, public mobile telephone services, and the mobile telephone systems designed to meet particular needs of customers; also a year ago instituted, in a trial way, the air-to-ground telephone service in the Red Deer area, and now will be expanding that operation next year to cover the entire province; also the province-wide paging, these little beepers that people can use to get in contact with

each other and address the telephone network. In addition AGT provides transportation of television signals for broadcasters in Alberta, and is involved in public address systems such as the sound system here in the Legislature.

With regard to these services, AGT rates are regulated by the Public Utilities Board in Alberta. Because of its tradition of having a monopoly in many areas, it has been regulated by this particular board. However, several years ago the Public Utilities Board divided the services that AGT provides into two categories, one being basically the competitive services, the other the non-competitive services. For example, the rental of telephone sets in business and residential homes is a monopoly in the non-competitive area, and the sale and the rental of the mobile telephone sets are in the competitive area, since other companies sell and rent mobile units.

Several years ago, the Public Utilities Board decided it would regulate the non-competitive or monopoly services, but not the competitive services. However, AGT would have to provide annually a contribution test, as it's called, to show the PUB that the non-competitive services, the monopoly area, were not being used to enhance their ability to compete in the competitive areas.

Mr. Speaker, the whole telecommunications industry is changing very rapidly. Competition throughout North America is increasing. The trend has been that it occurs in the United States first — less regulation, more competition — and gradually comes into Canada. A recent example of this is the CRTC decision which ordered Bell Canada to get out of the terminal set rental business and allow competition for the sale of telephone sets to both residences and business customers, I believe.

The long distance area in the United States and the more lucrative runs between the major population centres are becoming more competitive. Recently in Alberta, with the Public Utilities Board inquiry into the provision of certain types of telecommunication services, there was participation by a company from outside the country which was interested in providing long-distance services between Calgary and Edmonton.

Mr. Speaker, I think competition in any industry is good. AGT receives about two-thirds of its revenues from long-distance tolls. Local exchange revenues make up almost all the remainder. Local exchange services are provided throughout the entire province, even in those areas where it's not profitable for AGT to provide those services. Competition is fine; however, the competitors will primarily want to get involved in the lucrative runs between, say, Calgary and Edmonton primarily.

In addition, another trend of the industry is for computer and communications technologies to become more blurred, to the point where there is little difference between computers and the digital switching equipment AGT uses.

A number of telephone companies in North America are adapting or reorganizing in order to operate in this increasingly competitive environment. For example, in Canada CNCP now has three operating entities: two telephone companies, North West Telephones and Terra Nova, and of course their long haul carrier, CNCP Telecommunications. B.C. Telephone has set up subsidiaries in research and manufacturing. AGT has established what it calls profit centres, Altel Data and Mobile Communications. As time goes on, AGT will continue to review its role in the competitive environment in which it finds itself.

With regard to opportunities, and getting around to the reasons for the recommended changes in the Bill, I be-

lieve there are opportunities for economic diversification into the high technology area in our province. As I mentioned before, the 11,000 employees AGT has are highly qualified, highly skilled people. Combining their expertise with the research capabilities of our universities, the Alberta Research Council, and the private sector companies like Northern Telecom, which has recently come into Alberta, I think we can help develop a high technology industry in Alberta in telecommunications.

One example of where AGT has become involved in a small way is a company called Westech. AGT has gone together with two Canadian companies, International Systcoms and AES Data, and they are developing and designing a mobile telephone system to meet the future needs of AGT's customers. Anyone who has tried to get on a channel with a mobile telephone will know how difficult it is at times. In several years this whole network will be obsolete, in the sense that there won't be enough channels for people to get on. So with this new telephone system being designed, the number of channels will increase and make it easier for mobile units to get in touch with other mobile units and into the general network.

Mr. Speaker, I also mentioned that one of the amendments in the Bill will allow for consulting services. I think if AGT were allowed to get involved in a joint venture way with the private sector in international consulting, in the long run this would promote the sale of equipment and services developed right here in Alberta.

Mr. Speaker, the role of AGT is, first of all, to provide basic telephone services throughout the province. In addition I think it's important that AGT be given the opportunity to assist us in developing the high technology industry in Alberta. That's the direction in which these amendments lead us. I hope hon. members will support this legislation.

Thank you.

[Motion carried; Bill 82 read a second time]

Bill 83

The Court of Queen's Bench Amendment Act, 1980

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill 83, The Court of Queen's Bench Amendment Act, 1980.

Mr. Speaker, the Bill achieves two things. One is to increase the number of judges on the court in order to accord with its present size. The court has grown over the years, a direct reflection of the very considerable amount of additional work it has taken on. Of course the biggest single increase was a result of the merger. But even taking into account the size of the court when it was two separate courts in the sense of the district court and the trial division of the Supreme Court, and totalling the numbers of judges in those cases, it has grown significantly from those combined figures.

The other aspect of this proposal, Mr. Speaker, is the associate chief justice of the Court of Queen's Bench, who would be named as a result of a choice by the chief justice and would be available as an administrative back-up to the chief justice, who finds that with the court at its present size the administrative responsibilities are very considerable. The chief justice believes that an associate would be able to continue to sit as a judge, would not have to spend all his time on administration, but it would be for the general benefit of the court to have some help in that regard.

Mr. Speaker, those are the only two matters involved in this Bill, and I would urge hon. members to support it.

[Motion carried; Bill 83 read a second time]

Bill 86
The Pension Fund Act

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill No. 86, The Pension Fund Act. Insofar as this Bill involves a considerable amount of money and involves important principles, I'd like to spend a few minutes highlighting those principles.

The basic thrust and the main purpose of the Bill is to strengthen Alberta's long-term finances and reduce what would be a massive liability facing Alberta taxpayers in the late '80s, '90s, and the years beyond that. Members will recall that the province of Alberta administers and guarantees six pension plans. Three are our own, and three are on behalf of other public employers. It guarantees but does not administer the Teachers' Retirement Fund.

Of course there is a separate fund for the Teachers' Retirement Fund plan, but no separate fund exists for any of the six provincially administered plans. At the moment the contributions of provincial public employees are simply paid into the government's current daily operating account, the General Revenue Fund. For its own plans, then, at the moment the government makes no contribution as an employer. This Act would change that. For the three plans which are administered for others, the employers contribute a sum at least equal to that of the employees.

In 1980, Mr. Speaker, the contributions of the employees cover the benefits paid. Recognizing that, at the same time we are accumulating a huge, unfunded liability which will be paid by future generations. That liability is the cost of pensions that future taxpayers will be obliged to pay. If we don't have a pension fund, which is the purpose of this Bill, the moneys would have to continue to come from the General Revenue Fund.

Without any funding of this kind, the taxpayers in the years ahead would have a significant burden. I might add that that could be very substantial, given the projected shifts in the age structure of the province's population. We all know that those projected shifts indicate there will be a larger percentage of older folk in the province as the years go by; therefore the potential pension liability will be larger as well. So this Bill reduces the government's potentially very huge future pension liabilities.

I might note that the government requires the operators of all private pension plans in Alberta, pursuant to legislation under the administration of my colleague the Minister of Labour, to set aside assets in a separate investment fund to meet the full cost of pensions.

A further consideration with respect to this Bill is that in future, when the province needs to borrow on the open market — and that day of course is inevitable, although we hope it will be as far away as possible — better rates will be possible by reason of having a pension fund such as this, and the province's credit rating will be of a higher calibre, so it will be less costly to borrow.

The amount of money, the suggested \$1.1 billion, is a rough estimate. It is an estimate of the amount that might be in a hypothetical Alberta pension fund if we had had an employee and employer contribution history deposited in a pension fund over past years. That is what the figure of \$1.1 billion essentially represents. I might mention that

some actuarial studies have yet to be completed with respect to some aspects of the six plans involved. When those are completed, we will know the total liabilities facing us.

The new pension fund will be invested by the government through the Department of the Provincial Treasurer, and I believe it represents sound financial management and will preserve the budgeting integrity of the province.

Mr. Speaker, to skim very briefly the highlights and principles of the Bill, it establishes for the first time a fund which is maintained separately. The amount of \$1.1 billion can be transferred in the form of cash or other assets. The income of the pension fund accrues to and forms part of the fund, in the same way that the income of the Heritage Savings Trust Fund is a credit with respect to the growth of that fund. The powers of the Provincial Treasurer for investment of the fund for the benefit of pensioners are essentially those of the private sector pension fund trustees. Those are the sections which relate to the kinds of investments that may be made. They are slightly larger in scope than the investment discretion found in other provincial statutes, yet do provide for the opportunity to maximize the return for the pensioners in future years.

The pension Acts involved — and I would stress that they would all be pooled into one account — are the six Acts noted in paragraph 5. Further sections make it very clear that the government is a guarantor of the payments to come out of the fund, in the sense that if at any time in future years the moneys required to pay pensioners are not available from the employee/employer contributions, they must come from and be made up by the General Revenue Fund. So through the General Revenue Fund, the government of Alberta remains a guarantor of the payments of the fund for future pensioners.

Other sections deal with the fiscal year, April 1 to March 31, and the requirement of an annual report. Further aspects deal with necessary consequential amendments to the six Acts relating to the pension boards and pension areas which are dealt with in the Act.

Mr. Speaker, I would be happy to answer any questions in closing debate on second reading.

[Motion carried; Bill 86 read a second time]

Bill 87
The Ground Water Development Act

MR. STEWART: Mr. Speaker, I move second reading of The Ground Water Development Act. It replaces The Ground Water Control Act that was previously in force. The regulations of The Ground Water Control Act and The Ground Water Development Act are to regulate the water-drilling industry and control of flowing wells. It does not deal with the diversion and use of ground water.

I think this Act is going to be very acceptable to the industry, because it recognizes several problems the other legislation did not properly address. This new legislation will bring the control of this Act under a director who can be designated by the minister. Under the previous legislation, the controller who was responsible for The Water Resources Act was also the controller of The Ground Water Control Act. The misinterpretation by people in the industry led to a certain amount of confusion as to the jurisdiction of each piece of legislation. Under the same controller, there were often needless delays because of seeking administrative approval of the

different regulations as they applied to the two pieces of legislation.

The new Act will eliminate the need for permits for individual wells and will licence drilling rigs. The operation of these drilling rigs, once they're properly licensed, will not require the operator to carry any particular licence. As in the previous legislation, a person is still able to drill a well on his own property for his own use with a drilling rig that is not licensed, but would not allow a developer *per se* to buy a drilling rig to drill several wells on a piece of subdivided land, then dispose of the machine. It would not allow that type of operation to be legal.

Any infractions of the legislation will be dealt with through the courts. A driller who has lost his licence for one reason or another can make an application and have an appeal heard by an appointed board that will reconsider his case and, in the event of this happening, could forego any legal costs.

One other thing this Act provides for is the designation of problem wells, flowing wells that have been left unattended or for some reason are not being properly managed. This Act that would make it the responsibility of the person who drilled the well to bring the well under control. If not, the director could designate someone to bring the well under control and charge the expense to the people responsible, if he deemed it necessary.

Mr. Speaker, I think it's a piece of legislation that will be well accepted by the people in the industry, and I recommend it to this Legislature.

[Motion carried; Bill 87 read a second time]

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

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

[Mr. Appleby in the Chair]

MR. CHAIRMAN: The committee will please come to order. We have certain Bills for consideration.

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

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

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill 59 be reported.

[Motion carried]

Bill 61 **The Reciprocal Enforcement** **of Maintenance Orders Amendment Act, 1980**

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

[Title and preamble agreed to]

MRS. FYFE: Mr. Chairman, I move that Bill 61 be reported.

[Motion carried]

Bill 64 **The Motor Vehicle Accident Claims** **Amendment Act, 1980**

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

[Title and preamble agreed to]

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

[Motion carried]

Bill 65 **The Rural Electrification Revolving** **Fund Amendment Act, 1980**

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

MR. R. CLARK: Mr. Chairman, I wonder if I might take the opportunity to ask the minister if he could give us a bit of an update of the result of recent meetings the minister has had with the REAs. I note with considerable interest that during the past summer the minister outlined to the REAs a number of alternatives that the government was looking at as far as power in this province is concerned. While this legislation is before us, I think it would be appropriate to ask the minister for an updating as to where we sit, or more aptly, where do we stand? If I recall the minister's remarks on that occasion, he talked about a number of options, various scenarios the government could look at. I think it would be very helpful to members to find out where we are now on this whole question of power in the province.

One of the options certainly was that the government would in fact end up being much more actively involved in the power business in this province. One of the legitimizing reasons used by the minister and his staff was that with the changes in federal government taxation policies, it may well call for the government to have a whole new look at this area. What's the present state of the art?

MR. SHABEN: Mr. Chairman, since the hon. Leader of the Opposition referred to comments made at the annual meeting of the Union of Rural Electrification Associations in Red Deer this summer, I had outlined to the union some of the considerations that had been undertaken by me and the department in examining the entire electric utility industry in the province. As it relates to the Union of REAs, we have continued our discussions with the Rural Electric Council which, as hon. members are aware, is made up of eight members of the Union of REAs, two representatives from the electrical utility companies, and two from the department. We've continued discussions with the Rural Electric Council on how we might improve the service to rural farm users who are members of REAs. We haven't concluded our discussions. We've discussed a number of options as they relate to REAs only. When speaking to the union in Red Deer, I spoke in general terms of possible alternatives to deal with the entire provincial integrated electric utility

system, not specifically as they affects the REAs.

Progress since that meeting has been minimal. We're continuing to examine the various options, but no decision has been taken.

MR. NOTLEY: Mr. Chairman, I wonder if we could just take a moment and examine where we stand in a little more detail. Last spring at that particular convention, the proposal that I believe had been advanced by the council, which was that the REAs would be sold to the power companies, was turned down. But as I recall, a resolution was passed that talked about setting up an agency which would in fact represent all the REAs in a new form of bargaining with the power companies. I wonder if perhaps the minister could be a little more specific on just where things stand on those options, which were the result of a good deal of heated discussion at the union convention, as I recall.

MR. SHABEN: Mr. Chairman, subsequent to the meeting in Red Deer that has been referred to, discussions have been held with the Rural Electric Council. It should also be noted that prior to that meeting, about 70,000 letters were mailed by the Rural Electric Council to farm users — not just REA members, but non-REA farm users of electrical energy — inviting users to respond to the proposal by the Rural Electric Council, either to the Rural Electric Council or to me. We've received a number of responses to that letter that described their proposal, and about 65 per cent of the respondents favored the proposal. It is interesting that at the annual meeting of the Rural Electric Council the proposal was turned down. But that's not surprising, in view of the fact that there are 351 rural electric associations in the province and about 120 were represented at the meeting.

So it's difficult to assess what sort of position the rural electric user has with either proposal, whether it's one that was presented at the union meeting or one that was proposed by the Rural Electric Council. It's a difficult thing to gauge. That's the reason, Mr. Chairman, that it's not yet possible for us to be conclusive on the kind of action we might take with respect to either rural electric users or the entire system.

MR. NOTLEY: Mr. Chairman, does the minister have any figures on the number of REAs that in fact have sold out to the power companies? This process has been proceeding, and the number of REAs is dwindling gradually as REAs make the decision to sell on an individual basis. Presumably that process is still taking place. Do we have any compilation of the number of sales that have occurred, for example, in the last year?

MR. SHABEN: Mr. Chairman, at the beginning of the year there were 355, and there are now 351. That is not as a result of sales, but of an amalgamation in the Athabasca area. I would have to look closely at the number of miles of line that have been sold rather than the number of REAs that have sold out, or a combination of the two. I don't have that information at my fingertips. I could obtain it for the hon. member. But during the course of this year, none have sold out. The reduction is the result of an amalgamation.

MR. NOTLEY: Mr. Chairman, just to follow along for a moment. Now that the REA annual convention has turned down the proposal sent out to the users in the province, what consideration is being given to the resolu-

tion that was carried from last June, if my memory serves me right, which was to create an agency of the REAs themselves which would then bargain not as one REA with the power companies but as a whole group, through an organization somewhat along the lines of the resolution put by the now Minister of Municipal Affairs in the House in 1972? What discussion, if any, has taken place in the Rural Electric Council on the motion that in fact was finally passed by the REAs? Is the government favorable to that proposal? Also, where does the government sit on the question of a new master contract that would be negotiated on behalf of all REAs?

MR. SHABEN: Mr. Chairman, it's really difficult to deal with any sort of resolution that comes out of an annual meeting of the union of REAs. The reason I say that is that though the membership rejected the proposal of the Rural Electric Council, the respondents who wrote to me and the council, after being invited to do so by way of direct mail to every rural user, were about 65 per cent in favour of the proposal rejected at the meeting. So it's difficult to judge when you have approximately 70,000 rural users of farm electricity and get a sampling of 200 people at an annual meeting representing less than half the REAs. I don't feel comfortable in moving on a recommendation made in that way. We want to be certain before we move on either the proposal the hon. member refers to or any resolution of the Rural Electric Council. Incidentally, since that annual meeting the Rural Electric Council has done a considerable amount of work and modified its proposal, which I received only a short while ago and am now considering.

MR. NOTLEY: Mr. Chairman, I'll just ask one more question. The minister indicated that the response from the mailout was about 65 per cent in favour of the proposal of the Rural Electric Council. Is the minister able to give the committee the total number of responses that were received, in both the minister's office and the Rural Electric Council?

MR. SHABEN: I don't have the precise number, but it was approximately the same number of respondents as attendants at the annual meeting of the union of REAs. That's what makes it more difficult.

[Title and preamble agreed to]

MR. SHABEN: Mr. Chairman, I move that Bill 65, The Rural Electrification Revolving Fund Amendment Act, 1980, be reported.

[Motion carried]

Bill 66
The Students Loan Guarantee
Amendment Act, 1980

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

[Title and preamble agreed to]

MR. HIEBERT: Mr. Chairman, I move that Bill No. 66 be reported.

[Motion carried]

Bill 67
The Students Finance
Amendment Act, 1980

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

MR. HORSMAN: Mr. Chairman, on behalf of my colleague the Member for Edmonton Whitemud, who unfortunately is unable to be here with us this evening, I would like to reply to a question that was raised in second reading with respect to the make-up of the students finance appeal committee, and point out to members of the Assembly that those committees also have provision for student membership on them. But those committees are not directly affected by the provisions of this particular amendment to The Students Finance Act. I think that was a question posed by the hon. Leader of the Opposition. But I want to assure members of the Assembly that that particular provision is also being met by receipt of nominations from various student organizations or the general public. Of course, we will continue to maintain that.

I might point out to members of the committee that the present make-up of the student appeal committees is restricted to Edmonton, Calgary, and Lethbridge, because those are the sites of the three universities. I am presently considering the possibility of extending those committees into other areas, so it will not be necessary for students to travel or make representations from more distant places in the province. But that really is not part of the amendments before the committee tonight.

MR. R. CLARK: Mr. Minister, might I ask what kind of success the Students Finance Appeal Board has been having? Members on both sides of the House receive considerable representation from students in this area. There was a period of time when that portion of the Act wasn't proclaimed. What's the state of the Students Finance Appeal Board now?

MR. HORSMAN: I should correct something I said earlier. This Act will have an amendment, Section 4, which will authorize us to proceed with a more definitive position for the student finance appeal committees. They have been operating very successfully. It's my understanding that approximately 80 per cent of the appeals by students to those particular committees have been resolved in favor of the students, either in whole or in part. So I would say that they are working very well and that subsequent to the passage of this Act we will be able to make regulations that may, as I indicate, permit us to extend the operation of those committees beyond the three communities of Edmonton, Calgary, and Lethbridge.

In answer to the hon. Leader of the Opposition, Mr. Chairman, the success rate is in the neighborhood of 80 per cent insofar as the students are concerned.

MR. R. CLARK: Thanks. One of the other concerns we've had deals with student representation on the board. Not having looked at this piece of legislation perhaps as closely as I should have, is the minister in a position to give us some assurance that even though it is not mandated legislatively, that there be at least one student on these boards, if I recall the legislation accurately, I take it that it is the practice the minister is following, and with the expansion of the boards into areas outside Edmonton

and Calgary, that practice of appointing at least one student to the appeal committees will continue.

MR. HORSMAN: Yes, Mr. Chairman, I can certainly indicate that. As a matter of fact, the student membership is two at the present time, and we would like to keep it at that level. I would indicate that we would either add to the number of appeal committees in existence or mandate the appeal committees to do some travelling. That may in fact be the best way of approaching it. We haven't resolved that at the present time. But in any event there is no question that the principle of ensuring student representation on the Students Finance Board itself, which is now enshrined, assuming this legislation receives the approval of the Assembly, we will of course extend the same principle to the appeal committees.

[Title and preamble agreed to]

MR. HORSMAN: Mr. Chairman, on behalf of my colleague the Member for Edmonton Whitemud, I move the Bill be reported.

[Motion carried]

Bill 68
The Agricultural Societies
Amendment Act, 1980

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

[Title and preamble agreed to]

MR. SCHMIDT: Mr. Chairman, I move that Bill 68 be reported.

[Motion carried]

Bill 69
The Irrigation Amendment Act, 1980

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

[Title and preamble agreed to]

MR. THOMPSON: Mr. Chairman, I move that Bill 69 be reported.

[Motion carried]

Bill 70
The Agricultural Statutes
Amendment Act, 1980

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

[Title and preamble agreed to]

MR. CAMPBELL: Mr. Chairman, I move that Bill No. 70 be reported.

[Motion carried]

Bill 71
The Natural Gas Rebates
Amendment Act, 1980

MR. CHAIRMAN: There is an amendment to this Act. The amendment has been circulated. Are there any questions or comments with regard to the amendment?

MR. NOTLEY: Can we have an explanation?

MR. SHABEN: Mr. Chairman, certain amendments were distributed to hon. members this morning. During second reading I described the purpose of the amendments which I had proposed to bring forward during committee study. Unfortunately, some members of the Assembly weren't here when that description was made, so perhaps I might repeat it.

The three major principles in Bill 71 were to establish in statute the rebate formula to provide price protection to Albertans through until March 31, 1985; to establish a statutory fund from which rebate payments would be made and to establish the formula upon which the rebates would be calculated; and for the first time to provide rebates for fuel oil and propane to Albertans who don't have access to natural gas. The amendments, that I think all members now have before them, make significant modifications to those amendments. The reasons for these amendments result directly from the introduction of the federal budget on October 28.

There are two reasons. One is that the federal budget and the national energy program make it difficult for us to determine the Alberta border price because of conflicting provincial and federal legislation. This amendment would allow us to revert to our previous practice of setting the support price by order in council. We also remove the formula for calculating that support. It was that rebates be paid on the basis of anything above 65 per cent of the Alberta border price. We have taken that provision out to increase flexibility in our legislation. The other provisions of the amendments remain the same.

[Title and preamble agreed to]

MR. SHABEN: Mr. Chairman, I move that Bill 71 as amended be reported.

[Motion carried]

Bill 72
The Department of Transportation
Amendment Act, 1980

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

[Title and preamble agreed to]

MR. KROEGER: Mr. Chairman, I move that Bill 72 be reported.

[Motion carried]

Bill 76
The Rural Gas Amendment Act, 1980

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

[Title and preamble agreed to]

MR. BATIUK: Mr. Chairman, I move that Bill 76 be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports the following Bills: 59, 61, 64, 65, 66, 67, 68, 69, 70, 72, and 76. The committee also reports Bill 71 with some amendments.

MR. SPEAKER: Having heard the report, do you all agree?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, tomorrow evening it's proposed to continue with committee study of certain Bills. I know there's some anxiety about the timing of the study of the liquor Act, and if some additional time is required we could certainly discuss that. But a number that were given second reading today might go to committee tomorrow, if there's no objection, and The Labour Relations Act and possibly The Liquor Control Act.

[At 10:05 p.m., on motion, the House adjourned to Tuesday at 2:30 p.m.]

