

LEGISLATIVE ASSEMBLY OF ALBERTATitle: **Friday, May 29, 1981 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

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

MR. KNAAK: Mr. Speaker, you will recall that yesterday, as chairman of the Private Bills Committee, I gave a report with respect to the procedure on certain Bills. Today I would like to move that that report be approved and concurred in by the House.

MR. SPEAKER: As hon. members are aware, this motion could be debatable. If it is dealt with without debate, we can deal with it now. If it needs to be debated, of course it would have to be put on the Order Paper.

[Motion carried]

head: TABLING RETURNS AND REPORTS

MR. SCHMIDT: Mr. Speaker, I would like to table the 1980 annual report of the Farmers' Advocate.

MR. COOKSON: Mr. Speaker, I'd like to table Motion for a Return No. 123, asked for by the Member for Clover Bar.

MR. ADAIR: Mr. Speaker, I'd like to file with the Legislative Assembly the West Central Alberta Tourism Destination Area Study.

head: INTRODUCTION OF SPECIAL GUESTS

MR. MOORE: Mr. Speaker, it is my pleasure this morning to introduce to you, and through you to the members of the Assembly, a number of students from the Smoky River constituency. They are the grade 9 class from the Providence school in McLennan and are accompanied by their group leader, Francis Lessard, and perhaps other parents and their bus driver. They are seated in the public gallery, and I would ask that they rise and receive the welcome of the Assembly.

head: ORAL QUESTION PERIOD**Clover Bar Research Facility**

MR. R. SPEAKER: Mr. Speaker, my question today is a continuation of my investigation with regard to the Clover Bar research facility. The minister has indicated in this Legislature that all is well and that all codes have been met. First of all, with regard to the department's fire protection handbook, which indicates that high-pressure

vessels must meet certain pressure release factors and that all safety factors must be adhered to, I'd like to ask the Minister of Labour whether the department has reviewed the high-pressure vessels located in this research facility. Are the vessels and their locations up to standard?

MR. YOUNG: Mr. Speaker, the Department of Labour, through the boilers inspection branch, has a computerized information bank on all high-pressure vessels. On a routine, scheduled basis, they inspect according to the printout that is obtained. I'm advised that all the inspections have been carried out with respect to the Alberta Research Council high-pressure vessels, as required in the normal course of events. To the best of my knowledge, those high-pressure vessels meet the standards that are expected and required of any operating high-pressure vessel in Alberta.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. The research done by the county of Strathcona and the Reed Stenhouse report indicate that the high-pressure vessels need to be upgraded and that there should be a greater adequate safety design. These reports are as late as mid-1980. It's my understanding that changes have not been made since that time. The report of the county of Strathcona is as of this March. Could the minister indicate whether those inspections referred to are recent inspections or inspections prior to the present, more formal investigations?

MR. YOUNG: Mr. Speaker, I'm referring to inspections done as per the requirements established internationally for the operation of high-pressure vessels. They are very rigorous standards. They require a frequency of inspection. To assure that frequency, we have identified all high-pressure vessels in the province on a computerized information bank and, to the best of my information, our inspectors check according to the frequency that is required.

I am not aware of problems in terms of release valves. I think that was the hon. member's suggestion. If the hon. member has information, I'd be pleased to receive it.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. In the March 17 recommendations of the county of Strathcona, the director of inspection services recommended that the high-pressure vessel shall either be removed or totally contained, which means placing them in the ground in a very "concrete" safety form — both meanings of that word can be taken, Mr. Speaker. Has the department investigated that recommendation recently, since the report, and has the Minister of Housing and Public Works made that request to the department?

MR. YOUNG: Mr. Speaker, I have a problem in that the report from the county of Strathcona to which the hon. member refers, if I understand it correctly, is relatively recent, and I believe it is to the county of Strathcona. Until I receive more information, I can't respond to the specifics.

But I would say that for anyone to believe that the safe way to handle a high-pressure vessel is to contain it, is not to understand well what makes high-pressure vessels safe. If the hon. member is interested, I'd be pleased to present him with some pictures of high-pressure vessels that have exploded and the damage that can be caused. A very major containment would have to be undertaken to

make them safe. The safety is in terms of the testing, the release valves, and their operation. That's what we check for under the international standards code, which has to be observed by all high-pressure vessels operating in the province.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. The report was made to the special assistant to the president of the Alberta Research Council, requesting that no further expansion of the facility be made and that these recommendations be taken into consideration. Has the minister assured himself that these standards are up to standard at the present time and, if not — it seems from the answers that the minister has not been involved — could the minister undertake to investigate that matter today and assure us in this Assembly that all precautions have been taken and all necessary requirements are being met at the present time and will be in the future?

MR. YOUNG: Mr. Speaker, I'd be pleased to assure the hon. member that I will have the boilers and pressure vessels inspectors review the information they have. If there's additional information, we'll have that reviewed too.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister with regard to the Alberta Building Code, which I believe comes under his responsibility as well. Welding and steel cutting operations are performed at the centre in an open hallway, which is contrary to Alberta Building Code 3.3.1.15. Is the minister aware of that situation and, if not, would the minister investigate that as well?

MR. YOUNG: Mr. Speaker, I can have that checked out. In the administration of the Alberta Building Code and the aspects of it which can be termed to be the fire code, which is really the maintenance and operation, I would like to point out that in the particular case we're talking about those responsibilities are assumed by the municipality, as is the situation in many parts of the province. So the monitoring of that aspect of it is a municipal function in this particular instance. I would have to check with the municipality to determine the status or to have our inspectors co-operate with the municipality.

Mr. Speaker, the other point I would like to make is that we are talking about a technical situation and a research facility. Because of that, a fair degree of judgment is involved in the application of the code to that kind of situation, and there may be differences of judgment. Again, I mention that because, as the hon. leader appreciates from other contacts I'm sure he has had, there are sometimes differences of opinion between owners, inspectors, builders, and architects as to how the code might best be interpreted. Mr. Speaker, for that reason we have the Alberta Building Standards Council which, in the event of strong differences of opinion, is really the arbiter in the questions which come before it.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Minister of Housing and Public Works. One recommendation of the county of Strathcona to the Research Council on this facility is that a total maintenance and fire safety program should be developed. That is supported as well by some 90 recommendations of Reed Stenhouse for improvements that would meet safety

codes. An explosion there would not only damage and hurt personnel within the facility but could . . .

MR. SPEAKER: Order please. Does the hon. leader have a question and, if so, might he come directly to it, please?

MR. R. SPEAKER: Mr. Speaker, is the minister prepared to review the matter and put in place the best safety program possible at this point in time? Is the minister giving that his immediate attention, or will there be some delay in coming to grips with this matter?

MR. CHAMBERS: Mr. Speaker, for some time the Research Council and departments involved have been aware of difficulties and have moved to correct them. Tenders were recently let to correct some minor deficiencies which needed to be corrected. However, the general engineering study we recently commissioned for Public Works through Kasten Eadie found that, with the exception of these minor deficiencies for which tenders to correct have already been let, no further changes are required to meet the Alberta Building Code and that the facilities are safe.

I would point out that a laboratory is a laboratory, and obviously they're going to be utilizing some toxic or explosive substances from time to time. That's the nature of being a laboratory. In summary I might say that obviously we instituted the program to make the structures as safe as they possibly can be.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. The minister claims that all is safe and all is well. Could the minister then indicate why there is an attempt to sort of muzzle the personnel of the department . . .

SOME HON. MEMBERS: Order.

MR. R. SPEAKER: . . . and not let any information [interjections] Why has a directive gone to the personnel of the Research Council, indicating that all information with regard to the Clover Bar facility be restricted and only allowed on a need-to-know basis? Could the minister explain why that directive is presently in force at that establishment?

MR. CHAMBERS: Mr. Speaker, I've given no muzzling directives to anyone. Insofar as the release of this report, I'm quite prepared to do it, but only after our department and I have had discussions with the county of Strathcona. I think it's only fair that they see the report before it is released. However, the Member for Calgary McKnight, who is responsible for the Alberta Research Council, might wish to supplement my answer.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. The directive came from the Department of Housing and Public Works. Could the minister indicate whether that is general practice across the government, or whether this one facility has received that directive from the minister's department?

MR. CHAMBERS: I'm not aware of any such directive, Mr. Speaker.

MR. SINDLINGER: Mr. Speaker, a supplementary to the Minister of Labour, please. In his response to earlier questions, the Minister of Labour indicated that there's a

"fair degree of judgment ... in the application of the code" relative to the Alberta Building Code. Who exercises that degree of judgment and ensures that there isn't an arbitrary nature to the judgment, specifically with regard to the inspection of the boilers after the Reed Shaw Stenhouse report of mid-1980 and the report of the county of Strathcona in March 1981?

MR. YOUNG: Mr. Speaker, I'd want to distinguish between the standards for the boilers and high-pressure vessels operation. Those are international standards and at all times are followed through and administered directly by provincial staff. It is not a delegated area of jurisdiction. I was speaking to the question of the Alberta Building Code and the application of that code. I was also addressing my comments to the particular kind of facility at Clover Bar, which is a research facility and in which a variety of operations take place by people who, in terms of the work they do, are very dedicated and very objective oriented, as we would all like them to be. In carrying out their work, they may at times have different views than others.

To come directly to the question of who applies the building code and the fire prevention standards, in the case of the county of Strathcona that would be a delegation from the fire chief and the head building inspector and their combination of personnel. Mr. Speaker, I couldn't go beyond that in responding to the hon. member.

MR. SINDLINGER: Mr. Speaker, a final supplication [laughter] ... supplementary question to the Minister of Labour for clarification, please. The minister indicated that inspections for high pressure vessels are undertaken on a routine basis, but it wasn't made clear whether or not inspections were conducted subsequent to the reports of Reed Shaw Stenhouse and the county of Strathcona. Were investigations or inspections undertaken after those two events?

MR. YOUNG: Mr. Speaker, I would have to check on that. I presume the report of Reed Shaw Stenhouse is a report to the owner and operator, in this case the Alberta Research Council. At the moment I have no knowledge of whether the council, on receipt of that report, contacted the boilers and pressure vessels branch, although I will undertake to check. With respect to the report done by the county of Strathcona, my information about that is of extremely recent date.

Early Childhood Services Funding

MR. R. SPEAKER: Mr. Speaker, I'd like to direct a second question to the Minister of Education with regard to the funding of early childhood services. The city of Calgary community early childhood services are facing some funding problems. I wonder if the minister could inform us as to what consideration is being given to providing greater assistance to community ECS operators who do not enjoy some of the advantages the school boards do with regard to costs and funding.

MR. KING: The matter is under consideration, Mr. Speaker. I'm a little concerned about doing anything midway through the fiscal year that would require a special warrant. [laughter]

MR. NOTLEY: That's said with tongue in cheek, I'll tell you.

MR. KING: I want to assure the House that that was said tongue in cheek. If there is merit in the program, I will recommend a special warrant. [interjections]

MR. R. SPEAKER: Mr. Speaker, I think we're getting through to them. [interjection] No, we want to complete this session.

My further supplementary question to the minister is in terms of funding. The Department of Education holds up some of the funding until the financial statements are submitted by the operators in June. Often funds do not reach the various community groups until October. I wonder if the minister is looking at those funding arrangements, which sometimes cause inconvenience for these local operators.

MR. KING: Yes we are, and attempting to streamline them, Mr. Speaker.

MR. R. CLARK: A supplementary question to the minister. I'd like to ask the minister why, when the matter was under consideration a year ago when the minister responded to virtually the same kind of question as that just put by the Leader of the Opposition, one of the members from Calgary was assured the matter was under immediate review then? What has taken the full year for the department not to be able to change the procedures to enable these community based operations to get what I understood at that time was in fact increased financial support for community based operations?

MR. KING: Mr. Speaker, the disadvantage of living outside Calgary is that you're not always aware of developments that take place. Indeed, increased financial assistance has been provided to the Calgary community operators in the form of a three-year research program for co-ordination of the delivery of some services. The fact of the matter is that while that addressed a part of their concern, it did not address it to the extent we had hoped or expected; therefore, we're looking at the situation again.

MR. R. CLARK: Mr. Speaker, a supplementary question to the minister. Didn't the minister understand a year ago that the basic concern then was in fact more money?

MR. KING: They got more money as the result of a decision made during the course of the past year. We are both agreed that experience has demonstrated that it was not enough. So the Department of Education is looking at the situation again.

MR. ZAOZIRNY: A supplementary question to the minister, Mr. Speaker. Is the minister aware of the fact that because the modest increased assistance is nowhere near meeting the needs of the ECS community operators, a number of the programs in Calgary are on the verge of financial collapse, and some have indicated they will in fact have to close their doors if funding is not provided within the next month or so?

MR. KING: Mr. Speaker, I suppose whether or not you are on the verge of financial collapse is in part a subjective judgment related to the amount of risk-taking you're prepared to engage in for a good cause. I appreciate the

financial situation of the Calgary operators. I also appreciate that 34 of 36 of them, if I remember my figures correctly, have an accumulated surplus, albeit a modest one.

I can only repeat to the House that I am concerned about the position of the Calgary community operators. We are addressing the question of how we might be of assistance to them. I appreciate that June and July are important times for them, in order that they may be aware of their position for September 1.

MR. ZAOZIRNY: A supplementary question to the minister. Is the minister aware of the fact that a significant part of the financial dilemma being faced by some of the operators arises from the fact that in the fall of 1980 the government imposed upon them an \$1,800 a year levy for the portable units they are obtaining from the government to conduct their programs, and that is in fact one of the causes of the problems they're experiencing now?

MR. KING: Mr. Speaker, it is a fact that we did begin to charge a rent of \$1,800 a year, or \$180 a month for 10 months, for portables which a few operators rent from the provincial government. The fact of the matter is that \$180 a month for those units is less than one-third economic rent. The fact of the matter is also that those portables are available to a very limited number of ECS community operators.

The position of the ministry is that the grant support for ECS programs should be sufficient to pay economic rent for space, and programs should be able to pay economic rent irrespective of who their landlord is. I could take the alternate point of view to the effect that the use of ECS portables, where they are available, constitutes an unfair subsidy to those operators who have the advantage of the portables when compared with other ECS operators in Calgary who do not. Because the Sarcee Park Kindergarten or ECS program in Calgary must rent its space from a church, it is paying \$300 a month on the basis of the same financial support from the provincial government. The \$180 a month which another ECS operator pays for a portable is a subsidized advantage relative to the position of the Sarcee Park Kindergarten. That's an inequity which I appreciate, I acknowledge, and we are trying to rectify.

MR. ZAOZIRNY: A supplementary question to the minister, Mr. Speaker. While the minister suggested that a number of the programs have what he described as a modest surplus, is he aware of the fact that because of the serious financial situation of these operators, the salary grid for the payment of their teachers, who are professionals, is some \$4,300 below the grid of the Calgary Board of Education, and because of that they're having considerable difficulty holding on to their qualified teachers?

MR. KING: Actually my information is that the average of salaries paid to community ECS teachers is more than \$4,300 below the Calgary Board of Education grid. The point the hon. member is making is a significant one.

MRS. EMBURY: A supplementary question, Mr. Speaker. In view of what is happening in Calgary in regard to the private day care centres, could the minister please confirm that it is a policy of this government to support the private day care operators, or is this a method of seeing that they all go out of business?

MR. KING: As long as I am Minister of Education, Mr. Speaker, I will do my utmost to encourage the continued operation of community operators.

MR. R. CLARK: Money, David, not promises.

MR. D. ANDERSON: Mr. Speaker, if I might be permitted a final supplementary on this question. Is the minister in a position to indicate when the current assessment he's doing of these very crucial problems will be resolved?

DR. BUCK: He's going to study it another year.

MR. KING: I expect to be able to make recommendations during the course of the summer, Mr. Speaker.

Extra-Billing Committee — Advertising

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Hospitals and Medical Care. It concerns the committee on assessment of physicians' bills, pursuant to legislation passed last fall by the Legislative Assembly. In light of the government's rather generous advertising in other areas — the heritage savings logo, the \$192,000 on the energy and constitution pamphlets [interjections] — my question very directly to the minister is . . .

MR. R. CLARK: They're a little sensitive.

MR. NOTLEY: Yes, they are a little sensitive on the money they spend on advertising.

Why has only \$3,600 been spent on a public information campaign to bring to the attention of Albertans who have concerns about physicians' bills that they can appeal to this committee?

MR. RUSSELL: Mr. Speaker, to date the government has spent no funds on advertising the role of that committee. Those are funds spent directly by the College of Physicians and Surgeons.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is the minister in a position to advise the Assembly that the government has indicated to the College of Physicians and Surgeons that the college will be reimbursed for the public information campaign?

MR. RUSSELL: Mr. Speaker, the question of what it will cost the committee for its entire range of functions is still unknown. The members must be paid *per diem* rates. There are travelling expenses and other miscellaneous expenses, as well as any costs of advertising or public information programs. To date all those are unknown.

The college did undertake to run the activities of the committee for the first several months at their own cost, to try to get an idea of what they would be. I have an understanding with the college that after the committee has run for a few months, we'll assess their costs and see whether or not some support should be forthcoming from the government.

MR. NOTLEY: Mr. Speaker, a supplementary question, so there's no misunderstanding. Does that understanding include any suggestion to Dr. le Riche or any other people in a position of authority in the College of Physicians and Surgeons that the cost of the information

advertising campaign will be borne by the province of Alberta?

MR. RUSSELL: No, Mr. Speaker. No firm commitment is given, other than the way I outlined it: the expenses of this new committee, with its unknown workload and its as yet unknown complete range of activities, will be reviewed after they've had a few months' experience.

MR. NOTLEY: A supplementary question to the hon. minister. Since this is a committee set up pursuant to legislation, and people need to know about it, is the minister in a position to advise the Assembly whether he has held discussions with the college about the public information advertising campaign and why the campaign does not include a single rural weekly? Not everybody in Alberta gets a daily newspaper, and the daily campaign is very modest. Why is there going to be no information advertising, or why has there been no information advertising in the weeklies?

MR. RUSSELL: Mr. Speaker, I think the hon. member has just made an excellent criticism. I made a similar one to the registrar of the college a few days ago. I hope to see a weekly advertising campaign conducted very shortly.

Lord's Day Act

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Attorney General. At the 1980 fall session of the Legislative Assembly, the Attorney General indicated that he would be meeting with his caucus to review and make a decision on The Lord's Day Act as to Sunday openings of business. Has the minister had that meeting with the caucus, and have they made a decision on revision of The Lord's Day Act?

MR. CRAWFORD: Yes and no, Mr. Speaker.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. The hon. Attorney General also indicated that some of the problem with revisions to The Lord's Day Act was involved with federal legislation. Has the minister or anyone from his department met with federal officials to see if there can be any revisions to The Lord's Day Act as far as Sunday openings of businesses?

MR. CRAWFORD: Mr. Speaker, perhaps I could do two things: respond to that question, and elaborate just a bit on the answer to the first one, in the sense of saying that although caucus has had an opportunity to discuss this very important issue, no final policy has been arrived at. Therefore, at this point I'm not in a position to say to the House what a policy in respect of this would be at the time it's brought forward.

As far as the federal legislation is concerned, the references I made to that were meant to make it clear that when the federal government occupies that constitutional field given to them — and they indeed occupied that field many years ago and have legislation in it — that affects to some extent what a province is able to do. However, I don't think it is a matter where the ultimate solution is necessarily in asking the federal government to revise the existing legislation, other than — if that is not desirable — perhaps to increase the size of penalties. I think the real issue here is not the size of penalties but the practices

that should be regulated, either federally or provincially, in regard to Sundays.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Could the hon. Attorney General indicate whether the government is monitoring the number of violations under The Lord's Day Act, if they're increasing, and if more businesses are staying open on Sundays?

MR. CRAWFORD: Mr. Speaker, I don't have information that would be reliable in that respect, as a result of any monitoring. I'm sure the situation is that no formal monitoring is being done. The information that comes to me is based on the extent to which members of the public complain to local police forces. In a sense that is a very informal, perhaps inaccurate, way of getting some idea about the extent of Sunday openings. When complaints are made, police forces investigate them. If there's evidence that a breach of the law has occurred, proceedings would normally follow.

MR. SPEAKER: The hon. Associate Minister of Telephones would like to deal further with a topic that has previously arisen during questioning.

Emergency Telephone Service

DR. WEBBER: Mr. Speaker, on Wednesday this week the hon. Leader of the Opposition tried to leave the impression that emergency procedures and directions for AGT operators in cases of disasters didn't seem to be in place. He implied that some outmoded manual was being used by the operators. As I indicated on Wednesday, well-defined procedures are in place. As part of their training, the operators have extensive practise in how to deal with emergencies and disaster calls. There are well-documented procedures, updated continuously. The last update was in March of this year. In addition every operator in Alberta does have a multileaf listing of emergency numbers for all areas served from that particular office. I'd be happy to review these procedures with the hon. Leader of the Opposition, if he wishes.

DR. BUCK: Table it.

DR. WEBBER: In addition AGT does have a role in responding to directions from Alberta Disaster Services in maintaining adequate telecommunication services during a disaster or civil emergency. These emergency procedures are co-ordinated out of a Calgary office entitled provincial services co-ordinating centre of AGT. Fairly elaborate procedures are in place.

Emergency exercises and tests are done regularly, the last one about two months ago. As a result of those exercises, the procedures are regularly updated. Obviously, for security reasons, it's not in the public interest to table these documents but, as I said, I'd be happy to review them with the hon. Leader of the Opposition.

I've had no public complaints relative to the emergency services. I think AGT has responded very well in the past to any disasters that have occurred in the province.

MR. R. SPEAKER: Mr. Speaker, two supplementary questions to the minister. One, why can't emergency directions, which are for the safety of the public in a situation that occurs like Mississauga, be available to be tabled in this Legislature? [interjections] My question was there, Mr. Speaker. I said, why can't those be tabled?

That's an impossible suggestion to this Legislature. I can't see why any security is violated. Why can't they be tabled? That's my first question.

The second question is: has the minister ...

MR. SPEAKER: Order please. Possibly we might take just one shot at a time.

DR. WEBBER: Mr. Speaker, it's not my fault that the hon. Leader of the Opposition can't understand those things. However, it is obvious for security reasons that it is not in the public interest to table emergency restoration procedures.

SOME HON. MEMBERS: Why?

DR. WEBBER: AGT is involved with carrying the management of the network relative to national defence systems. By nature, these are obviously sensitive. Again, if the procedures were made public, they would be vulnerable to unscrupulous persons who would want to be involved.

MR. R. SPEAKER: A supplementary question to the minister.

AN HON. MEMBER: Order.

MR. R. SPEAKER: What's wrong? Order, nothing. The question is in order. [interjections]

Mr. Speaker, my original question to the minister referred to operators having information and procedures in place to react when there is an unusual circumstance such as Mississauga. Let's say that in Fort Saskatchewan, just to clarify it, one of the plants had an explosion and we needed to have communications networks. [interjections] To the minister ... [interjections]

MR. SPEAKER: May we have order please. It seems to the Chair to be perfectly proper that the hon. Leader of the Opposition should be able to explain the type of situation with respect to which he wants to ask his question.

MR. R. SPEAKER: Thank you very much, Mr. Speaker. To the minister. We're not talking about an international disaster or revealing facts with regard to NORAD arrangements but about an explosion, a local disaster, that affects local citizens. Why can those procedures not be made available and tabled in this Legislature? As I understand it, these procedures are made available to supervisors. I'm not asking for the broad manual. But under that kind of situation, why in the minister's mind can those procedures not be tabled in the Legislature? And would the minister reconsider that decision, on these more limited terms of reference?

DR. WEBBER: Mr. Speaker, I have in my hand the procedures relative to what instructions operators have to follow in cases of emergency. As I said, I would be happy to review them with the hon. Leader of the Opposition. However, there are non-public telephone numbers that AGT does not want to make public, because the operators have to use those numbers in case of emergency. So for obvious reasons, it's not desirable to make them public.

MR. R. SPEAKER: Mr. Speaker, would the minister be prepared — and I would accept this — to blot out from them any type of international secret numbers, or whatever, and provide for the Legislature the normal procedures outlined to the operators?

Along with that, I'd like to ask the minister whether he has made any personal checks with regard to operators as to whether they are aware of those procedures which are in place? I'd like to indicate that our research, phoning a number of operators at random, indicates they are not aware.

DR. WEBBER: Mr. Speaker, relative to the first question, I've indicated to the hon. leader what I'm prepared to do; that is, to review these documents with him. If that's not satisfactory, so be it.

With regard to the second question, have I personally checked? No I haven't. But if the hon. Leader of the Opposition has information he'd like to share with us, we'd be happy to get it. I don't know why he's keeping it secret.

MR. R. SPEAKER: Mr. Speaker, a very simple question to the minister. Is the minister interested in the concerns about utilization of telephones as emergency mechanisms in this province or not?

MR. SPEAKER: Order please. Surely the hon. leader is asking the minister whether he's interested in doing his job.

MR. R. SPEAKER: That's what I wanted to ask.

DR. BUCK: Ask him what Moore told him to say.

ORDERS OF THE DAY

MR. SPEAKER: May the hon. Minister of Culture revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS (reversion)

MRS. LeMESSURIER: Mr. Speaker, today I would like to introduce to you, and through you to the members of this Assembly, a group of five vocal artists from the Philippines who are on a North American tour and who will be performing in the major cities of both the United States and Canada. From all reports, they are an outstanding ensemble. They will be performing on Saturday evening at 7:30 at the Provincial Museum. They are accompanied by five members of the executive of the Philippine cultural society in Edmonton. I would ask that our guests, who are seated in the members gallery, rise and accept the warm welcome of this House.

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

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

[Mr. Appleby in the Chair]

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

Bill 10
The Department of Housing and
Public Works Amendment Act, 1981

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

[Title and preamble agreed to]

MR. CHAMBERS: Mr. Chairman, I move that Bill No. 10 be reported.

[Motion carried]

Bill 26
The Engineering, Geological and
Geophysical Professions Act

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

There is an amendment here. The amendment has been circulated. Are there any questions or comments with regard to the amendment?

[Title and preamble agreed to]

MR. CHAMBERS: Mr. Chairman, I move that Bill 26 be reported.

[Motion carried]

Bill 38
The Architects Amendment Act, 1981

MR. CHAIRMAN: There is an amendment, which has been circulated. Are there any questions or comments regarding the amendment? Any questions or comments concerning the sections of this amended Bill?

[Title and preamble agreed to]

MR. CHAMBERS: I move that Bill 38 be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports Bill 10, and reports Bills 26 and 38 with some amendments.

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

HON. MEMBERS: Agreed.

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

Bill 15
The Municipal Government
Amendment Act, 1981

MR. MOORE: Mr. Speaker, in moving second reading of Bill No. 15, The Municipal Government Amendment Act, 1981, I would like to make a number of comments with respect to the provisions of the Bill dealing with three different areas: first of all, the ability of a group of citizens to petition local government with respect to by-laws and resolutions; secondly, to deal briefly with the matter of the increase being proposed with respect to fines in various provisions in The Municipal Government Act; and, finally, to deal with some fairly extensive changes being proposed with respect to the manner in which individuals and municipalities might apply for annexation of land from one municipality to another.

If I could begin with petitioning, as members of the Assembly are well aware, over the course of the last several years a lot of concern has been expressed by both residents of municipalities and by municipal governments on the frequency and manner in which citizens are allowed to petition. Let me say first of all that it is not this government's intention to remove the right of citizens to petition against certain actions of municipal government if they view those actions to be a substantial policy or cost to the citizens. On the other hand, as I have said before, we believe that the proper place for the citizen to make sure his municipal government is being run the proper way is the ballot box in October of every third year. Indeed, it's my belief that once we elect a government, whether municipal, provincial, or otherwise, we ought to be prepared to let that government govern for its term of office and at the end of that term judge its ability to carry on.

Nevertheless, we have considered those matters and decided that it's necessary to leave in The Municipal Government Act sections 126 and 311, dealing with the right of the citizen to petition, and to allow that right to continue. What we have done, however, is change a couple of provisions in Section 126.2, that will provide some protection to the municipal government to ensure that the by-laws it does pass after due course can remain in place. The present situation is that there is no time limit whatsoever on the ability of a group of citizens to petition to remove or rescind a by-law.

For example a by-law with respect to the building of a convention centre or a city hall in Edmonton may have been passed; that project could get well under way and in fact be completed. Then, under the present law, a citizens group could petition for repeal of the by-law, and you would have the unique situation where the law has provided that a by-law be repealed while the construction that may have taken place under the by-law has already been completed. It's obvious that that has to be altered. It is being altered in this Bill by the provision of a 60-day time period in which citizens have a right to petition. It's my belief that 60 days is sufficient time. If there is sufficient interest in the community, it shouldn't be that difficult to gather the signatures of 5 per cent of the population of the municipality.

In addition to that, we are increasing the percentage

from 3 per cent to 5 per cent of the citizens of the population of the previous population period of June in each year, to ensure there is indeed sufficient interest among citizens to go to the trouble and cost of a plebiscite.

If I could move from there to the matter of various fines under the Act, generally speaking we have increased fines in every category, in keeping with the kind of deterrent feature we are anxious to achieve by way of fines. That's nothing more than inflationary increases, when you consider that this Act has not been amended in that area for a number of years. But I want to mention one particular area that concerns a number of people in this province. It has to do with fines levied under The Municipal Government Act for the infractions that might occur with respect to closing by-laws. It has been drawn to my attention that one particular committee, called the Calgary quality of work life committee, which is interested in the matter of Sunday closing, discussed earlier today in question period, has suggested that the government, my office in particular, had viewed the changes to this Act as the solution to the Sunday opening or closing matter.

Mr. Speaker, I want to say to the Assembly that we certainly don't view The Municipal Government Act and the increase in fines as the solution to the problems currently before our citizens with respect to Sunday closing or opening. When the Bill was tabled, I pointed out to people interested in the matter that indeed this section of the Act, which has been in force for a number of years, is utilized by many municipalities to ensure that there are proper business hours throughout the course of the week and on weekends, including Sunday and certain holidays. So a variety of by-laws directing the time period during which businesses may remain open have been enforced by municipal governments for many years.

I said, and I would say again, that municipalities that have utilized this section of the legislation to control the opening of businesses on Sunday will have at their disposal some increased deterrent by way of the increase in the maximum fines in that area from \$100 to \$500. That doesn't in any way take any responsibility away from us or the Attorney General in trying to determine if there is a way we can possibly deal more effectively with the problem of Sunday opening.

Finally, Mr. Speaker, I want to deal with the question of annexation. As might be expected, over the course of the last few weeks this matter has generated a great deal of interest, particularly from private landowners and land assemblers, and indeed some misinformation has passed from individual to individual with regard to the government's intentions and what the present law is. Mr. Speaker, partly because of this government's commitment to decentralization of growth throughout the province, there's been growth in almost every small urban community in Alberta over the last few years. During the period from 1976 until January 1, 1981, that has resulted in just over 360 annexation applications being approved by this government. That is a very large number of annexations, probably more than ever occurred in the history of Alberta previous to that.

Many of those applications were made by municipal governments, but many were made as well by the majority of owners of land. In my view, in recent years the quality of applications of landowners has been deteriorating, in that in many cases applications for annexation are made by a landowner with a view to increasing the value of the land and reselling it, but with no view to ensuring

they play an important role that's necessary in good planning for the community or in developing additional new residential areas. In short, it's being used as a tool for land speculation and financial gain that the Act, in my belief, was never meant to be used for. As well, 360 approved applications for annexation in four years is really not the most effective planning that can exist, especially when you consider that a good many municipalities had five or more applications during that period of time.

So we're saying to landowners: yes, you still have the right to apply for annexation, but you apply to a different government; you don't apply to the provincial government but to the municipal government you want your land to go into. It's my belief that most of our municipal governments are responsible in terms of not wanting to interfere unduly with the individual's right to move his land into that municipality if the proper planning considerations have been laid out. It's also my belief that we need to tell municipalities throughout Alberta that there needs to be a better degree of planning with respect to annexation of land to their community. It's my belief as well that there needs to be a fairly long-term supply of land, perhaps 25 to 30 years, annexed to each community in a growth situation so annexation is not used as a tool to prevent or spur on growth but that other planning procedures that are in place are used for that purpose.

Finally, I would like to point out that the Act also provides that the Lieutenant Governor in Council may effect an annexation at any time in any community without reference to the Local Authorities Board. I believe that is necessary to ensure some protection for individuals who wish to proceed with an annexation application but are unable to get the attention or co-operation of a municipal government. I expect that section will be used very rarely, Mr. Speaker. It would not be my intention to invite landowners or developers to come directly to the office of the Minister of Municipal Affairs but to do so only on very infrequent occasions when no other route can be taken and a roadblock seems to be placed in front of them by the municipal government.

I'd like to make one final comment with respect to annexation. Some organizations in this province, mainly housing and urban development, HUDAC, Alberta Council, have have written to a number of my colleagues and others suggesting there has been failure on my part to listen to their representations or involve them in the decision-making process. I want to point out, Mr. Speaker, that in addition to other meetings with that organization, in a speech to that organization in Edmonton on March 12, 1980, which is a year and two months ago, I indicated as follows:

... I am committed over the course of the next two years, to undertake to do a thorough review of our annexation procedures; how we apply, who can apply, whether or not the existing system of what may be called a piece meal annexation by way of an application by the majority of owners of land in the municipality, is the proper route to go ...

Those comments and others invited that organization to make representations, and indeed representations have been made. The problem is simply that a concern is expressed by members of that organization about having to deal directly with municipal governments, as opposed to going directly to the Local Authorities Board.

Mr. Speaker, I don't want to comment at length upon some other amendments to The Municipal Government Act that deserve consideration by members of the As-

sembly. But I would like to urge all members to support the important areas of change with respect to annexation procedures and in particular those changes with respect to the right of citizens to petition the local government.

MR. GOGO: Mr. Speaker, speaking to second reading of Bill 15, first of all it would seem totally appropriate to me that we in the Assembly do everything we can to accommodate that level of government that deals on a daily basis with the majority of Albertans. I'd like to speak to three sections, and the minister may want to respond to them in closing debate. If not, I could come back to them at committee stage.

Certainly Section 149, which deals with the cost of publications, that members of the public in a municipal district or community could have access to any report published and made available for sale — under the present Act without the amendment, I think many are prohibitive in terms of cost to citizens obtaining copies. I'm pleased to see that a maximum price of \$10 is now set, regardless of the size of a report. I think that's very, very important.

Speaking to sections 233 and 249, in the amendments we're really dealing with the penalties. Section 249 presently deals with municipal by-laws as they apply to putting in power transmission poles, lines, or cables, telegraph poles, and wells within a given distance of roadways. It goes on to deal with buildings, shelter belts, farm dugouts, cesspools, or disposal fields. The amendment is applicable to raising the penalty from \$200 to \$1,000.

Mr. Speaker, I seem to recall a delegation from a health unit saying they were running into serious difficulties with people putting in sewer and water or septic systems in rural areas and completing those projects before the public health inspectors had an opportunity to inspect them. The licensing authority, of course, is the municipal authority, and the inspection authority rests with the health unit. It seems to me even raising the penalty is not going to make any difference in that regard. Because this deals with distance from roadways, I'm somewhat curious as to whether The Municipal Government Act would cover an area like that.

Mr. Speaker, I want to speak specifically to Section 233 dealing with by-laws passed by municipal authorities regarding the operating hours of shops, businesses, and industries. The community I represent, I believe, has made representation by resolution passed by the city of Lethbridge. They've had great difficulty in — not enforcing it; that hasn't been a problem — the level of the penalty. I think it's quite easy and probably meaningful for businesses to flaunt the law and stay open at odd hours, even on Sundays, which would be contrary to the by-law in the city of Lethbridge.

Frankly, the fine is quite paltry relative to the revenue they can generate. Last year we had several in Lethbridge that were prosecuted successfully, and the maximum fine of \$100 was really a bunch of nonsense, because they perhaps generated business of \$5,000 to \$15,000 on that day. So I question whether raising the fine to \$500 is adequate. Now I'm not questioning the judgment of the minister proposing the amendment today. But when I see that the Lethbridge district chamber of commerce, the city of Lethbridge, and I believe others, perhaps the county of Lethbridge, have passed resolutions requesting that that fine be raised to a minimum \$1,000 to be meaningful; I look at the \$500, and naturally it raises a question in my mind.

If a business is convicted and fined \$500 by the court

several times, I wonder what recourse there is for a municipal district, like the city of Lethbridge. I almost tend to think that they could request the court to issue an order to prohibit that business from opening again, contrary to that. I guess I'm asking questions, and they may appear to be legal questions, but I wonder what recourse a municipal government has if the \$500 fine doesn't work. Perhaps I'd close on this note: if given six months' or a year's experience, would the minister be amenable to reopening the Act to raise the proposed \$500 fine before us now to something more meaningful, like \$1,000 or \$1,500?

Thank you very much, Mr. Speaker.

MR. SPEAKER: I hesitate to interrupt the hon. member. Might the hon. Member for Highwood revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

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

MR. WOLSTENHOLME: Thank you, Mr. Speaker. It's my pleasure this morning to introduce to you and members of the Legislature 92 students from Okotoks junior and senior high. They've travelled all the way here from Okotoks this morning, so they were certainly pleased to get out of the bus and stretch their legs. It's a real pleasure to have them here. They are accompanied by their teachers Miss Buscarino, Mr. Dyck, Mr. Yuha, and Mr. Derdall. They are in both galleries, and I would ask them to stand and receive the welcome of this Legislature.

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

Bill 15 **The Municipal Government** **Amendment Act, 1981** (*continued*)

MR. PAYNE: Mr. Speaker, I'd like to make several comments with respect to Bill 15 this morning. As I do so, I'd like to emphasize to the minister sponsoring the legislation that I speak not just for myself but for a considerable number of very well-intentioned and very conscientious citizens of the province who reside in the Calgary Fish Creek constituency. Their well-articulated and quite persuasive arguments have focused on the proposed amendments to Section 126; that is, those amendments that will affect the petition process, particularly in the larger municipalities.

In speaking to the proposed amendments to Section 126, the hon. minister said he was conscious of concerns that have been expressed to him by residents and civic officials. I am also aware of concerns that have been expressed by civic officials, but I am hardly aware of any concerns that have been raised to me by residents. I'm well aware of the position taken by the municipalities associations and their resolutions that have been forwarded to the minister, but I have my own misgivings as to whether such resolutions in fact reflect the constituents they represent. I say that only on the basis of the representations made to me quite extensively in recent weeks.

Secondly, the minister indicated this morning that he felt that the proper place for citizens to express their concerns about a resolution or by-law is at the ballot box every third year. Those groups who have spoken to me question that principle. In effect, they raise the important question: does it really do much good to close the fiscal barn door after the horse has long since escaped? Which is to say, these well-intentioned groups I'm now referring to have no interest in the frivolous petition. Their interest is in a device whereby, early in the term of office of a civic administration, they have a way to make their voice heard, a way to retard or overturn a particular by-law or resolution whose implications range not just for a month, a year, or a three-year term, but whose implications may be felt negatively, in their view, for decades.

Mr. Speaker, one final comment with respect to the requirement for 5 per cent of the population of a larger city to sign a petition within a 60-day period. Again the people who spoke to me, and I'm speaking for myself as well in this matter — no quarrel with 5 per cent. For example, if I could take the city of Calgary, whose population now approaches 600,000, 5 per cent is 30,000 signatures. If it's an important issue, well organized, and you've got a lot of hard-working people, I would agree that you can get 30,000 signatures. But I have to question the logic that concludes that it's possible in a city like Calgary to get 30,000 signatures in 60 days. That's 500 signatures per day, assuming you start the first day following the passage of the by-law.

I recognize there may be time to get working on the petition prior to the passage of a by-law or prior to the passage of a resolution. But I am told by those who have successfully organized petitions that it's difficult to mobilize public attitudes, public opinion, until a by-law has been passed. Until its passage, it has an academic quality to it. It's not until its passage that public opinion can be mobilized. It takes not hours, but days to recruit and organize those who will work the petitions, to draft the petitions, to ensure they are legal, proper, and correct. Even if you assume a five- or six-day period to do that front-end organization — that would take a lot of flat-out work, I'm sure — we're looking at perhaps getting 600 signatures a day for a 25-day period. I'd like to suggest, Mr. Speaker, that that poses an inordinate burden on well-intentioned community residents, who fear that this useful and dynamic tool of democratic action will now be frustrated if not entirely lost to Albertans who reside in the larger cities.

Therefore, Mr. Speaker, I would like to encourage the minister to monitor the petition situation over the next year or two. If my concerns prove well founded, that is to say, if it appears that the plebiscite process becomes completely frustrated in Alberta, then I would like to suggest that the minister consider bringing this legislation back to the House for amendment to redress what I suspect may be a serious deficiency in the legislation.

DR. PAPROSKI: Mr. Speaker, very, very briefly, and for the record, I would like to echo the comments of the hon. Member for Calgary Fish Creek.

Thank you.

MRS. FYFE: Mr. Speaker, I would just like to ask the minister a brief question which I would ask him to address in his final comments. It relates to Section 5 of the Bill, dealing with rescinding of annexation procedures for majority landowners. I wonder if the minister had considered any appeal process that landowners could go

through, in the event that a municipal council adjacent to the territory would not agree, for a period of three years, to putting forward a petition to the Local Authorities Board. On the other hand, does the minister see that landowners may be coming directly to his office to ask for changes in municipal boundaries?

Those are just two areas I would like him to respond to. Thank you.

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

HON. MEMBERS: Agreed.

MR. MOORE: Mr. Speaker, just a couple of brief comments with regard to some of the questions that were posed. First of all to the hon. member from Lethbridge, who asked some questions with regard to the closing by-laws. I could suggest to him that I'm always open to suggestions, always amenable, but not always able to provide proper legal research that the hon. member needs with respect to the existing statutes. I would, however, undertake to ensure that there is some response to his questions about what is presently meant by the existing Municipal Government Act.

One area I did not address in my earlier remarks with regard to petitions that I perhaps should have is the area of concern with respect to resolutions. As hon. members might know, municipal councils presently make decisions that are reflected in by-laws and make other decisions that are reflected in resolutions of the council. The legislation here only deals with time limits on by-laws which are passed by council, in terms of the citizens' right to petition, and does not deal with resolutions. It's my belief that councils should have enough foresight to know what areas of action by them are controversial, and in that case should provide that those controversial actions they might be taking are done by by-law, which they can do in almost every case, as opposed to resolution. That will substantially solve the concern the municipal governments have there.

If I might say one other thing with respect to the comments of the hon. Member for Calgary Fish Creek. The actions taken most recently in the city of Calgary by way of citizens' petitions were taken under Section 311 of The Municipal Government Act, which we do not intend to alter. Indeed sufficient names were gathered in a very short period of time. It's my belief that this legislation will in no way frustrate the legitimate attempts of citizens to ensure that councils don't bankrupt them. On the other hand, the legislation is designed to ensure that frivolous petitions by citizens' groups do not frustrate the legitimate work of councils who are duly elected by the citizens. There has to be a balance, and I think we've struck it in this legislation.

Finally, the hon. Member for St. Albert posed the question of whether an appeal procedure was being considered in this legislation. There is, but the member was correct in saying that that appeal is to the Lieutenant Governor in Council. As I said in my opening remarks, it would not be our intention to entertain those appeals on a regular basis. I hope it would be the rare exception when we would have to intervene with respect to a municipality's refusal to consider an application for annexation by a landowner, where that application seemed to be very legitimate and well-meaning. Nevertheless I think the protection is there and is probably properly placed in an appeal to the Lieutenant Governor in Council

through the office of Municipal Affairs.

Mr. Speaker, I think those are basically the concerns which were expressed. I'd just conclude by saying on the matter of fines, the amount of fines, and on changes we are proposing to make with respect to petitions, certainly the government is always willing to change down the road if we see that these provisions are not effective in the way we intended them to be. But I can assure you that they're brought here and presented to the Legislature with the best intentions that the changes which have been proposed will be beneficial to our citizens as a whole.

[Motion carried; Bill 15 read a second time]

Bill 25

The County Amendment Act, 1981

[Mr. Appleby in the Chair]

MRS. CRIPPS: Mr. Speaker, I'd like to move second reading of Bill 25. The original County Act was passed in 1955. The intention was to improve the efficiency in municipal and school administration. This was done by The County Act, which provided for joint administration and management of municipal and school systems with coterminous boundaries. The coterminous boundaries were the key to The County Act. If I can just go back to the original Act, Mr. Speaker, I think it's important.

Item 3 in the Act says:

- (1) The Lieutenant Governor in Council from time to time by order may establish in any area a local government . . . known as "The County . . ." [and] may fix its boundaries . . .
- (a) incorporate into any county the whole or any part of any existing municipality or school division that is within the boundaries of the county,
- (b) incorporate into any county for school administration purposes only, one or more school districts situate wholly or partly outside the boundaries of the county,
- (c) alter the area of any municipality or school division for the purpose of providing a common boundary for the county and any municipality or school division included in the county . . .

I won't read the others because I don't think they're pertinent to this amendment. But No. 4 on the next page says:

- (1) Subject to the approval of the electors, the municipal administration of a town, village and improvement district located within or coterminous with the boundaries of a school division and the school administration of the school division, may be merged in the manner provided in this section.

I think those two items are important in understanding The County Act.

Under the school section of The County Act, urban municipalities are required to elect members to the school committee, but the number of school committee members cannot exceed the number of county councillors. Due to population growth over the interim period, many boards of education have more school committee members than county councillors; thus, some elected members do not have voting rights. Generally there's rotation, but with certain population figures, the membership becomes permanent in some counties, so smaller centres are almost

always in a non-voting position.

Mr. Speaker, if I can elaborate, the increasing size of school committees has caused some concern because of Section 18 (2) which states: "The number of school representatives . . . shall not exceed the number of electoral divisions that exist within the county." Duly elected members of the school committee claim, therefore, that they are disfranchised when they are forced to become non-voting members due to the rotation created by Section 18(2). This section has been repealed. Many elected members and I have had representation requesting this change in The County Act.

Mr. Speaker, Section 16 makes clear that the county is able to appoint the administrative staff. I'd like to dwell on Section 20 for a minute. In the old Act, it's repetitious and fairly complicated. In fact I have written "verbose" beside it. That entire section has been repealed, and a simple new Section 20 says exactly the same thing as the old section.

Section 28 is also repealed and, as a result of the introduction of that portion, has generated quite a bit of correspondence, notably the ATA, the ASTA, and many counties and school committee members. Mr. Speaker, I believe that constructive suggestions would be most useful. Needless to say, comments received thus far have not necessarily been unanimous in their opinions; that is, it's on the one hand, and on the other hand.

I hope that the minister would add a few comments to this Bill. Thank you.

MR. NOTLEY: Mr. Speaker, rising to participate in Bill 25 today, I don't think any member of the House can come today and say we've got the answers. Clearly the system of rotation the hon. Member for Drayton Valley referred to is rather unsatisfactory. I note that in their submission the Alberta Teachers' Association draws that organization's concern to the rotation system. As has been pointed out, it means that smaller communities infrequently have representation on the school committee. Mr. Speaker, I think that is clearly unsatisfactory.

The problem that I as a member of this Assembly have with Bill 25, however, is with the section the hon. member alluded to which has generated most of the correspondence from the ASTA, the ATA, and other groups in the province as well as school committee members. It seems to me that in this Bill we are substituting the rotation in a system where school members have some clout, for a system where everybody will be represented, but the committee will not have the authority to make some of the fundamental decisions. Mr. Speaker, when we strike out the ability of the school committee to deal with the fundamental budget issues, frankly we are, in a very, very serious way, undermining the capacity of that school committee. As the representation from different groups suggests, we are turning the school committee into an essentially advisory body.

In reviewing the correspondence I've received, Mr. Speaker, I don't know if there is any simple solution to the proposal. But I believe that the submission of the ASTA, that the matter should be held over at least until the fall, merits consideration by the government at this stage, because I think there is a pretty sound objection presented by many people who have expressed concern about Bill 25, about what this does to the school committees. For that reason I would like to see the government hold the Bill over and see if perhaps some other approach might be considered.

That's difficult, though, when one looks at the compo-

sition of county councils in this province. I suppose one alternative might be to reduce the size of the rural divisions. In most cases that would still allow the majority to continue. That's not a satisfactory solution either, because it places considerable financial burdens on the county and would probably mean pocket-borough divisions in the rural areas, so that you would still have the majority of members representing these divisions on the county.

Mr. Speaker, having looked at some of the alternatives myself, I have to say honestly that I don't think there are any easy answers at all. But in Bill 25 we are dealing with a principle that is going to alter the role of the school committee in a pretty significant way. It's going to be difficult, for me as a member of the Assembly at least, to be able to argue that citizens who live in a small town or village are going to be able to have what is really limited representation in the consideration of school affairs in their area, limited because their representative on the school committee will not have the opportunity to vote on the budget question.

I think it raises the issue of first- and second-class members, but beyond that, the more fundamental question of the citizen having a right to relevant representation where it counts. Our whole system is based on representation, not just in terms of looking at aspects of the curriculum which won't be affected by this Bill, but the money, the voting of funds, the basic decisions that trustees have to make. Hon. members of this House from rural areas especially, who meet with trustees on an annual basis, can testify that a large part of the discussions, perhaps not all, invariably centre around the financial decisions of the divisions or school committees where counties exist.

I suppose what really is at stake here is an assessment of the county system itself. Probably I'm not in a position to make a judgment on that, because the area that I represent in the Assembly is not part of a county. The only county in the Peace River block is Grande Prairie county. There has been some discussion among a small number of people in parts of my constituency about the advisability of a county, particularly for the central Peace. My own view is that there are real problems in moving in that direction. But that's something where I don't want to impose my views on other areas of the province where a county system is an accepted type of local government.

However, Mr. Speaker, we are faced with a conundrum. To a certain extent, I can sympathize with the efforts of the government in this area, because I know it's no easy decision. Obviously there is an effort to attempt to overcome this business of rotation, which none of us likes. With great respect to the member who has moved second reading today, it seems to me that we have substituted rotation, having the periodic opportunity to have relevant representation, for a system where there will be continued representation but in a much more advisory, rather than a relevant and crucial capacity.

That being the case, Mr. Speaker, I hope that the government would simply hold the Bill over until the fall. After this discussion on second reading, let us throw the challenge back to the many groups that have made representation expressing concerns, particularly the two major groups, the ASTA and ATA. Perhaps there may be some suggestions that will allow us to come up with an approach that accommodates — I think the motives here are quite commendable, to eliminate the rotation system — but doesn't at the same time render school committee

members to be little more than advisory in as much as they are not able to take part in the relevant financial decisions. Frankly, school trustees or education board members must have that right if the citizen is to be represented where it counts in the local decision-making process as it relates to his or her school system.

MR. L. CLARK: Mr. Speaker, I'd like to say a few words on this Bill. I find myself agreeing with the Member for Spirit River-Fairview for maybe one of the first times. My concern in this Bill would be that I realize the county system has not worked as well as it should in some areas, but in other areas it has worked exceptionally well. I would hate to see the county system go down the drain just because we are making some amendments which I believe are going to hurt the system. I'm especially speaking about the Section 28, which we're [repealing]. I understand it's being taken out of the Act because it again gives the county the final say in financial matters, which they've always had before. They've always had the final say by having the majority of representation on the board. This is one of the things that has made the county system work. But now when they have no say at all, in reality we now have the county school system where you're going to have a much better representation by population, but absolutely no say on that school board when it comes to a vote on any financial matters. So you're really completely tying the hands of the school board. It would seem to me that you're putting the two boards in a kind of adversary position where they'll be pitted one against the other. I think it's going to lead to the downfall of the county system.

I realize that the county system hasn't been perfect, that some changes have to be made, and that it's a very difficult matter to do it. But I also realize that the other systems we have — and I think three municipalities in my constituency have their own school boards. At times, that certainly doesn't run that well either. I've had lots more trouble with them than I have with the county system. I, too, would like to see this Bill held till fall to get more input from the counties and school boards. I've had representation and letters from both sides. There is a thought that when you get both sides mad at you, you must be about right, but I don't know. I think maybe we should hold it over.

Thank you, Mr. Speaker.

DR. BUCK: Mr. Speaker, I would like to make one or two comments on Bill 25. I would like to say to that in most instances the minister is a pretty fair chap; he tries to be fair. But in this one I think somebody slipped one over on him. I think maybe the minister was so busy with other matters that he didn't really realize what was in this Bill. Knowing that the minister will not proceed with legislation that has a possibility of doing more harm than good, I'm sure the minister will hold it till the fall. I have great confidence that the minister, being the reasonable man that he is, would look at that.

I would just like to read some excerpts from a letter that was sent to the Minister of Education, the hon. Mr. King, which really indicates exactly what would happen under this Act:

I am writing to you in regard to [the Bill]. . . This bill, if passed would in effect, disenfranchise towns and villages in this province which are currently involved with county school boards. Passage would be a most retrograde step and relegate a minority of school trustees to simple advisors in the educational

endeavors of a county. That the Alberta government should propose such a bill to deny citizens elected representation with powers to act is deplorable.

The letter goes on to illustrate what he means. Section 16

... would give sole authority to the county council for the appointment of all school personnel including the superintendent of schools. This means that elected trustees from towns, villages and hamlets who serve on county school boards will have no say on the hiring, firing or evaluation of the chief executive officer employed to carry out the wishes of the board. This is directly opposite to the situation in every other school jurisdiction in Alberta. Only in counties will the superintendent not be accountable to the *elected* school board.

This change to Section 16 must not be allowed to go through at the whim of Municipal Affairs. Someone must fight for the democratic rights of elected trustees in this province and, I believe, that someone is you, Mr. Minister [referring to the Minister of Education]. Without the authority to hire its own superintendent, county boards of education become simply advisory bodies to county councils. This may signal the demise of county school systems as we now know them.

Mr. Speaker, referring to Section 28 that the hon. Member for Drumheller was speaking to, the letter goes on to say:

These changes would remove the present ability of elected trustees to sit as county councillors when the council deals with the annual estimates of the board of education. This gives veto power on school matters to the county council who could then overrule decisions made by *elected* members of a school board.

For town and village representatives, this change would mean disenfranchisement. Held accountable by the electorate for their educational decisions but with no final say or authority on budget will put them in an untenable position.

Mr. Speaker, that's certainly true. For town and village representatives, this change would mean that they have no input.

The result of such a change would make the county board of education a purely advisory body and leave citizens in towns and villages with elected trustees without the power to act, a right enjoyed by all other citizens in Alberta not involved with a county board of education. This inequality cannot be allowed.

Mr. Speaker, the representation goes on to say:

I ask you to take the initiative and:

1. block passage of Bill 25 at the spring sitting in order for revisions to be made prior to presentation in the fall
2. propose positive revisions from the educational perspective which would ensure and guarantee that the rights and authorities of all trustees in this province are equal under legislation.

Mr. Speaker, I really believe we should hold this Bill and have a look at it if we require more input. The representations made to our office were not that voluminous, but those made certainly indicated that this Bill should be reworked. I humbly submit to the Minister of Municipal Affairs that there would be great advantage in holding the Bill over the summer and having representa-

tions made. The minister being a reasonable man, I'm sure we could feel freer in supporting him in the fall.

With those few brief remarks, Mr. Speaker, I look forward to the minister being involved.

MR. DEPUTY SPEAKER: Before we continue with the debate on Bill 25, I wonder if the hon. Minister responsible for Native Affairs might have permission to revert to introduction of visitors.

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS (reversion)

DR. McCRIMMON: Thank you very much, Mr. Speaker and hon. members. Mr. Speaker, today it's my privilege to introduce to you, and through you to the members of the Assembly, 62 grade 6 pupils from the Rimbey school. Accompanied by their group leader Mr. Ken Stemo, teachers Mr. Mack Marshall and Jim Moore, parents Mrs. Ulveland, Mrs. Foster, and Mrs. Rallison, and bus drivers Mrs. Zilkie and Mr. Unreiner, they are seated in the members gallery. I'd ask them to rise and receive the warm welcome of the Assembly.

head: GOVERNMENT BILLS AND ORDERS (Second Reading)

Bill 25 The County Amendment Act, 1981 (continued)

MR. MOORE: Mr. Speaker, I'd like to make a few comments with respect to Bill 25. First of all, I'm not surprised at the comments of the Member for Spirit River-Fairview, in terms of agreeing with the ATA's position that The County Act should be done away with in the county system. Quite frankly, what I've got, and all I've got, from the Alberta Teachers' Association is that they don't believe the system works at all and that it ought to be done away with. I think there's more to the discussion than that, Mr. Speaker.

Indeed, during the last few months, in receiving representations on this Bill and the proposals I had, some people have said to me — and they've largely been people involved directly in the education system. When I've asked what their proposals would be with respect to improvements to the existing system, they said, well, the problem is that the county councils control the education budget. I said, what do you mean by "control"? Well, it isn't growing as fast as some other jurisdictions. I said, that's kind of nice; maybe we could spread the county system right across this province, and that would be rather helpful.

I was surprised the Member for Drumheller agreed with the Member for Spirit River-Fairview in doing away with the county system. But perhaps he only agreed with the fact that the Bill ought to be held till fall.

Mr. Speaker, contrary to what the Member for Clover Bar says, I did do a little research before this Bill came in and spent a lot of time talking with people about the possibility of changes that could be effective and useful. I may refer to a letter I've written to a number of people, outlining my thoughts on the Bill before the House. I've received a lot of mail from other people, requesting that

the legislation be held. The unfortunate thing is that I haven't received very much by way of constructive comments about how it might be altered.

I want to review for the Assembly, if I can, the thoughts that went into the Bill that is before the House so that might be on the record for all those involved in this system to consider. First of all, in terms of amendments to the Act, my direct interest in this began more than a year ago, when I was receiving representations from various county systems, urban educational units in particular, about their concern with respect to the rotational system of representations. They said to me, surely it's unreasonable that we should have to rotate three months out of 12 and not have a vote on the county school committee.

We looked at a number of options, Mr. Speaker, the first being simply to amend The County Act to make it clear that an urban municipality might, by way of plebiscite in that municipality, opt out of the county education system. In other words, if the towns of Fort Saskatchewan or Leduc wanted to opt out of the county systems they're in, they might have a plebiscite in their communities and do so, and then open their own schools. We looked at another avenue that might have been effective. That was to alter the number of representatives presently allowed in the larger educational units, those over 4,000, and reduce them so we didn't have the problem with the rotational system. We looked at the possibility of altering the legislation to exclude representations from some of the very small urban municipalities, those with less than 400 population or perhaps less than 50 students. Of course we considered maintaining the existing system and putting up with the rotational problems. Finally we looked at altering the legislation to provide that the rotational system be dispensed with and that the educational unit representations on the board of education be allowed to outnumber the county representatives but that certain existing powers be left with the county council, where they presently lie.

As members are aware, this Bill brought into the Legislature as a proposal the last option I mentioned; that is, to do away with the rotational system but reserve to the county council two important existing responsibilities. Before elaborating on those, perhaps I should explain briefly some of the reasons for rejecting the first four approaches.

The option of altering the Act to make it clear that urban municipalities could opt out of the county system of education would perhaps have allowed the government to say: there you are; there's an opportunity to get out if you want to. But we then would have had to deal with the difficult problem of perhaps doubling, or more, the number of school jurisdictions in the rural areas, reducing the size of those jurisdictions. The ensuing problem that results is what the county does with their students surrounding the urban area. It was my belief that to split school jurisdictions would have been a backward approach. I think the Minister of Education, who discussed it with me, also believed that wasn't any good solution to the problem, although it may have been a way we could go.

Secondly, reducing the number of representatives from each educational system over 4,000 could have been effective in some counties, but remember that the legislation has to be designed to pertain to all counties. In some areas we have the urban unit of more than 4,000 people with three members that represents almost half the student population. So we felt it was difficult to allow small

urban communities with perhaps 50 students to have one member when you had some with as many as 1,000 students, perhaps, that would only have one or, at most, two. Excluding small jurisdictions from any representation at all would have resulted in more letters to my office and to the Member for Drayton Valley, who introduced the Bill, than was the case. You can't totally disfranchise people from any representation whatever in their school system.

So the status quo not being satisfactory, we opted for what is before you. I'd like to explain what is before the House, because a lot of misrepresentation has been going around. Perhaps that's because I haven't been effective in explaining what's proposed. Really three issues are involved here: whether or not the county council should continue — and I emphasize "should continue" — to have the authority to hire administrative staff, including the school superintendent. Mr. Speaker, the existing County Act does not give the school committee the authority to hire administrative staff. That has always been a responsibility of the county council. In my view the system would not function effectively had it been otherwise. The original inception of The County Act was designed to provide joint administration of school and municipal affairs. For that purpose, you must have the ability of that one body to hire the administrative staff. That doesn't mean in any way, shape, or form that the county council is going to start hiring all the teachers or the staff in the schools. The administrative staff will look after the financial matters, including the school superintendent.

Mr. Speaker, in this Bill we're not proposing any change there. We're simply proposing a clarification, so that it's clear to school committees and superintendents in the county system who recently have been raising this matter of the wording of the present section, which I should refer to. The present section says, "The county council shall appoint", and there are (a) and (b):

- (b) such other officials as may be required to assist the municipal secretary and to provide for the efficient conduct of the business of the county council and any of its committees.

Quite clearly, the school committee is a committee of the county council. The changes proposed in the Bill before you, Mr. Speaker, will simply reword that section to say that the council shall appoint

- (b) any other county officials or employees who are required to assist the county secretary and to provide for the efficient conduct of the business of the county council . . .

And instead of saying "any of its committees", it names them:

- . . . the board of education, the municipal committee or any committee established or appointed by the county council.

The purpose of that section is to clarify that the power and authority of the county council to appoint administrative staff, including the superintendent, shall be maintained: no change. But what has been occurring across Alberta — and perhaps it's a good thing that it did occur — is that certain county councils have been passing on to the board of education their legal authority to appoint the superintendent. That's fine. If they wish to do that under the existing Act, they're free to do so. If they wish to do it under the proposed amendments before the House, they're free to do so. But, Mr. Speaker, nobody should suggest that we're proposing to alter the Act and take away from the school committee a right that they

had by legislation. Frankly, they never had it by legislation; they only assumed it because the reeve and the county council members allowed them to assume that authority.

If I could go on, Mr. Speaker, to comment on a couple of other matters, specifically whether or not the county councils should continue to establish the budget of the board of education. Again I say "continue", because the very reason the rotational system exists is so that the county council, when it looks at the estimates of the board of education, has a majority with respect to that committee. It's true enough that the legislation before you suggests that the county council would have authority to finalize the budget of the school committee without the school committee being present. But the proposals before the House make no difference in terms of who has the majority say in establishing the budget.

If it were otherwise, if the legislation were altered, as the ATA would like it to be, to provide that the board of education would have the authority to hire all the administrative staff and the authority to finalize the mill rate and the budget of the board of education without reference to the county council, then we've simply done away with the system. Really that's what the county system is all about: duly elected municipal officials acting jointly on municipal and school matters.

Mr. Speaker, I believe that the amendments before the House will be effective in resolving many of the concerns that are out there now. Let me hasten to add that a school board deals with many, many important items besides the hiring of the administrative staff and the establishment of the budget. My effort here was to ensure that people who are dealing with hiring principals and teachers, a curriculum, and a great variety of matters throughout the course of an educational year, would not be disfranchised for a period of time because of the rotational system. However, I recognize the problems associated with proceeding with the Bill. At my request this morning the government caucus agreed that after second reading it should be held until the fall, so that we might have more input in the matter and have a better explanation across the province of what we're really trying to do.

Mr. Speaker, the government is not tied to these amendments, but the government is concerned that two things occur: that the principle of the county system in Alberta be maintained, and that means joint administration and joint decision-making on educational and municipal matters; secondly, that some attention be given to the problem of the rotational system that exists with respect to urban jurisdictions, and hopefully some improvements in that.

In conclusion, I would be pleased to receive representations over the summer from anyone with respect to the matters we've been discussing this morning. But I don't want to receive representations that say, do away with the county system. I want to receive representations that address the problems that exist and how we might resolve those problems by altering the legislation.

MR. DEPUTY SPEAKER: Before we deal further with Bill No. 25, might the hon. Member for Edson have permission to revert to introduction of visitors?

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS (reversion)

DR. REID: Thank you, Mr. Speaker. I would like to introduce today 40 students who've come all the way from Jasper. They're in grade 6 and are studying government. For that reason they are very interested in the proceedings. They are accompanied by four teachers, Jill Fenton, Connie Sawka, Susan Rowan, and Betty Anne Declerq. These teachers also drove the bus, so they've been well used this morning. The students are accompanied by one parent, Mrs. Gloria Kongsrud, who also is performing a double function, as she is the chairperson of the Jasper school board. I would like them to rise and receive the welcome of the Assembly.

head: GOVERNMENT BILLS AND ORDERS (Second Reading)

Bill 25 The County Amendment Act, 1981 (continued)

MR. DEPUTY SPEAKER: Are you ready for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 25 read a second time]

Bill 30 The Tobacco Tax Amendment Act, 1981

MR. D. ANDERSON: Thank you, Mr. Speaker. I would like to make a few brief comments in moving second reading of Bill 30, The Tobacco Tax Amendment Act, 1981.

The purpose of the Bill is to strengthen the investigative powers and penalties in The Tobacco Tax Act. We've moved in that direction at this time because there is evidence not only in our province but in others across the country that some relatively significant tax evasion has been taking place. This Bill attempts to deal with that evasion in two ways: first, by facilitating greater investigation of this area by allowing peace officers and others authorized by the minister to stop and investigate vehicles they have reason to suspect are transporting illegal cigarettes or cigarettes that haven't had the tax paid on them, and then to seize cigarettes in excess of 10,000 that are illegal because of non-payment of taxes. The Bill also provides for the means by which the minister will deal with such seized cigarettes. Most importantly, the Bill prescribes a series of penalties which would make it impractical to transport illegally or to traffic in cigarettes without paying the prescribed penalty.

In brief, Mr. Speaker, it's hoped that if this Bill is approved by the Assembly, the illegal thoughts of tax evaders will go up in a puff of smoke.

[Motion carried; Bill 30 read a second time]

Bill 32 The Fuel Oil Administration Amendment Act, 1981

MR. STEWART: Mr. Speaker, in moving second reading of Bill 32, The Fuel Oil Administration Amendment

Act, 1981, I think a brief explanation is necessary. The amendment was necessitated because of a court action in interpreting the Act as it was previously written, and a regulation pertaining to the Act took the interpretation differently from the intent. I think a brief explanation of the Act as it was previously written is necessary to better understand the brief amendment.

In Section 1(l)(h) of The Fuel Oil Administration Act, three specified areas classifying farming operations are listed. It goes on with a fourth explanation: "any operation designated by the regulations as a farming operation for the purposes of this [Act]". The Act continues with another paragraph that classifies situations that do not include areas for farming purposes and use of subsidized colored fuel, and does not designate that certain areas can be excluded by regulation.

This particular amendment, as it is written, specifies "any operation designated by the regulations as not being a farming operation for the purposes of this [particular Act]". It really means that, by regulation, certain types of operation — specifically in this case what was challenged was the transportation on a highway of sod from a sod farm with the use of purple gas. This amendment will make it possible for regulations to specify particular areas that will not qualify for the use of purple gas and, consequently, make the Act do what it was originally intended to do.

With that explanation, I would beg all members to support the Bill.

MR. COOK: Mr. Speaker, I wonder if I might ask the hon. member a couple of questions in my remarks speaking to second reading of the Bill. What prompted the government to move in this way? I was talking to the president of a landscaping company in Alberta, and I understand that in aggregate the total saving to the treasury is some \$30,000. The landscape industry estimates the total cost of providing purple gas to tree farms and sod farms is about \$30,000. It seems a little strange that we would take this step to try to identify or single out one component of the agricultural community that will save the government of Alberta \$30,000.

Mr. Speaker, I think the wider implications of what we are about to do are these: under federal tax legislation, the sod and tree farms are considered to be agricultural and therefore have a lower tax rate. By the province of Alberta excluding them from the agricultural community, in effect, we could be helping the federal government redefine the agricultural industry in this area and not only charge the tree and sod farms \$30,000 in purple fuel costs but also have them run the risk of being redefined for the purposes of federal and provincial income tax. The side effect could be much greater. I wonder if the Member for Wainwright could address that particular concern.

SOME HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: Are you ready for the question on Bill 32?

MR. COOK: Mr. Speaker, I wonder if the member, in summing up debate on second reading of this item, could address those concerns I raised.

MR. DEPUTY SPEAKER: Did the hon. Member for Wainwright wish to conclude debate?

MR. STEWART: Mr. Speaker, I think the hon. Member for Edmonton Glengarry has been persuaded by people involved in the sod industry that this particular piece of legislation was going to identify and qualify what a farming operation consists of. Since legislation has been written, trying to identify and qualify what a farming operation is has proven to be almost an impossible task because there are gray, fringe areas where, no matter how the legislation is written, a true standard of what is and what isn't farming has always been very difficult to put in legislation.

To understand the intent of The Fuel Oil Administration Act, I think we've got to recognize the intent of the original philosophy behind having colored fuel. When the original legislation was drafted, my understanding of the concept was that because food production in agriculture was left, to a high degree, at the mercy of the market place, having to sell a product at a fixed price and not being able to pass on true costs, agricultural production was deserving of some compensation of input costs; consequently, the reason behind the fact that they would be able to buy fuel at a lower price than people in other endeavors. I think of the logging industry and many other areas.

No matter how you try to draft legislation, there are going to be gray areas where a judgment decision has to be made. This particular case, I think, brings that to light. No one is designating that sod or tree farming is not agriculture. This legislation is saying that you can use purple gas for the production of sod as long as you're working on your own property. But when you transport it on the highway, that doesn't qualify for subsidized fuel.

The hon. member is reflecting the views of some people involved in the industry and their concern that the interpretation of the transportation of their product with commercial rate fuel would somehow jeopardize their position as being in agriculture. I do not see this particular amendment to The Fuel Oil Administration Act doing that. I believe that regulations can be drafted to accommodate the original intent of the Act. In no way do I believe the interpretation that somehow they are lesser farmers than others because of this piece of legislation. For that reason I believe this amendment clarifies the intent of the Act as it was originally written.

MR. DEPUTY SPEAKER: Having heard the motion by the hon. Member for Wainwright for second reading of Bill No. 32, The Fuel Oil Administration Amendment Act, 1981, will all those in favor please say aye?

DR. BUCK: Mr. Speaker, in light of the fact that I could have a conflict of interest because I raise trees, I would like to absent myself from the vote.

[Motion carried; Bill 32 read a second time]

Bill 34

The Dairy Industry Act

MR. FJORDBOTTEN: Mr. Speaker, I move second reading of Bill No. 34, The Dairy Industry Act. This Bill updates the present Dairymen's Act. The new Act more accurately describes the scope of the industry covered, and it closely identifies the legislation as an Act covering both milk production and processing.

In my remarks I think I should mention specific parts of the Act. Bonding of processing plants has been replaced with security as required by the minister, which I

think is very important to have in the Act. There are different sizes of operation, and with bonding it's more difficult to have the proper security. Also the amounts of the financial penalties for contravention of the Act have been updated.

Mr. Speaker, those are all the comments I would like to make.

[Motion carried; Bill 34 read a second time]

Bill 37

The Workers' Compensation Act, 1981

MR. DIACHUK: Mr. Speaker, in moving second reading of Bill 37, I wish to make a few comments. I've made so many speeches and addresses on the proposed Bill 37, prior to introduction and since, that I'd just like to reflect on a couple of items. As I indicated on May 22 in this Assembly, I was interested in the comments of many of my colleagues because I hoped to be able bring forth amendments to The Workers' Compensation Act in the fall sittings. Therefore this summer, my office staff will be involved in the review of further submissions that members of this Assembly or other constituents have with regard to concerns they may raise to any member on the select committee report. I welcome any and other comments and look forward to the discussions and the debate.

Yes, there were a lot of submissions, and true, we wish at times we didn't have to have a Workers' Compensation Act. However, as the definition in the dictionary indicates, an accident is an unfortunate happening, something harmful or unlucky that happens. Through that we get somebody who becomes disabled. The definition for disabled is: deprived of ability or power. Because of those two, Mr. Speaker, I wish only to say that I welcome any debate under second reading of Bill No. [37].

I sincerely look to the co-operation of the members of the Assembly. It is a very progressive piece of legislation responding to the needs of our workers in this province. I think the industry is going to be getting a fair shake out of their assessments through this legislation.

MR. COOK: Mr. Speaker, if I might make just a couple of quick comments to the minister, and they are very laudatory. He has worked hard, argued well in caucus, and fought the good fight. I think he has succeeded in putting before the House a very progressive piece of legislation that will win the respect of Canadians right across the country for the government party, and the understanding of the working people that this government has a heart and compassion. I think it bodes well for the people of Alberta, especially the working people.

The most exciting part of the legislation, though, is that it emphasizes rehabilitation as opposed to merely compensation. It proposes to try to help the worker when he is injured to be brought into the mainstream of the community, to be retrained and offered new job skills. That should in turn do two things. It will give him a great deal of respect and self-esteem again, rather than being a charge on the society. Secondly it will reduce the overall cost to the community for pensions.

It's an exciting piece of legislation for a number of reasons. It does show that the Progressive Conservative Party and the government is compassionate, very concerned about the rights and responsibilities of working people. I think it shows that we are concerned about rehabilitation rather than simply paying out pensions.

Again, congratulations to the minister. It's a job well done.

MR. PAHL: Mr. Speaker, in rising to comment on Bill 37, second reading, I would like to acknowledge the great amount of work done by the minister and his select committee of the legislature, and the evolution of their philosophies into the Bill before the House. I would, however, like to pick up on the remarks by my seat mate the hon. Member for Edmonton Glengarry, in saying that implied in the Bill is a furtherance of the responsibility of the employer to provide for a worker in the absence of the ability of the worker to basically provide suit against the employer for any injury. However, within this review and increased compensation is certainly the commitment to emphasize rehabilitation, as the Member for Edmonton Glengarry indicated. Mr. Speaker, I would say that this places a responsibility on the minister to make sure that the Workers' Compensation Board and the occupational health and safety group respond and fully implement the rehabilitative philosophy as opposed to compensation.

In closing I would indicate my support for the Bill as presented to the House, and hope that the minister will respond to the challenges placed before that Bill in terms of changing and improving the emphasis on rehabilitation and participation in the work force by safe workers.

MRS. CHICHAK: Mr. Speaker, I want to add a few brief comments with respect to this legislation. Many strides have been made in the improvement of legislation for worker compensation, in the development of safety programs, and in making the public and the worker more aware of the need for practising safety procedures in the work place, as well as bringing together an increased recognition of the responsibility of both the employer and the employee to adhere to safety practices in the work place.

I'd like to commend the minister on three areas of substantial improvement under this legislation. That is the additional compensation not only to the injured worker but to the family as well, when perhaps the worker has lost his life or has had complete disability. The other area that has substantial improvements is the additional medical coverage and the recognition of the time for which the injured worker might be compensated if he must lose income from his employment due to an accident.

The third area I would like to highlight at this time is with respect to the increase in coverage to workers who might now come under workers' compensation, and the degree of support that would be provided to them in the event of injury and substantial disability. The increase to include payrolls of up to \$40,000 a year is a substantial change and improvement. In today's times, the change in the cost of living, the change in income levels throughout, I think it has been a significant recognition and I'm sure will be well accepted and supported by both the worker and the employer, even though the employer is the one who carries the brunt of the cost of this additional program. However, there's no question that this should reflect itself in improved or greater dedicated service in the work place to safety, health, and production in ratio to the cost of the worker being employed.

Thank you, Mr. Speaker.

MRS. FYFE: Mr. Speaker, I too would like to say a few words in this second reading of Bill 37. In a dynamic

province such as Alberta, I think it is particularly appropriate that Alberta move ahead with legislation that will keep pace with the changes that have taken place in the work place, and steps that will compensate workers who are unfortunately injured in the work place, to keep the benefits in step with salaries and benefits they would receive if they were not part of the workers' compensation program.

I personally benefitted a great deal from being a member of the select committee. I learned a great amount of information related not just to the compensation program, because it is much broader than compensation, but the whole area of safety and preventive steps, compensation of course, and the rehabilitation that's been referred to by other members of the Legislature. It is in these new directions that I hope this legislation will provide an incentive for employers to ensure that the conditions of the workers they employ are updated, that the conditions protect the workers in this province, who are extremely precious to our economy and are essential to the development of this province.

I enjoyed working with the Minister responsible for Workers' Health, Safety and Compensation. I sincerely believe that he appreciates the concerns of the worker and has done his utmost to work in all three areas to enhance the conditions. I would like to add my personal congratulations to his efforts over the year and thank him for the time and effort that he devoted to the select committee, the information he provided us, which we're all beneficiaries of.

With that, Mr. Speaker, thank you.

MR. DIACHUK: Mr. Speaker, may I make just one closing remark. The increase to the \$40,000 ceiling, raised by the hon. Member for Edmonton Norwood, has been misunderstood. If the work force the employer has at present is below the present ceiling of \$22,000, there's no fear that the assessment for that work force is going to increase markedly, because there aren't any workers in that employment over the \$22,000 ceiling.

The other thing is that to date, it would appear that our ceiling for workers' compensation benefits has only kept pace with the salaries, or just a little above the salaries, of MLAs. I hope this would now recognize that the workers in Alberta be compensated more fairly.

[Motion carried; Bill 37 read a second time]

Bill 42

The School Amendment Act, 1981

DR. CARTER: Mr. Speaker, I move second reading of Bill 42, The School Amendment Act, 1981. The few brief comments I make deal with the five amendments and one addition that take place within The School Act.

Section 64(1) is an amendment that will require the apportionment of federal grants in lieu of taxes between public and separate school districts on the basis of the numbers of their resident pupils. This is a clarification with respect to a process that has been in place over the past number of months and has the concurrence of the federal government. Section 65(4)(g) is an amendment which provides the authority to allow one school board to make a cash grant to another school board. An example of that would be with respect to sharing costs of music festivals or athletic events. Section 87.1 is an addition to provide for board of reference orders to be filed as orders of the court. This addition to the Act is at the

request of both the Alberta Teachers' Association and the Alberta School Trustees' Association. Section 140 is an amendment which is a clarification that the transferring of all students from a school will require the approval of the minister in the same manner as closure of a school presently requires the approval of the minister. Section 142(3) is an amendment of clarification that the minister may direct a board to pay a tuition fee to enable a parent's child to continue to attend a school where a boundary change has resulted in the parent and the school being in different school systems. The final amendment is with regard to Section 161 of The School Act, an amendment to enable a school board to enter into agreements with private industry for work experience programs.

[Motion carried; Bill 42 read a second time]

Bill 48

The Municipal Taxation Amendment Act, 1981 (No. 2)

MR. MOORE: Mr. Speaker, I move second reading of Bill No. 48, The Municipal Taxation Amendment Act, 1981 (No. 2).

[Motion carried; Bill 48 read a second time]

Bill 49

The Technical Institutes Act

MR. HORSMAN: Mr. Speaker, in moving second reading of Bill 49, The Technical Institutes Act, I want to take a few moments to explain some of the particular features of this legislation, which I believe to be one of the most significant pieces of legislation brought before the Assembly in this current session. I say so because it is a major policy change for this government to have moved the technical institutions from their present status within my department, Advanced Education and Manpower, to board governed status. That board governed status will provide the same type of public participation for technical institutions in the province that is now enjoyed by the universities and colleges, also served by my department.

I think it is fair to say that over the years a number of representations have been made to the government — not just to our government, but to our predecessors — with respect to the status of the southern and northern Alberta institutes of technology. In proposing this legislation today for second reading, I want to outline for the record what is proposed with respect to the board of governors. I think it's important to note that the existing institutions will be affected and the new technical institution now on the drawing board for the future, to be located at the town of Stony Plain, which will receive a name suitable for province-wide recognition of this valuable new institution in postsecondary education. All three institutions will be provided with boards of governors.

The boards of governors will be comprised of 15 members: 10 public members; 2 members from the academic staff, with the provision that at least one of those academic staff members be persons who are representative of the trades as designated under The Manpower Development Act of the province, also under the administration of my department; two students; and for the first time with respect to technical institutions or colleges, there will be a board member from what is described as the non-academic staff — in other words, the support

staff.

I want to take a moment if I may, Mr. Speaker, to indicate how important I believe it to be that the support staff of these institutions be represented in the governance of those institutions. I believe that every postsecondary institution in Alberta is designed and designated for the main purpose of serving the students who pass through its doors. I recognize that at the university level there is an important research capability and capacity that is not present in either the colleges or technical institutions. But by and large, I believe that students are the reason for the existence of postsecondary institutions. Therefore, for some years students have been represented on boards of governors at the universities and colleges. Likewise, the academic staff has been recognized as being important to the operation of the institutions. But I repeat that the institutions are not there for the employment of academic staff, no matter how qualified or able they may be. But never before have we recognized in a significant way with respect to governance the vital role played by the other employees of the institutions. So in this Act, and other Acts I will deal with later during the course of this sitting, we are recognizing and including for the first time on the board of governors a representative from the support staff.

Mr. Speaker, all of us know that the institutions cannot and will not run without a dedicated support staff consisting of a very wide range of employees who are very important to the operation of the institutions. So I hope that including the non-academic staff member on the board of governors will give a better feeling of partnership amongst the various components that make up the institution. I wanted to take a moment to indicate that with respect to this Act.

I want to point out that the provisions respecting the appointments of boards and senates within The Universities Act are being made consistent with each other. Therefore, all publicly appointed members must be Canadians or permanent residents of Canada. With the exception of the Banff Centre and Lakeland College, all board members, including those in The Technical Institutes Act, must be residents of Alberta. Provisions respecting remuneration, payment of expenses, length and number of terms, and resignation have been clarified.

I want to indicate to the House that it is the intention to move this Bill through to third reading and Royal Assent in the spring sitting, with the clear understanding that only those parts of The Technical Institutes Act which provide for the creation of the interim governing authority will be proclaimed, with the provision that over the months of summer we will be meeting on a regular basis with the various components of the technical institutions to make sure the transition is orderly, clearly understood, and accepted by all components of the institutions. I want to make it clear to everyone concerned that we will listen very carefully to representations which may be received.

I want to point out that I held a very interesting and, I believe, successful meeting on Monday of this week with representatives from both the southern Alberta institutes and the interim working group with respect to the new institutions, headed by Jack Starritt, to go through the legislation with the students, support staff, and academic staff, to make sure they understood the provisions, and clearly understood that during the time when we will be proceeding with the interim authority, they will be able to review in more detail the other aspects of the legislation for the purpose of perhaps coming forward in the fall

towards making changes if they feel they are important. Of course, we as a government will take their views under consideration.

Mr. Speaker, if I may, I want to deal with one of the items of greatest concern with respect to this new legislation. That relates to the subject of collective bargaining. Here I wish to point out that the collective bargaining procedures provided for in The Technical Institutes Act are similar to those now contained in The Colleges Act. Over the last several months we have been carrying on a series of meetings and consultations with people and the representatives from various groups in the colleges and universities toward establishing a relatively uniform system of collective bargaining in postsecondary education. It is important that I outline in this new legislation the principles we intend to follow with respect to collective bargaining.

First, there will be a clear understanding of the authority of the board of governors to designate academic staff, but that designation will require consultation with the academic staff association. Mr. Speaker, the requirement for consultation is something new in postsecondary bargaining procedures, but once again we believe it will assist in developing the appropriate partnership attitude between the parties.

Secondly, there will be an incorporation in the Act of the academic staff association, which will give that staff association exclusive authority to negotiate on behalf of the academic staff. I think it's important to point out for the record that we expect this will lead to collective bargaining relationships and agreements within the institutions that may differ one to another. We think that is appropriate and, indeed, a very satisfactory state of affairs, because each institution will have its own style. We think it's appropriate that we allow the maximum amount of board of governors' autonomy and the right of the academic staff association to enter into the appropriate type of agreement to serve its own particular institution. That is not to say that the academic staff association may not choose to use the services of another bargaining agent. That of course is open to them to do, and I should point out that that may be what is decided. But that will be within the jurisdiction of the academic staff.

The third principle is that there be a requirement in The Technical Institutes Act and the other Acts that the boards of governors and the associations negotiate a minimum number of items, similar to those that are now included in The Colleges Act but with a provision that copyright and trademark also be matters for consideration.

Finally, there are provisions of model arbitration clauses if those are not contained in the individual agreements. The intent of these provisions is to incorporate into legislation that which is currently in existence in most postsecondary institutions, other than The Technical Institutes Act of course because they are now governed by The Public Service Employee Relations Act. It will provide to the technical institutes the same type of collective bargaining procedures now in existence in the colleges system.

Mr. Speaker, in concluding debate on second reading of The Technical Institutes Act, I wish to make it clear that the non-academic staff positions will be enhanced by the addition of the membership on the board of governors. The academic staff position is clearly spelled out, with provision that the members of the academic staff will be self-governing according to by-laws they develop themselves.

I just want to add this final word. Section 37, with regard to pensions, will be further developed in consultation with my colleague the Provincial Treasurer, with the intent of ensuring that no current employee of the technical institutes will suffer any loss in their current status with respect to salaries, income, status, or pension rights, which I know is a matter of concern to many employees, as a result of this transition from provincially administered institutions to board governed status. The students' association will continue and be recognized under this legislation. As I indicated, those parts of the Act which will permit us to appoint an interim governing authority to provide for the transition from provincially administered status to board governed status will be proclaimed during the early part of this coming month or, at the latest, in early summer, so this transition to the new status for these institutions may take place.

Mr. Speaker, I move second reading of Bill 49, The Technical Institutes Act.

MR. LYSONS: Mr. Speaker, I wonder if I could ask the minister if he would clearly explain for the record when we go into committee the reason for having ...

MR. DEPUTY SPEAKER: Perhaps that is a question that could be saved until committee stage is reached.

[Motion carried, Bill 49 read a second time]

Bill 50

The Colleges Amendment Act, 1981

MR. HORSMAN: Mr. Speaker, in moving second reading of The Colleges Amendment Act, I want to point out that the remarks I made with respect to collective bargaining apply — certain changes have been included with respect to that matter, as I made in my remarks with respect to Bill 49. In my opinion The Colleges Act has been very successful in the sense that 10 public colleges have been operating under this legislation. With respect to collective bargaining, each institution has a collective bargaining agreement negotiated between the board of governors and the faculty association. They are different in each institution, providing for local autonomy and local needs, and we think that is appropriate.

As in the case of The Technical Institutes Act, one member of the non-academic staff will now be represented on the board of governors. As a provision of this legislation, it is important to note that the presidents of the institutions will no longer be voting members of the boards of governors. It is the policy of the government to provide that those administrative officers have a role to play on the board as non-voting members who are entitled to receive all notices and material relating to the board meetings, entitled to attend, but not to vote. That is a change in policy.

Provisions have also been made with respect to the Crown guarantee of loans, and corrections have been made to the sections respecting the composition of the academic council. Also, provisions relating to the election of students' councils have been clarified.

[Motion carried, Bill 50 read a second time]

Bill 51

The Universities Amendment Act, 1981

MR. HORSMAN: Mr. Speaker, with respect to second reading of Bill 51, The Universities Amendment Act, 1981, I wish to point out that in accordance with representations from the senates of the three universities which have senates — I point out that Athabasca University does not have a senate but a governing council, which is something like a combined senate and board of governors; I won't go into that — some changes have been made to the procedures respecting the election of the chancellor. As well, the senate's role in granting honorary degrees has been clarified. I wish to point out that the collective bargaining procedures which are currently in place in The Colleges Act, with appropriate amendments indicated in my remarks with respect to that legislation and The Technical Institutes Act, are now incorporated into The Universities Act.

I want to point out that it is the intention of the government to hold The Universities Act and The Colleges Act in committee study and to hear representations, if any, from boards of governors, senates, students' associations, faculty associations, and support staff associations during the time until the fall sittings of the Legislature. We will carry on the extensive consultation with those groups that has already taken place over the last several months.

I move second reading of Bill 51, The Universities Amendment Act, 1981.

[Motion carried; Bill 51 read a second time]

MR. HORSMAN: Mr. Speaker, on Monday afternoon we will continue with second reading of Bills on the Order Paper and, hopefully, move into committee study of Bills as well.

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

MR. DEPUTY SPEAKER: Having heard the motion of the hon. Deputy Government House Leader, are you all agreed?

HON. MEMBERS: Agreed.

[At 12:59 p.m., pursuant to Standing Order 5, the House adjourned to Monday at 2:30 p.m.]