

LEGISLATIVE ASSEMBLY OF ALBERTA

[Leave granted; Bill 91 read a first time]

Title: Tuesday, November 3, 1981 2:30 p.m.

Bill 93

Energy Resources Conservation
Amendment Act, 1981

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

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF BILLS

Bill 80

Transportation of Dangerous Goods
Control Act

MR. MOORE: Mr. Speaker, I beg leave to introduce Bill No. 80, the Transportation of Dangerous Goods Control Act.

This Bill is designed to complement similar legislation at the federal level and other legislation being introduced in provinces throughout Canada, to provide for a uniform method of control of the transportation of dangerous goods throughout Canada.

[Leave granted; Bill 80 read a first time]

Bill 77

Judicature Amendment Act, 1981

MR. CRAWFORD: Mr. Speaker, I ask leave to introduce Bill No. 77, the Judicature Amendment Act, 1981.

This Bill would provide primarily for two changes to existing legislation: one clarifies the question of notice that must be given to the Attorney General when constitutional issues are raised in proceedings and about to be argued in court; the other one, in a related matter, deals with the question of the representation Crown agencies must have in such cases.

[Leave granted; Bill 77 read a first time]

Bill 91

Legal Profession
Amendment Act, 1981

MR. CRAWFORD: Mr. Speaker, I ask leave to introduce Bill No. 91, the Legal Profession Amendment Act, 1981.

Apart from making a number of extensive and important administrative changes in this particular legislation, this Bill brings in a number of other important provisions in accordance with the government's policy in regard to professions. The way discipline proceedings are handled by the benchers has been revised. The requirement for a person to practise law is now that of Canadian citizenship, where previously being a British subject was sufficient qualification to seek to practise, given the other necessary qualifications. It introduces the concept of lay benchers to the benchers of the Law Society and, further, provides certain clarification of the manner in which annual assessments may be varied by extraordinary assessments.

MR. LEITCH: Mr. Speaker, I request leave to introduce a Bill being the Energy Resources Conservation Amendment Act, 1981.

The purpose of this Bill is to amend the provisions of the Act dealing with the Energy Resources Conservation Board's practice and capacity to award costs to interveners.

[Leave granted; Bill 93 read a first time]

head: TABLING RETURNS AND REPORTS

MR. RUSSELL: Mr. Speaker, I beg leave to table a response to Motion for a Return No. 118, as ordered by the Assembly.

MR. STEVENS: Mr. Speaker, I beg leave to table the response to Question No. 115, as requested by the Assembly.

MR. BORSTAD: Mr. Speaker, I would like to file with the Legislature Library four copies of the Alberta North in the '80s conference report.

MR. D. ANDERSON: Mr. Speaker, I would like to file for the interest of hon. members a number of letters representing a cross section of those I've received from individuals with expertise in areas related to the family. These letters are in support of the general concept of Bill 228, The Alberta Family Institute Act.

The letters are from E.P. Hogan, assistant chairman, Behavioral Sciences Department, Mount Royal College; Carol Knowles and Rose Marie McLean, instructors, Allied Health Department, Mount Royal College, Calgary; Pat Burden, director, Fulton Child Care Centre, Edmonton; Dr. Branch, certified psychologist, Barrhead; Dr. Dianne Kieren, professor of the Division of Family Studies, University of Alberta; Dr. Jason Montgomery, of the same faculty; Dr. Wayne McVey, the Department of Sociology, University of Alberta; Dr. Karl Tamm, director of the family therapy program, Division of Psychiatry, University of Calgary; D.R. Milne, acting general manager of social services, city of Edmonton; Dr. Brian Woodward, psychologist, Janus Associates; and Bill Dyson, director of the Vanier Institute of the Family.

head: INTRODUCTION OF SPECIAL GUESTS

MR. SHABEN: Mr. Speaker, it's a pleasure for me today to introduce to you and to members of the Assembly four special guests in the members gallery. They are Chief Jim Giroux of the Driftpile Indian Band, councillors Philip and George Bellerose, and band manager Raymond Willier. I'd ask that they stand and receive the welcome of the Assembly.

MR. HIEBERT: Mr. Speaker, may I introduce to you and to members of the Assembly 33 grade 6 students from Fulton Place school in the constituency of Edmonton Gold Bar. They are accompanied by their teacher

Mrs. Heggerud, and parents Mrs. Kerr, Mrs. Vatamaniuk, and Mrs. Caine. I would ask them to rise in the members gallery and receive the customary welcome of the House.

MR. WOO: Mr. Speaker, I'm pleased to introduce to you, and through you to members of this Assembly, a class of 48 very bright grade 6 students from the St. Theresa elementary school located in the west borough of Sherwood Park. They are accompanied this afternoon by two teachers, their group leader Mr. Joe Weleschuk, and Mrs. Doreen Myroniuk. If the students and teachers would now rise, I would ask the Assembly to join me in according them our traditional warm welcome.

head: ORAL QUESTION PERIOD

Heritage Trust Fund Auditing

MR. R. SPEAKER: Mr. Speaker, my question to the Provincial Treasurer is a follow-up to the questions yesterday, when the Provincial Treasurer would not produce a management letter as requested in my question. Since that question, I've had the opportunity of looking at Section 27 of The Auditor General Act in which working papers are not allowed to be tabled in the Legislature.

Mr. Speaker, the management letter I requested and audit working papers are different. I've checked with the Institute of Chartered Accountants, tax accounting lawyers, and textbooks from the university. It's clear that there is a difference between management letters and audit working papers.

Mr. Speaker, my question is: will the Provincial Treasurer produce in this Assembly the management letters we wish, and table them for our information?

MR. HYNDMAN: Mr. Speaker, as I said yesterday and as the Auditor General of this province has said, the law of this province is that those working papers include the management letters and should not be tabled. That's the law of Alberta at this moment.

MR. R. SPEAKER: Mr. Speaker, I differ with that opinion, and the Auditor General of this province has not made that clear definition. The letter received by the Provincial Treasurer is a management letter that can be tabled in this Legislature. Mr. Speaker, what is the Provincial Treasurer trying to hide? Why can't we have the information?

MR. SPEAKER: Order please.

MR. R. SPEAKER: Why can't it be produced in this Legislature? It is legal to produce it and table it. Why isn't it here?

MR. HYNDMAN: Mr. Speaker, I fail to understand why the opposition leader in particular, and the opposition generally, persists in questioning the credibility of the independent Auditor General of this province who has said particularly . . .

MR. R. SPEAKER: That's untrue.

MR. HYNDMAN: And the law is that those letters . . .

MR. R. SPEAKER: That is not a true statement.

MR. HYNDMAN: . . . should not be tabled.

MR. R. SPEAKER: We're not questioning the Auditor General's capability, point of view, or working habits.

MR. R. CLARK: That's just a red herring.

MR. R. SPEAKER: We are questioning why the Provincial Treasurer does not present information and make public business public in this Legislature.

MR. SPEAKER: Order please. It would appear that it's time we got this back on the track. The question simply is whether the hon. Provincial Treasurer will produce certain documents. He has said he will not, and he has given a reason for that. It would seem to me that anything beyond that is debate.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. In view of the Provincial Treasurer's comments about the law, what specific legal advice has he obtained to back up his assertion that in fact it is not legal to table the management reports as opposed to the working papers, which are two entirely different things, as has been pointed out.

MR. SPEAKER: Order please. Both the present edition of *Beauchesne* and the previous one, which is probably based even more on general parliamentary precedent and what might be known as the law of parliament, specifically say that a legal opinion received by a government or a minister of the Crown is beyond the scope of the question period, as I understand it and if I remember it correctly. As I understand it, a confidence between solicitor and client is quite in keeping with the normal practice throughout the free world.

MR. NOTLEY: Mr. Speaker, on a point of order. [Unrecorded] the question may well be the tabling of a legal opinion but as to whether or not a legal opinion has been sought, in my judgment. We know that question has been put a number of times before. My question to the hon. minister is whether or not the Provincial Treasurer has sought a legal opinion on this matter, in view of the advice he gratuitously gave the Assembly — in my judgment, in error.

MR. SPEAKER: That's quite a different question.

MR. HYNDMAN: In my view, Mr. Speaker, the words mean what they said. I believe the evidence of the Auditor General, who is a highly respected chartered accountant in not only Alberta but Canada, is that he has always deemed that the words in that Act infer, and quite clearly encompass, the management letters, the audit letters.

Mr. Speaker, I think the best evidence of the fact that that is the case, and that the law today is quite clear that those letters cannot be tabled, is the fact that the unusual opposition trinity on the other side has introduced a Bill purporting to change the existing law. The only reason they would do that is that they know that the existing law precludes and does not permit those letters to be tabled; therefore, they've introduced the Bill to change it. That will be debated at the appropriate time, and we'll see what the result of the Legislative Assembly is.

MR. SINDLINGER: A supplementary, please, Mr. Speaker. When the Auditor General was before the heritage fund watchdog committee, he was . . .

SOME HON. MEMBERS: Question.

DR. BUCK: Come on. Call off the dogs.

MR. SPEAKER: Order please. Surely the hon. member is allowed a modest introduction to the question in laying the background to it.

MR. SINDLINGER: Thank you very much, Mr. Speaker.

Mr. Speaker, when the Auditor General was before the heritage fund watchdog committee, he referred to the management letters and offered to discuss and provide extracts to the committee. However, the committee refused to accept them. My question is whether or not the Provincial Treasurer would allow the Auditor General to provide those extracts from the management report to the heritage fund watchdog committee?

MR. HYNDMAN: Mr. Speaker, I don't have that power. The Auditor General is a servant of this Assembly, and we are talking about a letter prepared, and in effect owned, by the Auditor General.

MR. R. CLARK: Mr. Speaker, I'd like to direct a question to the Provincial Treasurer. If my recollection is accurate, the Provincial Auditor agreed to present to the Heritage Savings Trust Fund committee of this Assembly extracts from certain management letters he had given to the officials of the government. My supplementary question to the Provincial Treasurer is: in light of that willingness, if my memory is accurate, by the Provincial Auditor to make that information available, why did the government members on that committee prevent the Auditor General from doing that?

MR. SPEAKER: With great respect, the government members on the committee don't answer questions in the question period.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister relating to the comment with regard to our Bill. We agree that working papers can be kept confidential, and our Act does not ask for a change in that part of the Act. But we ask that management letters, management documents, be presented to the Legislature.

Would the Provincial Treasurer examine all methods by which those management documents may be presented in this Legislature? If the government believes in open government and in providing all possible material to this Legislature, will the Provincial Treasurer take on a commitment to examine the matter again and reassess his present position?

MR. HYNDMAN: Mr. Speaker, the present position is the position of this Legislature, as evidenced in the Act. Not only do we believe in open government, we believe in ensuring that methods are found that will ensure that the control systems are not weakened. The initiatives by the opposition have already weakened the control systems of the government by revealing . . .

MR. SPEAKER: Order please. We're definitely getting into the area of debate now.

MR. SINDLINGER: A final supplementary please, Mr. Speaker, with regard to the management control letter. I would ask the Provincial Treasurer if he would please table in the Legislature a summary of those transactions which led to the loss of \$60 million on marketable securities?

MR. SPEAKER: It would seem that the hon. member's request would be eminently suitable for a motion for a return.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Has the Provincial Treasurer examined the procedures and any losses that have occurred in other provinces, for example the province of Ontario which has very open legislation relative to the Auditor General where all management papers are made available to the Legislative Assembly? Has the minister examined that procedure to look at the procedures being carried on in the province of Alberta?

MR. SPEAKER: With great respect, I don't know whether the situation in Ontario has changed between yesterday and today, but that question would seem to be a repetition of one asked yesterday.

MR. BATIUK: On a point of order, Mr. Speaker. At the spring sitting of the Legislature, you made a ruling that I concurred in, that the intent of the question period is to provide hon. members with the opportunity to seek information they would otherwise find difficult or impossible. I also concur that preference should be given to the opposition, because it is presumed that it is more difficult for them to seek and get this information. But over the last number of days, Mr. Speaker, these same questions and answers have been coming, and it's continuing. Since the fall session, on several occasions I have indicated that I wanted to ask a question, but the question period elapsed before that chance. Unless the calibre of questioning changes, Mr. Speaker, I think you will have to make a different ruling on that.

DR. BUCK: You'll get your 30 seconds in caucus next month, John.

MR. R. SPEAKER: Mr. Speaker, speaking on the point of order, if that's what it was. Our questions are to gain information from the government, to ask what it is doing with regard to certain issues, what its positions are. When we find that positions are held fast, we attempt to provide greater information, which I did in indicating that other bodies supported our position. In that light, I asked the government to reconsider its position. So I think the criticism of our asking the same questions is unfair.

Child Welfare

MR. R. SPEAKER: Mr. Speaker, I'd like to move to my second question, if that is acceptable. My question to the Minister of Social Services and Community Health is with regard to the tragedy in southern Alberta, relating to the towns of Taber and Waterton in the Lethbridge area. I wonder if the minister has taken steps at this time to prohibit or reduce the incidence of cases such as this happening again.

MR. BOGLE: Mr. Speaker, on Friday, October 30, I indicated to the Assembly that I was concerned with the

events which took place between September 14 and September 18 this year, the time when the mother and her daughter were first reported absent and the time when that was confirmed by a note left by the mother; and concerned with the mechanism used, which had been mutually agreed to by the social worker in the case and the grandmother, that the grandmother would contact the Calgary police. I have had an opportunity to review those matters through both the director of social services delivery for the department and my office staff. I am satisfied that the grandmother did in fact contact the city police and that the social worker involved in the case followed up on the same day. However, I was concerned that there had not been contact with the RCMP on a provincial basis.

As a result of a review of this matter by the appropriate deputy ministers and other senior officials in the department, one step taken is that a telex has gone to the district department offices to ensure that a refined procedure is followed in similar cases: in addition to a verbal reporting to the municipal police who may be involved, there would be a formal notification of the same to the RCMP K Division headquarters in Edmonton, either by letter or telex, and that the central office of the department would be copied on that communication.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. One recommendation of the Ombudsman was to hire ex-RCMP or ex-police officers to staff the department, to investigate allegations of child abuse. Has the minister acted on that recommendation, or is that recommendation still being ignored?

MR. BOGLE: Mr. Speaker, none of the Ombudsman's recommendations relating to child welfare were ignored. The hon. member well knows, in the document tabled in this Assembly, the actual response to each of the 40 recommendations and, in fact, a copy of the Ombudsman's reply to me as to his feelings as to the appropriateness of our response to those various recommendations. If the hon. member doesn't have a copy or has misplaced his, I would be pleased to respond.

Mr. Speaker, I draw to the hon. member's attention that a number of former police officers work in the department. The director of social services delivery is one example of such an officer.

MR. R. SPEAKER: Mr. Speaker, I'm talking about dealing with the problem presently facing us, not in the past.

Could the minister indicate whether any crisis nurseries that can deal with child abuse or child care problems are going to be established in major Alberta cities?

MR. BOGLE: If the hon. member would like to elaborate on his proposal, I'd be prepared to listen to it.

MR. R. SPEAKER: Now that I have the floor to make a speech . . . Mr. Speaker, in a number of cities are children who require assistance, are neglected by their parents, and require a centre to which they could go to get some type of care. This would be a crisis nursery. I wonder if the minister has looked into that kind of concept, to care for children in need.

MR. BOGLE: To be clear, Mr. Speaker, is the hon. member suggesting a facility where parents could drop off their children, or a facility which would be used when children are apprehended from their parents because of

abuse and/or neglect? It's a very important distinction, and I'd like to know exactly what the hon. member is referring to.

MR. R. SPEAKER: Mr. Speaker, in reply to the question, a number of parents experience various problems with their children relative to work; or a wife, because the husband is carrying on certain activities, maybe alcoholism, in the family. There are problems such as that where maybe a single parent, or parents, need a place to place their children at times of crisis in the home.

MR. BOGLE: Mr. Speaker, if we're sure we're discussing a case where parents need assistance, and we're not confusing that with a youngster who has been abused. In the latter case, there is clearly a responsibility on the department to move in a very expedient way to apprehend the child and, later, go before the courts to prove the need for that kind of action.

This government has given support to municipalities through the family and community support services program, a unique program in Canada — the only province to have such a program — which clearly allows municipalities to set priorities. In a municipality such as Calgary, where the funding for such a program increased by some 49 per cent during the current fiscal year over the past fiscal year, there is clearly the ability of the municipality to set its priorities in those areas — a similar case in Edmonton and other municipalities participating in the program. So if in fact that is deemed by the municipal authority to be a priority, the province clearly cost shares the funding of that project to a maximum of 80:20.

MR. NOTLEY: A supplementary question to the hon. minister. This deals with clarification of the minister's first answer, also an answer the minister gave on page 1353 of *Hansard* last Friday with respect to the guidelines for notifying the local police and the RCMP. Mr. Speaker, the minister indicated that the department had refined the policy "early in July this year". Did that policy as of early July include written guidelines? Were those written guidelines transferred to child care workers throughout the province?

MR. BOGLE: Mr. Speaker, my comments in early July related to the contacting of police when attempting to determine where a parent, or parents, and a child might be. That matter was in fact followed in the case in Calgary, where the local police were contacted.

What I have alluded to — and on Friday, in response to the hon. member who asked the question, I indicated that we would be following up with a procedure which would automatically ensure that reporting to the RCMP was also done. That's what I've responded to today. That message has in fact been transmitted, via the director of social services delivery, to the district offices in the province.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. My question doesn't really relate to the public comments attributed to the minister in July but whether, as a result of those public comments in July this year, there was any formal communication from either the minister's office or the appropriate public servant to child care workers in the province, outlining the procedure the minister indicated was followed in the Calgary case. Was that done across the board to all child care

workers? Were written guidelines presented saying, this is the policy you follow where there is this kind of situation?

MR. BOGLE: Mr. Speaker, the procedure followed would be the issuing of a telex by the appropriate official in the department, presumably the director of social services delivery, to the district offices. When the procedural manual of the department is update, which is done from time to time, then of course that would be written in the manual. As that transaction took place in July this year and, as I understand it, the manual is currently being brought up to date, it would not yet be in the manual.

I will certainly check to clarify the actual import of the hon. member's question as to how the information was transmitted from the director of social services delivery to those district offices. I assume it would follow the same practice I've just outlined for the most recent information; that is, by telex.

MR. NOTLEY: Mr. Speaker, just so there's no misunderstanding the specific question would be: was there any formal communication? The minister has indicated that a telex would be the normal route. Was that in fact followed in July? It's been done recently. Would the minister obtain that information and report back to us?

Odyssey Project

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Environment. It concerns the Odyssey project in the Kootenay Plains area. In a 1979 letter to a member of the Alberta League for Environmentally Responsible Tourism concerning the Odyssey environmental impact assessment, the minister stipulated that an environmental impact assessment should be undertaken, and stipulated public involvement in the preparation of that EIA. Is the minister in a position to advise the House today of the status of that environmental impact assessment, and whether or not the conditions contained in the minister's 1979 letter have been met?

MR. COOKSON: Mr. Speaker, the Odyssey proposal has been ongoing for some time. Not only has the magnitude of the project changed, but the actors have changed as well. Over the past year or two, we have continued to receive proposals from the participants in the project. We have continued to upgrade our environmental concerns through the environmental impact assessment. Of course, the public has continued to show considerable interest in the project. Different organizations throughout the province have made submissions and expressed concern. At this time, Environment is still dialoguing with the proponents of the project. We feel that some concerns have not yet been addressed sufficiently. That's essentially where it rests at this time.

MR. NOTLEY: Mr. Speaker, perhaps the minister could advise the Assembly why the Department of Environment — which administers The Land Surface Conservation and Reclamation Act, under which EIA terms are detailed, and which has an environmental assessment division — has handed over much of the responsibility, if not all, to the department of energy?

MR. COOKSON: To the department of industry?

MR. NOTLEY: Of energy.

MR. COOKSON: I don't think that's correct, Mr. Speaker. We still have a responsibility insofar as the environmental conditions are concerned. Three or four areas are being explored insofar as environment is concerned, and that's our responsibility. One is the problem of the water supply, the problem of disposal of the effluent from a project which now has grown considerably. We are concerned about the impact of this sort of thing in the general area in which it's proposed, insofar as wildlife is concerned.

We work closely with the Department of Energy and Natural Resources. Perhaps the Associate Minister of Public Lands and Wildlife may want to comment on the progress or the questions asked by the member since it is on Crown land, for which he has considerable responsibility.

MR. NOTLEY: The associate minister will have his turn in a moment.

I would ask the Minister of Environment to advise the Assembly of the reasons for the government not insisting on formal public hearings on this project. Mr. Speaker, I raise that question because in 1974, what is now the Environment Council of Alberta but at that time was the Environment Conservation Authority, specifically recommended that before this project were to go ahead, there would be separate public hearings — separate hearings, I point out, from the overall hearings on the Eastern Slopes policy. Why are no formal public hearings being planned on this matter?

MR. COOKSON: Well, Mr. Speaker, there have in the past. Part of our environmental impact assessment is to explore with regard to concerns expressed by organizations. And of course we have in place the Eastern Slopes policy, which specifies that certain things that can be done in certain areas. Insofar as a public hearing is concerned, when one considers its location, it's pretty hard to hold a public hearing with a moose, a bear, and whatever else is out there.

MR. NOTLEY: Mr. Speaker, I'm sure that if the minister holds public hearings, he may find that a few — indeed, large numbers of Albertans would come. Perhaps the odd moose and bear, but I think many, many Albertans would come.

Mr. Speaker, perhaps I could direct this question to the hon. Associate Minister of Public Lands and Wildlife. In this House on May 21, 1981, the minister said: "I would refer members to the Eastern Slopes policy, which is the guidelines under which the Odyssey proposal is being developed". That policy states that there must be an integrated, closely managed land use policy, and that it's essential for the development of the Eastern Slopes. Given the facts that at the moment no such policy is in place for that particular area and that the fish and wildlife division has argued that the EIA prepared by the company is inadequate, what is the government's position at this stage? Is it the government's intention to withhold approval until completion of the planning process, or is the government going to ignore its own Eastern Slopes policy?

MR. MILLER: Mr. Speaker, the Odyssey development does conform to the Eastern Slopes policy. Certainly concerns were expressed by the wildlife division, but these have been resolved by the proponents of the Odyssey proposal sitting down with our staff. As my colleague the

Minister of Environment stated, there are concerns as to the sewage disposal and water supply. These are being dealt with by the company, and they have submitted plans dealing with the impact on the environment of sewage disposal and water supplies.

I believe the project is very, very positive for the people of Alberta. We are very concerned about the environment, but we encourage the tourist industry here in Alberta as well.

MR. NOTLEY: Mr. Speaker, a supplementary question. Is the minister saying to the House that in fact an integrated management plan is in place, and that the comments the minister made on May 21, 1981 — that in all respects the company has complied with the demands of the Eastern Slopes policy, including an integrated management plan? Is the minister in a position to advise the Assembly what public review of the company's environmental impact assessment is now taking place? What provision is being made, since there aren't going to be public hearings?

It's my understanding that ALERT has been refused a copy of the EIA. What steps are being taken by the department to ensure that all interested groups have a copy of the EIA, so they can present their concerns or views?

MR. MILLER: Mr. Speaker, as I mentioned before, the plan has been submitted to the department. They are looking at it from the environmental impact on the area. The company also has structured an advisory committee centred in Rocky Mountain House and, through those people, has liaison with the people interested in this development.

MR. NOTLEY: Mr. Speaker, a supplementary.

MR. SPEAKER: Might this be the last supplementary.

MR. NOTLEY: Will the minister assure the House that all interested groups will be able to obtain copies of the EIA report? I understand that either the Department of Environment or the minister's department has 30 copies of this report, but groups that have expressed an interest have been denied copies. So that there is no closing of the door on public information, will the minister publicly assure the House that he will take the initiative to open the door and make that environmental impact assessment report available to any Albertan or group which wishes a copy?

MR. MILLER: Mr. Speaker, it's my understanding that this report is available to the public. I know that it is available in Rocky Mountain House. As to how widely it's been distributed, I don't know at this point in time.

Highway Safety

DR. BUCK: Mr. Speaker, my question to the hon. Solicitor General has to do with the 41,500 suspended drivers in the province. Perhaps the minister can clarify to the Legislature to what he meant when he talked about decriminalization of traffic violations, in light of the fact that eight out of 10 of these so-called minor accidents are people who eventually end up on the suspended list. Can the minister give us some clarification as to his intent and purpose in making that statement?

MR. HARLE: Mr. Speaker, I'm sure the hon. member recalls the recommendation of the Kirby commission that a mechanism be found for handling fines for the lesser level of traffic offences. That's what I'm referring to. We are in the process of implementing that recommendation by providing a system whereby the fines can be collected through the mechanism of driver licences and motor vehicle registrations.

DR. BUCK: Mr. Speaker, a supplementary question to the minister. In light of the recent court decision in Wetaskiwin that ruled that Check Stops were illegal, is the minister in a position to indicate if the Solicitor General is still carrying out the Check Stop program? Can the minister indicate if that program is going to be accelerated or decelerated?

MR. HARLE: Mr. Speaker, the program is being continued. You may wish to direct your questions on this to the Attorney General, but I understand there are two cases in Alberta. An Ontario case is presently going to the Supreme Court of Canada. I think all jurisdictions are watching with interest the progress of these legal decisions upon the effectiveness of the Check Stop program.

I might say that it's my view, and I think the government's view, that the public supports the Check Stop operations. We will do everything possible to make sure we can continue that program.

MR. CRAWFORD: Mr. Speaker, if I could just add a little bit. The case the hon. Member for Clover Bar has referred to was decided in Provincial Court in Wetaskiwin a month or so ago. That result is potentially under appeal at the present time, to test the law in the province of Alberta. We're of the view that the legislation between Ontario and Alberta is sufficiently different that there was no need to adjust the enforcement of the Check Stop program as a result of any recent decisions in Ontario or here.

DR. BUCK: Mr. Speaker, a supplementary question. Can the Solicitor General indicate if there's any consideration of asking the people in his department to look at checking vehicles and some of the jobs now being done by the RCMP? Is the minister looking at enlarging that force under his jurisdiction, to take away some of the smaller responsibilities the RCMP now have?

MR. HARLE: Mr. Speaker, the annual report I tabled in this Assembly describes the work of the Alberta highway patrol. They do a certain amount of work with passenger vehicles. Certainly the RCMP have always been concerned about the volume of work they're involved in and would prefer, I think quite legitimately, to take on the more serious matters, particularly matters that involve crime. I can't say that we have not looked at the possibility of increasing the highway patrol. In the past, it has primarily been devoted to the trucking industry and the enforcement of the rules that govern trucking in the waybill area, the weights and, along with that, the equipment.

I might say that we've watched with interest the developments of this type of capacity in other provinces. One of the difficulties brought to my attention by the officials, in discussing this type of thing, is the problem of dual policing, the fact that you will have different standards if more than one police force is operating. Along with that, a lot of general police work is done through the highway

traffic patrol that operates generally throughout this province by the RCMP.

MR. SPEAKER: Might this be the final supplementary.

DR. BUCK: Mr. Speaker, my final supplementary question. And it's pretty sad, when the chief law enforcement officer will not enforce the law.

MR. SPEAKER: Order please. I fail to find that a supplementary question.

DR. BUCK: Mr. Speaker, to the hon. Minister of Transportation. In light of the fact that nine of the mayors in jurisdictions around the city of Edmonton, and many other municipal people in the province, are asking for enabling legislation as to the use of flashing lights on school buses within their jurisdictions, is the minister in a position to indicate if any change in the legislation is going to be brought in in the fall sittings of this Legislature?

MR. KROEGER: Mr. Speaker, before we would think about changing the regulations on the use of flashing lights, we would want to have a lot more clarification on the concerns of the people talking about the change. What I specifically mean by that is that we have tried very seriously to assess the effects of using flashing lights on school buses. Our information is that the regulations now are the best we can do. We're prepared to discuss with anyone to help clarify the reasons for the existing regulations. If we're missing something, we invite comment.

DR. BUCK: How about the other provinces?

Utility Rates

MR. R. CLARK: Mr. Speaker, I'd like to direct my question to the Minister of Utilities and Telephones, dealing with the whole question of power rates. At what stage is the government's consideration of the proposal of balancing out, levelling off, or equalizing utility rates across the province?

MR. SHABEN: Mr. Speaker, I think the matter was raised earlier by the Member for Olds-Didsbury. I indicated that it was under consideration by the government and by the department, and that's the present status.

MR. R. CLARK: Mr. Speaker, to the minister. Has the government entered into discussions with the various municipalities in the province which are involved in either producing or purchasing their own power? Have discussions been held with those municipalities about the effects on the power rates of their ratepayers?

MR. SHABEN: Mr. Speaker, the discussions being held, that have been going on for four to six weeks, have been with the utilities — TransAlta utilities, Alberta Power, Edmonton Power, and Medicine Hat Power — also with the chairman of the Union of REAs, as well as with those large cities that purchase power in blocks and distribute within their own jurisdictions, the cities of Calgary, Lethbridge, and so on. Those discussions are going on.

MR. R. CLARK: Mr. Speaker, can the minister indicate to the Assembly the degree of enthusiasm there has been from the city of Calgary for this concept?

MR. SPEAKER: I'm wondering if it's within the minister's official duties to assess degrees of enthusiasm.

MR. R. CLARK: Mr. Speaker, then let me put the supplementary question to the minister this way. Has the Minister of Utilities and Telephones, or his officials who have been meeting with the groups the minister just outlined, received representation from the city of Calgary expressing concern about the effects such a move would have on the rates of the people in Calgary?

MR. SHABEN: Mr. Speaker, I'm pleased to comment on the second question. I've had an opportunity to meet with Commissioner Cornish of the city of Calgary, as well as with an alderman who serves on the utilities committee for the city and the mayor of Calgary. As well, officials from the department are meeting on a regular basis with officials from the city of Calgary to discuss certain proposals. Those discussions are taking place.

MR. NOTLEY: Mr. Speaker, a supplementary question. Before the Legislature resumed, the minister was publicly reported, quite widely, as personally favoring a concept of a marketing board. Is the minister in the position to advise or report to the Assembly on the essential structure of this board? Would it take into account the difference in transmission costs, for example, in the Calgary Power/TransAlta area compared to the much higher cost Alberta Power area? How would it do so?

MR. SHABEN: Mr. Speaker, that question involves considerable technical detail. I think it would be premature, since there's no final decision by the government, to discuss any element of any particular program.

MR. NOTLEY: Mr. Speaker, a supplementary question. Can the minister report whether the reports of three or four options attributed to the minister before the Legislature resumed are now being assessed by the department, whether that information in fact is correct, and whether it is the minister's preferred option is still the route of some kind of marketing board?

MR. SHABEN: Mr. Speaker, I think I've responded on a couple of occasions that for over two years the department has been considering a variety of options to address some problems that exist within our utilities structure in the province, the principal one being significant rate differentials throughout the province. Yes, a variety of options were, and are, being considered.

MR. SPEAKER: Might this be the final supplementary.

MR. R. CLARK: Mr. Speaker, one last supplementary question to the minister. Has the government made a policy decision that it will move to equalize power rates across the province? Or is this a — I was going to say "figment", but that wouldn't be fair — design that the Minister of Utilities and Telephones has, and simply that?

MR. NOTLEY: Kite-flying.

MR. R. CLARK: Has the government made a policy decision to equalize power rates or, to use the term of the

member from the north, are we kite-flying about this proposition?

MR. SHABEN: Mr. Speaker, I think I've responded to that question on a number of occasions. No final decision has been taken by the government. I advised members of the Assembly that we are giving careful consideration to the problem. That's the status.

Hail and Crop Insurance

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Agriculture. Does the minister have any statistics that would indicate the number of farmers who purchased hail and crop insurance this year compared to last year?

MR. SCHMIDT: Mr. Speaker, I don't have that information. It would appear in the annual report. I would be pleased to take the question as notice, and provide the hon. member with those figures.

Ophthalmologists — Lethbridge

MR. GOGO: Mr. Speaker, I have a question for the hon. Minister of Hospitals and Medical Care, concerning the supply of certain medical specialists in the Lethbridge area. Has the minister had any representation from the Lethbridge area, including the hospitals and the medical association, with regard to the shortage of ophthalmologists in the community?

MR. RUSSELL: Mr. Speaker, none that I can recall off-hand. A letter or two may have been received during the past two years, but I'd have to check the files to give you a definitive answer.

MR. GOGO: A supplementary question, Mr. Speaker. I've had several calls in the last few days. In view of the facts that 12 per cent of the population are senior citizens, and as a result the necessity for eye surgery is somewhat higher, and that now only one ophthalmologist is active there, whereas there were six, could the minister undertake to discuss the matter with the College of Physicians and Surgeons, and perhaps the AMA, with a view to finding somebody new to meet the demand in that community?

MR. RUSSELL: I'm certainly willing to discuss that matter, or any other similar to it, with those bodies, Mr. Speaker. But I hope nobody in this Assembly believes that it's up to the government to be responsible for maintaining a supply of any kind of specialty in any kind of community in our society, the way it works. We can enhance communities and make employment opportunities attractive but, beyond that, there's a limit to what we're able to do.

MR. GOGO: A final supplementary, Mr. Speaker. Then it could well be that it's a question of the fee structure. Maybe it's not high enough to attract ophthalmologists. Could the minister advise the Assembly if discussions are now taking place with regard to a new fee schedule for the physicians in Alberta?

MR. RUSSELL: Yes, Mr. Speaker, those discussions are under way at the present time. They are traditionally held at this time of the year, so the computers can be set to

incorporate the new fee schedule for the next calendar year. The government negotiates a global increase with the Alberta Medical Association, and they in turn decide how that increase shall be divided among the various specialty groups. If the Alberta Medical Association perceives a need to increase fees for ophthalmologists this year, they would do that. If they perceive a need to decrease or increase fees in different ratios for other groups, they undertake to do those sorts of things.

MR. SPEAKER: The hon. Minister of Environment would like to supplement some information given in an earlier question period.

Pipeline Crossings

MR. COOKSON: Just to make sure there was no misunderstanding yesterday, Mr. Speaker. The Member for Spirit River-Fairview asked a question with regard to the crossings on the Elbow River, dealing with the Quirk Creek and Jumping Pound plants. The comment I made is that it's our responsibility to provide an environmental impact assessment at some stage of the application. If it wasn't picked up, the intention in the response was that it's our normal responsibility. We do have a number of situations where we don't require environmental impact assessments, and that could conceivably be one, depending on the submission by the proponent at the time.

In addition, I promised to deliver any research with regard to pipeline crossings. I have three documents from Alberta Environment: the Expansion and Plume Rise of Gas Jets from High Pressure Pipeline Ruptures, a Computer Model of the Risks from Gas Pipeline Ruptures, and Public Safety Aspects of Sour Gas Facilities. I'd like to make these available to the member.

ORDERS OF THE DAY

head: WRITTEN QUESTIONS

139. Mr. R. Speaker asked the government the following questions:
- (1) What art items, owned by the government or any of its agencies, are presently missing or unaccounted for?
 - (2) Is an original painting by A. Y. Jackson, owned by the government or one of its agencies, unaccounted for?
 - (3) What is the name of the artist, and the type and purchase price of each lost or unaccounted for piece of art worth over \$200?

head: MOTIONS FOR RETURNS

MR. CRAWFORD: Mr. Speaker, I move that Motion for a Return No. 140 stand.

[Motion carried]

138. Mr. R. Speaker moved that an order of the Assembly do issue for a return showing an accounting for all travel at public expense outside the province of Alberta by the Premier and employees of the Office of the Premier, cabinet ministers, MLAs, deputy ministers, associate deputy ministers, and the immediate staffs of each, from June

3, 1981, to October 15, 1981, showing the dates of each trip; the places visited; the purpose of each trip, and explanation of what was accomplished by each trip; the cost of each trip, including a breakdown by the following headings: meals, lodging, travel, hospitality, mode of travel, and miscellaneous; and a listing of the most significant meetings held on each trip that indicates the purpose, participants, and accomplishments of each meeting.

MR. HYNDMAN: Mr. Speaker, this motion is basically satisfactory and, in fact, will enable the government to indicate how the Alberta story is very effectively being told outside the province of Alberta. However, three amendments are appropriate. I have distributed them to the hon. opposition leader, to Your Honour the Speaker, and to the Clerk. They are as follows: firstly, that the words "June 3, 1981" be deleted and replaced with the words "October 15, 1980"; secondly, that the following words be deleted: "and explanation of what was accomplished by each trip"; also, that the following words be deleted: "and a listing of the most significant meetings held on each trip that indicates the purpose, participants, and accomplishments of each meeting".

There is another matter which does not need to be amended, Mr. Speaker, but that I think should be referred to in debate. The record should show that with respect to the travels of MLAs, as referred to at the top of page 4 of today's Order Paper, the return would refer only to the details of travels by members of the Legislative Assembly in their capacity as acting in any way for the government. Any travels or trips taken by MLAs with respect to duties for legislative committees would not properly belong in this return and therefore would not be provided in the answer.

I think the reason for the first deletion — that is, replacing "June 3" with "October 15, 1980," — is self-evident. I am not sure why the hon. opposition leader picks the unusual period of four months and 12 days to ascertain when various trips were taken. It would seem appropriate to me to take a full calendar year of the entire range of various trips that were taken so, for example, we can encompass all the travels of the Minister of State for Economic Development — International Trade, and get the full picture of what he and others were doing. That's the reason for that amendment.

Mr. Speaker, the other amendments simply delete items which are more properly the subject of debate during the estimates. For example, to list what was accomplished during each trip in respect of the Minister of State for Economic Development — International Trade, would require several volumes of returns. Therefore, to keep the return manageable, it would seem that information in respect to what was accomplished can be secured by the Assembly during discussion of the estimates.

Also, I believe it's inappropriate to have matters other than factual matters in a return. To be requested to list participants at meetings who are not members of the Assembly or members of this government would not be respecting the privacy of others around the world who may happen to be at meetings.

For those reasons, I move that those amendments be made.

MR. R. SPEAKER: Mr. Speaker, in speaking to the recommendations for amendment, the time period causes no problem as far as I'm concerned. If the government wishes to reveal all these trips, flitting around the world,

that's fine. But I do have some concern with regard to the second and third recommendations for amendment, where I requested what is accomplished by the trip. I think that's a very legitimate question when we think in terms of accountability in this Legislature.

As an irrigation farmer, I think of three members of this Legislature — the hon. Member for Cypress, Mr. Hyland; the hon. Member for Edmonton Norwood, Mrs. Chichak; and the hon. Member for Vegreville, Mr. Batiuk — visiting Israel, I understand, to look at irrigation. That's a report of where they went. But I can say with a clear mind and all sincerity that there was no reporting back to this Legislature on what could be added to the irrigation system of Alberta, what could improve the income of Alberta farmers. It was a nice trip for those three people, but in terms of taxpayers' dollars producing good benefit, the benefit was zero. Mr. Speaker, I would claim that on any podium in any debate. Zero. A nice trip and zero benefit. As an irrigation farmer, I benefited zero. My constituents as irrigation farmers right across the board benefited zero.

That's just one trip; there are others. What is needed and why I make the point is that (a), I'm critical of that, and this is first time I've had the opportunity to do so publicly; and (b), it is an example of the kinds of trips this government and backbenchers take across the world. It's a nice summer holiday, but do we as Alberta citizens receive results? That's what I'm concerned about. What was accomplished? That is the key to making an evaluation of what really happened.

I want to know: does the Premier ask MLAs to report back by memo when they flit around the world? Is that information public to this Legislature? If it is a confidential memo between the Premier and that member, it doesn't do this Legislature any good, not one bit of good. Mr. Speaker, I've never seen any — even a public memo, not even something tabled on a trip that has occurred. A number of years ago, I recall asking why one of the backbench MLAs went to a certain country, and really didn't receive much of an answer. There was indication that there was a report to the Premier, but that doesn't do us here in this Legislature any good. If the true feelings of backbench MLAs who have gone on trips here and there were known, I'm sure they would admit that maybe it was a nice trip, but what did I bring back? What did we in Alberta really learn and benefit from?

The other part: "a listing of the most significant meetings held on each trip that indicates the purpose, participants, and accomplishments of each meeting". Mr. Speaker, if very important individuals were visited, talked to, and provided information . . . Let me give you an example. In 1970, I as minister at that time had the opportunity to visit the Scandinavian countries to look at part of the penal system, a different concept that a fellow by the name of Erickson was using there, in terms of a more open approach in dealing with people who had committed various types of crimes. We met with that person and examined the concept. [interjection]

MR. R. CLARK: He was the minister of social services, and that came under his responsibility. [interjection] Yes, Mr. Crawford.

MR. R. SPEAKER: At that time I was responsible for young offenders. Maybe you didn't realize what your responsibility was when you took over the department.

At that time, we changed some of the approach when we came back to Alberta. This is the point I want to

make: there is a report on file of that trip — I believe in this library, and if not, in the department library — of our activities and the people we met. That's the kind of thing I'm asking here. Do ministers and backbenchers file reports?

Mr. Speaker, as far as amendments two and three are concerned, I can't accept them. If the government wishes to provide this other period of time, fine. But if it's the same as with regard to our discussion in question period on providing management letters, these as well are management letters that indicate what really was accomplished.

SOME HON. MEMBERS: Oh, oh.

MR. R. SPEAKER: Here the government is again hiding things. Maybe they don't want to tell us because they don't exist. Maybe nobody cares what they do as long as the backbench MLAs are happy, satisfied, out of everybody's hair, and the Premier doesn't have to worry about elevating them to cabinet ministers. Send them on a trip, and there's no problem. But the public pays for it. It's time for accountability, Mr. Speaker, and that's what we're asking for here.

MR. BATIUK: Mr. Speaker, I'd like to participate in the debate on this resolution. I was sort of appalled to hear why the hon. member chose ...

MR. SPEAKER: Order please. I regret to interrupt the hon. member, but the debate at the moment is on the amendment rather than the main resolution.

MR. BATIUK: Mr. Speaker, that is exactly what I was going to respond to, as the hon. leader brought this to the House. For a number of years, I had the opportunity to serve on the irrigation committee. During my time, I had a chance to view irrigation in southern Alberta. Ever since, I have given all my support. I saw the difference between dryland farming and farming where irrigation was practised. I always felt it was a good system and was working well.

When the hon. Minister of State for Economic Development — International Trade selected us to go to Europe to view the irrigation systems there, we three MLAs had a really busy time. There were celebrations of the 75th Anniversary of the province and so forth, but I felt it was my obligation. It was no holiday, as the hon. leader may make it. We travelled for 11 days, from morning until night. We walked through fields and looked at irrigation. When we came back, the minister requested each of us to make a report. We made the report. I know all of us handed the report to the minister, and he tabled the report of this trip in this House.

Mr. Speaker, I always felt that regardless of whether I or anybody in my area will ever use irrigation, it was an area where we're looking at how the population is increasing. Only 140 years ago, there were 1 billion people in the world. Today there are 6 billion. Irrigation is one area that really provides an increase in farm production. We know the natural resources will go. They cannot be brought back. However, with irrigation and being on a committee like this, I think we did a good job. We made our report. We did learn, and we brought that message back. Even though irrigation in this province has been functioning for 70 years or more, it has not improved in those 70 years. There are big losses by it annually.

With the technology in the three countries we visited —

and there was a likelihood at that time that one of the largest manufacturers of irrigation equipment was going to look strongly at the possibility of coming to Alberta to set up factories to produce equipment, because they felt that Alberta was the best place because of the cheap energy. So when the hon. Leader of the Opposition quickly attacks things like that, I think there is no reason for it.

MR. COOK: Mr. Speaker, I'd like to rise and participate in the debate on the amendment and make a couple of points. One is that government MLAs do make trips and, by doing so, benefit in a variety of ways. They benefit by getting an increased perspective on international and national situations, and they can apply that to their work on caucus committees and in work on legislative committees, trying to improve the system of government for Albertans.

When the Member for Little Bow grandstands and asks how he as an irrigation farmer might benefit from the irrigation trip conducted by the three hon. members, the information is quite at hand. The Foster report on economic development for the province outlines that irrigation is one of the main limiting factors for economic development and that we're going to have to invest massive sums of money in this area of activity. I think it's important that urban and rural members alike be educated and involved in decision-making, Mr. Speaker, because it's going to take massive amounts of money and investment. It's going to raise some very serious environment questions as well. Because to expand irrigation much more, we're going to have to improve the existing system and consider pipelining water from northern Alberta.

For a southern farmer to have the parochial views the Member for Little Bow does, suggests that he really doesn't appreciate the larger questions involved in public policy, the larger questions applied and made apparent in the government caucus or in this Legislature. When northern water is being considered for pipelining to southern Alberta, that question affects northern Albertans. When we want to know whether our irrigation system is efficient, we need to know what kinds of technology exist elsewhere.

Speaking to the motion, I think the hon. Member for Little Bow is grandstanding once again, Mr. Speaker. He's trying to get a little press attention, trying to appear noble, to appear as the defender of the public purse. It's a shallow and shabby effort.

MR. SPEAKER: Order please. With great respect to the hon. member, it would seem to me that we're here to discuss arguments, not personalities.

MR. COOK: Agreed, Mr. Speaker. But unfortunately, the hon. member seems to dwell on personalities more than he does on ...

MR. SPEAKER: Order please.

MR. R. SPEAKER: Learn the rules, Rollie.

MR. SINDLINGER: Mr. Speaker, may I make a few comments about this, please. I don't see any problem with government MLAs or other MLAs taking trips, whether throughout the province, the country, or the world. I don't believe that the events of the world or the province unfold within this Chamber. Therefore, it's ne-

cessary for all of us to get outside and become acquainted with what's going on there, so we can make the most informed, well-reasoned decisions possible in this Legislature. So I don't think there's any problem with that.

I do believe a distinction should be made between trips taken by caucus members and trips taken by MLAs on behalf of the Legislative Assembly. Some of the comments made have been in regard to caucus members taking trips. There's nothing wrong with that either, except in that instance it should be the caucus that is paying for the trips and not the government. However, in the instance where the government or the taxpayer is paying for the trip, I believe those MLAs who take those trips have an obligation to report back to the Assembly.

In the first instance, I think it's important for MLAs to take those trips and become informed on matters. There's self-improvement through that, of course, and that's good. But I think it's also incumbent upon them to ensure that other Members of the Legislative Assembly can benefit from and share in their experience and make well-informed decisions as well. I think all efforts should be made to ensure there is a reporting procedure whereby not only those members present today but those who come after us as well will have the benefit of those experiences, and won't have to repeat the same things.

I understand some of the reports from members are made available to the Assembly, are tabled. I would ask the government to make every reasonable effort to ensure that all reports from trips made at taxpayers' expense are made available to all Members of the Legislative Assembly.

MR. KNAAK: Mr. Speaker, I too wish to participate in the debate on the amendment. One of the arguments that has been made in this House on several occasions by the opposition is the accountability of MLAs and various other groups to the House, with actually very little distinction being made between the process of government the way it is and the Legislature the way it functions in the House. For instance, if we as MLAs were not permitted to go on trips, we would be in a position where cabinet ministers, who are already very busy, could go on trips, on fact-finding tours, and we could have government officials go on fact-finding tours.

The opposition is doing its best to put some meaning on us as backbenchers when in a very real way we do participate in policy decisions of the government as a whole. I want to assure the hon. Leader of the Opposition that his reference to backbenchers has no more applicability to us now than the opposite would be true when his government was in office. In fact, it's essential for government MLAs to take trips and to become informed, to ensure that MLAs continue to participate actively in decisions, especially when there are so many of us on this side of the government, which we assume will grow by next election time.

So rather than defend or apologize for government MLAs taking trips, I'd be disappointed if the cabinet and Executive Council were daunted in any way by the purported criticism, and MLAs were not sent on fact-finding tours for the purpose of bringing forth information so that cabinet and government don't have to reinvent the wheel each time a new policy is considered, and for all MLAs to have input to the government process.

Thank you.

MR. HYLAND: Mr. Speaker, to participate in the amendment and the comments made by the hon. Leader

of the Opposition, the Member for Vegreville mentioned that when the trip he talked about was taken and we returned, we submitted a report to the minister. After a motion for a return on the Order Paper, the cost of the trip and the report were filed. The hon. leader seemed to indicate that a report was not filed. I suggest that when they ask for stuff on motions for returns, they take time to read some of the stuff submitted to them, for all the time it has taken to achieve it.

Mr. Speaker, at least the government was prepared to go and look at different methods of irrigation. We're not prepared to sit from 1944, whenever the Socred party became part of the government . . .

AN HON. MEMBER: 1935.

MR. HYLAND: Well, whenever. They sat on it just as long anyway, and didn't do nothing for irrigation. I'd better rephrase that; I shouldn't say "nothing".

AN HON. MEMBER: You should say "anything".

MR. HYLAND: Anything. The government participated in the construction of St. Mary irrigation district.

MR. SPEAKER: Order please. With great respect to the hon. member, it seems to me we're getting very far afield from the debate on the amendment. I realize the amendment has opened up a considerable topic insofar as the merit of trips might be concerned. But to get out on the record of a former administration in regard to irrigation would seem to me to be getting beyond the scope of the debate.

MR. BRADLEY: On a point of order, Mr. Speaker. In the course of debate on the amendment, it seemed to me that the hon. Leader of the Opposition brought a number of questions into debate. I believe the hon. members involved in the questions he raised should have an opportunity to respond.

MR. SPEAKER: Quite. As I recall the main emphasis of the remarks of the hon. Leader of the Opposition, he queried what good these trips were doing for irrigation in Alberta. That's quite a different question from dealing with what might or might not have been done in regard to irrigation 11 or 12 years ago.

MR. BRADLEY: On a point of order, Mr. Speaker. In his remarks, the hon. member was going to get to exactly that. The hon. leader implied that these members were on a paid vacation.

MR. KNAAK: On the point of order, Mr. Speaker, it seems to me that it's properly in order for a member of this House to show by way of comparison and to justify his trips by comparing how poorly the government before us did. Perhaps they didn't have any trips.

MR. SPEAKER: With great respect to the hon. member, that is tenuous beyond . . . [interjections]

MR. HYLAND: Mr. Speaker, on a point of order, I guess, because I already spoke once. I was just trying to illustrate the difference between the concern then and now that we have to deal with irrigation.

[Motion as amended carried]

head: **MOTIONS OTHER THAN
GOVERNMENT MOTIONS**

203. Moved by Mr. Knaak:

Be it resolved that the Legislative Assembly recommend that the government of the province of Alberta give consideration to undertaking a study into the feasibility of collecting the personal income tax presently collected by the Ottawa government.

[Adjourned debate April 16: Mr. D. Anderson]

MR. D. ANDERSON: Mr. Speaker, in rising to conclude my comments on this particular topic, I would like to remind hon. members, since it has been since April 16 that I began my remarks on this issue, that in those remarks I congratulated the hon. Member for Edmonton Whitemud on bringing forth this issue, and indicated support for the general idea that we should investigate the possibility of collecting the personal income tax of Albertans within this province.

Having said that, it is indeed true that a number of difficulties would be inherent on collecting it within the province. The first of those would obviously be the costs involved. I understand that this year the province of Quebec, the only province to have availed itself of the constitutional right to collect personal income tax, will spend some \$155 million on collecting its income tax. We would have to consider very carefully whether the benefits would be such as to pay the way on that issue.

In addition, we would undoubtedly create a situation where there would be a separate tax law for the taxes collected in the province of Alberta, by different criteria than those used by the federal government. While I know that that might indeed increase the business for some hon. members in the occupation that would be most used in that regard, I think as well that we'd have to consider carefully whether we'd like to duplicate laws in that regard.

I suppose the third negative with respect to possibly moving ahead with collecting personal income tax here is that if each province moved into doing that, different provinces might begin to give tax incentives in increasing ways to try to bring industry from one province to another or allow for investments in that sense through that method and, therefore, in an overall way may reduce the capacity of different provinces to collect income tax over time because of this tax war that could potentially take place.

I see two positives to this area, however. That's why I support the concept of investigating it further. One is clearly that at the current time we are tied to the criteria of the federal government in raising personal income tax. Indeed, we can put on or take off our own tax points. But in terms of percentage from individuals, high and low income brackets, those tax points are based the same as the federal government's. We're tied to that particular policy. If we took over that system, we would have the potential ability to create tax incentives and to deal with our industry in the way we need to within our own province.

One other possible aspect to it, and it's much more in terms of an obvious move for Albertans than one that would perhaps concretely do any good, would be to reassert our constitutional right to collect taxes at a time

when the federal government has made quite a number of moves which I believe are designed to create a unitary rather than a federal state. This would indeed underline our constitutional right in that area.

Having made those few remarks in completing the speech I began on April 16, Mr. Speaker, I support the resolution as written and think we should consider seriously the possibility of moving into the collection of our own tax system, taking into account the obvious difficulties in doing so.

MR. COOK: Mr. Speaker, I as well would like to rise and support the motion presented by the hon. Member for Edmonton Whitemud. I think it's a credit to the hon. member for placing the topic on the Order Paper, because it shows some boldness, initiative, and imagination in planning our economic future.

I'm sure all hon. members know that we've entered into a federal/provincial tax collection agreement for the corporate tax that will be coming into effect in the fiscal year 1982-83. There's no real argument to suggest that this is not an area of jurisdiction we can appropriate. But there are a couple of questions why we should consider this question.

Obviously, Mr. Speaker, taxes are used to raise money. I guess one question would be: does the province of Alberta need to raise more money for its provincial government? I'm not sure what the answer to that is, but I'd suggest it's probably not the case. The other question is: can we use the provincial income tax system to influence economic decision-making by individuals and, in doing that, can we have individuals share in creating a new and better Alberta? I think the answer to the second question is probably yes, and the answer to the first question is very definitely no.

I sat on the caucus committee chaired by the hon. Member for Edmonton Whitemud, and we examined the corporate tax system. To the surprise of some members — me, anyway — we discovered there wasn't much taxation money coming to the province from the corporate sector. In fact, it only amounts to about 6 per cent of our total revenue requirements. It's both insignificant to the province's revenues and probably to the companies'. It's not a significant budgetary amount for them.

The reason I raise this point is that the question comes to mind: is it necessary to have the corporate system supplemented with the personal income tax system to give us another tool for economic planning? There is one question some of my hon. friends, probably from southern Alberta in particular, have to wrestle with, and it's philosophical problem. If we're going to get involved in personal taxation, it suggests a much higher degree of government activity in economic decision-making in shaping the economy. Some of my colleagues seem to have some difficulty with that concept; I'm not one of those. But it is a big decision for the government to decide whether it actively wants to determine the economic future of this province.

It also suggests something else. It suggests that the present personal income tax system works against the interests of the province, or at least is neutral. It certainly isn't a positive influence in shaping a vibrant provincial economy. Alberta has some structural problems. We have a dependency on oil and gas. True, we are trying to develop other resources: timber and coal. Agriculture is key. I've talked on agriculture a couple of times in this Assembly, and I have a very sincere interest in that area of public policy. But we need to provide incentives to

shape the economic future.

I think the Foster report is one of the most boring and unimaginative documents I have read. It's a report commissioned by the provincial government to study the economic future and decision-making of this province, and I'm not sure I could say it was money well worth spending. It seems to be a rehash of what we're doing, rather than suggestions for what we should be doing. In that sense, it's almost apologetic of provincial government policy. Nowhere in this report would we find any reference to the provincial corporate or personal income tax system being used to shape economic decision-making. That's surprising and somewhat disappointing.

The Foster report does outline a couple of areas of economic opportunity. In passing, and not in a very detailed way, it suggests that we should be doing more in the way of developing a research industry. I guess the question I'm asking myself is: can we use personal and corporate income taxes to try to shape that area of public policy, to try to influence a science policy for this province, a policy that really doesn't exist yet?

I think we're going to have to look at that, Mr. Speaker. Because, as I mentioned, the corporate tax is insignificant in the total picture of the provincial economy. A very small number of companies — large companies like Imperial Oil — pay most of the corporate tax. The bulk of small- and medium-sized companies pay practically nothing. So we're not going to be able to influence the firm or enterprise in this province that has 10 or 20 employees to do something bold and imaginative. They're not going to have much taxation resource to work with. They might be paying \$500 or \$1,000, and with that kind of revenue we're not going to have much opportunity to do very much.

So I think the corporate tax is going to be somewhat limited in its application in shaping the Alberta economy. To be really effective, it's probably going to have to be targeted at a few areas. If we do not do that, the result will be that the revenue, the economic impact of taxation policy will be diluted in a number of public policy areas. So if you're going to do something bold, Mr. Speaker, it's fairly evident that the other alternative is the personal income tax system, and the hon. Member for Edmonton Whitemud suggests that. It has a larger capital pool, almost twice as much as the corporate tax system. As I mentioned, the corporate tax system contributes about 6 per cent of the revenue to the provincial government's requirements each year. Personal taxes amount to about 12 per cent, or roughly twice as much. I'd make the same argument that personal taxation is not so great that we're going to have much influence on economic decision-making even there.

I guess the same caution would be that if we're going to get involved in this area, we're going to have to concentrate public policy initiatives with the taxation system into just a few areas. But it has been used before, nationally. Hon. members can think of the movie industry that is starting to develop in Canada. That is largely an initiative of the federal government, providing individuals with the right to write off investments in the movie industry from their taxes.

When the government wasn't messing around with Alberta in other ways, oil drilling funds had a dramatic influence and effect on providing capital resources to the junior oil industry in this province. MURBs, multi-unit residential buildings, have also been encouraged by the ability of individuals to write off investments in apartment dwellings from their taxes.

So, Mr. Speaker, it is evident that the personal income tax system can influence economic decision-making. In this province, we should be trying to depart from some of the traditional approaches we've had, and I guess we have some philosophical baggage that I referred to earlier. Hon. members are going to have to make some tough choices about whether they want the provincial government to get involved in actively planning the economy.

As I said, the Foster report is unimaginative and certainly not very bold. They seem to target on coal, timber, and agriculture as being areas of future economic development. Certainly all those areas should be developed, but I add one area of speculation. I think it is possible to provide incentives for Albertans to purchase shares in companies that want to get involved in timber or coal development and create a variety of Alberta-owned, Alberta Energy types of companies — an Alberta coal company, an Alberta timber company, an Alberta sulphur company — and try to provide Albertans with the incentives to actively get involved in ownership of the economy.

Quite frankly, there are a lot of foreign shareholders who largely influence the big companies in this province. As a whole, Albertans do not have much economic stake in this province, other than simply buying a house and a car. This province has one of the worst records in a sense: it has the highest level of foreign investment of any province in Canada. My question is, can we use the personal tax system to provide incentives for Albertans as individuals — not the government — to buy shares in companies and to have a stake in the ownership of this province? I think there's a real opportunity, and we can target those incentives into areas in which we want to see the province develop.

I'd also like to note that we need more incentives for research and technology industry. Perhaps at that point I should put some cautions on the provincial personal taxation system I've been talking about. I think we'd all want a very simple system. I don't think we'd want to have Albertans faced with a complex tax form that would require some high-priced, talented accounting help. I think we'd want to adopt basically the same definitions and forms the federal taxation system uses. I don't think we'd want to have Albertans faced with a cumbersome and expensive collection system.

A couple of other questions I think we should ask: can we afford to forego much more taxation? Albertans already exist in what amounts to be a tax holiday. We have the lowest personal and corporate taxes in Canada, and in some areas we have the lowest consumption taxes in North America. We pay very little for alcohol and tobacco. I think the hon. Member for Lethbridge West has referred to that as an incentive for people to consume alcohol and tobacco. Albertans enjoy a tax holiday that they don't really understand or appreciate. As well, we don't have a sales tax. But, Mr. Speaker, to have Albertans get more ownership stake in this province, do we have to give away more taxation revenue? That's the question I'm asking.

A couple of other questions would be: would individual Albertans have equal access to the incentives? Would this be a plan that could, in effect, enrich the rich and impoverish the poor? I don't think we want to see the development of large income distinctions or disincentives in our taxation system. I think the kind of Alberta we now have is quite egalitarian and affords a great deal of opportunity for anybody in this province. I hope the taxation system we envision would incorporate that.

Those are the questions I have, Mr. Speaker. On balance, I'm very supportive of this kind of concept. I think it offers real opportunity, and I think the provincial government should be bold in its economic planning. We should be involved in the decision-making, and we should be providing incentives for Albertans to own shares in companies that are active in the province. With the questions I've raised and the general support I offer, I think all hon. members should support the motion. It does call for a study, and there are some important questions that have to be examined. I'm not a taxation expert. I certainly don't have the answers, but I do know that there are some opportunities here which should be examined more seriously by both this Assembly and the Provincial Treasurer. I ask all hon. members to support the motion.

MR. THOMPSON: Mr. Speaker, I have listened with some degree of interest to the discussion on this motion. I suspect that most everyone in the Assembly is interested in taxation, because it affects every one of us.

ANHON. MEMBER: Some more than others.

MR. THOMPSON: Some more than others, right. There's an old saying that there are only two things you're sure of in life: death and taxes. We're sure that we're going to be taxed some way, and we are always trying to look for ways to avoid taxation — not evade it; that's illegal. But avoidance is legal.

Taxes are necessary, and I'll tell you why. I think it's a generally accepted concept that the people who benefit most from society should support society to the biggest degree. This is what happens with taxation. The person who can afford and enjoys living in a 5,000 square foot house pays higher taxes than the fellow who's living in a 1,000 square foot house. You can convert that to metres if you wish, Mr. Cook. Anyway, it's one of those concepts we more or less live with.

Another thing why I think taxes are necessary is that they generate a greater responsibility in the taxpayer. I'd like to give you an example. I used to be a trustee on the Cardston school board. We paid school taxes, and we had annual meetings. We used to get 50, 60 people out at these annual meetings. They used to go over the expenditures and the budgets, and were quite concerned, especially in the trustees' expenses. But as time went by and equalization came along, we paid very little taxes in the Cardston school division. People who came to those meetings dropped off to five or six. The trustees were there, and sometimes some of their relatives, but in the community there was no real interest in what happened with the budget of the school board. I really think it doesn't matter how much tax you pay; the fact that you pay taxes gives you a certain sense of responsibility in seeing that local government, or any government, really works. I think that's a necessary thing.

MR. SPEAKER: Order please. The Chair is having considerable difficulty relating debate which extols the merit of taxation generally with the topic of this motion, which is that a certain form of taxation might be taken over by the provincial government.

MR. THOMPSON: Mr. Speaker, obviously this motion deals with income tax, and that is a form of taxation. From my point of view, I was giving a semi-brief review on the history of taxation. But I respect your ruling, and I will carry on to page number two.

Basically I think it's time we took a look at this concept — I was just getting to it, you know, Mr. Speaker — expressed in Motion 203. Maybe you will check me again, Mr. Speaker, but I want to go into federal income tax to some small degree. I really do believe that the federal Income Tax Act is a mess. It's a voluntary system of taxation, and there are very few people today who can accurately make out their own income tax. Many different companies have a thriving business making out income tax forms for the citizens of the country. Honestly, there has to be some kind of reorganization in the Act to make it more simple so people can understand it.

One of the negative things that will happen to us if we set up a tax system in Alberta — and they have been alluded to by the Member for Calgary Currie — is the fact that there's duplication. Another is that no one really wants to get out and make out his income tax twice a year. I honestly think that one of the main things is the pressure from special groups on the government of Alberta to set up special categories for them in this area.

I realize there are going to be some negative results from setting up our own separate income tax. But on the whole I think it's something we have to look at, because this decision is going to have to be made in the future. We are having trouble with the federal government with transfer payments right now, and I think it's going to get worse. It is some kind of avenue for the province to take over responsibility in that area.

Thank you for your attention, Mr. Speaker.

MR. BORSTAD: Mr. Speaker, Motion 203, a motion to study the feasibility of collecting our own personal income tax, is a very radical change from our present system, where we have one tax collecting body for most provinces and, I believe, some uniformity. If we moved in this direction, we could see every province setting up its own taxation department. I suppose you could conceivably see 10 provinces, and the federal government looking after the two territories — in all, 11 collecting their own taxes, and all going in their own direction.

A person or a company working in or doing business in several provinces in one year, I suppose, would have to file a tax report in each of those provinces. I believe you could have more chance of people getting lost in the system when moving between provinces, and possibly not even paying tax or, conceivably, being taxed two or three times.

Let's look at the cost of our tax collecting system. Presently we have one system, no doubt very costly to operate and probably not that efficient, but it is one system. We could have 11. To me, it has to decrease our efficiency and increase our cost of operation very dramatically. Presently, we have uniformity across the country. If each province moves into its own income tax collection, I could see a tax jungle. Uniformity reduces the cost and makes it simpler to file tax reports when you have to file them in only one place. Filing one report rather than several, depending on how many countries you worked in, has to be an advantage. I think we would also be looking at more jobs for tax advisers, consultants, and accountants in order to file the necessary tax reports.

The change to our collection system for income tax, both personal and corporate, has to be very, very expensive to operate. We only have to look at Quebec, which spent some \$155 million in 1980-81 to operate its own tax department. We now pay the lowest personal income tax in Canada, and I'm not sure we will receive enough advantage to offset the cost of a provincial taxation

system. I suppose a tax war could result from all the provinces handling their own tax departments; some provinces enticing industry from other provinces, thereby creating further disparity amongst the provinces across Canada.

Let's look at where we are going and where we are today. We have opted to set up our own corporate tax collection department. We have made the first step to say we are becoming masters in our own house. It follows that we should benefit from the single taxation system, rather than filing corporate tax provincially and personal tax federally. Therefore the next step should be looked at; that is, to move towards collecting our own personal income tax to round out the whole taxation picture in the province.

Not being an accountant like some of my colleagues, with knowledge of the benefits at the end of the road, I'm not sure I can see all the benefits. I also have some reservations. Having been in business for some 30 years, and owning a business in two different provinces, I can see a nightmare trying to file reports between the two provinces. Maybe there are advantages to offset that; I don't know. Now that we've made the first step, we should look at the advantages of taking the second step, which would be to handle the total system ourselves. I suppose you could also say that the government that spends the money should actually collect it, which makes some sense.

Although I have some misgivings, there are some advantages. Presently, the federal income tax policies discriminate against areas of the country, and this could be overcome. The province could regain control of its constitutional right, and a provincially administered personal income tax system could be an economic tool to strengthen and diversify the economy in the province.

I can see some advantages in a number of areas for people in the north and in some smaller communities across the province. There is a real shortage of doctors and health care professionals in the north and other smaller centres across the province. Tax credits could be given to create incentives to these professionals to move into areas where their services are needed. This would assist the motion by the Member for St. Paul, to be debated next week, on incentives for health care professionals. This type of incentive could be used to encourage various types of professionals to areas where they're needed, be they doctors, nurses, or engineers.

Many studies about the cost of living in the north have been completed, which point out that there is an extra cost to living in the northern parts of our province. Tax credits could also be allowed to offset some of those costs. You will recall some time ago that the federal member for Prince George promoted a Bill in the federal House recommending tax credits for those living above a certain parallel, to offset the inequities of northerners.

Mr. Speaker, in closing I would also say that the federal policies today are causing many small businesses to declare bankruptcy, farmers and livestock men to sell their land and herds, and many are in financial difficulty. Many people are not able to get into their own home, all brought on by a federal policy of tracking U.S. interest rates. Other countries are not tracking U.S. interest rates; for instance, New Zealand is 11 per cent. Others are even less than that. So I don't think we should be tracking U.S. rates. If we continue to track the rates the federal government seems to be following today, many of my constituents, as well as many others across the province, will not have to worry about filing income tax. They'll be

broke.

I hope and pray that the Premier and his colleagues will be able to make some adjustments and agreements this week on the constitution, so that that issue is behind us and we may get on to work together in unity, fight high interest rates and inflation, and turn the economy around in Canada for all Canadians. Therefore, I support this recommendation.

MR. FJORDBOTTEN: Mr. Speaker, it's great to have an opportunity today to participate in this debate, a debate about something I don't know a lot about. Consider that I have my two-year certificates in accounting, but still I have someone else do my tax forms because they're so complicated, and that then to be one to make a decision on looking at what we should do about the tax rates and how we're going to handle the tax system.

I'm pleased to enter the debate considering it's timely to be debating it today, considering the discussions going on in Ottawa between the first ministers of our country. I have to look at the last federal budget and realize that the budget could have a great impact on whether we should indeed consider collecting our own personal income taxes within the province. Actually, I think the last budget came at the wrong time. It should have been a couple of days later, because it came in a Halloween mask, as something different than it really was: we saw the national energy program. Now having the Prime Minister — and if you'll allow me to call the Prime Minister and his "Trudeaucrats" — moving the budget debate so, they say, that they can accommodate the constitutional issue and talks, makes me wonder: if it is necessary to move it, what's in the budget that we won't like?

MR. SPEAKER: With great respect, we seem to be having great difficulty staying with the topic of the motion. It's a simple question of fairness. A member has proposed a motion and has waited for it to reach its place on the Order Paper for debate. Presumably some hon. members have prepared themselves to debate that motion, and perhaps they're not as well prepared to debate with regard to extraneous matters not related to the motion. Consequently, as a simple matter of fairness and relevance, may I respectfully suggest to the hon. member that if he wishes, he might return to the substance of the motion.

MR. FJORDBOTTEN: Thank you, Mr. Speaker. I guess it's the preamble to what I was going to discuss. However, part of the reason we would have to look at collecting our own provincial income taxes in the province — and motion is worded in such a way as to recommend the government "give consideration to undertaking a study". If we're going to recommend and give consideration, there should be some strong motivations for even going on with the study if the system is working fine now. I think that what budgets are in the future would have some impact on whether we look at the feasibility of collecting our own tax.

We in Alberta now enjoy a strong economy. In order to remain strong and to strength and diversify our economy, we need to use every tool we can. The collection of our own personal income tax could be one tool we could use. If we collected our own personal income tax, we could use it as a lever to complement the initiatives offered under the provincial corporate income tax system, and increase the amount of venture capital available in the province.

Mr. Speaker, when we talk about the budget, I have to look at another province that is collecting its own personal income tax. That's Quebec, and it has since 1954. When we talk in the Canadian context, we also know that it's our constitutional right, under Section 92(2) of the constitution, to collect our own taxes. I'm sure you're all agree that the time is right to really determine whether we should be collecting our own personal income taxes, and assess the costs and benefits of such an arrangement.

Mr. Speaker, we are pioneers in this province. The pioneers who settled here came from other provinces and other countries, and they're still coming, with a dream. They're willing to sacrifice. They've struggled against natural obstacles, they're still willing to struggle, and they've built. We have a bright future in this province, and we have many new jobs. Last year there were 66,000 new jobs in Alberta. With the growth in that population and with the pioneer spirit, we have to use whatever we can to give an opportunity to all Albertans to participate in the strong economy of Alberta.

One of those tools we could look at is collecting our own personal income taxes. To everything we might discuss, there's always an upside and a downside. The cost benefit, the administration cost, is something we really have to look at. When we look at the personal income tax as a source of revenue, as a percentage of gross revenue, in Quebec it's 30.52 per cent. That's the percentage of personal tax as a source of revenue compared to the gross revenue. In Ontario, it's 23.24 per cent. In Alberta, it's 9.17 per cent. The Canadian average is 21.38 per cent. So we're less than half the Canadian average. When we look at the cost benefit of collecting our own taxes when we have such a small personal income tax rate in the province, we have to be concerned that we don't end up with a lot more administration costs than benefits.

Taxpayers also should be considered in red tape. Will it mean 10 more forms to fill out with your income tax, and more costly to take care of your accounting?

Mr. Speaker, these are all things that have to be looked at. I hate income tax as much as anybody. I think we all don't like the day when we finally have to mail our income tax. Many of us feel that those taxes support the government and its programs. But we can look at in the positive sense. Those taxes can be used as a tool for economic stimulation.

Mr. Speaker, I support this motion, and I hope all members do. I beg leave to adjourn debate.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

209. Moved by Mr. R. Clark:

Be it resolved that this Assembly urge the government to establish a practice that where the financial requirements of the Crown exceed the money appropriated by more than 8 per cent in any fiscal year, the Lieutenant-Governor be advised to recall the Legislative Assembly for the purpose of voting on an interim supply Bill.

[Debate adjourned April 23: Mrs. Chichak speaking]

MRS. CHICHAK: Mr. Speaker, it certainly gives me pleasure today to have the opportunity to add my remarks to the debate with respect to Motion 209, that started, I believe, on April 23 this year, during the spring sitting of this session.

Mr. Speaker, at that time a number of members partic-

ipated. The hon. Member for Olds-Didsbury, who moved the motion, requested that the Assembly urge the government to establish a practice that, where financial requirements of the Crown exceed by 8 per cent the moneys approved by the Assembly, the Legislative Assembly be recalled to vote on an interim supply Bill for any such additional amounts over the 8 per cent. In his debate, the hon. Member for Olds-Didsbury put forward a number of arguments with respect to the requirement for government to be accountable to the Legislature.

In my remarks, I hope I can put forward arguments that will indicate that in fact the government is accountable to the Legislature, that any of the moneys requested by Executive Council and applied under special warrant comply with the legislation in place, and that even if the government moved to have the Legislature recalled at some point to vote on an interim supply Bill, all the matters that would come for consideration by the government and which are not predictable in advance could not be included under such an interim supply Bill.

[Mr. Appleby in the Chair]

It's quite clear that Section 36 of The Financial Administration Act provides a mechanism to enable the government to deal with such issues as are necessary to provide the people of Alberta with required services which were not predicted during the year when planning for the entire year was considered, and were otherwise not included within the time frame, the calculation, and the preparation of estimates. The important factor is that Section 36 of The Financial Administration Act allows the government to obtain additional expenditure funds by special warrant where no legislative authority is provided with respect to the matters that must be dealt with and, as well, where there is legislative authority for an expenditure, there was not the capability of predicting the additional amount with any degree of accuracy.

I think two important factors need to be taken into consideration: one, whether any kind of percentage may be chosen as a guideline to determine which side of that guideline a requirement falls into, or the requirement for bringing forward an interim supply Bill, or whether there should be any percentage or amount at all; the other is whether, when Executive Council has found itself in a position where it was necessary to request additional funding and have it approved by special warrant, that need fell under the terms and guidelines of The Financial Administration Act.

In all fairness, we can recognize that there will be some areas of determination which would have to be met that are outside what has previously been approved by the Legislature, so you give the government that kind of flexibility. But what guideline do we use? How can we determine that it should be 8 per cent, 1 per cent, or 2 per cent? Do we simply use the guideline of percentage of dollars or do we use changing economic developments, changing population, and the demands placed on government which could not have been predicted at the time when the budget was being determined? In this case the hon. Member for Olds-Didsbury chose 8 per cent. The circumstance arises, as it did in a number of situations I will refer to in a little more detail, that is urgent and cannot wait for the preparation time of an interim supply Bill, cannot await the determination that the House be recalled to consider whether it's a proper expenditure and whether there is urgency in dealing with the matter within the time frame the government proposes. When an issue

of that nature arises, what do we do?

In that circumstance do we say: all right, in this case we will set aside the 8 per cent and move it up to 10 per cent, because that's what the difference in the figure will ultimately be. I really can't agree that it's useful to deal with percentages, or that we need or want to. I think the usefulness has to be in determining whether, in reality, in each case the expenditure can be set back two or three months and be considered by an interim supply Bill.

What I would like to do this afternoon, Mr. Speaker, is look at a number of situations in which the government did provide additional funding by special warrant which had not earlier been considered or approved by the Legislature and, discuss briefly whether in fact those particular areas could have waited one, two, or three months, to give the flexibility for a recall of the Legislative Assembly to deal with the matter before such expenditures were approved. I'd particularly like to look at a few areas in social service programs. I think it's important to know whether the additional expenditures were in people programs which could not wait, delivered directly to people where people would have suffered unjustly if the government had not moved to provide the kind of programming determined to be necessary.

In the first instance, I'd like to look particularly at a number of special warrants that dealt with the situation at Michener Centre, Red Deer, and the adjustments made there. I use that because I'm very familiar with that particular institution, the seriousness of the problem, and why the minister had to move prior to being able to allow for time to request additional funding by way of an interim supply Bill; had to make a decision, go to Executive Council and ask for a special warrant.

I recall a time last year when there was a very serious situation in the matter of the level of care, the treatment of the residents of Michener Centre, the conditions that existed in the work environment, the case load, the staff available, the professionalism of the staff and whether the staff had the expertise necessary to cope with the kind of patient in residence at Michener Centre. It was recognized that areas of Michener Centre were overcrowded. There were areas of Michener Centre where there just wasn't adequate staffing. The case load was far too high to provide the necessary service in counselling and in direct care.

One of the studies carried out — not the only one by any means, but one of the studies I was familiar with and involved in — determined that there had to be an immediate resolution of the problems of case load, crowding, and availability of professional staff to provide this service. Quite rightly, the minister responded very rapidly on the recommendations when they were received. That was a very important aspect, because without a doubt the determination was there that there could not be a matter of two or three months deliberation in the Legislative Assembly while we deliberate whether or not that money should be allowed. There was an outcry — not only from members from every side of the Assembly, whatever political affiliation they had, but from the public — for attention to deal with the problem in Michener Centre. So the government responded. That was one type of special warrant that was taken into consideration and could not have been predicted or foreseen.

I'd like to look at a number of other areas where special warrants were put in place. There was a development of government policy in the area of family and community support services, which was under a different title prior to that, and the people in the communities were

providing a social service, counselling to depressed areas where there were problems for children and families: providing a service that needed a very early and quick change. It took time to develop a new program. Once the decision was made as to the direction the program should take, there certainly was a need to have the funding available immediately. Unfortunately, it was not possible for the hon. minister to have predicted what the ultimate decision or the total plan of the family and community support service program might be and what the additional costs that were originally included and provided in his estimates for the program that previously existed might be. So when that determination was made to move the program, funding, and support forward, to assist and work with the communities and meet their needs as rapidly as possible — whether in fact that program could have waited, could have been delayed another two or three months before funding was assured and the program could go forward, and all the activity in its planning and implementation could go ahead.

I notice as well that some of the special warrants were to provide agencies that provided services for the handicapped with respect to the negotiations that were concluded in providing an increased level of salary for the employees. It seems to me that when negotiations are finally determined, the employees, the people involved who are the beneficiaries or recipients of that wage settlement, certainly cannot be held in limbo to wait to have the matter determined whether and when the funds will be made available to them. Under their employment contracts, they are performing their services on a day to day basis. In many instances, a determination is made where the adjustment has to be retroactive. When the adjustment is retroactive, the employee certainly is not going to be satisfied to wait for the Legislature to determine whether in fact this particular appropriation that would now have to come forward is going to be over the 8 per cent point, and have the Legislature recalled simply to say, yes, we approve these funds because a contract was agreed upon. I'm sure that doesn't present very proper logic to the employees, who are the people we're concerned with.

A number of special warrants were provided to the Minister of Hospitals and Medical Care with respect to adjustments and negotiations, although at some point not fully concluded: salary and wage adjustments for employees in active treatment and auxiliary hospitals. There, again, we're talking about people who are providing a service to the infirm, the ill, and the aged who have various medical problems. Although there may have been a conclusion in negotiation for a wage adjustment or an acknowledgement that an adjustment in their salaries is due to them, surely we can't ask these employees to wait until we come forward with an interim supply Bill just to be able to come forward and say, yes, we will allow that expenditure to go forward. Whether the government will provide the funds to the hospitals in question I don't think is a matter that can be questioned. It's a matter of having that money available. Whether that particular special warrant would come above the 8 per cent, or above any per cent, is irrelevant. It's a matter that must be approved and put forward immediately.

When I visited the auxiliary hospital and two nursing homes in Grande Prairie, I found in my discussion with the employees one very common complaint: the shortage of nurses. The shortage of nurses caused a great deal of difficulty, a difficult condition under which to work for those on staff, because they were required to provide

services over a longer period of time to care for a larger number of patients. In my discussion with them, I asked whether there was something the government in its role could do to alleviate that situation. One of the suggestions made was that it was important that in Grande Prairie or in the northern region there be a provision for nursing courses in the educational system, in the college, and that if the young ladies could be kept in their own environment of population — where they were, their home where they lived — without the exposure of coming to the major urban centres, they would have a greater possibility, first, of girls enrolling in the nursing profession and, secondly, in their remaining in their areas. This was one of the recommendations put forward to the Minister of Hospitals and Medical Care, who then dealt with that matter with the Minister of Advanced Education and Manpower. As you see in one of the special warrants, funds were provided to establish such a program at the Grande Prairie college. The timing of the establishment of that type of course, making a decision on that particular policy, and making provision of the funds was in such a period of time that the whole program would have been set back one year if it were to have been dealt with at a subsequent time through an interim supply Bill.

So I'm simply relating to a number of these special warrants to indicate the fact that the government responded by special warrant rather than by an interim supply Bill, that the circumstances in each case were such that the period of one, two, or three months would not have been suitable or met the kind of need the people faced in the particular circumstance, and particular consideration was then given. Mr. Speaker, I appreciate the intent of the hon. member's motion. Perhaps there needs to be a greater examination of whether in certain circumstances that aren't as urgent as to be dealt with on an immediate basis, it may be possible to utilize the fall sitting and bring forward interim supply Bills for consideration. That matter should not be completely discarded out of hand. There may be some situations where this can be dealt with. However, in a majority of instances we have examples of in the past year, the population had increased by approximately 4 per cent. This put a greater pressure on immediate services necessary in the areas of social and education programs, additional facilities in health care and child care. In the way of supply and expenditure, they are not the kinds of things that can be delayed and set back a number of months.

So although the motion has merit and should perhaps give Executive Council and the Provincial Treasurer a sort of signal to take a second look at those requests for special warrants, to put a percentage on would just not meet the kinds of real needs that the public — not government within its own operation — demands be met very realistically immediately.

Thank you, Mr. Speaker.

MR. HIEBERT: Mr. Speaker, in rising to enter the debate on Motion 209, which basically deals with special warrants, I would like to inform members that I took the time to look at the debate last spring with regard to this motion, to read from *Hansard* what happened during question period and so on, to find out what motivated this particular motion. I think it's rather appropriate to parallel today's proceedings with last spring. It would appear that the motion is a thin way of disguising a discussion on the McDougall school purchase. If we look at what happened during the question period today, for

motions for returns we saw something about trips for MLAs, the helicopter trips, and so on. There seems to be a common thread in a lot of this.

DR. BUCK: That's right. Waste by government.

MR. HIEBERT: I call it mucking around. I know that the Member for Clover Bar has often talked about puppets and pulling strings, but maybe we had better look at whether we have a sheep in wolf's clothing.

MR. CRAWFORD: Walter is a sheep in sheep's clothing.

MR. HIEBERT: There's another Member for Little Bow I might be referring to.

Anyway, if we take a look at special warrants, I think anybody familiar with a public or government operation where budgets are derived, can see the need for special warrants. A budget basically translates policies, programs, and decisions into appropriations of some nature. There's nothing absolute about that process. That process will never meet or address all the contingencies or unexpected events. In order to deal with those unforeseen events, special warrants are a necessary vehicle.

Having established the need for special warrants, Mr. Speaker, maybe I could just expand on some reasons for having that particular vehicle. Certainly it gives flexibility and responsiveness to various programs or situations that occur. The government does not operate solely during the sitting time of the Legislature. Emergent needs come up, and once decisions are made I think the general public should expect an immediate response of some sort. Knowing how long it takes between making the decision, and appropriating funds, and then implementing it, we all know that any suggestion of recalling the Legislature is only going to lead to further frustrations and delays for the public involved in the outcome of the decision.

Mr. Speaker, I also think that rather than waiting for the reconvening of the Legislature, the prudent, practical course of action is to act with a special warrant so the government is responding to the needs of the day. It's not like a Monopoly game where we have the Stop and Go situation and you have to wait to pass Go in order to collect \$200.

Mr. Speaker, I can take some examples where special warrants were used in this past year, the year of disabled persons. I recall a parent group from Michener Centre coming to the Legislature, making a request with regard to the possibility of government participating in a project they had in mind. This was an association made up of parents of the residents of Michener Centre. Over the past decade, they had raised \$200,000 or more through various projects — bingos, whatever. They were interested in forming a camp where the residents of Michener Centre could spend the summers at a lake setting.

They approached me and, in turn, we approached the Minister of Social Services and Community Health to see if they could receive a matching grant. The immediate response was, it's not in the budget. The other answer could have been, wait until next year. But serious consideration was given to this project, and a special warrant was arrived at. Here's a case where government was responsive to a situation which had some very key components: one, it was being done by volunteers; secondly, it was being done by people in the general public. Rather than having a straight handout, they had done something for themselves. A special warrant used in a situation like this is a very positive measure in terms of

government responding to the various needs of our citizenry.

We can take a look at the 8 per cent limit suggested in the debate during the spring sitting. If we were to place a limit, this arbitrary restriction would limit the flexibility and responsiveness of government. The motion appears to express a concern based on percentages rather than actual dollars being spent. If the principle of special warrant spending is accepted, then the amount below or above 8 per cent should not confuse the issue.

During the debate, the hon. Member for Olds-Didsbury stated:

... there's nothing magic about the 8 per cent figure
... That 8 per cent is rather a halfway point
between the 11 per cent of the budget that was in
special warrants [the previous] year, compared to the
5 per cent of [another year].

In my view, if that is the reasoning for 8 per cent, I would suggest it is irrelevant. Why have it at all?

Another important area with regard to special warrants, Mr. Speaker, is the practicality factor of the recalling of the Legislature. All of us know about recalling the Legislature for the spring and fall sittings. If we were to respond to every urgent need — for example, we could take the forest fire special warrant — the time and expenditure to recall the House would be most impractical and, I suggest, even irresponsible with regard to how we handle our affairs in the province. I could ask the question, would the House be called into session to approve every warrant over the 8 per cent limit, as was suggested in the debate on the motion? Or would we batch them together and review them all at one time? I suggest that the process would be rather lengthy and, with the tactics we have seen over the past few weeks, we could be here 365 days in the year.

With regard to the question of accountability with special warrants, we're all aware of The Financial Administration Amendment Act, 1972, which provides for spending through special warrants. It's not a case of anything being below the table or behind closed doors, as might be suggested. Rather, there is full opportunity for the opposition to debate these warrants when they are brought to the House. The amount spent is a matter of public record and does receive approval from the Assembly. As I mentioned before, in one case the court has even ruled that the method is within the Legislature's purview, and it is regarded as an established practice.

In fact in terms of public profile, Mr. Speaker, I would suggest that special warrants receive even greater scrutiny and attention than some of our ordinary budgetary lines. Certainly the posturing can be made that special warrants are being abused, that there is something suspicious behind every special warrant. But with regard to the debate in this Assembly, I don't think that has ever been borne out when in fact we have brought those special warrants here. At the end of any session, there has been ample opportunity to debate the merits of it. It's entirely proper and within custom that we proceed with special warrants.

If we look at other jurisdictions, Mr. Speaker, special warrants have worked rather satisfactorily, and they've used them for decades. The implication might be, the opposition argues, that in Alberta more money is being spent as a result of having the special warrants provision. But I suggest we keep in mind that our needs are different, Alberta is growing at a different rate, and our budgeting and financial practices differ from other provinces. To isolate special warrants and make comparisons to other provinces is not appropriate; heaven forbid. As

we all know, Ontario has a different view on many things. So why should we necessarily be a mirror image of precisely what another province does?

Another example I could take is the nurses' strike. The opposition repeatedly questioned whether the government would grant salary increases to the nurses to make their wages competitive with their counterparts in B.C. Well, we all know what took place that particular spring. An increase was granted, and it necessitated a \$25 million special warrant. I think it was very appropriate that we responded immediately.

This fall we hear the opposition calling for help for the cattlemen, for the beginning farmers, for the people renewing mortgages. We're going to have a designated motion come up on Thursday with regard to this. How would you help them? In their approach, they are suggesting that special warrants be looked at, even though the problem might in fact rest with other levels of government. So on the one hand, they're advocating that special warrants be used, yet they are raising the concern as to why we use special warrants. You can't have it both ways.

I can take a look at many other examples we had: the International Year of Disabled Persons, the purchasing of utility and road corridors in the RDA areas. Many of these are non-recurring warrants; that is, they are capital items and usually result in the purchase of something that is a useful, permanent asset in order to expedite certain goals of this government. The regional water and sewer program for municipalities was supported this way. Financial assistance to postsecondary students was supported in this manner. I could go on and on with regard to examples.

If the warrant is to provide funds for projects such as this, I think it would be important in this International Year of Disabled Persons that we recall that a committee was set up to deal with this international year, and had a special warrant not been passed, this committee could not have started any kinds of plans for the year. They would have had to wait for the Legislature to reconvene. I think that would be rather ill-advised. We all recall that when you're starting a major project such as this, you have to have lead time, and time is of the essence when you appropriate the funds. If volunteer agencies had not been so successful in raising dollars for international overseas aid to third world countries, those grants could not have been matched. How can you anticipate that this would happen? Again, an argument for retaining special warrants.

By implication, Mr. Speaker, I suggest that the opposition is suggesting we ought to overinflate the budget appropriations, that we in turn make unrealistic budget lines. Then as the fiscal year ends, what would happen? I think the approach would be to try to spend the money just because it needs to be spent. Because it was appropriated, let's spend it. Last week in the questioning of the capital projects estimates of the Heritage Savings Trust Fund, I recall the Member for Calgary Buffalo seeming to question the Minister of Environment for not having spent his budget under the capital projects division. I suggest that is not a very good approach, when we find that people think that as soon as you budget something, the money should be immediately expended. Whether it's well spent or not, spend it. I think that is ill-advised in good management of our fiscal affairs.

On the other hand, Mr. Speaker, we find opposition members suggesting that special warrants are being used to make increased, unnecessary expenditures. Who then determines what is necessary? There seems to be a con-

tradition here. When we started this particular fall sitting, I recollect the opposition bringing in the little piggy bank, the notion that we are spendthrifts, that we're not releasing a sufficient amount of money; yet we're being castigated for maybe spending too much by special warrants. Well, you can't have it both ways. There's a contradiction there.

In conclusion, Mr. Speaker, I think the motion is clearly a disguised effort to debate a specific special warrant. As I mentioned at the outset, I thought that particular question was adequately dealt with in the question period at that time. Therefore, I urge members not to support this motion, even though the hon. Member for Olds-Didsbury was rather anxious last week to try to get a private member's motion under his name passed through the House. However, the Member for Olds-Didsbury should still be hopeful, because the way the members opposite are conducting themselves, I think we should be here long enough that we might see another private member's motion in his name return and maybe, as a member, I could reconsider. With that, Mr. Speaker, I wish to adjourn debate.

[Mr. Speaker in the Chair]

MR. SPEAKER: Does the Assembly agree with the hon. member's motion to adjourn the debate?

HON. MEMBERS: Agreed.

204. Moved by Mr. Borstad:

Be it resolved that the Assembly urge the government to develop a province-wide land protection and water-management program to control soil erosion, including the planning and design of secondary, tertiary, and resource road rights of way to control water run-off and avoid erosion.

[Adjourned debate April 28: Mr. Purdy]

MR. PENGELLY: Mr. Speaker, it's a pleasure to join in debate on the motion moved by the hon. Member for Grande Prairie on April 28. In the absence of the hon. Member for Stony Plain, who adjourned debate, I'd like to review some of the main points the hon. member made at that time. Included are the recommendations on erosion control and proper drainage management. In addition, there is the need for interdepartmental action plans. The member expressed concerns over the causes of erosion and the water drainage problem caused by roads, especially in the forested areas, and showed concern about erosion in the agricultural sector.

To date, most of the solutions of the problems have been remedial in nature, rather than a large-scale preventative program. The member recommended budget and design for prevention, construction of new roads, and proper drainage to prevent erosion. He also recommended adequate research to prevent sheet erosion and flooding of agricultural lands. The member concluded by recommending allocation of provincial funds to carry out a 10-year program of rehabilitation drainage programs and education programs to assist farmers.

Mr. Speaker, I support this motion and wish to discuss some aspects of it. In doing so, I may touch on some aspects of debates that were carried on before. However, I will not be reviewing the anthropogenic erosion of the Swan Hills mentioned by the hon. Member for Edson. If you'll remember, he informed us by saying that anthro-

pogenic means ape caused. The only apes he knew were Homo sapiens and Sasquatches. Perhaps before I'm finished, the Homo sapien and Sasquatch erosion of the Swan Hills might prove much more interesting.

Mr. Speaker, in speaking in support of this motion today, I think it's important to note that soil erosion is increasingly being recognized as a serious problem. This government has a goal to work towards increased agricultural production. It is obvious that if topsoil is continually lost through erosion, it will mean more use of less productive land. Due to increased urbanization and industrial growth around our urban centres, good agricultural land is being lost. This is an unfortunate but necessary fact of Alberta's growth. In my mind, it therefore becomes that much more important that we protect agricultural land from unnecessary losses due to erosion.

Mr. Speaker, I believe no one is opposed to the idea that we should work towards controlling soil erosion. However, some may disagree with a centralized, province-wide approach. It is therefore important to look at what departments are involved in this matter and how their efforts are controlled. The departments involved include Agriculture, Energy and Natural Resources, Environment, Municipal Affairs, and Transportation. Other departments or agencies may be involved, but these are most directly related to the matter. Looking at the group, one can clearly see they all have different interests and objectives, yet they all play a role in soil erosion and its control.

Mr. Speaker, there are also several pieces of legislation that deal with erosion problems: The Soil Conservation Act, The Agricultural Service Board Act, The Water Resources Act, The Public Highways Development Act, and The Municipal Government Act. This again indicates that the government is interested in working towards erosion control. However, the legislation often deals with concerns as to how erosion affects the individual department. As well, each department functions based on the legislation that affects that particular department. It only further complicates the matter when one realizes that the co-ordination of effort by the various departments is left to the various people involved. In addition to this, Mr. Speaker, what about problems relating to matters that don't quite fit in any one particular department's program? These problems end up receiving limited action.

Another matter that has concerned me in this regard is funding. Each department has its own budget. If an erosion control problem is seen, it may require large amounts of funds to prevent it. An example may best explain my concern. Suppose Transportation is building a road, and a concern is raised that an erosion problem might develop but to alleviate the problem will require a sizeable amount of money. Transportation has a fixed budget. This would force the project over budget, and additional funds might not be available. However, perhaps Agriculture, if it was aware of the matter, would be interested in supporting the project to help solve the problem. The way things are now, it is up to the individual department to co-ordinate their efforts.

In my particular example, what if Environment were also interested? Then someone in Transportation would have to try to figure out that other departments might be interested. He would have to contact the various people and see if their programs applied. Then the groups involved would have to co-ordinate each of their programs to resolve the situation. If they could not get all of this put together, then the matter may not get dealt with because Transportation just could not afford to do its

own.

I believe a single program, as proposed by this motion, would work to avoid problems that I have mentioned. One program will amalgamate all the efforts and resources of the various departments to ensure that each specific problem is resolved. It will also allow all the various departments to clearly understand the direction this province wishes to take in terms of controlling soil erosion, and how the work of one department affects the other.

Mr. Speaker, I also mention that some may be concerned by a province-wide approach. Soil erosion takes place over all the province, although in various regions of the province it may be as a result of different causes. However, if these regions are co-ordinated — if one is looking at water management upstream, you must also understand how it would affect the situation downstream. Even though erosion problems may be regional in nature, it is important to deal with the soil problem as a whole.

Therefore, Mr. Speaker, I urge that all members support this motion. Thank you.

MR. WOLSTENHOLME: Mr. Speaker, I have some mixed feelings about discussing Motion No. 204, especially in the area of soil erosion. I think back to my youth, when the saying was that you had to eat a peck of dirt before you became an expert or became old. I'm positive I qualify as an authority on it. The dirty '30s was the time when some tobacco chewers gained quite a reputation. Any who could spit into the dust-laden wind and have it hit the ground before it hit their shoes or pants was an expert. Believe it or not, some of them could do it. That wasn't amongst my major accomplishments.

Actually, Mr. Speaker, I have a few more ideas that would contribute a little more than some of my present remarks. In view of the time, I beg leave to adjourn debate.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, the proposal for this evening is that second readings of government Bills commence at 8 o'clock. We wouldn't be calling Bill No. 69 or Bill No. 85. After that, committee study of Bills, and a number would not be called because of the absence of some ministers, or for other reasons in one or two cases. The ones that would not be called would be Bills 25, 50, 51, 60, 68, 73, and 79. The balance would be considered available for the committee on Bills tonight, and if there's any time after that, the Committee of Supply.

[The House recessed at 5:28 p.m. and resumed at 8 p.m.]

head: GOVERNMENT BILLS AND ORDERS (Second Reading)

Bill 55 The Wilderness Areas Amendment Act, 1981

MR. STROMBERG: Mr. Speaker, I forgot my notes.

Bear with me; we'll get things sorted out yet. Ah, here we are. I have trouble on this desk. The Member for Wainwright keeps putting his material on top of mine. [laughter]

MR. BRADLEY: On a point of order, Mr. Speaker. In defence of the hon. Member for Wainwright, since he's absent, I'm not sure if that's necessarily the correct facts.

MR. STROMBERG: Mr. Speaker, it is quite a privilege to introduce this Bill for second reading for the second time. If you recall, Mr. Speaker, I believe it was about four years ago when I introduced this Bill as a private Bill. It's had quite a long gestation period. I hope it will be born soon, within the next week.

As I mentioned in first reading, in going over the intent of this type of Bill and the need for this legislation, the original Bill, as a private member's Bill, was to establish ecological reserves within Alberta. We've combined the ecological Act with The Wildlife Act in the habitat areas. Mr. Speaker, perhaps I should just go over some of the remarks I made four years ago in introducing the ecological reserve Act for Alberta. The background to it: seven provinces within Canada have established ecological reserves, so we're not the first. It's needed. It's quite a subject within the province and is quite significant for all Albertans. One of the greatest legacies we can leave to our descendants is the preservation of our natural environment, our heritage. The establishment of ecological reserves provides us with that opportunity. Ecological reserves can be thought of as living laboratories. I cannot stress enough the importance of maintaining these outdoor laboratories for the future.

Ecological reserves serve various purposes. They may be used as a base line or a bench mark. This provides a basis for measuring changes in the environment. For example, we now know that in Alberta the frost-free days needed to mature a crop of wheat has advanced approximately 200 miles to the north in the last 80 years. As I have mentioned already, they serve as natural outdoor experiments for classrooms and students at any level in our education system. Mr. Speaker, ecological reserves may be used as genetic banks, a sort of nature museum function, which can provide us with tools and safeguards against future adversaries of unknown magnitude. Therefore, now as well as in the future benefits are gained by the scientific community, students, researchers, educators, and other resource experts.

Legislation is necessary to clearly establish ecological reserves for the future, because destruction on a major scale tragically has become within the realm of possibility. If we establish these ecological reserves now, it shows we have the foresight to meet the challenges of laying out a preservation framework for the future. At present, it is easy to say that we have no reason to be concerned; we have more than enough land and a few people to populate and develop it, and the impact of people on the environment is insignificant. It's so easy to say those words. But what we should be doing is acting now to secure the future of our environment before preservation becomes a demanding need. Certainly, Mr. Speaker, it's a great tragedy if a rare, endangered plant or animal is lost to us. However, the greater tragedy is failing to take advantage of the opportunity to preserve our special plants and animals. We recognize the problem now. We must start working on a solution.

As I pointed out in the introduction of this Bill last spring, ecological reserves afford us the opportunity to

study the recovery of the environment from human modification. For example, the hon. Member for Stettler has a moonscape in his constituency, a fair amount of land left over from the strip mines. Now over the last 30 to 40 years, since these mines have been abandoned, there's been quite a change in the ecology of that area. We've seen trees come in. We've seen native grass develop, and quite a wildlife habitat. To my thinking, that would be a good area for an ecological reserve, to study how nature in a sense will cure the problem we have created.

Mr. Speaker, 14 small portions of land have been proposed as sites for ecological reserves. Although this is not a large number, there is great enough distribution that many Alberta constituencies can benefit. Use of people in each constituency in establishing and maintaining ecological reserves will be necessary, for this work cannot be done solely by the people in Edmonton and Calgary.

Instead of going through the remarks made four years ago, I'll try to get a little more relevant or up to date. I would like to mention that I don't think the intent of this Bill is to see large parcels of land set aside just for the sake of setting aside land. We're merely asking that small areas be protected, but in a controlled situation. Controls in this case are permits required for access to the use of the reserve. If the management plan allows, even grazing, hunting, and fishing might be permitted in a special reserve where such activities do not dispute the environment.

Mr. Speaker, in summing up, in the future these areas will provide us with a base against which we can measure our stewardship of the land that is ours to inherit.

MR. R. CLARK: Mr. Speaker, in rising to take part in the debate on second reading of the Bill, I don't want to water down the enthusiasm of the Member for Camrose, but I think perhaps three comments should be made. One is that despite the comments by the Member for Camrose, in this Bill the minister is not required to acquire such interests if they are held under petroleum or natural gas disposition. In fact, he may permit interests under oil and gas dispositions, timber leases, and grazing permits to go ahead.

The point I want to make here is that with this legislation coming forward, members of the Assembly should not assume that the development of ecological reserves under the conditions of this Act will stop oil and gas development, timber development, or grazing leases from taking part in those areas deemed to be ecological reserves. I would hope that between now and when the Bill comes back for committee reading, the hon. member will use his persuasive powers with his colleagues and perhaps introduce some amendment that would give a bit more teeth to the concept of real ecological reserves, as I think most people rather anticipate they are.

I would make one other comment. If I read the Bill correctly — if I'm not, I'm sure the hon. member will straighten me out — the status of the advisory committee is substantively changed. Under the previous legislation, when the old advisory committee made a recommendation, that recommendation had to go to Executive Council, being the cabinet, and then the Executive Council had to react to the recommendation, bringing it to the Assembly in the form of a report to members. I'm sure the hon. member knows that for some strange reason this advisory committee hasn't met since 1971. So the advisory committee we're talking about really hasn't been very effective at all.

Secondly, I don't want to temper the enthusiasm of the hon. member, but for the Bill to be really effective we shouldn't be making the changes we are in the advisory committee, because in the old legislation the advisory committee is made up of more people from the public than government appointees, being officials of various departments. The proposition as I understand it in the Bill — and I'd be very pleased to be pointed out that I'm wrong — is that the new advisory committee will be made up of an equal number of government people, meaning members of the public service, and public people.

The second feature, and an important one in my judgment, is that the advisory committee's recommendations are not vented through cabinet and then to the Legislature, like the old advisory committee recommendations were. I'd be really interested in hearing from the hon. member why this advisory committee hasn't met since 1971 if, in fact, it is to play an important role in this legislation.

MR. STROMBERG: Mr. Speaker, in regards to present leases ...

DR. BUCK: Easy, easy.

MR. SPEAKER: I'm not sure whether the hon. Member for Olds-Didsbury was intending to ask a question for immediate answer or whether he was raising points which the hon. Member for Camrose might deal with in concluding the debate. [interjection] I hear it was the latter. In other words, the hon. member may wish to deal with the points raised by the hon. Member for Olds-Didsbury when he concludes the debate.

MR. STROMBERG: The Member for ...

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

HON. MEMBERS: Agreed.

MR. SPEAKER: I just want to be sure there aren't other hon. members who would like to take part in the debate before the hon. Member for Camrose concludes it.

MR. STROMBERG: I was going to make sure this time.

Mr. Speaker, the Member for Olds-Didsbury raised a point on mineral leases, petroleum leases, currently held in Alberta, perhaps situated under a proposed somewhere-in-the-future ecological reserve or a wilderness area. Those will be honored. But where a site is picked and no leases are connected with that site, no one will be able to go in there.

On the second point the member raised, as to the advisory committee and the old committee of 1971 that perhaps his government had set up, if he will recall, his government at that time had a kind of catchall; it was called "natural areas". Every time the Member for Drumheller, the Minister of Highways at the time, had a piece of highway left over — they'd cut across a slough diagonally and there was an acre here and an acre there — every little piece of land they didn't want they stuck into the natural area. They invented a Bill to cover that. Some of those natural areas were set up for protection, such as Kootenay Plains. I believe there was something like 500 of them out there that farmers were farming, some the department was trying to get rid of; they just had a duce of a time with them.

You must realize there are some 70 proposals put forward for ecological reserves. If this Legislature were to deal with all 74, we'd be here as long as we are dealing with the estimates of Environment. In picking areas to be set aside as wilderness areas or ecological reserves, I think you have to have the expertise of the department people also, because who is going to manage these? To go into a true ecological reserve, it's by permission of the minister. If groups of schools and classrooms are coming to view an ecological reserve for an educational purpose, somebody has got to be with them; somebody has got to be pointed out. So I think one of the stronger features of the Bill before you is that department people will be sitting on the board, because they are the ones who will have to do the majority of the homework and the work after.

MR. R. CLARK: Mr. Speaker, might I ask the hon. member a question, and perhaps the hon. member would prefer to answer it when we get into committee. I ask the hon. member the rationale for changing the reporting procedure of the advisory committee, where the advisory committee would make its recommendations to cabinet, cabinet would respond, and then cabinet's response would be tabled in the Assembly. Perhaps the hon. member would elaborate on the rationale for that at some future time.

MR. STROMBERG: When the Bill was introduced for first reading — there will be an amendment proposed in supply in regards to Section 4. But we'll go through that when we hit supply, Mr. Speaker.

[Motion carried; Bill 55 read a second time]

Bill 66
Senior Citizens Housing
Amendment Act, 1981

MR. CHAMBERS: Mr. Speaker, I'd like to make a few remarks on Bill 66, which is an amendment to The Senior Citizens Housing Act. Tonight I thought I should briefly outline the background of the proposed changes and what I'd like to see accomplished in this Bill.

First, new sections inserted in Section 4 would allow the minister to amend the master agreement of a foundation to provide for the operation and sharing of the costs with respect to the existing unsupported lodges. Specifically, this amendment is intended to resolve the problems related to those lodges which currently receive no financial support from the foundations. In order to eliminate this inequity, it is our intention to incorporate these municipalities and unsupported lodges into existing foundations. This would result in a broader tax base for deficit sharing, while maintaining local autonomy in the operation of the senior citizens' lodge program. This Bill would require existing non-contributing municipalities to participate in the financing of the lodge program. To facilitate the implementation of these policy changes, this Bill would give the lodge foundations the power to requisition not only the existing contracting municipalities but also other non-member municipalities. To ensure consistency across the province, it also prescribes the basis and the formula for determining the sharing of the foundation deficits.

As members are probably aware, there are 317 defined municipalities in this province. That includes cities, towns, villages, counties, municipal districts, improvement districts, and special areas. At present, 30 munici-

palities do not support any senior citizens' lodge foundation. As the lodge program, which was established in this province 20 years ago, is made available to all senior citizens in the province, it seems to me only fair that all municipalities should therefore contribute to these services. Furthermore, Mr. Speaker, the Alberta Senior Citizens' Homes Association, which represents all the senior citizens' lodge foundations in this province, has also made submissions to the government, requesting that the legislation be amended to ensure compulsory municipal participation in this program.

Mr. Speaker, I therefore move second reading of Bill 66.

MR. NOTLEY: Mr. Speaker, in rising to debate Bill 66, I don't think there's any question that the objective the minister has in mind is useful. Certainly municipalities should be contributing to lodges in their areas and, as a consequence, there has to be some legislative change.

Frankly, my concern is not with the objective, which I think every member in this House would fully support. I really wonder whether the minister needs the rather extraordinary kind of power we are authorizing him to possess. Section 4 says:

The Minister may, by order, amend a master agreement to provide for the management, operation and sharing of the annual operating costs with respect to any existing homes or units designated by the Minister.

He has *carte blanche* power with respect to the management, operation, and sharing of the costs. Mr. Speaker, as I read Section 4, that's substantial power. In my judgment, when he concludes the debate, the minister has to be able to show clearly why that kind of extraordinary power is necessary.

Subsection (2) goes on:

An amending agreement under subsection (1) is binding on all parties to the master agreement and on the foundation established under the master agreement notwithstanding that the Corporation and contracting municipalities neglect or refuse to execute the amending agreement.

So if a town council says no, or perhaps the foundation board says, just a minute, we want to take a second look at this — remember, we're not just talking about sharing costs; we're talking about the management, operation, and sharing of the annual operating costs. If there are problems and, say, X foundation — I won't name a foundation — has some serious quarrel with a ministerial order, tough luck for them. The amending agreement under Subsection (1) is binding on all parties. So the foundation can say, we don't agree with the minister. And the minister can say, too bad for you; I have Section 4(2), and it says it's binding.

Mr. Minister, I really suggest that while we all support some kind of legislation that will say to the municipalities that are not contributing, you must pay your share, there is a difference between that and the kind of sweeping power you're asking for. If you're saying cost sharing, why don't you say cost sharing? But as I see Section 4 at the moment, the minister is asking this Legislature to give him very, very wide power, which he may or may not exercise. But if he decides that he wants to stick his nose into the operation of a particular foundation and interfere in the management, the way the amendment reads, that power is there. If a municipality doesn't like it, too bad for them.

Another section I find equally regrettable is the third

amendment, where we used to have:

The Lieutenant Governor in Council, by order, may constitute bodies corporate, herein called foundations, with such powers and duties as are deemed expedient to carry out . . .

Now we're striking out "Lieutenant Governor in Council" and substituting "Minister". Mr. Speaker, I think we have to be pretty careful about taking away the responsibility of Executive Council in total, where decisions are made collectively and you have a number of people, and substituting the right of the minister to execute a ministerial order. The minister has to explain to this Assembly why we want to go the route of ministerial authority, instead of Executive Council making the decision.

As I recollect one of the reports of the Auditor General of some years ago, one of the concerns in the 1975 case of some renown — I won't get into the details of that — was the tendency of the government to authorize to the ministers authority that should in fact be given to Executive Council in total. If the minister wants this Legislature to pass the Act, in my judgment he has to be able to tell us why we should be giving him the power formerly given to Executive Council in total. The final amendment deals with the question of including a municipality in a foundation. I suppose there's no real way that can be avoided.

In general summary, Mr. Speaker, I certainly endorse the objective of the Bill. But at this stage the minister, when he concludes debate, has to show in a convincing manner why the powers he is requesting must be given to him in that sweeping way in order to achieve this goal. After all, we're dealing with reasonable people. Frankly, there are very few municipalities I know of in my travels in the province, that if you put the case to them reasonably — and remember, we're talking about decisions which will have an impact, and properly so, on their taxpayers, because the operating costs of these foundations have to be met by people in the foundation, the participating municipalities. That's fair and proper. But it seems to me that a little bit of honey rather than a lot of vinegar backed up by a sledge hammer may be a better route to achieve this goal, as opposed to the power the minister is asking this Assembly to give him in Bill 66.

Mr. Speaker, I have no quarrel whatsoever with the principles of co-ordination and all municipalities paying part of the costs, the principle of achieving those goals. But I must qualify the support by saying frankly to the minister that we have to have a little better explanation in concluding debate than we got in opening it, as to why we need to give this kind of power to the minister.

DR. BUCK: Mr. Speaker and members of the Assembly, I also wish to oppose Bill 66 and have the minister give some explanation to the Assembly. First of all, I'd like to say that the minister doesn't know what he has asked for in this Bill — he has been hoodwinked by the people in his department — he didn't read it very carefully, or the government wants even more power than it has. Now, knowing the Minister of Housing and Public Works, I know he would never want more power than he can handle. But knowing the government, I'm not so sure about them.

Before the government has the opportunity to twist things, as they are known to do, and say that the Socreds are opposing senior citizens, I would like to remind the Tory backbenchers and all their hirelings and underlings in the back seats that the former government started senior citizens' housing. The first in North America was started in this province. So let's have the record straight.

Mr. Speaker, to the minister. This is the second flagrant instance of a minister wanting more power.

MR. NOTLEY: Without defending himself.

DR. BUCK: Basically, what we find so distasteful in this Bill is why the minister requires that wide-ranging power.

Mr. Speaker, we have good senior citizens' housing in this province. It's nice to see that they are carrying on the program initiated by the previous government. Of course, once the OPEC-initiated prices started coming in and the money started pouring in, we can go ahead with these programs. So, Mr. Speaker, we endorse the program of housing senior citizens, because they are our pioneers; they are the people who made this province. In spite of the fact that the politicians think they did it, it was our pioneers who made Alberta great. It wasn't the oil or this government that made this province great.

AN HON. MEMBER: The Conservatives were here before the Socreds, Walt.

DR. BUCK: The Conservatives were here before the Socreds? The Conservatives were so far back in history — before we had good honest government for 35 years in this province — that nobody can remember that far back. I think probably they're just going to be a blip on the time span of history. Because in about eight years, they're going to be long gone; we won't hear from them for another 60 years.

MR. COOK: Mr. Speaker, on a point of order.

DR. BUCK: Rolloff, will you sit down please.

MR. COOK: Mr. Speaker, I'd like to ask a question of the hon. member. He's offering us all sorts of advice, and I would like to ask him for some information. By saying that we're going to be around for another eight years, has he in effect ceded government to the Progressive Conservative Party for another eight years? Is he giving up?

MR. NOTLEY: Rollie, you still have a lot to learn my friend. [interjections]

DR. BUCK: Mr. Speaker, the amount of credibility I would lend to even respond to that is more than the hon. member deserves.

But getting back to the point I'm trying to make to the minister: the minister will have to indicate to the Legislature why he needs this wide-ranging power. That's basically what we're talking about. At the same time we are looking at funding senior citizens' homes, it's just about time this government woke up to the fact that our municipalities, towns, villages, and cities need more revenue. I know this government will go to defeat, fighting tooth and nail, not wanting to give funds back to the municipalities or the cities, towns, and villages . . .

MR. BRADLEY: On a point of order, Mr. Speaker.

DR. BUCK: . . . because they hate to loose the power over the purse strings.

MR. BRADLEY: On a point of order, Mr. Speaker. With regard to the present contribution by the hon. member, I'd like to point out the rule of relevancy. It has no relevance to the Bill presently before us.

DR. BUCK: I hope he does more than that on the Syncrude board to get his \$18,000, Mr. Speaker.

MR. BRADLEY: On another point of order, Mr. Speaker. The hon. member is supplying incorrect information to the House with regard to how much remuneration one receives for sitting on the board of directors of Syncrude.

MR. NOTLEY: Is it more, Fred?

DR. BUCK: I humbly apologize if he gets more than that, Mr. Speaker. But whatever he gets, he's not worth it.

MR. BRADLEY: Mr. Speaker, I suggest the hon. member is making some reference with regard to my worth. I don't think that is actually the statement he wishes to make in this Assembly with regard to another hon. member.

MR. NOTLEY: That is a matter of opinion.

AN HON. MEMBER: He should apologize.

DR. BUCK: A non-debatable subject, Mr. Speaker. We don't have to get into a debate about the hon. member's worth. The record speaks for itself.

Getting back to the point at hand, Mr. Speaker, the minister is going to have to convince this Assembly why he needs those wide-ranging powers.

MR. NOTLEY: Power hungry.

DR. BUCK: I will give a speech at some later date, or maybe even in committee, about what we should be doing about funding. What this government is doing as far as funding the municipalities is concerned is a subject of debate we'll get into later. But at this time, Mr. Speaker, I oppose the Bill because of the wide-ranging power the minister is asking for himself.

MRS. CHICHAK: Mr. Speaker, I wish to make a few remarks with respect to the Bill and perhaps bring forward some information with regard to the direction the Bill is taking insofar as the first portion of the amendment within the Bill. I guess the hon. Member for Clover Bar should have his due with regard to senior citizens' lodges having been established and the program beginning during the Social Credit term of office. However, many changes have taken place in the last decade. This is another one that is much needed, and is now being brought forward.

Mr. Speaker, when you review the history of senior citizens' lodges, you find they were primarily intended to provide housing for senior citizens in a community type of setting, where perhaps they were a bit closer in the kind of responsibility and activity that could be carried on more under one roof. As time goes on and the picture of senior citizens changes in their physical needs and capability to manage independently, lodges today perhaps have the kind of pressure within them for assistance and service which they did not have 10, 15 years ago.

The foundations are finding as well that they must provide accommodation for seniors from areas that do not provide support to them. However, the foundations still have the cost to bear. Although the provincial government provides in the first instance construction of the senior's home, the basic furnishings, and the initial re-

quirements for providing a comfortable setting for their accommodation, and also provides deficit funding, there are areas where no arrangement exists for dealing with the reality of the needs of today.

Of course some of those realities are that we are now finding in the senior citizens' lodges there needs to be the kind of service the residents require in the way of health care, to some degree, and various other personal needs. Guidelines or standards are not being set, nor can they be imposed by the government under the current legislation, to at least serve as guidelines by which foundations would have to guide themselves and meet those standards.

As I travel to various areas of the province under the Health Facilities Review Committee, I find that citizens in these homes make certain requests for improvements, ask the committee to make such reports and obtain the kinds of consideration and basic needs that they now require. In dialogue with the minister, of course we find that he doesn't really have the kind of power to require foundations to meet any particular level or standard of service, albeit the basic service is to maintain a residence for seniors. Those who perhaps require medical care are certainly being accommodated in nursing homes and auxiliary hospitals, and some in active-treatment hospitals. However, we are finding that many of the citizens who have gone into the senior citizens' lodges do not look upon that as their home, and they don't want to leave that home for another level of care. But they do need some basic assistance. There's a problem in that there isn't a guideline, a standard, or a requirement that needs to be met.

I'm very pleased the hon. minister has introduced this Bill. Certainly I hope it will be supported and passed. Because the kind of ability necessary for participation on the part of all municipalities, whose citizens are accommodated in homes under foundations to which they do not contribute, is that they must bear some degree of responsibility to those citizens who are taxpayers within their own area. It is time now for recognition that certain standards and guidelines have to be put in place insofar as the level of accommodation and maintenance, and the kind of comfort that ought to be recognized as the standard — and not one that was very much different some 10 years ago.

Mr. Speaker, I applaud the minister for bringing forward this Bill, and I hope it would be his intent to look at those problem areas and to be able to work with the foundation and come to mutual agreements and consideration as to the kinds of standards that must be in place today.

Mr. Speaker, I thank you for the opportunity to express the views with regard to senior citizens' lodges. I make those remarks on behalf of those citizens, to improve the level of housing and care being provided for them.

MR. BORSTAD: Mr. Speaker, having served on a foundation, I support the Bill because I don't think it's fair for some municipalities to sit back and send their seniors to a lodge supported by other municipalities. I totally support the Bill. Someone has to have the authority to have the municipalities enter the foundation, so why not the minister.

I have a question. What protection do those municipalities that are forced to join have in managing the affairs of those lodges to see that they are managed in a prudent way? Does the minister's department still review the budgets?

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

HON. MEMBERS: Agreed.

MR. CHAMBERS: Mr. Speaker, I'd like to thank members for their contribution. I'll try to answer the questions as best I can. I know my friends from Clover Bar and Spirit River-Fairview know I'm not power hungry.

DR. BUCK: Maybe another minister, though, Tom.

MR. CHAMBERS: I've lived with this problem going on four years now, trying to obtain equity between the foundations and the lodges and the situation across the province. Every year I've had strong submissions from the Senior Citizens' Homes Association — which is really the organization of all the foundations — saying, you've got to do this. I kept thinking, no, surely we can negotiate all these things. But we weren't able to do that. I finally said, okay. Every year I'd talk at least a couple of times with the homes association people — who are great people by the way, and I think they do a superb job of managing lodges across this province. They said to me, look, you have to have equity, you have to have fair play; what you have to do is change the legislation so you can do this thing in a fair and equitable manner. You do it based on equalized assessment, and everybody should pay in a fair and equitable fashion. That's what we're really trying to do here.

We have three lodges that don't pay at all. They're in Andrew, Sylvan Lake, and Evansburg.

DR. BUCK: All Tory seats.

MR. CHAMBERS: There are 30 other municipalities that don't contribute, as I mentioned earlier. Yet I think even the municipalities affected really want this. They want to be fair too; they want to have the situation set out so they can contribute in a fair way. I've never had anybody in any municipality — in fact the submission to me the last two years at the Senior Citizens' Homes Association was unanimous that I should do this. I've never had any objection from anybody to doing it.

The only reason I ask for ministerial authority in the Bill is that when we're talking about this number of municipalities, 30, and the number of little changes that have to be made in boundaries here and there — I'd be running back and forth to Executive Council every week. I think it's the sort of thing a minister is paid and hired to do. It's a technical sort of job that should be done by the minister. That's what he's paid for. I'm prepared to take that responsibility and I think my successor in this job, whoever he is, would also be prepared to do that.

Quite frankly, we have a terrific relationship with the foundations. They're just beautiful people to work with. We get along great. I have no doubt that over the next few months I can sit down with the Housing Corporation and the municipalities and work this out in an equitable manner. I don't think there'll be any problem whatsoever.

I'd like to thank the Member for Edmonton Norwood for her contribution. She chairs a committee that's done a lot of service on behalf of this province and the lodges. Over the years, her committee has submitted many excellent recommendations which the corporation has acted upon. I know the Member for Edmonton Norwood now has a really superb knowledge of the lodge operation. I

respect her advice very much indeed.

The Member for Grande Prairie, if I got the question right: yes, the corporation does review budgets. I don't know if I'm really answering the question fully. If not, I would prefer an interjection, Mr. Speaker. I want to answer it fully. Of course the budgets are reviewed.

By the way — and this may hinge on the question; the Member for Clover Bar alluded to it — we did change the formula for financing lodges in a significant way last spring. It's a five-year formula basis which has changed the rental structure and, in a substantial way, the contributions the government makes to financing the deficits. I think the amount of deficits faced by the municipalities in the future should be very small. Again, I've had nothing but unanimous support from municipalities and foundations on that change. At the last meeting with the homes association, I had a unanimous response that this was good and that it would solve the financial problem. I think perhaps that's what the Member for Grande Prairie was alluding to.

Mr. Speaker, if there are any questions I haven't answered yet, I hope to be able to answer them.

MR. BORSTAD: I guess my question was: if you're forcing somebody to join a foundation, there has to be some protection to see that that foundation is seeing that its operation is run prudently. I wasn't sure whether the minister's department still received the budgets and could put some pressure on foundations to make sure they were running in an economical or prudent manner.

MR. CHAMBERS: Mr. Speaker, if I could respond to that question, that's correct. In fact, the new formula does that. It has an automatic provision in it. For example, effective last May, the foundations with deficits under 1 mill, again based on equalized assessment, receive a grant to cover 25 per cent of the deficit, to a maximum of 30 per cent of total expenditures. There's a lid on the total expenditures. That of course was applied to the major foundations. But for foundations whose deficits are greater than 1 mill, based on equalized assessment, the province finances roughly 50 per cent of the deficit. Again, it's limited to 30 per cent of total expenditures. That really is the controlling factor. Again, this was worked out between me and the Senior Citizens' Homes Association representing the foundations. They suggested this, and we sat down and worked it out. It's a good formula because it ensures efficiency and, I think, equity.

MR. BATIUK: Mr. Speaker, the minister just mentioned anyone having a deficit of 1 mill. What about the different municipalities? Some are under a new rate, and to some on the new assessment, 1 mill is a lot of money. To municipalities on the old assessment, 1 mill is very little money. I think this is where some of the municipalities are going to feel it very badly. Some municipalities now have a mill rate of 30, others of 100 and some, those who have gone on the new assessment.

MR. SPEAKER: Is the hon. member asking a question or entering into the debate?

MR. BATIUK: Asking a question. I was wondering whether there would be any equity.

MR. CHAMBERS: Mr. Speaker, that's a fair question. When we changed the formula last spring, that's why we

went to an equalized assessment basis. I think that should answer the question of fair play and equity.

[Motion carried; Bill 66 read a second time]

Bill 70
Mental Health Amendment Act, 1981

DR. REID: Mr. Speaker, in my remarks in moving second reading of Bill 70, I'll be reasonably brief. Bill 70, the mental diseases amendment Act, 1981, essentially does two things: it changes the makeup of the Provincial Mental Health Advisory Council, at the same time making some adjustments in the method of appointment of the representatives on that council. Secondly, it transfers the two provincial mental hospitals at Oliver and Ponoka to board-operated status.

In regard to the Provincial Mental Health Advisory Council, the membership changes essentially are that one will be nominated jointly by the College of Physicians and Surgeons and by the Alberta Medical Association, instead of those two organizations nominating one apiece. There will be one nominated by each of the regional mental health councils and four representatives from the general public. In that process there will no longer be a nomination by the minister of hospitals and health care; nor will there be a nomination by the director of mental health services. The adjustment to the appointment method is that instead of each entity nominating one person, they will put forward a varying number of names, usually three, but in one case, six. From those nominations, the Lieutenant Governor in Council will choose the makeup of the mental health advisory council.

In regard to the transfer of the two mental hospitals, Alberta Hospital Edmonton and Alberta Hospital Oliver, to board status, the legislation is essentially derived from the provisions of the general hospital Act and, in some instances, the University of Alberta Hospitals Act. Some additional provisions are of course required because of the particular nature of the two institutions involved. Mr. Speaker, in regard to those hospitals and the transfer to board status, I'd like to emphasize that it's the intention of the government, if Bill 70 is approved by the Assembly, to proclaim initially only the provisions that establish the two boards.

MR. SPEAKER: Order please. The hon. member is entitled to be heard in silence.

DR. BUCK: Remember that, Rollie.

DR. REID: Thank you, Mr. Speaker. The intention is that this establishment of the two boards will be done early in the new year. There would then be a transition period of some six to nine months, depending on circumstances, for those boards to establish their responsibilities and to prepare for taking over the administration of the two hospitals.

Until they take over the administration, there would be a transition period during which the institutions would continue to be directly administered by the department. Hopefully this would ensure the continuity of the quality of patient care. By the same mechanism of staging the proclamation of the Bill, hopefully it would ensure that the employees' rights would be safeguarded. Of course, there would be time and opportunity for consultation between the boards and the employees during that transition period.

The only other matter I would particularly like to address is the jurisdiction of the Ombudsman to provincial mental hospitals. I'd like to give the assurance — and it's an important matter — that Section 13 of the Bill, on page 13, would not be proclaimed until the Ombudsman, be it the present or his successor, was satisfied that the safeguards intrinsic in board operations were adequate for the protection of the patients.

Mr. Speaker, in recommending this Bill to the members of the Assembly, I think it indicates the interest of the government in further integration of the treatment and care of mentally diseased patients into the mainstream of the health care system by having their hospitals administered in a function similar to those of the general hospitals. I'd be glad to answer any questions members may have, and I'd be interested in any comments they may have on the legislation.

MRS. FYFE: Mr. Speaker, I'd just like to add a few comments related to the board status of the two hospitals involved. As one of these hospitals, Alberta Hospital Edmonton, is within the St. Albert constituency, and I've had the opportunity of visiting that hospital on a number of occasions, it has been my feeling for some time that the achievement of board status for that facility would be an advantage to the hospital as a whole.

I think about it in terms of the patients who reside within that facility. In fact that hospital becomes their home. For those who are there for a period of time, the hospital acts as a total community. Many patients function in conditions that for all intents and purposes would appear very similar to an environment outside the hospital itself. Each summer the hospital has a fair, which is an event I'm sure most of the patients participate in and look forward to with great enthusiasm.

I believe that the greatest advantage for these hospitals in moving to board status is that the facility will now have a political body appointed that will be able to speak, to make representation on behalf of the needs and concerns of the facility, the staff, and the patients who work and reside within that institution. In the present situation, the hospitals fall under the jurisdiction of the provincial Department of Social Services and Community Health and the employees, the administration staff, relate through the administration of the department. I believe that going to board status will provide a mechanism that will strengthen the facilities of the hospitals and provide leverage that is important to communicate the concerns, aspirations, and development programs necessary within those hospitals.

I have been very impressed with the work I have seen within the hospitals. Conditions that used to exist in hospitals no longer are something to be feared. As a society, we have changed our attitude toward the treatment of mental health. It's no longer something to be locked away, to be scared of. It's something that has come out into the open, and I think the appointment of the boards is a very progressive step that will serve these facilities positively for the future.

[Motion carried; Bill 70 read a second time]

Bill 72
Consumer and Corporate Affairs
Statutes Amendment Act, 1981

MR. LITTLE: Speaking to second reading of Bill 72, the Consumer and Corporate Affairs Statutes Amendment

Act, 1981, I would point out, as I did when I introduced this Bill, that three statutes administered by Alberta Consumer and Corporate Affairs will be amended. These are The Business Corporations Act, The Direct Sales Cancellation Act, and The Licensing of Trades and Businesses Act. As can be noted from this Bill you have before you, Mr. Speaker, the amendments proposed appear to make minor adjustments in wording and, to a large extent, they are that.

First, I would deal with two of the statutes which are to be amended: The Direct Sales Cancellation Act and The Licensing of Trades and Businesses Act. These adjustments in wording will have a significant impact on all Alberta consumers. To expand on the impact to the proposed amendment of The Licensing of Trades and Businesses Act, which will amend Section 5(1)(j3)(ii) by striking out "licensed" and substituting "registered", I believe a brief statement of what is intended is in order. Section 5(1)(j3)(ii) in its present form requires that those businesses which manufacture stuffed articles label their goods in a certain prescribed form, and they must hold a licence from the Department of Consumer and Corporate Affairs. The proposed amendment will not alter the labelling regime in place and set out under regulation.

I'm sure that all hon. members present are well aware that, one, the white label on stuffed articles means only new material or foam is used exclusively; two, the blue-colored label is used where new, reworked material is used exclusively or together with new material; and three, the green-colored label is used where the article is renovated. It was a real learning experience for me too, Mr. Speaker.

By maintaining the specific requirements of content and labelling under regulation, the amendment before the hon. members will require that those businesses which manufacture stuffed articles must register with the Department of Consumer and Corporate Affairs rather than be licensed. This minor change will relieve the business and, in time, the consumer of Alberta of a considerable burden. Although taken in isolation, one licence, one form to fill out, one cheque payable to the government, may be thought of as not being costly, when taken in unison with a great number of forms, licences, permits, and more forms business must fill out, it becomes an expensive reality. All hon. members are aware that in the final analysis it is the consumer who pays.

Mr. Speaker, I wish to point out what is proposed according to the amendments to The Direct Sales Cancellation Act. Only consumer contracts are involved; that is, not business to business. The cancellation of the contract will be at the consumer's discretion when it is to his advantage to do so. And three, individual direct sellers will no longer be individually licensed. Instead, Mr. Speaker, the agency will be registered.

Speaking to the first, that is the proposed change that will make the Act applicable to consumer contracts only and exclude all business to business contracts. This has been added in order to exclude all business to business transaction since this is not the area of protection with which the Act is concerned. In the present form, the majority of these business to business contracts were excluded, but the Act did not specifically exclude all of them.

In speaking to the second aspect of the proposed amendment to the statute, I would point out that The Direct Sales Cancellation Act presently reads that a contract is automatically void in those cases outlined in the sections of Section 5. It does not allow the buyer the right

to void the contract. As a contract was void and, therefore, legally did not exist, it could pose difficulties for the buyer to receive any deposit from the bond which was posted if the seller refused to refund or was insolvent. Under the amendment, the buyer may cancel the contract if it is to his advantage, and may also claim against the bond provided by the seller. The cases for voiding the contract, previously outlined in Section 5, are now incorporated in Section 6, which provides the vehicle to rescind such contracts if the buyer chooses to do so. In effect, these sections give additional protection to the consumer.

Mr. Speaker, you will note that Section 6(1) of The Direct Sales Cancellation Act incorporates those aspects previously repealed in Section 5, with the exception of the individual licensing of salesmen, which has been removed. Presently, commercial agents are bonded and licensed by the Department of Consumer and Corporate Affairs. This bonding and licensing requirement will be maintained, and actions of those salesmen selling for a commercial agent will be the direct responsibility of the commercial agent who's bond provides security for the performance of those salesmen. No particular benefit is seen to be gained by only licensing the direct salesmen, therefore it is proposed that this needless process be done away with. Mr. Speaker, these amendments of The Business Corporations Act are quite straight forward, and I will not go into further detail.

I would urge all hon. members to support second reading of the Bill.

[Motion carried; Bill 72 read a second time]

Bill 82

Mortgage Brokers Regulation Amendment Act, 1981

MR. KOZIAK: Mr. Speaker, I move second reading of Bill No. 82, the Mortgage Brokers Regulation Amendment Act, 1981.

In speaking to second reading, I should point out to hon. members that the Act was first passed in 1964 and, with the exception of amendments in 1978 when the administration of the Act was shifted from the Securities Commission to the department, no other amendments have been made to the legislation since original passage in 1964. The Act and the proposed amendments will apply to some 210 mortgage brokers presently registered in the province of Alberta.

I would like to bring to the attention of all hon. members two very important aspects to the amendments. The first is the statutory requirement that once this Act is passed, a mortgage broker maintain a trust account, and not only in terms of the requirement for maintenance of a trust account but also further requirements to ensure that all funds the mortgage broker receives on behalf of others are placed into that account and disbursements are made in accordance with the amendments and regulations passed in regard to such trust accounts.

A second significant amendment, Mr. Speaker, would authorize the superintendent of real estate, when circumstances should warrant it, to apply to the court for the appointment of a receiver, a receiver manager, or a trustee to safeguard the interests of the public.

In addition to these features, a number of amendments are found in the Bill which provide for similar administration of licensing and appeals from the decision of the superintendent as are found in our Real Estate Agents'

Licensing Act. There are specific improvements to the provisions in the Act which deal with the type of statement a mortgage broker must supply 24 hours in advance of the completion of mortgage documents. Those apply to circumstances in which the mortgage is given for the principal residence of the mortgagor or, in other cases, where the amount of the mortgage is under \$150,000.

With those brief remarks, Mr. Speaker, I encourage all hon. members to support second reading of Bill No. 82.

[Motion carried; Bill 82 read a second time]

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

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

[Mr. Appleby in the Chair]

MR. CHAIRMAN: Will the committee please come to order.

Bill 59
Alberta Insurance
Amendment Act, 1981

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

[Title and preamble agreed to]

MR. KOZIAK: Mr. Chairman, I move that Bill No. 59 be reported.

[Motion carried]

Bill 61
Workers' Compensation
Amendment Act, 1981

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

MR. NOTLEY: Mr. Chairman, to the minister. I'm sorry I wasn't here for second reading of the Bill, but could we have the minister outline the reasoning behind the increases: Section 51, amended from \$615 to \$675, Section 52(1), again \$615 to \$675; Section 65, \$126 to \$139. On what basis was the 10 per cent arrived at? Considering the cost of living — as I understand it anyway, it's a little bit higher than that — how did we arrive at 10 per cent, and on what basis did the government come to the conclusion that that 10 per cent figure should be used? What input did they receive on the 10 per cent? Was the minister's committee part of that process? What was the role of any of the minister's advisory committee on workers' compensation in determining the 10 per cent?

MR. DIACHUK: Mr. Chairman, I touched on it during second reading. I would like to share with all the members that, yes, the advisory committee did deal with the question of the percentage increase. In their wisdom, they deliberated extensively and recommended to me that I bring in legislation that would provide for a 7 per cent increase. I have to say that before I had the Bill prepared I received sufficient lobbying from my good colleagues in

the Conservative government, who urged me to give more than 7 per cent. So to Mr. Notley, this was the generosity of the Conservative members, that I brought in a Bill that would provide 10 per cent. The advisory committee, in their wisdom, considered that 7 per cent not taxable was equal to about 11 per cent. However, my colleagues felt that whether it is tax free or not, the claimants still have about that increase, 10 per cent, in their cost of living. That is why I brought in the Bill you see before us for approximately 10 per cent.

MR. NOTLEY: Happy days are here again. But before the minister puts on his Santa Claus costume and we have the entire caucus playing the supporting role of Rudolph and the rest of the reindeer, plus the elves and everybody else, you know it is still 10 per cent. We're dealing here with pretty basic minimum pensions, and in this day and age, when rents are going up by 15, 20, 25 per cent, the cost of living is going up by significantly more than 10 per cent, Mr. Minister, I don't know of any projected figures for the current year less than or in the neighborhood of 10 per cent.

So what we're doing is not improving the situation. All we're doing — even in the most generous way, you could argue that maybe we're keeping pace. I think I would even challenge that. I don't have the budget figures here, but I think the figures indicated a cost of living increase greater than 10 per cent. I could be wrong. But even if we say, for the sake of being generous and co-operative — as we all are in this committee — that we'll accept that, at best we're staying even. In actual fact we're falling behind, but at best we're staying even. Surely for these categories, considering the progress we were making over the last four or five years, our objectives should be to improve the position of these people.

You know, for a number of years I sat on that committee too. Over and over again our discussions focussed not on the compensation for people at the top end of the scale, but our emphasis should be on helping the people at the bottom end of the scale. These are the people who are caught with this 10 per cent.

With great respect, Mr. Minister, notwithstanding the fact that your colleagues have helped you boost an increase from the advisory committee, I say that that isn't good enough, in my judgment, in this day and age. What we seem to have is a good process started in improving these low pensions, and somewhere along the road that's been stalled. It seems to me, Mr. Minister, that it's up to you to get the ball rolling again.

I guess I would put to you the question of what process we are going to see under way with respect to changes for next year. Is the minister going to be meeting with the advisory committee? Will there be specific instructions to the advisory committee, or at least a frank chat by the minister that we'd like to improve the lower pensions by more than the most cautious estimate one can find of the cost of living? If one takes a quick count of the people here tonight, it's obvious we're going to be approving this in committee. What I'm interested in is what we're going to be doing next year, what process the minister is going to see in place, and whether or not there will be any commitment on the part of the minister to materially improve these lower income pensions to a higher level to keep pace with some of the progress we've made in the past.

MR. DIACHUK: Mr. Chairman, the hon. Member for Spirit River-Fairview wants me to predict what I'm going

to do next year. I think we're dealing with Bill 61. He assumes I don't have frank discussions with the advisory committee. I don't try to influence them. He knows the composition of the advisory committee because he has served on it: some very capable members, very senior members from the trade union movement, some members of the public, a couple of members of this Assembly.

I don't know what I can share, Mr. Chairman. They felt their recommendation was reasonable in the fact that it's not taxable. I shared with him that I appreciated the generosity of my colleagues before the Bill was introduced, and prepared for a percentage increase higher than they even recommended. To me, there's just no apology. It's a very generous contribution, higher by about 3 per cent than what the advisory committee recommended.

I do carry on frank discussions with them, but when they go into deliberation, I leave them to carry it out independently without my presence. I don't believe it's the role of a minister to give them instructions, so I didn't give them any specific instructions. The terms of reference of the advisory committee are such that they will annually review the percentage increases required, as set out in legislation back in 1974. I welcomed it. But recommendations aren't always accepted. In this case, the government saw fit to recommend more.

We must always remember that the greatest percentage of this cost is borne by the employers. It's not a government expenditure. Part of it is, for the pensions awarded prior to 1974, but for the ones subsequent to '74, which are becoming more and more in the majority, it is funded totally by the employers. We have to be responsible to a certain extent with our legislation so that employers won't find it too heavy a burden. I know the deliberation the hon. member participated in during the select committee, and I think this is a very responsible award. I hope he will support it rather than criticize it.

MR. NOTLEY: Mr. Chairman, I certainly don't blame the minister, in his cherubic way, for trying, but there are a couple of points here. [interjections] Over the next few minutes you'll find out, Mr. Minister.

The fact of the matter is that in our generosity we are increasing the award from \$615 to \$671 a month, 60 bucks a month, for people who are permanently totally disabled. Mr. Minister, I sat on that committee for a number of years. I know perfectly well that the position of the advisory committee members to June 1979 was to a person, regardless of whether they represented management or unions, or were elected members who sat on the committee, was that we have to focus our efforts on these lower pensions. That's where the emphasis should be placed: on improving the position of the people at the bottom end of the scale.

Mr. Chairman, the minister can argue until he's blue in the face, but we're still caught with a \$60 increase when not one of us in this Assembly would deny the fact that the actual costs of living in this province are going up by more than 10 per cent. Here are people who are victims of industrial accidents, permanently totally disabled, some of whom are the responsibility of this Legislature — because prior to 1974, as you pointed out, we have to pay that cost. Here we are, sitting on buoyant revenues. We are doing very well. This government is doing extraordinarily well out of inflation at this stage. No question. The province of Alberta is doing very well out of inflation. Are we not able to share part of that if the responsibility is too onerous for industry for some of these lower pensions? Has the government considered perhaps pick-

ing up one or two years; instead of 1974, perhaps looking at 1975 or 1976 so we could have an increase in these pensions that is more realistic in terms of the actual cost increases people have to face? Mr. Chairman, I know that was the very clear view of the committee when I was on it; not because I was on it, but I was one of a group of people who strongly felt we should move in that direction.

It seems to me that that important thrust, if you like, if I can use a Tory term — they're always talking about thrusts — has been stopped. I remember, when the hon. Member for Olds-Didsbury was in government, the deputy leader of the opposition at that time, Dr. Horner, with all the flamboyance and effectiveness of Dr. Horner, made a very, very eloquent, flowing speech in the Legislature about somebody on workers' compensation who also had to be on welfare. While I know Dr. Horner's views aren't accepted by the government of the day, particularly when it comes to giving money to cattlemen — and I regret that very much, but it's not entirely relevant to the situation at hand, although I wish government caucus would listen to Dr. Horner for a change and take the point to heart. In any event, Dr. Horner made the point that we're going to have to deal with some of these low pensions. He was right. The committee was right. And now we have the minister coming in and telling us that 10 per cent is very generous. On what possible basis could a minister in this government, in any government in Canada, considering the expenditures of government today, come in and say, 10 per cent is being very generous; we want to be patted on the back; we want the entire caucus patted on the back.

Certainly I intend to vote for the increase, because \$60 is better than nothing at all. But it isn't good enough, Mr. Minister. It isn't good enough. I'd like to ask you, with respect to the recommendation for a 7 per cent increase, if that was a unanimous recommendation of the minister's advisory committee.

MR. DIACHUK: Mr. Chairman, I'm pleased to hear that the hon. member Mr. Notley is going to support this legislation, and I welcome it.

MR. CHAIRMAN: I wonder if the hon. minister could use the proper form of address.

MR. DIACHUK: To call an hon. member "mister" is quite proper in parliamentary procedure, and I do say 'Mr. Notley'.

MR. CHAIRMAN: It's the hon. Member for Spirit River-Fairview.

MR. DIACHUK: According to the minutes, sir — that will overdo the other — it was unanimous.

[Title and preamble agreed to]

MR. DIACHUK: Mr. Chairman, I move that Bill 61 be reported.

[Motion carried]

**Bill 62
Department of Government Services
Amendment Act, 1981**

MR. CHAIRMAN: Are there any questions or com-

merits regarding the sections of this Act?

[Title and preamble agreed to]

MR. McCRAE: Mr. Chairman, I move that Bill 62 be reported.

[Motion carried]

**Bill 63
Land Agents Licensing
Amendment Act, 1981**

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

MR. KOWALSKI: Mr. Chairman, I'd like to make a few comments with respect to Bill 63, from the perspective of a long series of public hearings held in and out of Alberta through 1980-81. In this context, I would like to compliment the Member for Drumheller, who one year ago introduced a Bill called The Land Agents Licensing Act. That Bill introduced the concept of a new arrangement, a new scenario, to deal with land agents in the province of Alberta. One of the items created a year ago was an advisory committee. That committee, made up of representatives of both the resource and agricultural industries in the province, has worked dutifully over much of 1981.

In this context, the Bill we're now debating, as introduced again by Mr. Clark, who is also a member of the select committee, amplifies and clarifies a very important item with respect to land agents' licensing in the province of Alberta. Essentially, Mr. Chairman, until a year ago the land agents did not have to go through too many hoops in order to become licensed in this province. But because of the change a year ago that we're now debating, it will allow for a new kind of environment for land agents and in fact bring them towards some degree of professionalism in this province.

Interestingly enough, as of September 30, 1981, there were some 2,404 land agents in this province, and they tend to be of a variety of types in terms of their backgrounds and association. Some work as professionals for particular companies; others are professionals unto themselves and run their own companies; and third, a kind of itinerant land agent tends to have one kind of work and opportunity through much of the week and, on weekends or perhaps various evenings of the week, takes leases, agreements, and the like.

In essence, Bill 63 will now provide that a new type of articling period will really phase in for land agents in this province. At the conclusion of that one-year land articling period, there will be an opportunity for the land agent to have a more professional type of status. I think it goes without saying that if any group of people came under a severe degree of pressure and criticism by many landowners in this province over the last year and a half, in terms of the public hearings, it was the land agents. I am quite satisfied that this Bill will go a long way to improve the situation, really doing away with many of the problems identified to this select committee arising from various methodologies and attitudes associated with land agents.

Thank you.

DR. BUCK: Mr. Chairman, can the hon. member sponsoring the Bill indicate to us how many people are taking the landman's course at this time?

MR. L. CLARK: I don't have that information with me, Mr. Chairman. I could find out for you, though, if you would like that.

DR. BUCK: Also, Mr. Chairman, can the member sponsoring the Bill indicate the duration of the course these people are taking?

MR. L. CLARK: I believe the one at SAIT is a two-year course now. I'm not familiar with what they have in other places.

DR. BUCK: Is the member in a position to indicate at how many different places these people will be able to take their courses?

MR. L. CLARK: Mr. Chairman, I don't believe the committee has made all its recommendations yet. They have set up a committee to go through this and make recommendations to the minister. They're also giving the legislative committee a copy of their recommendations. We haven't received the final draft from the Land Agent Advisory Committee, but when we do we'll be only too willing to bring them to the member's attention.

MR. R. SPEAKER: Mr. Chairman, to the hon. member, with regard to the land agents. Is there a period of time when there is an interim licence for the agent — for example, one or two years — prior to their getting a permanent licence? If so, what are some of the details of that process? Or, because of their association, are they permanent; then if they don't live up to certain standards, the association can withdraw the licence? Could the member comment on that?

MR. L. CLARK: Again, I must say that the final draft of the recommendations of the committee has not come down. My recollection of our meeting with them is that this Bill is simply setting up the legislation that allows them to have more than one class of licence. My understanding of it is that there will be an interim licence for one year. At such time, if they can pass the necessary exams and have the necessary qualifications, they will be able to go on to the next highest class of licence, which would be for two years.

MR. R. SPEAKER: Mr. Chairman, could the hon. member indicate who prepares the exam and makes the judgment with regard to the work done in that interim period? Does some government body receive complaints? Does someone work out in the field with the agent in the early stages, so that two agents go out and one is an apprentice and one has a permanent licence? Could the hon. member advise if there is such a requirement?

MR. L. CLARK: Yes, a committee is set up and it's charged with the responsibility of setting up the qualifications, code of ethics, and licensing requirements of The Land Agents Licensing Act. Anyone who has a complaint against one of the licensed land agents can register it with the registrar of land agents. He then has the prerogative of saying whether or not this licence should be cancelled. If he says it can be cancelled, there is a place for an appeal.

DR. BUCK: Mr. Chairman, does the member have any knowledge of how many licenced landmen we have in Alberta at this time?

MR. L. CLARK: I believe the Member for Barrhead just said there were 2,204. Now I'm taking his word for that, because he's the chairman, and I think his figures are probably about right. I wouldn't want to say that's an exact number, because I haven't looked it up myself. It's just what he put into the record here tonight. I believe that is approximately right. Not all of these people belong to the land agents' association. I believe some 1,400 of those could be active. Some of them are not active; they just happen to hold a licence and are not active.

DR. BUCK: Mr. Chairman, to the member sponsoring the Bill or anyone who has any knowledge of the matter. Does anybody have any idea where the people now working in the province received their training? Were they all trained on the job or have they received degrees or diplomas from the United States?

MR. L. CLARK: Well, Mr. Chairman, I can't say what degrees and diplomas they have in the United States, but here they have a course at Mount Royal. They have had one for several years. But the majority of land agents have received their training right on the job. In fact when we were going around with the surface rights group, one of the big faults they always had in the field was that a young kid who had no training or whatever came into the farmer's farm and his attitude was unprofessional. His knowledge of farming and common courtesy were lacking. This was one of the large complaints we had out there, and this is one of the reasons for the Act.

DR. BUCK: Mr. Chairman, to the member. One point I had a little difficulty following and am not clear on is: I believe the member sponsoring the Bill said that a lot of these people have just had training on the job. Do these people have training on the job with just the company they work for? Is that the way it works?

MR. L. CLARK: It's my understanding that until this Land Agents Licensing Act came in last year, a land agent could pay his \$25 and walk in. If he could find a place that would hire him, he could be a land agent.

DR. BUCK: Prior to this, basically you didn't have to have a licence at all, or you just paid your \$25 and said you were a land man. Is that what the member is saying?

MR. L. CLARK: Correct. That's the way it was. [interjection]

DR. BUCK: Well, I guess it doesn't pay as well as being a retired Tory cabinet minister, does it, Marvin?

MR. R. CLARK: It's your turn, Marvin.

MR. NOTLEY: We're just waiting.

AN HON. MEMBER: You should study hogs or cattle.

MR. R. SPEAKER: Or sell the farm.

DR. BUCK: Mr. Chairman, you may rule me out of order, but we could get into a little discussion about this. So I think we'd better stick to landmen instead of retired Tory cabinet ministers. Somebody said that when you have a professional witness like they had at the last hearing, when you have friends like that, you don't need enemies. I'm sure there won't be too many former cabinet

ministers doing much lobbying from this government any more.

Getting back to landmen, I just want to have clear in my mind that with the association of landmen that we had in place — there was an association as far as I can understand — some of these people belonged to the association and some didn't. Was there any difference in how you selected these people if they belonged to the association or not? I'm really trying to find out how long the association has been in place and trying to upgrade its members. I guess that's basically what I'm asking.

MR. L. CLARK: I'm not exactly sure how long the association has been in place. But I do know they have had courses that they encouraged their members to take for quite a few years. But the problem was that it was a volunteer organization, and it was not compulsory to be a member of the association.

MRS. OSTERMAN: Mr. Chairman, I just want to make the comment that the hon. Member for Clover Bar ought to take some comfort in the fact that there are about 150 female land agents now. I understand they're extremely well qualified.

DR. BUCK: Well, I may take comfort; I wouldn't want to take licence.

Mr. Chairman, I just want to pursue the fact that we did have an association of Alberta landmen — I believe that's what it's called. Very, very good people were interested in doing a good job not only for the company they were under contract to but for the farmer. But in most cases, as we know, it seemed to be the other way around. It always seemed to be to the benefit of the company the person was working for rather than for the landowner.

I'd just like to pursue a little more, if the member can indicate what encouragement the association had to encourage people not in the association to join and upgrade their professional status?

MR. L. CLARK: I believe they sent out newsletters saying what the association was doing to all the land agents they knew. They had annual get-togethers. I think they invited some of them to their meetings and tried to encourage them to join. But there was absolutely no compulsion to it; it was just a voluntary organization.

DR. BUCK: In the course at Mount Royal — I believe the hon. member mentioned — how many graduates were there per year from that course? How long was that course? My apologies if I missed that when the member mentioned it, if he did mention it.

MR. L. CLARK: I don't have that figure, Mr. Chairman, but I could try to get it for the member.

MR. R. SPEAKER: Mr. Chairman, to the hon. member, with regard to the training program at Olds College. I wonder if the member could indicate whether NAIT and SAIT have a similar type of program. I wonder if the member could comment on the program at Olds, as to whether it has a number of persons enrolled at the present time, whether the qualifications of persons taking the course have to meet a certain academic requirement, and whether the change in legislation will affect the standards at the college. In other words, will a person have to meet more strict qualifications than they've met

in the past? Will the only persons who qualify be those who take a course at a recognized institution? Or is there a grandfather clause by which a person can, because of experience, be recognized through the Act?

MR. L. CLARK: To answer your last question first, yes, there is a grandfather clause. Anybody who has a licence will be recognized under the Act. As far as the course is concerned, I personally haven't taken it. But the qualifications in that course are going to be laid down by this advisory committee which, as I said, has not yet brought down its final report. When it is down, the qualifications will be set. I don't really know how many are enrolled in SAIT and NAIT, but there will be courses there. The qualifications will be laid out by the Land Agent Advisory Committee. They will have to pass certain qualifications before they can get a licence.

MR. R. SPEAKER: Mr. Chairman, to the hon. member. Did I understand the hon. member say that the course in Olds has not started? My understanding was that the course there started in September and is in effect. I wonder how many students are there and whether the standards must already be developed or the terms of reference put together. I wonder if the hon. member, in his research relative to the Bill, established whether maybe we're at a saturation point relative to land agents. What happens at that point is that the qualifications to get into a certain profession or line of work increase. I want to know if that happened in this particular case.

MR. L. CLARK: As I said before, Mr. Chairman, the qualifications are going to be laid out by the committee. I haven't seen that final report yet, so I can't say exactly what they are. There is a course in Olds now. They have the co-operation of the association in setting up that course. I imagine the committee has had some input to it. But at the present time, I couldn't say how many are enrolled or how many there is room for in the course.

DR. BUCK: Mr. Chairman, I have a further question. This has to do with people who could be coming in from other provinces or other states of the union. Is the member in a position to indicate what will be done about these people coming from other jurisdictions? Will there be reciprocity? Or will they have to write Alberta exams to get their licence? I wonder if the sponsor of the Bill or some of the back-up people who helped put the Bill together have looked at that? Has any consideration been given to that? If anybody else can help, I would be pleased to know.

MR. L. CLARK: As far as I know, in most educational courses set up here, if we set the qualifications, naturally they would have to pass an exam before they could have a licence. I could refer it to the minister. He might have more information than me.

MR. MILLER: Mr. Chairman, to the hon. Member for Clover Bar. I think he was aware of the problems we've had with land agents over the past years and the need to upgrade the status of these people. Actually two associations have been in place for a number of years, one being the American Right of Way Association, and the other one the Canadian association of petroleum land agents. It's correct to say that a landman could become a landman just by paying his licence fee. This was a concern, and I know he has heard complaints as well as

the rest of the members in the House about some of the ethics and some of the ways landmen conducted their business. For this reason, we structured the Land Agent Advisory Committee, which is composed of four people representing the land agents and four representing the agricultural industry. These people sat down and laid out guidelines as to the code of ethics and standards of conduct we expect from the people who are acting as land agents. We have a registrar to whom complaints can be registered; then an appeal can be made to this committee.

There are two types of licences, which is the purpose of this amendment. The first is what you might term an apprentice licence for one year, after which they would write an exam in order to obtain their two-year licence. Every licence is renewed after two years. The point in question is that we felt it was necessary — and I know the hon. member opposite would agree — to upgrade the standards and the code of ethics of the land agents in Alberta. This is the purpose of this legislation.

MR. R. SPEAKER: Mr. Chairman, to either the minister or the hon. member. With regard to the disciplining of the land agent, from practical experience in my constituency over the last 18 years I know that farmers find out who he represents and get on the phone to the company or to the MLA and say, find out who I report this guy to. One, is the Farmers' Advocate still involved in this process, in terms of the reporting of complaints; and two, will some material be directed to the farming community through district agriculturists, or pamphlets through regional offices, so that when the public has a complaint they know it can be registered accordingly? That's the first part of the question.

Secondly, what type of penalties are foreseen? They can lose their licence, but is it permanent, is it for a period of time? What kind of rehabilitation process goes on after there has been a legitimate complaint and a person has been found to have broken the code of ethics or the standards of conduct?

MR. MILLER: An excellent question, Mr. Chairman. The Farmers' Advocate will still be involved in giving advice to farmers when requested. If there is some complaint, it would be registered with the registrar, who in turn would make a recommendation to the Land Agent Advisory Committee, who would sit in judgment on the complaint registered by the farmer. The severest penalty would be the loss of the licence.

DR. BUCK: Mr. Chairman, I would like to know if the Associate Minister of Public Lands and Wildlife or the member sponsoring the Bill can still enlighten me as to the reciprocity between provinces and between states. I think that's very important. We could have B.C. landmen coming in and vice versa. What reciprocity do we have with the neighboring jurisdictions?

MR. MILLER: Mr. Chairman, we specify that the land agent has to be licensed in Alberta, that we aren't having reciprocity at this point in time.

DR. BUCK: Mr. Chairman, to the minister. Most of the time in these situations, it doesn't mean that the B.C. licence is good in Alberta. But as far as qualifications go, what has been looked at in that area where, say, a British Columbia landman has had more or less qualifications than we're asking our people to have? What reciprocity is there at that level?

MR. MILLER: He'd be given a one-year licence, at which time he would be able to apply for the two-year licence.

DR. BUCK: So that would be just a temporary interim licence.

MR. CHAIRMAN: Are there any further questions or comments?

[Title and preamble agreed to]

MR. L. CLARK: Mr. Chairman, I move that Bill 63 be reported.

[Motion carried]

Bill 64
Environment Statutes
Amendment Act, 1981

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

[Title and preamble agreed to]

MR. D. ANDERSON: Mr. Chairman, I move that Bill 64, the Environment Statutes Amendment Act, 1981, be reported.

[Motion carried]

Bill 67
Alberta Hospital Association Act, 1981

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

[Title and preamble agreed to]

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

[Motion carried]

Bill 71
Summary Convictions Amendment Act, 1981

MR. CHAIRMAN: Any questions or comments regarding the sections of this Bill?

MR. R. SPEAKER: As I understand this Bill, a peace officer may issue a ticket requiring a person to appear before a justice without the alternative of pleading guilty and paying a specific penalty. It gives the officer more power under those circumstances and the citizen less. Could the minister comment on that, in terms of justice, and clarify that matter for me?

MR. CRAWFORD: Mr. Speaker, this is a process that is being used at the present time, and has been for some considerable time. It was thought desirable, though, to clarify the law in the most explicit terms in order that there would be no doubt that in appropriate circumstances a peace officer could issue a summons, depending upon the circumstances of the case.

Hon. members would want to note that there are, I think, 17 statutes of the province to which specified

penalty provisions apply. These are declared to apply by statute. Of the several hundred other statutes in the province, specified penalties do not apply. They are applicable in the cases mentioned because of the particularly appropriate nature of the legislation and the large number of penalty sections of a very, very considerable variety. For example, most statutes having to do with the operation of motor vehicles are involved. That would make up a fair number of them. Some of the other statutes involve other areas where relatively minor routine violations might take place, relative to the rules applying in forestry areas and things like that in regard to the normal types of regulations under those.

The best examples are relatively minor things. A vehicle travelling without its tarpaulin attached might be a specified penalty. I'm using that as an example without having the regulation in front of me, but it's ones of that type. Undoubtedly, there are numbers of cases where that particular situation is perceived by any reasonable person looking at it to be more serious than others.

As hon. members know, in certain cases where there is obviously an offence of some kind taking place, regardless of whether it's a moving offence or an offence relative to the equipment on the vehicle, or one such as I've mentioned, the covering of things being carried on a vehicle in circumstances where it's required to do so, very often a police officer will give a warning. Normally it's a ticket, but there are times when they give a warning. In doing so, they're exercising a discretion.

The regulations which flow from this legislation — I now refer not simply to the amendment, but to the legislation that establishes the specified penalty system — have a series of, I guess you would call them, signs in appropriate cases, usually the sign C, otherwise it's a number. The number is the amount of a specified penalty. The sign C means that's one that must go to court. The third possibility under those same regulations is where the amount appears with the letter C in addition, which means there is an option that would allow for the giving of a ticket — let's say the \$15 on it or whatever it was, or using the example of the tarpaulin. If it's a particularly bad situation, rather than writing out the specified penalty for the \$15, \$50, or whatever might be specified for that one, the peace officer might see that the person is summoned to court by using the same form and filling out another portion of it, and have that person then come before the court in order that it can be explained that this was a particularly bad violation and a particularly messy situation, and give the usual description of it if the person is found guilty, or if he pleads guilty, and allow a judge to assess the fine, in which case he might assess the lesser one, he might assess the one recommended by the specified penalty, or he might assess a higher one within the limits provided by the statute under which that original offence arises.

So given those varieties of circumstances — I believe I mentioned this at second reading — one of the ones that had given some cause for concern: is there any number of ways in which an operator's licence may be suspended. Using extreme examples, the impaired driver is one. At the other end of the scale, the person who's maybe one or two points over the limit accumulated just within the statutory period and has been called upon to surrender his licence. In those cases, we have found that — I think because of some confusion over the existing state of the law and some potential conflict in fact which is resolved by this amendment, although the conflict has never been made the subject of a court test, and we haven't been

challenged on that basis, the possibility that that's there, and the possibility of interpretation of the section which gives the power to specify the penalty and goes on to say that in case the person is served with the specified penalty document, he may sign the guilty plea and return it — the conflict between that section and the other one, speaking firstly of Section 7, as being the one that provides that

The Lieutenant Governor ... may prescribe a form of summons part of a ticket ... having an additional part or ... endorsement ... to the effect that the person to whom the summons is directed may pay out of court a specified sum if he wishes to plead guilty.

Now the interpretation we wanted to make sure was abundantly clear was that merely because a form was prescribed under Section 7 and a regulation was passed under Section 6, the peace officer might still exercise the option. That is why the Section 6(3) amendment is there, which is Section 2 of the Bill, saying that there may be prescribed offences

for which, notwithstanding Section 7 [to which I've just referred] a peace officer may issue a summons by way of a ticket requiring the person ... to appear ... on the date set forth ... without the alternative of paying a specified penalty and pleading guilty ...

In other words, the possibility of having that existing legislation interpreted as if the alternative no longer existed, once the peace officer moved with the form under Section 7 where the specified penalty was, in order to make it perfectly clear the option still existed, we wanted to make that particular change.

I did mention cases that concerned us — and I began to refer to when I moved second reading and related to the different situations under which a licence might be suspended — that I think it's abundantly clear that it is a vastly more serious matter for a person whose suspension results from an impairment or potentially even a dangerous driving or criminal negligence trial under the Criminal Code. He is in a totally different position than a person who has had it suspended on account of an accumulation of points — in the example I used, say barely over the threshold. For that reason, I don't think it's unfair to the accused who is in court now and wished he could have been there just by pleading guilty, signing it and sending in a relatively small fine, if his offence was something like dangerous driving or criminal negligence.

So, Mr. Chairman, I suggest that the type of discretion is necessary. I don't know of a better way to assure it, because there isn't any practical ability to specify in respect to every offence. You can only specify in respect to the sort of classable offence, and not possibly cover every single variation of that situation. So those are the considerations. I acknowledge the concern the hon. leader has in regard to whether or not this changes the law in any significant way, or at all, in regard to people's rights to be summoned in respect to an offence specified by statute or by regulation. But I do suggest that in the areas of offences where this is provided for — relatively few in number but of relatively high volume and familiar types of offences — we can depend upon the law enforcement agencies to exercise a reasonable type of discretion leading to effective enforcement.

DR. BUCK: Mr. Chairman, one thing about the Attorney General: once he explains something you need about three Philadelphia lawyers to try to understand what he's trying to explain. Now I realize I'm probably not the greatest person who's ever been in this House as far as

intellect goes. But I tried as diligently as I could to really understand what the hon. minister said, Mr. Chairman, and I don't know what he said. I'm sure other members don't know what he said. Because when the hon. minister made his presentation on second reading in the House, it was just a minor Bill and everything was going to go along fine. Then he goes outside the House, Mr. Chairman, and says this is going to come down harder on people who are breaking the laws.

Then the Solicitor General says he can't even enforce his own laws, and he doesn't think they should be enforced because they're unenforceable. So what are we really going to be doing? Is this going to do something about all the accidents we're having in this province, all the people being killed in this province, the people driving with suspended licences? I'd like to say to the hon. Attorney General and the Solicitor General that the young people in this province are just laughing at the law enforcement people. They are laughing because they know they can drive with a suspended licence and their chance of getting caught is infinitesimal. The Solicitor General's own statistics indicated that. So what I want to know, Mr. Attorney General, is what we're really doing.

Does it mean the police officer is going to have to use his discretion on every case? Is it going to create so much confusion in the eyes of the public that they don't know if it's serious or not serious, a \$100 fine or a \$5 fine. Do you just write the check and send the ticket in, and you don't have to appear in court? Because right now, Mr. Chairman, in this province I know people — the Attorney General, and I'm not so sure about the Solicitor General — are demanding we do something. I didn't get the interpretation that this is going to come down heavy on the offenders the first time the hon. minister presented second reading. I had to read the newspaper, the Tory organ known as the *Edmonton Journal*, to really find out what the minister presented. Basically, Mr. Minister, I think if we're going to start educating anyone, let's start with the members of this committee so we know exactly what you are trying to tell us. And I will promise to try as diligently as I can to understand what you are trying to tell us. Because admitting the shortcomings in my mental capacities, I think I may have just a little advantage over the few people out there who are trying to break the laws. When we're doing something, we want the people out there to know what we are trying to do.

I beg the minister's indulgence again, to briefly explain to us clearly and concisely what we are trying to do. Is this going to help cut down on traffic offenders? Maybe you will get a little bit of action from the Soliciting General, as the hon. member Mr. Kushner used to say. The time is ripe, Mr. Chairman. People want action right now. They are tired of people dying on our streets and highways, drinking and driving. They are tired of people driving without insurance. They are tired of people driving under suspension. If the government wants to remain a laughing stock by the young people driving under suspension, all they have to do is keep encouraging the Solicitor General to do nothing. I am telling this government that that's exactly what the young people driving under suspension are doing: they are laughing at us as legislators and enforcers.

MR. GOGO: Mr. Chairman, I'd like to speak to Bill 71. I don't want to comment on the mental ability of the Member for Clover Bar. He spent 15 minutes doing that. What I want to comment on is that just last year we amended The Motor Vehicle Administration Act for the

first time in a long time to provide for incarceration. If the Member for Clover Bar wants to talk about tightening up, that's obviously the area.

As I understand it, the Attorney General put it very clearly. I argued this in second reading because I had some different thoughts, but now that he's gone to such great length to explain this, for me it's finally sunk in. As I understand it, there have been requests, I assume from provincial court judges and also from the police — I question whether or not there's sufficient police to actually do it, if they get overzealous about this and have to appear in court — but clearly the intent is very obvious. If in the judgment of the front line officer — the officer who in effect lays the charge — the \$25, \$35, or \$45 ticket is not going to have the effect, he orders that person to appear in court. Now with all respect, I think the intent of the legislation is very clear, and we shouldn't deflect it from the Attorney General to the Solicitor General. The administration of justice is under the Attorney General in Bill 71. I think it's perfectly obvious, and if the hon. member is concerned about the administration of justice being tightened up, I think he'd heartily support the Bill.

MR. NOTLEY: If I could pursue this for just a moment, I wonder if the Attorney General would outline to the committee — and this flows from the comments of the Member for Lethbridge West — where the advice came from to make the amendment? Did it come from the judges? It would seem to me that's highly unlikely. It's going to be more work for them, as I read the Bill. Did it come from the police, either the RCMP or perhaps the Edmonton or Calgary city police force? What representation was made to the Attorney General by law enforcement people in the province as a pre-condition to introducing this kind of amendment?

It would seem to me as I read it that while it may in fact be a deterrent because people are going to be appearing in court as opposed to just simply paying a fine, it will have a significant impact on an already clogged court system. Are we in a position to handle it?

MR. CRAWFORD: Mr. Chairman, I think I can respond to most of these items in a general way and perhaps not at too great length. The enforcement system, of course, is composed of the total existing body of the law at any given moment and the enforcement mechanisms that go with it. A great many people appear in court by way of summons. When the specified penalty system came in, it was based on a judgment — by that I mean a considered opinion; not a judgment of a court, but a considered opinion at observers of the scene. There were many offences which could be diverted from the court in order to make that system function more efficiently, in the sense of the courts being able to handle their workload more quickly and not delay or unnecessarily inconvenience a citizen called upon by a summons to appear there. The workload has indeed increased over the years and has become quite a challenge. I can remember when what were then known as the municipal courts — in fact the provincial court building in downtown Edmonton — only used five or six courtrooms on any given day. Now I'm sure there are probably 30, as there are very large numbers of people because of the large number of potential offences and the weaknesses of human nature in relation to things primarily involving motor vehicles, liquor offences, and a few others.

There will be tickets issued, and they will have to be there because society has decreed the law and the police

are in the process of enforcing it. Given those circumstances, a system whereby minor penalties can be paid on a specified basis was deemed to be a good move. That move was made some years ago in this Legislature and in other legislatures. I think it's had a beneficial effect. At the present time, the court system in Alberta is regarded as being efficient in the speed with which cases are processed.

Now, given the necessary legislative mechanism to have a specified penalty system, rather than proceeding under the other legislation, being summary conviction procedures as adopted by many Alberta statutes by reference to The Summary Convictions Act and to Part 24 of the Criminal Code of Canada, which defines them — having all those processes, all that enforcement mechanism, the decision to reduce the court load that I've mentioned, and the capacity to specify certain penalties by legislation, I come to the question asked by the Member for Spirit River-Fairview. I guess a client can always do away with the solicitor and client privilege. If I'm the client in this case, and if the solicitor is the task force that works in the Department of the Attorney General advising me, one of our task forces reviewing legislation and enforcement concluded that this legislation as it now stands was capable of being challenged, in the sense that, as it reads at the present time, the argument could well be made out that having opted for the one procedure we were not entitled to carry out the other one. You know, it's just as simple as that. The advice that came to me was just that. It may well be. We could anticipate an argument being made soon enough, in a court case, that because of the options provided and intended to be provided in the legislation, the court might hold — if the argument hadn't been made yet — that having gone the one way on the authorization to create and specify a penalty system and the regulations thereunder, and having chosen a particular offence as being the one in respect of which a specified penalty might apply, the peace officer was then precluded, in a serious case, from calling the person to appear in court by way of summons.

That is why c.I., as it would be, under Section 6(3) is as explicit as it is, no longer providing any doubt about it that a summons might be issued, requiring the person to whom the summons is directed to appear without the alternative of paying a specified penalty. It's well known, I think, that on suspended driving offences the penalties in Alberta vary from \$20 to several hundred dollars. What's happening is that some judges are assessing the \$20 fine in relatively serious cases, being consistent with something akin to the specified penalty system. Other judges have not taken that view. They're constrained by the existing law, and have assessed penalties which obviously are considerably larger. I think I've heard of penalties under that same procedure being assessed up to \$700. Now, if any hon. member were a judge and were assessing a penalty, and the suspension in that particular case had been for something like criminal negligence and the person still came back, was driving, and was caught, that hon. member, acting judicially, would want to have a considerable fine attached to that. I have indicated that some judges are of the view that they don't have that option based on existing legislation.

The remarks I might come back to for just for a moment — that I indeed made outside the Assembly, because I was asked about it and the issue hadn't been here to be discussed in quite this form at that time — were that I hoped it would at least clear up that problem, where some judges were giving the \$20 specified penalty

in the relatively serious suspension cases. It happened to coincide in time with the hon. Member for Clover Bar asking a number of questions in regard to numbers of suspensions. It may have appeared that there was a close relationship between all these events, but not really. The subject matter is the same, but I answered the questions in order to give that information, and I hope the result of this legislation being passed by the Legislature would in fact signal at least some of the judges that the Legislature wants it clarified and would like to see appropriate fines in appropriate cases.

DR. BUCK: Mr. Chairman, to the hon. Attorney General. I guess when we see an instance where there was a rather severe offence and the fine was \$20, the man on the street certainly loses respect for the law and the judicial system. I would like to remind the Attorney General, and it's unfortunate, that we place great faith in the judicial system and the judiciary. When someone is given a \$20 fine for what we as laymen consider a serious offence, then we have to take measures such as we're taking. I would just like to say that the judiciary, in all fairness to the people we represent, is at fault when they do that.

I would like to remind the Attorney General that when we were in government I believe the Minister of Highways and Transportation, the hon. Gordon Taylor, had a suspended licence thing where, due to compassionate grounds, you could have a suspension from the hours of 5 in the afternoon to 6 o'clock the next morning. So you could use your car to go to work. There were many cases where people were suffering genuine hardship. In the story of the Greyhound bus driver, whoever it was, he never had a driving offence and didn't drink. But I guess he went to a wedding or something. I don't know if it was a marital problem, but whatever it was the guy got hammered and got picked up on the way home. He'd never been drunk in his life. So he was going to lose his licence. This person came to the Minister of Highways and said, you know, Gordon, I've never done this in my life. My record is 20 years of accident-free driving, and I've driven millions of miles. What can you do for me? So the hon. Mr. Taylor, with the compassion he had, said, we'll have this suspended licence where you have restricted hours of operation, or whatever it was.

Well, one thing led to another. Pretty soon there were more and more people coming in and asking the minister for his consideration, because everybody is a hardship case, legitimate or not. Then it got to the point — and I believe this brought it to a head — where a judge, in his discretion, finally suspended a taxi driver from the hour of 12:00 to 12:01. He suspended him one minute a day. That's when the proverbial hit the fan, and we decided that we'd destroyed what we set out to do, to keep suspended drivers off the road.

So when the judiciary does this, we have to come down with legislation. I guess this is basically what we're doing, Mr. Minister, as far as I can understand, so if it's a serious offence there is some way we can correct that.

If that's what we're trying to do, I certainly support the Attorney General. But it's unfortunate that we have to do this. You'd think there's enough reasonableness in the legislation we have that the judiciary would treat a serious offence as a serious offence. I guess what I'm saying is: whatever we have to do to make sure that we start getting a little harder on the people who are driving while suspended, driving while they're impaired . . . My plea, Mr. Chairman, is really to the Attorney General and the Solicitor General. The people of this province are asking

for some leadership from this government, from us as legislators, and from the people who are doing the enforcing, to say, hey, we are sick and tired of the drunks killing our innocent people. They're tired of people running around driving who should be suspended and should not be driving. If there's anything we can do in this Legislature, we on this side of the House will support anything the government will do to make sure we get tougher.

Mr. Chairman, to the Attorney General, I think it has almost come to the point in this province where if you are going to drink and drive, you had better be ready to suffer the penalty. I think if we have to go the route the Swedish people have gone, where you do not dare drink and drive, it is coming to that time.

I listened to some of the bleeding hearts when the 08 legislation came into effect. They said, you won't even be able to have a beer any more. I have sat on legislative committees on highway safety and on automobile insurance. You talk to coroners, medical doctors, and police officers. They haven't picked up a guy in 50 years who just had two beers. They don't pick those people up. Some people blow 3 points. Pharmacologically they should be dead, but these people are long-term chronic alcoholics and can tolerate that much.

I remember the former Provincial Coroner Dr. Cantor saying, we have people who would be dead if they were normal drinkers. He said, the only reason the officer picks them up is that they start slowing down for a stop sign three blocks back. They're being overly cautious. They don't want to get picked up. When you see somebody driving down the highway at 20 miles per hour, he isn't going to kill too many people but you know that he's dead drunk.

The time has come, Mr. Chairman. The people of this province want the drunks off the highways, they want the suspended drivers off the highways, and they want the uninsured drivers off the highways. So whatever we have to do to make sure that happens, this side of the House will support that side of the House, because the people of this province are demanding it.

MR. CHAIRMAN: Did the Member for Olds-Didsbury wish to comment?

MR. R. CLARK: Mr. Chairman, my comments are a bit removed from this area. Perhaps I'll speak after this matter has been exhausted.

MRS. CHICHAK: Mr. Chairman, I want to add a few comments. I'm not sure whether the points I wish to raise come under this legislation or within the realm, but I think they're relevant. With regard to operators of vehicles whose licences are suspended, there appears to be an inability in the current system, and perhaps lack of clarity in the legislation, to deal with drivers whose licences are under suspension. When they are found to be operating a vehicle, those vehicles are not immediately impounded. I think probably that would be a more accurate deterrent to people driving vehicles while their licences are under suspension. If the vehicles are their friends' or relatives', or even their own, if they are permitted to operate and feel they won't suffer any particular hardship in the sense of an additional fine if they get caught, they will take their chances. I think the important thing is that there be a greater penalty on such finding.

The other problem that appears to exist with regard to those who have their licences suspended is in the area of insurance. There are many loopholes in the manner of

requiring to produce proper insurance before an operator's licence is reinstated. It appears that when one applies to purchase licence plates, they produce an insurance liability card that may have an expiry date of one week or one or two months hence. There is no follow-up in requiring that the insurance then is continued for the full term. When the suspensions or infractions on their operating of vehicles and their privilege to have the driver's license is under question, there is a real inadequacy in dealing with the assurance that when suspensions take place the insurance coverages are cancelled, then to have the insurance consistently cover when the operator's licence is returned.

The weakness that was brought to the attention of the Solicitor General with regard to the matter of production of insurance coverage was discussed the other day. It appears the courts are not following through in requiring that the drivers licences are being terminated and turned in, whether it's a matter of then being able to have the licence plates collected and turned in to ensure that a vehicle will not be driven by the individual. I recognize that has other ramifications, but if the hon. Attorney General would look at the specific area of requiring that the legislation is adequate, and if it is, that the judiciary have a full appreciation and requirement that when operators' licences are being reinstated in fact there be proper production of insurance coverage, so that in the event of another accident an innocent party does not have to face the consequences of not having the protection of insurance of the party responsible for the accident.

MR. R. CLARK: Mr. Chairman, I beg the indulgence of the committee for their broad interpretation of the matter under review to explain a situation to the Attorney General that I really planned to raise in question period, but this is likely a more appropriate format. I preface my comments by saying I don't expect the Attorney General to know the exact details of the case I want to raise.

A gentleman who has written the Attorney General and me on many occasions, Mr. Pedersen from Bowden, has had problems with the law since 1969, I think, and an extended period of time since. The reason I raise the question is that just recently I was advised by a responsible individual from Olds that this gentleman appeared in court on a charge of trespass, was found guilty, and was sentenced to \$200 fine or 20 days. As is his custom, he chose 20 days. Once he had fulfilled that obligation at Spy Hill, he was then advised by means of what I'm told is a form letter from the Attorney General's Department that in fact the judge had erred; the maximum sentence was \$100 and not \$200, therefore it should have been 10 days rather than 20. I simply raise the matter because I'd given an undertaking to raise the question in the House and ask the Attorney General. I don't expect him to respond on this occasion, but perhaps by means of a letter to me or, more appropriately, to Mr. Pedersen, who I think feels he has been on the wrong side of a number of incidents that have happened over an extended period of time, which both the Attorney General and I are familiar with and have discussed on several occasions. If that matter could be delved into with some dispatch by the Attorney General and an explanation forwarded to Mr. Pedersen, I think at this time it would indicate to Mr. Pedersen in some appropriate way that despite what appears to be a very obvious mistake, there is some compassion and understanding after a mistake like that is made.

MR. CRAWFORD: Mr. Chairman, in respect of that last matter, I will indicate that the hon. member's remarks are going to be in *Hansard*, and my staff will follow up and check very quickly to see what the circumstances might be in regard to the incident he described.

In regard to the other matters raised, I might just note that of course enforcement is essential to the carrying out of the wishes of the Legislature, and indeed Parliament, because many of the offences we were speaking of a little while ago are in federal and not in provincial legislation. They are enforced by the provincial court system and by the police forces in the province, though. Mr. Chairman, I don't know if anything more can be said than that the police forces and the departments involved with the administration of justice certainly want to see the type of administration and enforcement that will cause people who are troublesome in respect of the operation of motor vehicles, either as a result of drinking or for some reason, to pay appropriate penalties, either financially or by limitation of their liberty on occasion, in order that either by that means or through whatever combination of means there is — education, Check Stops, alcoholism programs, and the like — something of the terrible amount of property damage and tragic amount of human loss can be turned around and we see a better situation there. I'm sure we would be unanimous in that expression.

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill No. 71 be reported.

[Motion carried]

Bill 87
Mines and Minerals
Amendment Act, 1981 (No. 2)

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

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill No. 87 be reported.

[Motion carried]

Bill 88
Natural Gas Pricing Agreement
Amendment Act, 1981

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

MR. LEITCH: Mr. Chairman, during second reading I was asked for the estimated cost of the market incentive payments referred to in the energy agreement of September 1, 1981. Our estimate of the cost of that program is \$1.6 billion over the term of the agreement, which in effect would be paid in part by a reduction in royalty revenue to the provincial government of roughly 35 per cent of that amount, and the balance by reduction in revenue to the industry. Those numbers were taken into account in calculating the various revenue flows in the schedule attached to the agreement of September 1.

I was also asked for an approximate breakdown of the \$212 billion referred to in that agreement as between oil

and natural gas. Somewhat more than \$96 billion of that sum in that schedule relates to oil, and the remainder of a little over \$115 billion relates to natural gas.

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill No. 88 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 Bills 59, 61, 62, 63, 64, 67, 71, 87, and 88.

MR. SPEAKER: Does the Assembly agree with the report?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, tomorrow afternoon we propose that the business be Committee of Supply and estimates of the Department of Energy and Natural Resources.

[At 10:47 p.m., on motion, the House adjourned to Wednesday at 2:30 p.m.]

