

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: Thursday, November 5, 1981 2:30 p.m.

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

PRAYERS

[Mr. Speaker in the Chair]

MR. R. SPEAKER: Mr. Speaker, I'd like to say that I think today is a great day for Canada. At this time, I'd like to offer my congratulations to the Prime Minister and all the premiers in reaching an agreement on our constitution. This consensus of nine premiers and our Prime Minister certainly enhances the unity of Canada and increases the confidence we can have in our economic future in this country of Canada.

It is important that our leaders have agreed. Compromise and negotiation have had a victory in our Canadian Confederation. Hopefully, as I say this in this Legislature, Premier Levesque on behalf of his people in Quebec are able to reach an agreement, where they can join the accord established by the other leaders in Canada today.

MR. HYNDMAN: Mr. Speaker, we have always appreciated the support which has been extended by the official opposition on this important matter. I would mention that I talked to the Premier just recently. He will be returning to Alberta tonight by commercial aircraft. He wished me to advise the Assembly that tomorrow morning he will be making a ministerial statement in this Assembly under that heading in the Order Paper. Following that ministerial statement, bearing in mind the very important issue that has been decided today, we as a government would be prepared, if there's interest on all sides of the House, to extend the question period. If there is continued and further interest in having a motion put on the Order Paper for debate next week, for perhaps an evening session, we would be prepared to closely consider that option.

head: INTRODUCTION OF BILLS

Bill 90

Land Titles Amendment Act, 1981

MR. KNAAK: Mr. Speaker, I request leave to introduce Bill No. 90, the Land Titles Amendment Act, 1981.

The Bill, which is primarily what one might refer to as a housekeeping Bill, updates The Land Titles Act — nevertheless very important amendments, and will streamline some of the systems in the Land Titles Office.

[Leave granted; Bill 90 read a first time]

MR. CRAWFORD: Mr. Speaker, I move that Bill No. 90, the Land Titles Amendment Act, 1981, be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

head: TABLING RETURNS AND REPORTS

MR. SCHMIDT: Mr. Speaker, I beg leave to table the annual report for the Department of Agriculture and, contained in that report, the annual report of the Wheat Board money trust account for the year ended March 31, 1981.

head: INTRODUCTION OF SPECIAL GUESTS

MR. R. CLARK: Mr. Speaker, I have no need to introduce to you, sir, but through you I'd like to introduce to members of the Assembly a group of 60 grade 6 students from the Thorncliff school, which is in Mr. Speaker's constituency, Edmonton Meadowlark. The students are accompanied by their teacher Mrs. Kofin and, in addition, some other individuals: Mrs. Luck, Mrs. Smith, Mrs. Hollohan, and Miss Laurel Usher. I believe they are in the government gallery. I'd ask them to rise and receive recognition from members of the Assembly.

DR. BUCK: Mr. Speaker, I have great pleasure this afternoon in introducing to you, and through you to the members of the Assembly, 36 senior citizens from my constituency. Some of these people are from the town of Fort Saskatchewan and area, and others from the Bruderheim area. They are accompanied by their group leader Mr. Young. These citizens have been instrumental in the development of our community and our province. They are seated in the public gallery. I'd ask them to rise and receive the welcome of the Legislature.

head: ORAL QUESTION PERIOD

Dental Care

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Social Services and Community Health. It's with regard to a potential denticare program in the province of Alberta. I wonder if the minister could outline the options being discussed by the joint task force that was set up in the spring of 1979. Has the minister made any decision with regard to those options?

MR. BOGLE: Mr. Speaker, no decision has been made yet. A number of considerations are under review by government at this time.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Has the government received any input from the professional health associations? Is this input, if any, being considered and having effect on, hopefully, the final output?

MR. BOGLE: Mr. Speaker, the answer to both questions is yes.

MR. R. SPEAKER: Mr. Speaker, could the minister indicate at this time whether representations have been made by the Alberta Dental Association and whether they're supportive of a program, universal or selective, in the province?

MR. BOGLE: Mr. Speaker, I believe if we checked through *Hansard*, we'd find some discussion on this matter at earlier times. We've been working very closely

with the Alberta Dental Association, first on the formation of the task force itself, and certainly on ensuring that we're receiving adequate input not only from the executive but from the broad membership of the association across this province.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the minister indicate what the timetable is at the present time? Will there be an announcement in 1981 with regard to a dental care program for the province of Alberta, or is there a later target date?

MR. BOGLE: Mr. Speaker, it's unlikely that any announcement will be made in the remaining months of 1981.

DR. BUCK: That's when the election is, Bob?

MR. R. SPEAKER: Mr. Speaker, could the minister indicate what problems, other than the timing of an election, are delaying a decision with regard to a denticare program in the province of Alberta?

MR. BOGLE: Mr. Speaker, the issues which are being discussed are varied. Obviously one of the concerns which has been addressed by the association, by the task force, and with input from this free-enterprise government, is to ensure that we have a dental plan in place that works with the dentists as professionals within our province, that meets the needs in ensuring that extraordinary costs, currently borne by Albertans, would be covered. There are a number of other ramifications. The deliberations are very serious. Rather than move into a plan where there are still some matters which have not been fully debated and resolved, it's our intention to conclude the development of the plan and introduce what will be the best plan in this country.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Will the minister consider putting a proposal before the Legislature before the government has made a final decision as to what the denticare plan will be in Alberta — a plan that may be presented in the Legislature by resolution or other means?

MR. BOGLE: That's one option we'll certainly consider, Mr. Speaker.

MR. GOGO: Mr. Speaker, a supplementary question to the Minister of Social Services and Community Health. The community of Lethbridge now has a very active preventive dental program through the health unit. Can the minister assure the House that the government plan is to continue that program in the next fiscal year?

MR. BOGLE: Mr. Speaker, the plan the hon. member refers to is a preventive dental plan administered through the 25 health units and two boards of health which operate in this province. It is aimed at children, and ranges from basic work such as cleaning and assessment by hygienists and dental assistants up to, in some cases, actual preventive dental work being done by a dentist, who works either on a contract basis or for one of the local health authorities. The broader plan, which the hon. Leader of the Opposition asked his questions to, is quite different in scope from the basic preventive plan which has been implemented through the health units.

MRS. FYFE: A supplementary question, Mr. Speaker. It's my understanding that one of the greatest problems in delivery of dental services is acquiring dentists in rural areas. Can the minister advise the Assembly whether the mobile units his department is purchasing are now in place and encouraging equal care throughout the province?

MR. BOGLE: Mr. Speaker, currently there are 10 mobile units. Three of those units are trailers — I believe 12 by 60 feet in length — and allow graduated dentists to operate in underserved areas. Two of those three trailers are now in place. The one that opened most recently is in the town of Spirit River, and another in southern Alberta in Milk River. A third is to be placed in central Alberta and the location has not yet been deemed.

MR. SPEAKER: With great respect to the hon. minister, I was having difficulty with the preceding question, which asked whether a program would be continued and then outlined the program in great detail. Now we have a question regarding the availability of dentists and it seems to me we've gotten into trailers.

MR. BOGLE: Mr. Speaker, as I understood it, the question was with regard to assisting dental services in rural areas. We've done that by the provision of dental trailers. In addition to the three trailers I mentioned, seven others operate primarily in smaller isolated rural communities in northern Alberta and provide service ranging from a minimum of two weeks during the summer months to a maximum of several months. One exception is the town of McLennan, where a trailer located on the hospital site has been in service for just over a year now.

Chemical Fire — Lethbridge

MR. R. SPEAKER: Mr. Speaker, my second question is to the Minister of Environment. During the summer there was a fire in a warehouse in Lethbridge. There were toxic chemicals in there. The chemicals spilled and mixed with the water being used to put out the fire. Mr. Speaker, the concern I have is that the number of gallons, 73,000 litres in fact, were collected and sprayed on pastures in the Taber area. I wonder if the minister could indicate whether that matter has been reviewed and whether the toxic chemical could be transferred into the beef that may pasture on that land.

MR. COOKSON: Mr. Speaker, I had an opportunity to review the procedure in the area the Leader of the Opposition is referring to. The material in question contained very minor amounts of materials, primarily of the nature of a herbicide normally used by farm operators for control of weeds. The judgment was that the dilution factor was so great that the impact would be very minimal, if at all, and that there would be very little, if any, carryover in the soil. So to answer the second question, our department was satisfied that there was not an environmental problem of any nature.

MR. R. SPEAKER: Mr. Speaker, to the minister. I understand there were 48 different chemicals involved in the spill in the mixture with the water. Did the department check each one of these chemicals and its potential effect on the animals that may graze the land and, in turn, the effect on the meat that would be sold commercially?

MR. COOKSON: Mr. Speaker, sometimes one has to read the media to find out what in fact doesn't happen. [interjections] That's right. I appreciate that. One of the problems with the opposition is that they keep reading the paper. That's a folly they shouldn't . . . [interjections] I understand it was great too.

I just want to reaffirm the statement I made to the earlier question. We found very little, if any, trace of any material that would have any detrimental effects on the environment. The primary concern was the possibility of the fire creating a material known as dioxin because of the high temperatures. We found very little significance in this regard. Dioxin is a material that has a carcinogenic quality and has been banned generally throughout Canada. Earlier it was contained in most ester formulations; 2,4-D subsequently has been removed from the market. No evidence of that particular material was detected.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the hon. minister. There are some people who like to read the newspaper and then there are others who like to watch the Merv and Peter show. The newspaper seems to be more our speed and understanding.

AN HON. MEMBER: Agreed.

MR. R. SPEAKER: I'll tell you, the Merv and Peter show is so elementary that even that was below our level. [interjections] Am I doing a great job there, Fred? Bob, how am I doing today?

MR. R. CLARK: You're doing good. You're doing a good job for Albertans.

MR. R. SPEAKER: Do you like the way I ask questions, Fred? [laughter] Mr. Speaker, we'd better cut off this TV program. We're a little short of funds on this side of the House.

Mr. Speaker, to the hon. minister. Could the minister indicate, in terms of the warehouse itself, whether adequate precautions are taken to prohibit the contamination or injury of any citizens in Lethbridge? If they came in contact with remaining chemicals, is the warehouse well enclosed so that no one is endangered? Secondly, in terms of the pasture, to take all precautions, has the minister given a directive that cattle should not graze on the land for a certain period of time until the toxic wastes have deteriorated?

MR. COOKSON: Answering the second question first, Mr. Speaker, we made arrangements with the property owner concerned, and no doubt the factor of grazing was taken into consideration. Insofar as cleanup at the site, we had our people on site during supervision of the cleanup, as well as people from the particular company concerned, their own experts. I'm satisfied that all proper precautions were taken, that it is not a danger to the environment or to the human problem within the area.

Highway Safety

DR. BUCK: Mr. Speaker, my question to the hon. Minister of Transportation has to do with uncontrolled railroad crossing deaths. With the indulgence of the House, I would just like to say very briefly, so the minister can understand the question I'm asking, that this morning I was at the funeral of a young man who died when he drove under a parked railroad tanker — a black

car on a black highway, and oncoming lights. The young man thought the highway was unrestricted and drove right under the train.

Mr. Speaker, is the minister in a position to indicate when the study the minister's department is doing now as to deaths at uncontrolled crossings, especially the one that related to the Airdrie area death, will be available to the public?

MR. KROEGER: No, I'm sorry, Mr. Speaker. I don't know when it will be completed. I will get the information.

DR. BUCK: Mr. Speaker, a supplementary question. Is the minister in a position to indicate what directives or studies have been going on in the department to try to control deaths at these uncontrolled crossings?

MR. KROEGER: Mr. Speaker, it is not a new concern we have. We also are aware of a number of uncontrolled crossings, and certainly have made municipalities aware of what the procedure is, when they've asked, to get these uncontrolled crossings marked or controlled in a different way. It's pretty clear what the procedure is. Keeping in mind that we have something in excess of 4,000 uncontrolled crossings, it wouldn't be possible to go to them all, for many reasons. But if there is a crossing that requires special attention, the procedure on how that is done is pretty clear. We've offered any assistance we can give.

Essentially, the procedure is that application is made for that crossing to be assessed. The funding formula is very clear and doesn't really work a hardship on a municipality. So we invite comment identifying crossings that we should be dealing with.

DR. BUCK: Mr. Speaker, a supplementary question. Has the minister had any discussion with his counterpart in Ottawa, or representatives of transportation groups, as to the use of fluorescent flashes on black railroad cars especially? Has there been any discussion with the minister, his counterpart, or the companies as to the use of this, plus the use of brakemen when they are doing switching in a local area?

MR. KROEGER: No, Mr. Speaker, I have not been involved in that sort of thing. The suggestion will be taken under consideration.

DR. BUCK: Mr. Speaker, a further supplementary, which has to relate to this situation. Can the minister indicate how many years behind the Department of Transportation is in the chipping of newly completed highways, so that light refraction would be increased by putting chips on the black highways?

MR. KROEGER: Mr. Speaker, I would not be able to give a clear indication of how many years — if it is years — we are behind. The stages of this kind of treatment aren't the same on every road. For example, on 36 South this year, where there was a paving contract, half of it was treated with chip and the other half was being experimented with in another way. So in a case of that kind, it wouldn't necessarily indicate we're behind. It's a planned approach to it. But again, there's no way I could convert into miles or kilometres how many unchipped sections of pavement we have.

DR. BUCK: Mr. Speaker, my final supplementary question is to the hon. Attorney General, the Government House Leader. Has the Government House Leader or the caucus given any consideration to setting up a legislative committee to look at highway safety, as was done in 1968, I believe? At that time, a legislative committee was set up to look at highway safety and highway construction. Has the government given any consideration to that, in light of the large number of accidents and deaths we are having in this province at this time?

MR. CRAWFORD: Mr. Speaker, up until the present time no consideration has been given to setting up such a committee. I suggest to the hon. member that the real question is the most effective way of dealing with the serious problem of highway and other traffic deaths. I would say that if a case could be made that that is the way to address the problem in an effective way and bring about a change in the mounting figures of injury and death in respect to highway accidents, then obviously every consideration would be given to it. The sole reservation is that if there are other ways in which government and the Legislature can occupy themselves to achieve that result, those are the routes that should be chosen.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Minister of Transportation. In terms of safety at railroad crossings, one of the alternatives is to place a bump on the highway, which gives a warning that a railroad crossing is coming and the driver should be aware. I was wondering if any consideration is being given to that type of device.

MR. KROEGER: Mr. Speaker, first I'll be facetious, and then I'll be serious. Our problem has been to get the bumps out. But on the second part, it's an idea that might be worth following up.

Eastern Slopes Development

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Associate Minister of Public Lands and Wildlife. On November 3, the minister indicated enthusiastic support for the Odyssey project. I quote:

I believe the project is very, very positive for the people of Alberta.

The Eastern Slopes policy of July 1975 indicates:

The government agrees that an integrated and closely managed land use policy is essential.

Is it the position of the government of Alberta that before any major development proceeds, there must be a management plan in place?

MR. MILLER: Mr. Speaker, the Odyssey project conforms to the zoning as has been laid down under the Eastern Slopes policy. In reply to the answer I gave to the questions on November 3, in regard to the environmental report, I might further add that I had stated it was available in the Rocky Mountain House area. In fact, it's available in the local improvement district, ID 10, the Red Deer planning commission, the Rocky Mountain House liaison committee, the public libraries at Red Deer and Rocky Mountain House, the Edmonton Public Library, and the Department of Environment library. So this report has been widely distributed.

We do agree with the project, as the hon. Member for Spirit River-Fairview mentioned. However, the plan is subject to conditions of water supply, as has been

directed by the Department of Environment. I should also point out that the plans and specifications are subject to ID 10 approval.

MR. NOTLEY: Mr. Speaker, a supplementary question. I'm not talking about the environment impact assessment — perhaps we could come back to that — but rather, the integrated management plan which must be in place, which is part of the government's east slopes policy.

Mr. Speaker, I would ask the minister why there has been no further action on the Rocky-North Saskatchewan subregional integrated plan. This is the plan that would in fact cover the area of the Cline River Odyssey project, as well as the proposed David Thompson country. One of the people who has been given part of the responsibility of doing this has indicated that there have been no meetings, and no action has taken place. When are we going to have this integrated management plan, or is the government going to proceed with projects willy-nilly and in fact abandon the Eastern Slopes policy?

MR. MILLER: Mr. Speaker, we are not proceeding willy-nilly. The plan is being developed. There has been a lot of work done on it, and I take exception to the Member for Spirit River-Fairview regarding the plan as willy-nilly.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. I would simply advise the minister that the progress the committee has made so far is not overwhelming, to put it mildly. In other places they have at least undertaken the initiation of a plan. My question to the minister is: in view of the fact that he has already told us he favors the Odyssey project, when are we going to get an integrated management plan which is called for in the Eastern Slopes policy? When are we going to get the integrated management plan which must be a precondition to any development if the Eastern Slopes policy is to be meaningful at all?

MR. MILLER: Mr. Speaker, as I've stated, the Odyssey project does fit the Eastern Slopes policy requirements and, as such, we did give approval for it to go forward.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. The Eastern Slopes requirement necessitates an integrated management plan. One has not been completed; that is very clear. When does the government propose to complete the integrated management plan for the Rocky-North Saskatchewan subregion?

MR. MILLER: Mr. Speaker, I will endeavor to get information on what stage the plan is in right now and when we can hope to have it fully completed.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. In view of the fact the minister is not able to supply the Legislature with the date this plan will be completed, and obviously the plan is going to have some bearing on the project, how is he able to tell the Legislature he favors the project if the plan, which is a precondition, isn't even completed?

MR. MILLER: Mr. Speaker, many of these plans are ongoing. There is no time frame to them. The resource evaluation and planning committee is endeavoring to incorporate all the concerns of all interested groups of all departments to make an assessment of what's best for the

area. The Odyssey project was approved, and it has been approved because it conforms with the Eastern Slopes policy.

MR. NOTLEY: Mr. Speaker, the minister says these management plans are ongoing. Some are more going than others. This hasn't gotten started yet. My question, very directly to the minister: the Eastern Slopes policy says there must be an integrated management plan — that's what it says. The minister has told us he favors the Odyssey project. We have a working paper on the David . . .

MR. SPEAKER: Order please. Has the hon. member a question which he has not already asked?

MR. NOTLEY: Is the minister in a position at this stage to give us some time frame as to when this Legislature can expect further information and at least a preliminary integrated management plan?

MR. MILLER: Mr. Speaker, I believe I answered that question.

Provincial Parks Development

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister of Recreation and Parks. Further to the management plans in the Eastern Slopes area, is the minister in a position to advise the Assembly what additional working papers have been completed on David Thompson country? And is any time frame being considered by the government for introduction in this Legislature of a policy paper clearly outlining the options for David Thompson country as well as several other alternatives the minister alluded to outside the House: Kakwa country and Lakeland country?

MR. TRYNCHY: Mr. Speaker, I saw the document for the first time yesterday, thanks to the hon. member. It's just that, working papers, and we don't respond to working papers.

MR. NOTLEY: Mr. Speaker, I'll make the minister a deal. We'll present our working papers which we get from your department to you, if the government will present its policy papers to the Legislature before the election date is announced. [laughter]

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

MR. NOTLEY: I would ask either the Minister of Recreation and Parks or the Associate Minister of Public Lands and Wildlife whether the government is in a position to clearly state at this time, before a commitment is made to any major country, whether it's Kakwa country, Lakeland country, or David Thompson country, that there will be formalized public hearings as requested by the Alberta Fish & Game Association.

MR. TRYNCHY: Mr. Speaker, we have not decided to go in any direction, and if the hon. member wants to get that information he might get it the same place he got this. [laughter]

Fertilizer Prices

MRS. CRIPPS: Mr Speaker, my question is to the Minister of Agriculture. Has the minister been able to ascertain if the major differences in the export price of fertilizer, f.o.b. the plants and the Alberta distributors, are in fact correct?

MR. SCHMIDT: No, Mr. Speaker.

MRS. CRIPPS: No help. [laughter] Thank you, Mr. Minister. Since the replies I've received are that these prices were a long time ago, but the invoices are dated as late as September 16 and shipments have been made in October and one already in November, is the minister still following up on that problem?

MR. SCHMIDT: Mr. Speaker, the total problem of fertilizer pricing as it pertains to both the province of Alberta and the United States has generated some interest mainly in the Alberta manufacture of fertilizer that goes south across the line, and the indication that there's a differential price-wise. Of course, the concerns on behalf of the department are also on behalf of the producers in the province. First of all, we are doing some work to check the basic prices on the material that has been sent to us and also check the fertilizer price across the province to try to get some semblance of comparison between similar fertilizers for similar amounts of Alberta-produced fertilizer in both the United States and Canada. That information is not available to us yet.

MR. NOTLEY: A supplementary question to the hon. minister. This matter was raised some years before. The minister's predecessor indicated at that time that there would be a procedure in place to monitor the difference between fertilizer prices in Canada and in the United States. Is the minister telling us that in fact that has not been done and that commitment of some years ago has not been followed through?

MR. SCHMIDT: Mr. Speaker, we have always had a comparative figure in regard to fertilizer from an input cost for producers within this province compared to the input costs for producers just across the line to us. The information my colleague from Drayton Valley is asking for is a specific request for a review of fertilizer prices tied to specific invoices of fertilizer manufactured in the province of Alberta that was transported to the United States and the figures that appeared on that documentation. It's those figures that we're following up, and of course at the same time we will also have the opportunity to bring forth the varied pricing of fertilizer across the province, recognizing the differential that would exist because of transportation costs.

MR. NOTLEY: Mr. Speaker, a supplementary to the minister so there is no misunderstanding. We don't want to get into the situation we did in '74, I believe, when we were bootlegging fertilizer.

MR. SPEAKER: Order please. Followed by a supplementary by the hon. Member for Drayton Valley.

MR. NOTLEY: Is the minister in a position to assure the members of the Assembly that fertilizer prices in the United States in fact are higher than prices of fertilizer

produced in Alberta, considering the transportation costs?

MR SCHMIDT: Mr. Speaker, taking into consideration the manufacture of fertilizer within the province and the availability of identical fertilizers to the Alberta producer, and to that product that has been going across the line, recognizing the figures are based on the same tonnage, rather than tonnes, and in Canadian dollars, have shown there is a close resemblance pricewise. The differential is recognized in the increased transportation costs. The figures that have been submitted to us show some differences in that area. That is why we were doing the total review.

MRS. CRIPPS: A supplementary, Mr. Speaker. My question is to the Minister of Utilities and Telephones. Can the minister inform the Assembly if the feedstock price of natural gas to Alberta fertilizer manufacturers is the border price or something less than that?

MR. SHABEN: Mr. Speaker, I think that's a question that more appropriately should be put to the Minister of Energy and Natural Resources. The only involvement of the Department of Utilities and Telephones would be with respect to price protection. All industries that utilize natural gas in Alberta up to the prescribed limits in the legislation are eligible for price protection, depending of course upon the price they pay. But I think the Minister of Energy and Natural Resources would probably comment on that question.

MR. LEITCH: Mr. Speaker, I can add that in Alberta the price of natural gas is not controlled. The price paid by a petrochemical plant or a fertilizer plant in Alberta for its natural gas feedstock is the price it's able to negotiate with the producer, which in some cases would be lower than the Alberta border price.

MR. SPEAKER: The hon. Member for Bow Valley followed by ...

MR. PLANCHE: Mr. Speaker, if I may, to also supplement the answer of the Minister of Agriculture. We work with the Department of Agriculture frequently, and while I can't respond to a specific fertilizer, we do check them. The fact is that the export papers indicate a price that isn't the price the farmer in the U.S. pays. For ammonium nitrate particularly, they're paying about an 18 per cent premium for a comparable product in the U.S. over zone pricing in Alberta.

Parole System

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Solicitor General. Several weeks ago, the Solicitor General indicated there was a possibility of setting up a provincial parole board in Alberta. Could the minister indicate what steps he has taken to date toward setting up a provincial parole board?

MR. HARLE: Mr. Speaker, that matter is still under consideration.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Could the minister indicate the reason for setting up a provincial parole board? Is it because the temporary absence program is not working satisfactorily?

MR. HARLE: No, Mr. Speaker, that's not the reason. The officials who handle the temporary absence program believe there might be a possibility to improve the situation as far as inmates are concerned. I might say that the negative side the federal parole system has had makes it very difficult to do too much in that area for the present time.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Has the minister met with other provinces that have provincial parole boards set up to see how they're working and how effective they are?

MR. HARLE: Mr. Speaker, that is part of the review of this whole area that has been given, and will be given, depending on how far we go with the idea.

Education Planning for Stakeholders' Meeting

MR. R. CLARK: Mr. Speaker, my question is to the Minister of Education. I note the minister has returned from the Alberta school trustees' convention relatively unscathed. I would ask the minister if he would outline to the Assembly the purpose of the stakeholders' forum on education which is being held November 12 to 14. Who will be attending from the government?

MR. KING: First of all, Mr. Speaker, I would like to say that there's never a question of escaping unscathed when you spend four days among friends, as I have just finished doing.

MR. R. CLARK: You weren't talking to the same friends I was.

MR. KING: The Department of Education is going to host a meeting on November 12, 13, and 14, the meeting to which the hon. member alludes. We have invited three to five representatives of all the major provincewide organizations that have an interest in education: the Alberta Teachers' Association, the Alberta School Trustees' Association, the Conference of Alberta School Superintendents, the Home and School Association, the Chamber of Commerce, the Federation of Labour, and others.

The purpose of that meeting is first to describe to them in general terms the plans of the Department of Education for the next three to five years; second, to describe in more detail our plans for the upcoming year; third, to benefit from their input with respect to the development of those plans, so that we can agree on issues the development of which we might share. One of the things we are very concerned to achieve is a greater degree of co-operation among the groups involved in education. That's what we hope to deal with at that meeting.

MR. R. CLARK: Mr. Speaker, a supplementary question to the minister. If in fact the desire of the minister and the department is to have that kind of co-operation the minister refers to, what was the minister's thinking in the department deciding what its plans were initially and then the minister outlining those in the first few hours at the session, as opposed to having the stakeholders together first and then the department developing its plans after it's had the input? Why not the input before the plans, rather than after?

MR. KING: In a sense, that's what we have in mind. The plans we are discussing are always subject to change because we're in a fluid situation. The agenda, if you will, and the presentation of that agenda by the Department of Education is the result of requests made to us by the various interest groups. They asked that we organize it this way.

MR. R. CLARK: Mr. Speaker, to the minister. Would the minister indicate to the Assembly if on the second day — when the plans for one year, five years, and a longer period of time have been discussed — the minister will be making the results of what I believe to be a rather secret ballot known first of all to the shareholders and to the people of the province?

MR. KING: We could certainly do both those things, Mr. Speaker. I would arrange to do that at the meeting of the stakeholders at Westridge. I might say that I am very, very appreciative of the interest being taken in the development of plans for education in the province.

MR. R. CLARK: Mr. Speaker, I'm not so sure I should say thanks to the minister. But I would pose this one last question. Having regard for the function of the forum the minister indicated, why are representatives of students who are either in grade 12 or immediate graduates of the system, who on one hand would be able to reflect upon the system most closely and, secondly, are the individuals the system is designed for, not playing an important part in this stakeholders' forum on education?

MR. KING: I suppose, Mr. Speaker, because we are in the process of learning. There is no provincewide organization of students. The decision was made that attendance at this meeting would be from provincewide organizations. The hon. member has made an entirely appropriate submission on behalf of the students. If there were a practical way of selecting students who would be thought to be representative of the student body generally, I'd be more than happy to have them there. We'll take it under consideration.

MR. R. CLARK: Mr. Speaker, while the minister is in such a receptive mood, might I pose a supplementary question. Would the minister seriously consider the proposition of having the presidents of the students' unions at perhaps one or two of Alberta's universities, one or two of the colleges, and one of the presidents of NAIT and SAIT? On one hand, those are responsible students in this province, and they would be able to reflect very, very closely on their experience in the system we're supposed to be designing for students.

MR. KING: Without making a commitment to the proposition, I'd certainly be willing to consider it.

A.Y. Jackson Painting

MRS. EMBURY: Mr. Speaker, my question is to the minister responsible for culture. It has come to my attention that there was a report earlier this week that an A.Y. Jackson painting was missing from the Alberta Art Foundation. If this matter has been brought to the attention of the minister, could the minister please tell the Assembly which painting is missing?

DR. BUCK: If you read the paper, Sheila, it's not missing.

MRS. LeMESSURIER: Mr. Speaker, the A.Y. Jackson painting is not missing and has never been missing.

AN HON. MEMBER: Who started the rumor, Walt?

DR. BUCK: Is the \$60 million a rumor, too.

MRS. EMBURY: Mr. Speaker, a supplementary. Could the minister please indicate if there is a formal process set up by which an inventory of paintings is taken on a regular basis by the Alberta Art Foundation?

MRS. LeMESSURIER: Mr. Speaker, there is a registrar hired by the Alberta Art Foundation as well as the visual arts. Each year the Auditor General reviews the papers by the department.

MRS. EMBURY: A supplementary question, Mr. Speaker. I wonder if the minister would care to elaborate on where the painting is.

MRS. LeMESSURIER: Mr. Speaker, the painting is in the office of the hon. Mr. McCrae, on the first floor, and has been there since June 1980.

MR. SPEAKER: May I respectfully say to the hon. minister that that is not such a serious matter that the hon. minister who has the painting needs to be named.

I believe the hon. Minister of Public Lands and Wildlife would like to supplement some information previously dealt with.

Abandoned Rail Lines

MR. MILLER: Mr. Speaker, during my absence yesterday, two questions asked by the hon. Member for Bow Valley were taken by the Minister of Economic Development. He referred them to me when I got back. The first was the question regarding the number of miles of abandoned railways we had in the province during the last two years. Mr. Speaker, I have the number of miles of railway for the past six years. In 1975, there were 140.1 miles abandoned; in 1976, there were none; in 1977, 162.7; in 1978, 109.2; in 1979, 31; in 1980, 36.4; in 1981, 91.9; for a total of 571.33 miles ordered abandoned. Of this total, we have received title to only 41 miles. The remaining are ordered to be abandoned and are still titled, either to the rail company or to the federal government; we haven't received transfer yet.

His second question, Mr. Speaker, concerned the guidelines used on these abandoned railway corridors. Our intention is to retain the use of these abandoned railway rights of way for utility and transportation corridors. If they are not to be used immediately for transportation or utilities, in most cases they will be leased to adjoining landowners along the rights of way.

MR. SPEAKER: The hon. Minister for Tourism and Small Business also wishes to deal further with a topic previously raised.

VIA Rail Service

MR. ADAIR: Mr. Speaker, in response to a question raised yesterday by the hon. Member for Clover Bar. The

question was: can the minister indicate what is the loss to the taxpayer of Canada for the operation of the line between Winnipeg and Edmonton? I said I would attempt to get that figure.

We have had one figure provided to us. I have asked for some comparative figures relative not only to losses of rail service but to operation of any services that may in fact be provided to the public; i.e., operations of international airports, services along that line. But the one we have is that the revenue generated by the transcontinental west was somewhere around \$61,094,000, the expenses, \$189,788,699, with a net loss of approximately \$128,694,699, a revenue to cost ratio of 32 cents.

One of the main concerns we have had, however, which is within the province of Alberta, Mr. Speaker, is that there is a major loss to the community of Jasper, particularly from a tourism point of view. The town of Jasper has indicated that that loss may be as high as \$6 million. Some of the information we have says it is anywhere between \$5.25 million and \$6 million. That would be approximately 10 per cent of the total retail and trade service in the community.

Mr. Speaker, the other question was in relation to a breakdown of how many Canadian passengers as well as tourists that line moves from Winnipeg to Vancouver. We haven't determined whether they were Canadian, North American, or tourists. But the figures we have, provided to us from VIA Rail's western office in Winnipeg, are: 110,000 passengers departed and arrived in Winnipeg in 1980, 125,000 departed and arrived in Edmonton, and 95,000 departed and arrived in Jasper. Also, in the summer months the peak load is approximately 370 passengers per day disembarking in Jasper; and in the winter, on what might be considered an off-season day, that would be approximately 75 to 80 passengers per day.

DR. BUCK: Mr. Speaker, a supplementary, just to follow up the question I asked the Minister of Small Business and Tourism. Can the minister indicate at this time if the Alberta government is looking at some type of stop-gap or contingency program to move the people — say if they fly into Edmonton — out to Jasper to take up the slack of the loss of the rail transportation?

MR. ADAIR: Mr. Speaker, I think we have identified that obviously a number of routes can be used. One is the service I mentioned yesterday, the newly approved service by Time Air of Alberta from Jasper to Vancouver, and also the bus schedules that are in operation. From the standpoint of a train, no, we haven't looked at an alternative on the track. Our ambition, I guess, and our purpose is to assist, to support to the fullest extent, those communities in the province of Alberta making a claim to keep the rail running.

ORDERS OF THE DAY

head: MOTIONS FOR RETURNS

MR. CRAWFORD: I move that Motion for a Return 140 stand.

[Motion carried]

head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

221. Moved by Mr. Mandeville:

Be it resolved that the Assembly urge the government to take immediate steps to assist home-owners renegotiating mortgages at substantially increased rates and tenants facing rapidly increasing rents.

MR. MANDEVILLE: Mr. Speaker, I put this motion on the Order Paper, and I hope it gets good consideration. I appreciate that we have many programs in this province under Housing that take care of a lot of the ills in our housing situation. However, we don't have any program in place for renewing mortgages coming up, and this is one of the suggestions we are making.

Another area we're concerned about is the high rent our renters are facing throughout the province, appreciating that at present we do have a renters' assistance program but we would like this supplemented to a certain degree to help some of our renters who are facing problems.

So many of our politicians try to tell us that inflation is causing the problems we're facing in the economy today. But I certainly don't think it's inflation; I think it's the high interest rates that are causing the problems we're facing in the province such as in the housing industry. I see our economy is slowing down as a result of these high interest rates. This is only the tip of the iceberg. At the present rate they are at, these interest rates are hard to cope with for some of our home-owners.

What's going to happen when the car manufacturers ... I listened to TV last night, and General Motors is having a really serious problem as far as marketing its product is concerned. What are they going to have to do with the slowdown of the economy? They're going to have to lay off some of their employees. How about the lumber industry across Canada? They're going to have to lay off. What's going to happen when we lay off these people who are renegotiating mortgages? They're having a hard time making their payments when they have jobs. What's going to happen when they're laid off? It's going to be serious when they're facing double the mortgage payments that they're paying today.

What is the federal government saying? We have to have interest rates up there to bolster our Canadian dollar. To me, this is certainly not the right way to straighten out the economy or bolster our dollar. If we're going to bolster our Canadian dollar, I think they made a great move today: the premiers and the Prime Minister coming to terms on the constitution. That's certainly a step in the right direction to stabilize our economy and, hopefully, we'll be able to bring our interest rates down to where they belong. We've been fighting the energy policy and the constitution. Our governments, especially the federal government, are spending all this money. If they want to bolster the Canadian dollar, I say bring interest rates down, bring them in line with the inflation factor. Then we can cope with it. But don't use interest rates to bolster the Canadian dollar, because that certainly won't solve our problem.

I'm very hopeful that we won't get into any more confrontations. The economy in this nation is serious, and it's going to get bad all across the nation. I hope we don't get into another confrontation when our budget comes down on November 11. I hope it's acceptable to all Canadians and we can go about straightening out the economy and helping some of the home-owners in this

province who are going to be losing their homes.

When we get out of this Legislature, away from the politicians, and go to the people on the street, their concern is not the constitution, the energy pricing, or the budget. Their concern is the bread and butter deals in this province. I'm certainly not going to be the first one to say that I'm not blaming the Minister of Housing and Public Works for the situation we have, because programs are in place that are beneficial.

One problem we're facing as far as Alberta is concerned is that we have an overheated economy. We have a lot of people coming to Alberta, coming to the land of honey and money. They're finding that it's just not that attractive when they get to Alberta. I think we have to quit bragging about our heritage trust fund and start spending it on diversifying the province of Alberta and helping Albertans, such as I'm suggesting in this motion today. I think we have to quit advertising our heritage trust fund so we don't get too many people coming to Alberta and finding that there are no opportunities for them in this province, especially as far as our vacancy rate in rental housing is concerned. In Calgary, they have less than 1 per cent; I think it's 0.7 per cent vacancy rate. This is a bad situation as far as vacancy rates are concerned, because it certainly puts our rentals in a position where they're very unacceptable to some of our renters.

I think what we have to do in the province and the nation is be more concerned with food, clothing, shelter, and the economy of our country. That's what we're doing, Mr. Speaker. We're discussing shelter: mortgage renewals and relief on high rents. Let's take a look at the problem we're facing today. The Minister of Housing and Public Works told this House on October 21, 1981, that the number of owners renewing a mortgage in 1981 is estimated to be 35,000. About 14,250 are renewing high-ratio, single, detached homes. Of these, the number of owners paying over 30 per cent of their income is estimated to be 7,200. If over 35 per cent of gross income is being spent on shelter, it is normally considered that a definite hardship exists. The minister himself estimated that 4,000 to 5,000 people would fit into this category.

As I said, we have lots of programs, but we don't have any program to help the home-owners who are renewing their mortgages at the present time. I'm hopeful that in the federal budget, we'll have some relief in this area. But I think we should be taking a good look at it in the province of Alberta. What should we do about it? We've come up with a policy that we think is satisfactory and good. Number one is our program for renewing mortgages.

The Alberta Social Credit Party program will see the provincial government directing the Alberta Home Mortgage Corporation and the Alberta treasury branch to renew mortgages at 15 per cent. Other lending institutions will be encouraged through a strong exertion of moral persuasion to comply also. This is a stop-loss program. We think it should commence on October 31, 1981, and be in effect for the next 12 months. We're suggesting the treasury branches and the Home Mortgage Corporation implement a program that's similar to the program already in force or put into operation by the Royal Bank of Canada, the Bank of Montreal, and the Calgary real estate board. This is not a give-away program. We think it should be a program just like they've set up at the other chartered banks and the Calgary real estate board. When they pay 15 per cent, it's going to reduce their payments now but it should be added on in the end, so it just

extends their program.

Several social benefits of this program are worth noting. It will enable our home-owners to retain their homes. If nothing is done, I'm sure many of our home-owners are going to lose their homes, especially if our economy slows down much further. It allows the home-owner to decide what he wants to do, and forces banks and lending institutions to compete. As I said, it's workable because the Royal Bank of Canada and the Calgary real estate board have already put it into effect.

Mr. Speaker, what I like about it is that it's not an inflationary program. It's just going to help some of our home-owners retain their homes and keep them under shelter. I think we should be looking at long-term programs in this Legislature. We have to look at our planning process. It's so cumbersome now and takes so long to get this land on stream that it's certainly costly, especially when our interest rates are as high as they are now, with all the red tape we have to go through.

I can give you an example of a subdivision plan I was working on in the Brooks area, and I've been working on it for a long time. It was just an ordinary, little, simple subdivision plan for construction, and it took months and months. First we had hearings in Brooks. Then we had hearings at the planning commission in Medicine Hat. Then we had hearings with the planning board in Edmonton. Mr. Speaker, if we could get through some of these steps and streamline our planning process here — and I'm sure hopeful our minister will bring in some amendments to the municipal Act so we can streamline some of the subdivision problems we're facing in the province today.

Our other suggestion is to assist our renters. I certainly think they're facing problems. Many renters are faced with increased rents and are not able to cope with them. In Calgary, for example, some of the CMHC statistics: in 1977, a two-bedroom apartment rented for \$300; today, that same apartment is \$640. That's over 100 per cent increase in rent in a short period of time, Mr. Speaker. We certainly can't lay the blame exclusively on landlords, because they're facing problems as well. Interest rates are going up, they're renewing mortgages, their costs are going up, and they have problems facing them as well.

The Minister of Housing and Public Works said there are [237,000] mortgage-holders in Alberta, and 5,000 are in serious trouble: 2.1 per cent of the people renewing mortgages are in trouble. Figures indicate that we have 150,000 renters in the province of Alberta. If we use the same 2.1 per cent we've used for home-owners for renters, 3,000 renters in Alberta would be in serious trouble. So I think we have an acute problem there, and we have to face it.

We've had a drop of 52 per cent in rental accommodation construction in the province. The only program we have in place . . .

[Mr. R. Clark in the Chair]

I don't know how to address the Speaker. Mr. Speaker, I know you'll do a good job. [interjections]

We have CHIP in place. I think that's a good program, but we should supplement it. We've slowed down CHIP considerably. We don't have the funds in there that our builders or developers need to continue with the program. I think we should add more money to it. We should also streamline it, because at present the minimum number of apartment buildings you can build under CHIP is 24 units. We should reduce that to 15 units so some of our smaller developers could take advantage of it. We also

have the federal capital allowance program, which has been reduced from 10 per cent to 5 per cent. This is certainly creating more problems as far as rental accommodations are concerned. We have to be careful of putting in too large a subsidy, because we could distort the markets as well.

I want to give an example of how our program would work. We feel that the renter is the same as the home-owner. If he is paying more than 35 per cent of his income on rent, we think that's a hardship. We feel it's a hardship if a home-owner is paying more than 35 per cent on his home. If someone were employed and, for easy figuring, was getting \$1,000 and paying rent of \$450, 35 per cent of \$1,000 would be \$350. He should be paying \$350. We're saying that we should subsidize that renter to the tune of \$100. He should be paying 35 per cent of his gross income on rental accommodation. Here again, we feel that this program should be in place for only 12 months, more or less on a temporary basis.

As I said, this situation is going to get much more severe in a very short period of time. We're going to have vacant homes, apartment renters who can't pay their rents, and no place to go. What are we going to do? Mr. Speaker, our program is moderate and not inflationary. We just want to have in place a program for the people renewing mortgages, also renters' assistance. I appreciate that we now have in place a program for renters' assistance, but I think we should supplement that and help some of our renters, so they're paying 35 per cent of their gross wages for rent.

Before closing and sitting down, I would like to make a recommendation to the minister with regard to housing and with regard to increasing his interest rates. I would like to see the minister, whenever he increases his interest rates . . . For example, just a short while ago, when interest rates went from 18.5 to 19.5 per cent, it went out to the loans officers by phone. They had applications coming in, and the applicants thought their applications were in. They were very disappointed when they found out that their application number was such and such and, after that number, the interest rates went up to 19.5 per cent.

So I would like to suggest that when the minister increases interest rates and makes any changes in the program, he give the loans officers a short period of time to let their applicants know what is happening. On the other hand, I wouldn't make the suggestion that when he reduces the interest rates — and interest rates have been coming down; they've come down two points. I didn't hear what happened to them today, but I suspect they went down a certain amount. When the minister starts decreasing his interest rates, he can do that by phone.

MR. COOK: Mr. Speaker, I'd like to speak to the resolution the hon. member has presented. I don't think it's so much the view of the hon. Member for Bow Valley as of the Social Credit Party. I say that because I really like and respect the Member for Bow Valley, but I find a great deal of difficulty with this motion. I think it is as bankrupt a motion as the heritage fund would be after he finished spending it.

I have some difficulty asking myself why the hon. member would sponsor this resolution. If we look at this resolution in the context of the one presented earlier this year, when he suggested that we bail out not only home-owners but the farm and business sector, it's really part and parcel of the same sort of approach. It's a bail-out. This resolution is really an attempt to provide a

massive bail-out for all sectors of the economy and an attempt to shift the blame for high interest rates to the province and not the federal government. Again, that is reflected in the earlier resolution moved by the hon. member, when he said that the government should accept the responsibility to provide additional protection for Albertans. This resolution is exactly the same as the earlier one. The variance is simply that it targets the support to home-owners. I think it's political opportunism at its worst, Mr. Speaker. It ignores the economic realities of the western industrialized world and is morally and intellectually bankrupt. It's morally bankrupt because it offers something that is unrealistic. It's like providing candy to a child, knowing full well you're not going to be able to give it to that child. It's a nice thing to be able to do in a short term, but when the consequences are realized, it's a very, very sad gesture.

I'd like to look at some of the problems involved in taking this kind of course. I don't think the hon. member recognizes the role of the federal government in banking and interest rates. Of course, that's a traditional problem with the Social Credit Party. They had some difficulties in the 1930s with their banking and finance programs. I think that was the subject of some court cases before the Supreme Court. The hon. Member for Bow Valley and his party do not seem to have recognized the lessons inherent in that, and they're still trying to have the provincial government involved in setting interest rates and bailing out the economy. They haven't learned the lessons of 45 years ago, Mr. Speaker.

I don't think it recognizes the emerging economic order in the world either, Mr. Speaker. The hon. member has only to listen to the hon. minister of international trade who talks of the rapid economic development in other parts of the world. You should talk to the minister of the increasing industrial activity in Brazil, Singapore, the Philippines, and know full well that those economic actors are going to be competing with us. There's a massive shift of capital and economic activity going to the OPEC countries and countries like Japan, Korea, Brazil; all of whom are going to be significant competition for us. So I don't think he really appreciates what's going on in the world. The Cancun conference in Mexico is a good example of the shift of economic resources, the shift of economic capital, that's happening in third world countries.

Canada's problem is going to be one of the politics of scarcity. A number of authors have written on this topic. Richard Barnett authored a book called *The Lean Years: Politics in the Age of Scarcity*. It's a pretty good explanation of the kinds of problems we're going to be facing as an industrial world faced with a shortage of a lot of raw products, capital, and energy. This motion simply is a wishful gesture, a wishful idea, that we can return to the past, that we can bail people out and everything will be wonderful.

I'd like to ask the hon. member what would be required to make a significant contribution to the 700,000 households in this province. Mr. Speaker, I understand there are 700,000 households in the province: people who rent or own houses. Would \$1,000 a year be enough to save all these people from the hardship the hon. Member for Bow Valley and the Social Credit Party talks about, the dire straits? Mr. Speaker, \$1,000 over 700,000 households is almost \$1 billion. I think we have to recognize that if we bail out this sector of the economy, we're going to be under very severe pressure to bail out other sectors of the economy. So we can't just do this in isolation. We also

have to recognize that a \$1 billion contribution to the housing sector this year would also require us to make considerable efforts to bail out the industrial sector, the farming sector, and the builders themselves. We probably would be looking at another \$2 billion there, just to bail out the industrial, construction, and farming sectors of the economy.

Mr. Speaker, that's only a 5 per cent boost in income, if you look on a household basis. The average income in this province is approaching \$20,000. A thousand dollars is peanuts. Five per cent is not going to make a huge difference in the purchasing power or in the ability of a home-owner to compete. Mr. Speaker, 5 per cent just isn't enough to make an appreciable difference, but that's a \$3 billion outlay. What we're probably looking at to make a significant impact on home ownership costs or the costs of running an industrial plant, a construction company, or a farm is probably something approaching the order of 10 to 15 per cent of their gross purchasing power. In this year alone, that would require using up all the resources of the heritage fund in one year. But it should be disturbing to the Member for Bow Valley, his Sacred friends, and all members of the Assembly to think that economists are predicting that the problems we're in in 1981 are going to be with us in 1982, and probably in 1983 if our economics are as bad as they seem to be.

After we've used up the heritage fund and we've bailed out the home-owners and the industrial and farming sectors, as was envisioned in the earlier motion presented by this member — I'm not creating a proposal that doesn't reflect what was proposed by the hon. Member for Bow Valley in Motion 217, the stepchild of Motion 221. We've spent our heritage fund and we've bankrupted the province, and to what end? We won't be able to provide any assistance in 1982 or fiscal year '83. We're right back to where we started.

Mr. Speaker, before we embark on such a foolish program, surely we should ask ourselves: is it necessary? How many foreclosures have there been in this province? How serious is the problem? How many business failures have been reported? How many farms have been lost to banks? On that basis, Mr. Speaker, we should look at developing programs. We should also ask ourselves what the role of government is. Is the role of government to protect people from everything?

I'm probably one of the people in my caucus who is a red Tory. I argue for assistance for people in need. But I don't think we've reached that stage. As the hon. Minister of Housing and Public Works has pointed out, there has not been an appreciable number of foreclosures in this province. This motion rings hollow as the efforts of the Sacred Party in bringing hardship cases to the attention of the minister, because they haven't done it, Mr. Speaker. They haven't taken hardship cases to the Minister of Housing and Public Works. That suggests to me either they're not doing their job . . .

DR. BUCK: I gave out the telephone numbers so they could call him directly.

MR. COOK: Walt, that's a facile gesture, and you're used to that. It's not a sincere effort, Mr. Speaker. The actions of that party are as hollow and as unimaginative as the party has been since they've been out of office.

Mr. Speaker, we're a compassionate government; we do want to help people who are in need. Shouldn't we be helping people like the handicapped, senior citizens, people on low incomes? Wouldn't that be the real test of a

compassionate government, directing its energies to helping people who really need assistance? Mr. Speaker, are we doing that? I think the easy answer obviously is yes. In the fiscal year '80-81, we spent \$1.7 billion. Surely that is a compliment to the Minister of Housing and Public Works to convince his colleagues to develop programs like that, and also suggests that this government is already doing what the hon. Member for Bow Valley is asking us to do, which is to help home-owners, but it's being targeted at the people who need it most.

Mr. Speaker, the hon. minister recently asked for another \$200 million. That assistance has added almost 3,000 new units to CHIP. That's incredible. *Alberta Report* this week notes that construction housing permits have gone up from roughly 19,000 issued last year to 26,000 issued this year. This is in a period of dire straits, that the hon. Member for Bow Valley and the Prime Minister of Canada referred to. But quite clearly, the Department of Housing and Public Works is targeting its resources and is providing the assistance necessary for Albertans, particularly those who need it most: those on low incomes, the handicapped, and the elderly. The record of senior citizen lodge construction — for example, the Sir Douglas Badar Towers for the handicapped here in Edmonton — and the financing for new homes for low-income Albertans are a real credit. So, Mr. Speaker, the government is doing its best to shelter Albertans from the effects of high interest rates where it's needed most.

I'd like to ask another question. Again, I can't believe the intellectual bankruptcy of this party. Who is hit hardest by interest rates? Is it the person who is 40, 50, or 60 years old and is in the final years of paying out his mortgage? Or is it the person who is in his 20s or 30s and trying to buy a house? Yes, Mr. Speaker, the person who is paying out his mortgage is facing some immediate hardship. Yes, it's going to be a little tough. But I think you have to recognize that home ownership is two things. It's both putting a roof over your head and a shelter against interest rates. It's an investment. It's as much an investment as going to the bank and buying stocks or bonds. Land has been speculated upon, and I don't think it bears any reflection at all to the true value of what it was a few years ago. If you look at the costs of housing as a relationship to income, then quite clearly housing costs have risen two and three times what they were a few years ago, as a ratio of income to housing prices. Why is that? It's because we've had a market that has put money into the housing industry and we've used housing as a shelter against inflation. It's been a shelter against inflation just as much as it's been a shelter from the elements.

For the person who is 40 or 50 years old, who has gambled and speculated — and probably done well — this kind of initiative by the hon. Member for Bow Valley will be very, very helpful. But what you're doing, Mr. Speaker, is setting up two classes of citizens. You're setting up two orders of individuals in Alberta, because you have to remember that 50 per cent of the people own homes and 50 per cent rent. The 50 per cent who rent are much like I am. They're probably young and just starting out. The 50 per cent who own homes are the people who are already established. This program would enrich them by providing more capital to put into their homes. It would provide more capital for them to increase the equity in their homes. It would enrich the rich and impoverish the poor, because the money being used is my money. It's my share of the energy dollars. It's my share of the taxation that comes out of this province. My money is going to be put into his home, and I can't afford

to buy a home yet.

So with the Social Credit housing policy, Mr. Speaker, we have set up two classes of citizen. We've set up the class of citizen who already owns a home but is in some difficulty, but he'll be bailed out. And we're going to provide a little bit of assistance for renters so they can still rent. Mr. Speaker, that's not good enough. But I guess that's good enough for a person who has come out of the '30s and for a person whose roots are pretty deep in the past and who has a view of history and that's all; no view of the future.

I'm sorry, Mr. Speaker, but this party just doesn't have any vision. This party just doesn't appreciate what the real problem of someone who is in their 20s or 30s trying to buy that house is going to be. I'd suggest that if we adopt this proposal, this request, we will create a landed, older aristocracy, thanks to the Socreds. We will create another group of people who are impoverished, poor, young, and transient, doomed never to own a home. Perhaps that's an MLA's assessment. Is that really the member's objective? I hope not. I'm sure it's not. I think it's just the misguided view of an opportunistic party scrambling, trying to claw at a few straws, in an attempt to get power. It reminds me of the funny-money approach to politics of 1935, when they thought they would buy Albertans' support with a little bit of cash. Have they changed since 1935? Not really.

Mr. Speaker, I think this sad little motion that the hon. member and his Socred friends have put before the House really reflects a callous view of politics. It's just a buy-off. It's Tammany Hall politics at its worst. Tammany Hall was the home of some corrupt politicians in New York City in the late 1800s who used to adopt the approach that you could buy votes. They would provide Christmas hampers and, occasionally, a turkey at Thanksgiving: all this in exchange for a vote. I think this cheap style of buying votes is evident here in the House today. We have a Social Credit party that is still approaching politics the way it did in 1935. It hasn't learned any lessons since 1971. In fact, it's getting older and more sedentary in its ways.

I'd like to wrap up by asking a couple of questions. We obviously can't do what the Socreds are doing. I think we're doing largely what we have to do as a government. But there are some other questions that I think have to be asked. What can Canadians and Albertans do to protect themselves against high interest rates? A couple of suggestions have been made, and I would like to add to them. The first is that we have to create a society that's more efficient in its use of resources, because we're into an era of scarce resources, energy and food shortages. Yes, we have lots of those things in abundance here in this province. We're fortunate and we're blessed. But that won't always be so.

In housing, we should be clearly adopting a different kind of lifestyle. We should be trying to return to the smaller lots and homes my parents knew, that are characteristic of the older neighborhoods in the cities of Edmonton and Calgary. You don't have the large, sprawling ranch houses that people built in the '50s and '60s. You have the compact, little bungalow on a small lot that companies like Nu-West are now marketing as smart homes. They're compact and everything a person really needs. That's what we should be returning to. We should recognize that there are limits to our growth. We don't need those large, sprawling, inefficient homes. We should also be looking at trying to increase the density of our housing. We should be trying to do that so it reduces our

cost of servicing houses — servicing in the initial construction phase and in the period after the home is built.

We should be taking a second approach, Mr. Speaker, and doing what the Premier suggested we do. That is, this country should be increasing its productivity. We should be trying to export our products like natural gas on the world market and get more foreign exchange into this country. We're not doing that. Our transportation difficulties are eliminating our ability to deliver grain. Our National Energy Board is restricting our ability to deliver gas. Those are just two products that are of interest to Albertans.

I'd like to add just one more. That is, as a province and a country, we should be investing in technology and services that will provide us with new and unique products to sell on the world market. Again, I would like to refer to the fine efforts of the Minister of State for Economic Development — International Trade, who has been selling our products. That's exactly what we should be doing. We should be selling our technology, our skills, and our manufactured products to the world. In order to do a better job of that, it seems to me that we should be investing in research and development. This government has really got to step up the pace there and provide new, unique products and services for the world market.

Finally, Mr. Speaker, I think Canadians have to become a little more realistic in their level of expectations. I think the Social Credit party should do this as well. Maybe if they would listen instead of laughing among themselves — because I don't think they are listening, Mr. Speaker. The Socreds should become a little more realistic and realize that even in a rich province like Alberta, we can't afford to buck the world economic system. We can't afford to bail out everybody who has some difficulty. But the Socreds don't realize that. The Socreds are continuing their same cheap approach to politics, which is to offer money: the same sort of approach they offered in 1935. The hon. member is completely unrealistic in his world view. He's attempting to fight economic reality. Mr. Speaker, as I explained earlier, there isn't enough money in the heritage fund to do that for more than about one year. After that, he would bankrupt us. What would we do in fiscal year '82 or '83 when we won't have any money left, and we won't have a heritage fund left either. His ideas and his Socred friends are as bankrupt as the heritage fund would be after they finished with it.

I'd like to reiterate the points I made earlier. Their approach would create two classes of citizen: a rich landed aristocracy who already own homes, and a poor impoverished youth who could not afford homes but would be doomed to be tenants. I think the resources he wants to use to bail out the provincial economy would far better be used in trying to create new products and and trying to redesign our economy so we are more efficient and better able to withstand the storms that are about to break around us.

Finally, Mr. Speaker, I'd like to suggest to all hon. members that this resolution deserves no support whatsoever. It's a sad, sad example of bankrupt Tammany Hall politics. It's a cheap, shoddy attempt to buy votes.

MR. MANDEVILLE: Mr. Speaker, would the hon. member permit a question?

MR. COOK: I have two more minutes of my allotted time. Sure.

MR. MANDEVILLE: Mr. Speaker, I'm not very imaginative, so I took my plan from one drawn up by one of the biggest corporations in Canada, the Royal Bank of Canada, and the Calgary real estate board and the Bank of Montreal. All my suggestion was, was that the Minister of Housing and Public Works, under the Alberta Home Mortgage Corporation and the treasury branches, make the same concessions as the Bank of Montreal, the Royal Bank of Canada, and the real estate board in Calgary. As I said, I'm not very imaginative, so my plan came from one already in effect with the banks.

Mr. Speaker, I want to ask the hon. member what he has against the Home Mortgage Corporation and the Alberta treasury branch coming up with the same program. I'm not asking for any money; I'm asking to extend it. Is he disagreeing with the concept the Bank of Canada, the Bank of Montreal, and the real estate board have come up with?

MR. COOK: Mr. Speaker, I think the hon. member is being too modest. He also suggested in his speech that there be a \$100 a month pay-out to tenants, and that an equivalent amount be given to home-owners who are facing renewals. That's what I took objection to, and that's what I added up: 700,000 households is close to \$1 billion. I'm against a \$1 billion pay-out.

MR. MANDEVILLE: On a point of order, Mr. Speaker, I just want to correct the hon. member on the \$100 pay-out. I never made any indication I was going to make any. What I said is that we have a renters' assistance program, and possibly in some cases we should supplement the renters' assistance and it should be paid out to all of them. I said supplement the renters' assistance.

DR. BUCK: Mr. Acting Speaker, the hon. Member for Olds-Didsbury, may I ask the hon. Member for Edmonton Glengarry a question?

MR. ACTING SPEAKER: A short question. [laughter]

DR. BUCK: First of all, Mr. Speaker, I have to ask the hon. member's indulgence. Will the hon. member permit a question?

MR. COOK: Mr. Speaker, my time has been exhausted. I've spoken for 30 minutes, and I think that questions and my answer would ...

AN HON. MEMBER: Coward.

MR. COOK: ... go into others. [interjections] But with unanimous consent of the House, certainly I'd welcome trying to instruct and enlighten the hon. Member for Clover Bar.

DR. BUCK: Is that the same as saying he will permit a question, Mr. Speaker? [interjections] Is the hon. Member for Edmonton Glengarry in a position to indicate who the Heritage Savings Trust Fund belongs to? Is it the people of Alberta, to be used for the benefit of the people of Alberta? Or is the hon. member on the government side indicating that the money belongs to the government, or the Tory party?

MR. COOK: Mr. Speaker, I think the Heritage Savings Trust Fund is exactly that: a savings trust fund for this generation and future generations, not just for the benefit

of the hon. Member for Clover Bar, although he would like to use that and sell Albertans on the idea he can just offer a little cash and buy their votes. But how is he going to buy the votes of kids yet unborn, who are going to be here in 20 or 30 years? That's what I object to, Mr. Speaker: a callous approach that seeks to reward the present generation in a narcissistic way and not consider the responsibility of future generations. That's the shallow approach that he seems to adopt regularly. [interjections]

DR. BUCK: I heard the comment from the hon. Attorney General when he said that's a stupid question. Mr. Speaker, after listening to a stupid speech, I had to ask a stupid question.

AN HON. MEMBER: On a point of order by a stupid member, Mr. Speaker, I apologize, I couldn't quite understand that remark, sir.

DR. BUCK: The hon. member didn't understand the remark, Mr. Speaker. For the hon. member from ...

AN HON. MEMBER: If you want to speak, speak. Give us a speech, Walt.

MR. BRADLEY: On a point of order, Mr. Speaker. If the hon. Member for Clover Bar wants to give us a speech and his thoughts and ideas on this question, the House would be pleased to hear from him.

DR. BUCK: I'm pleased to listen to the \$18,000 a year man, Mr. Speaker, the Member for Pincher Creek-Crowsnest.

MR. ACTING SPEAKER: The hon. Member for Edmonton Mill Woods has the floor.

MR. PAHL: Thank you very much, Mr. Acting Speaker. I appreciate the very fine, non-partisan way that you provided me with the floor. I must compliment the Acting Speaker and our full-time Speaker on their activities in the constitutional conference. Obviously, the accord that was reached today was not that far away from the Alberta position so capably represented by the Acting Speaker and other members of our House. I would like to acknowledge their contribution. [applause]

In speaking to Motion 221:

Be it resolved that the Assembly urge the government to take immediate steps to assist home-owners renegotiating mortgages at substantially increased rates and tenants facing rapidly increasing rents.

Mr. Speaker, I'm not sure that we as a government should assist home-owners in renegotiating mortgages at substantially increased rates. I wouldn't encourage them to take any higher rates than they possibly can avoid. But I would like to compliment the hon. Member for Bow Valley on bringing forward this motion. Obviously he is doing it out of a concern for the broader population. I know that in his constituency, homes are far between, and there are probably not that many renters. Obviously when he put this motion, he certainly did have in mind the interests of Albertans who live in urban areas also. As that's where my constituency is located, I compliment him on his initiative.

However, just to set the record straight and to put the debate in proper perspective — and I know the hon. member did acknowledge there was some modest con-

tribution by the Department of Housing and Public Works — I think it might be worth while, of interest to this Assembly, and of assistance in the debate, to briefly outline some of the highlights of where the Alberta Home Mortgage Corporation, the Alberta Housing Corporation, and the budget of the Department of Housing of approximately \$1.7 billion is being directed in budget year 1981-1982.

First: senior citizens. I think it's important to emphasize our concern for senior citizens, for certainly the pressure of an increased shelter cost on people who are on fixed incomes has to be very disconcerting and one that we would all be concerned about. There is \$148 million directed to senior citizens' self-contained lodges, nursing homes, and grants. In terms of rental accommodation, which the hon. member's motion addressed, there is the core housing incentive program, with \$328 million directed to it which will provide an estimated 6,350 units. In addition, there's the modest apartment program, and I don't think we're indulging when we undertake programs like this in what you might call give-away housing, as was referred to by some of the members of their party. I just don't think that's what you might call give-away housing. The modest apartment program has dedicated \$74 million and will produce an estimated 1,600 rental accommodations. In addition, there are 500 units in mobile-home parks, for \$7.5 million. Municipal non-profit housing and community housing together will provide an estimated 2,170 units, for a total budget of about \$130 million.

In terms of home ownership, I realize this is a program — although I don't think criticized by the hon. Member for Bow Valley — that seems to find a fair amount of disfavor in his party policy. They're against these give-away housing programs that are really putting pressure on things in Alberta. If that's a problem, I just wonder why the criticism isn't directed, in terms of this motion, at putting people into housing in the first place. Surely, Mr. Speaker, that's where the problem is. It's trying to help people build for the future. When these mortgages come up for renewal, then we have a problem. I think you have to be consistent.

When you put the criticism that way, I think it also has to be indirectly directed at the Alberta family home purchase program, the farm home lending program, the rural and native housing programs, the rural home assistance programs, and the rural mobile-home programs, for an estimated 10,000-plus units and a budget cost of \$609 million in fiscal 1981-82. Assistance is also directed at keeping down the cost of housing in terms of land assembly and development. These numerous programs, such as the revolving trunk servicing program and the land banking and development program, would amount to just about \$200 million in fiscal 1981-82. Similarly, in order to keep our pioneer citizens in their own homes, we have the Alberta pioneer repair program, spending some \$28 million; handicapped housing grants, emergency repairs, and home conversion programs. All address the primary program of supply of housing.

Mr. Speaker, I know the hon. member who proposed the motion is certainly, should I say, a student of the market place. I know he knows that whether you're talking about housing or pork bellies, supply keeps the price down. When it comes right down to it, interest rates are really the cost of money. So if the supply in terms of housing is kept down, then the cost of the commodity similarly will be kept down.

I would just like to digress for a moment and indicate some of the problems we're having with rental accommo-

dation and some of the observations by the housing industry, where the high and volatile interest rates were a major reason in the decline of housing starts in 1980, for example. With respect to rental construction, the combination of high interest rates, inadequate rents, and the elimination of the MURB incentive by the federal government — which was reinstated — led to a decline in apartment starts from 17,300 in 1978 to only 8,400 units in 1980, even though in 1980 the rental apartment vacancy rates in both Edmonton and Calgary were less than 3 per cent. Those rental starts would have been even lower, says the housing industry, if it hadn't been for the incentive programs offered by the Alberta government. I've already outlined those.

Just to sum up the incentive programs I've mentioned: the Alberta rental investment program, the Alberta municipal housing incentive program, the innovative research incentive program, the neighborhood improvement and community services program, and others. All amounted to some \$39 million. Again, we also had housing affordability, subsidy and operating costs, and they projected at right around \$97 million. I think it's important to address that supply side of the concern, Mr. Speaker.

In fairness, I think the hon. member has directed at a program that would fix — he suggested 15 per cent for Alberta Home Mortgage Corporation loans and, say, the treasury branch. He used the word "stop-loss". Unless you were pretty rigorous about adding on the money that was paid in subsidy, in effect, in terms of capital, I suppose it would be a bit of a start-loss program.

It concerns me a little that this program, if totally underwritten by the government, would have the effect of somebody else paying the subsidy for people who admittedly are in difficult conditions. The people who would be paying the subsidy would be those who already own their homes and people whose mortgages didn't happen to come up for renewal within the period of time the hon. member mentioned in his motion. People who already own their own homes, probably our elder citizens, would be absorbing that subsidy. Like the hon. member who proposed the motion, I would be hopeful that the federal budget would address this problem, and we would have the solution directed and found in the area where the problem belongs.

[Mr. Speaker in the Chair]

Mr. Speaker, in conclusion I have to say that I certainly commend the hon. member for his initiatives, because I know the problem is not so severe in his constituency. It's certainly severe in the urban areas. I think I would have to point out to the hon. member, though, that the private sector is responding in the way he indicated. A considerable number of budget dollars are going into housing.

Finally, I would have to again reinforce his point that the problem started with the federal government's insistence on high interest rates. High interest rates are inflationary because that's that high cost of money. I hope he will not feel too badly when I say that although I commend his initiatives, I think we should be true to that market place that the hon. member and I both think has the answer to the solution, and continue to direct our efforts at convincing the federal government to change its wrong-ended fiscal policies.

Thank you.

DR. CARTER: Mr. Speaker, with respect to Motion 221, I commend the Member for Bow Valley for bringing it forward. As he stated, I am hopeful there won't be other confrontations between various levels of government, especially with a view that the federal government will be able to deal with some of its own housekeeping matters, especially with regard to an issue as important as this.

I must confess that with respect to my colleague from Edmonton Glengarry, I have great admiration for his energy and a fair amount of admiration for his intellect. I think he has great potential. I really was interested in some personal opinions he offered this afternoon, but I would prefer to disassociate myself from some of them.

I realize there is not too much time for me to continue to speak with respect to this motion. I have been quite interested in the amount of material I'd been able to engender on such a topic. But I have been concerned that in various communiques between the premiers and the federal government, from time to time, especially over the last number of months, they have been consistently appealing to the federal government to convene a conference with respect to the whole matter of the economic situation in Canada.

This day of course is an historic occasion, we trust, with respect to the history of this great country of Canada. I think one of the great offshoots of it should be the fact that the federal government can now get down to dealing with the economic situation which confronts this country. With respect to this province, I know there are a tremendous number of programs in place. With regard to '81-82, I note with great interest that we have on board 24,655 additional units coming into the stream of housing, with a budget of well over \$1 billion.

In a recent letter, the Alberta Council of HUDAC commended the provincial government for the amount of input to the economy it has been doing in the whole area of housing. But they also realize that that extended mass of subsidies cannot be supported or assumed on a long-term basis. They put out a number of other problems which must be addressed with respect to delivery of mortgage support, land planning practices, taxation, transportation, and manpower shortages.

Again, I commend the member on bringing the motion forward. He certainly has brought to our attention an ongoing concern that all of us have with respect to the renewal of mortgages and the rental difficulties. I'm certain that come next spring, the pressure will be even much more manifest for all of us to deal with, no matter to which level of government your motion is directed.

Mr. Speaker, in view of the hour, I move adjournment.

head: **PUBLIC BILLS AND ORDERS
OTHER THAN
GOVERNMENT BILLS AND ORDERS
(Second Reading)**

**Bill 222
An Act to Amend
The Alberta Evidence Act**

MR. GOGO: Mr. Speaker, I move second reading of Bill 222, An Act to Amend The Alberta Evidence Act.

The purpose of the Bill is to provide that, with regard to communication from constituents, members of the Legislative Assembly be in a privileged position. Specifi-

cally, the Bill calls for an addition to Section 35 of The Alberta Evidence Act, Section 35(1):

Where a person is called as a witness he shall not be required to give evidence as to the existence or subject matter of any communication whether oral, written or otherwise between him [or her] and a member of the Legislative Assembly, if the subject matter of the communication related [directly] to the role of the member . . . of the Legislative Assembly.

Conversely, no member of the Assembly could be called to give evidence on the same basis.

Mr. Speaker, in my view, the whole purpose of this is to recognize the fact that members in this Assembly today are in a somewhat unique position when it comes to dealing with their constituents. I believe there are many constituents who become engaged in conversations with members of the Assembly, sometimes say things under the belief that what they're saying is information that is indeed privileged, not being aware that both they and the member could be called upon to testify in a subsequent court action. Therefore, Mr. Speaker, this Bill affects every member of this Assembly.

Currently, only three groups of people are not affected by questions of privilege in the province of Alberta. One would be under Section 35 of The Alberta Evidence Act, members of Executive Council of the Legislature, where for very good reasons they are not required to reveal either documents or the source of documents on the basis that it would be detrimental to the public interest.

Secondly — and one that all members are familiar with — is the situation involving a lawyer and client relationship. Indeed, it would be somewhat naive to expect a lawyer representing his client in court, his mouthpiece as it were, to be compelled by a judge to divulge information given to him in confidence by his client which would automatically lead to a conviction.

The third area — and one that's not generally known — is in the province of Alberta. I believe Alberta was about the first of Canada's provinces to institute The Ombudsman Act. Section 23 of The Ombudsman Act states that the Ombudsman does not have to disclose anything to any court of law in terms of information he or his staff may have learned as a result of a resident of Alberta, again regarding — and this applies to the totality of the Bill — only those matters which are under the jurisdiction of this Legislature; in other words, civil litigation as opposed to the Criminal Code of Canada.

In view of the comments made by the Member for Calgary Millican today — indeed an historic day in Canada with the agreements between most of Canada's provinces and the government of Canada — it's interesting to read a document on privileges and immunities. I quote from it: the Canadian federation was not yet two years old — I assume that was 1869 — when there was a very strong disagreement between the dominion of Canada and the provinces concerning the question of privileges and immunities of members of local — which, I assume, would now read provincial — legislative assemblies.

The government of Canada today objected very strongly to the provinces having any such privileges accorded upon the members of the House of Commons or the Senate of Canada which were taken directly from the British House of Commons. They were very concerned that the provinces of Canada would have the audacity to expect to adopt anything in the way of privileges that were then in existence for the House of Commons. How we've grown since 1869. Today, as all members know, certain privileges are accorded to members of this As-

sembly, again dealing only with matters of jurisdiction of the province of Alberta; that is, civil litigation. As members are aware, they can do or say most anything, I guess, in this House and be privileged to the extent that they cannot be held accountable.

Mr. Speaker, it would be interesting to quote just what parliamentary privilege is. It's defined generally as the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the high court of Parliament and by members of each House individually, without which they could not discharge their functions and which exceed those possessed of other bodies or of individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law. I say that because we all know that if people were to go out on Jasper Avenue and say certain things, they could certainly be held liable.

Mr. Speaker, in many cases in their daily lives, I think members of this Assembly are told things by people that even members deem to be privileged. Little do they know that indeed they can't be. As a matter of fact, the record indicates that several years ago, in the '75-79 period, several of the members of the Assembly were contacted by certain people in Alberta regarding a religious organization. If recollection serves me correctly, some members were asked to appear in court as witnesses and produce such letters. Until that time, most people thought it was a privileged communication.

As I'm sure other members are aware, privilege does not exist even between physicians and their patients. In certain jurisdictions in Canada now, mainly Newfoundland and Quebec, privileges are afforded between members of the clergy and their parishioners. The statutes in British Columbia make provision for marriage counselors and their clients.

It's also interesting to look at the basis on which this Bill could be considered; in other words, what criteria should be involved to afford a member of the Assembly a privileged communication. I think it would have to go without saying that the matter we would be considering would be a constituent/member relationship. Undoubtedly, that would be hard to enforce in this day of mobility, when people move so rapidly. However, I suppose in the final analysis, it wouldn't be that difficult to prove.

Just one or two other criteria. The first would be that communications — whether written, oral, or otherwise — must originate in confidence and understood that they would not be disclosed. The element of confidentiality would have to be essential to the full satisfactory maintenance of the relation between the two parties. So it would have to be understood that both the person who was giving the confidence and the member taking it would have to have clearly that understanding. The relation must be one in which the opinion of the community ought to be diligently fostered. For this to work, I don't think for one moment that we could have members of the Assembly not adhering to the criteria.

Too often, members of this Assembly are viewed simply as people who make laws. I think the job goes far beyond that. Most people recognize that MLAs, by their very nature and daily lives, are ombudsmen in effect, dealing between concerns that citizens generally have with their government and the government. I'm sure I speak for all members of the House when I say that a daily part of our lives is dealing on a one to one basis between the constituent who has a problem and the department of government he's involved with. At times like that, things are said and certain statements are made in confidence.

Should they come to civil action, I don't think in any way the member should have to disclose either the content or who it was with.

Mr. Speaker, when one considers the name of The Alberta Evidence Act, one automatically perceives that we're dealing with something that's of a criminal nature. It has to be clearly understood that we're only dealing with the province of Alberta and the jurisdiction of the province. I would think there are members in this Assembly who rather than reveal a source would indeed be found in contempt and go to court. Just three or four years ago in Ontario, there was a case members may be aware of where a member spent several weeks in court because he refused to testify or disclose the source of his information. I would think it's probably an unfair situation to not amend The Alberta Evidence Act to provide some type of privilege to the member to withhold that information.

I realize there are those people in the province who would feel slighted if we were to pass this amendment — certainly lawyers. Lawyers are the only people who now have that privilege. I suppose it's a privileged privilege for those people. Frankly, I don't understand why they would object to it, on the grounds that members of the Assembly are uniquely different from them. Surely they have the best interests of their client at heart. The constituent of the member indeed may well be no different from the client of that lawyer.

I anticipate a strong interest in this Bill because it affects each member of the Assembly. I certainly encourage all those in the Assembly to support it. Thank you very much.

MRS. FYFE: Mr. Speaker, I'd like to congratulate the member for bringing forward this very important issue. As I went through some background material related to the Bill itself, I found that it indeed is a very complex subject but one that is of extreme interest.

Privilege itself is a very complex aspect of Canadian law, and I think it takes some doing to understand precisely what privilege means to the individual member. The Bill itself deals specifically with information, communication, that is provided to a member and restricting the member's use of that or holding that information in confidence.

In order to sort of set out parameters, I'd like to broaden the context just a bit beyond what the Bill has set out, only for the purpose of trying to explain what privilege can mean to members of the Legislature or the House of Commons. The case I would like to refer to is one that has very fundamental significance for parliamentary democracy, which is enjoyed by at least 1 billion people throughout the world. I'd like to review the events leading up to a situation that happened in the British Columbia Legislature, where a wiretap had been placed on a member's telephone.

It began in June 1980, when a special committee on privileges was appointed by the Legislative Assembly of British Columbia. This committee reported to the House that an unauthorized interception of communication of a member of the Legislature had amounted to a breach of privilege and contempt of the House. This was preceded by a wiretap, an investigative measure which is frequently used and is covered under the Criminal Code. In fact, rather stringent procedures must be complied with in order to have a wiretap in place. It has become rather commonplace.

During the conversations between two persons in Brit-

ish Columbia who were suspected of criminal activity — the investigation being carried out by the Royal Canadian Mounted Police — a member's name was mentioned on a number of occasions. Evidence given in the Supreme Court of British Columbia disclosed that the persons involved in the conversations had in fact been conspiring to bribe the member for the purpose of personal gain. At this point in time, someone in the investigative team must have concluded in the interests of justice that it would be necessary to seek court permission in order to intercept the communications of the member.

After numerous committee hearings in the Legislature, the decision would eventually show that police powers do have limits in a democratic state and that they must strive to protect the privilege and confidentiality of communications between constituents and their elected representatives. After having gone through the process of getting permission, permission was granted. In fact, it was renewed on several occasions. Fifty-three thousand conversations were intercepted by the police. The police obtained authority to tap the conversations at the [member's] home, in his Legislature office, and in his constituency office.

On March 3, 1980, the matter was raised in the Legislative Assembly by the member, and the Speaker was asked to take the matter under advisement. Several days later, the Speaker allowed the usual motion to be moved on the basis that a *prima facie* case of breach of privilege and/or contempt had in fact been made. From this point, a special committee of privileges was struck. This committee was instructed to ascertain and carry out certain preliminary investigative work. Accordingly, they had discussions with the RCMP who had carried out the investigations, with Crown counsel, and a number of different persons who had been involved. The committee sat on a fair number of occasions, heard several dissertations, and reviewed material and reports from other jurisdictions dealing with this very old law of privilege.

The issue in fact was an emotional one, and still is. On one hand, the police took the position that they had legally sought and obtained the permission to put an interceptor, or wiretap, on the member's phone lines. On the other hand, the committee emphasized that the members of the public have the undoubted right to communicate with their member, whether it's a member of the Legislature or of Parliament, unless — and this is very important — there is any direct implication with crime on the part of the member. The public should have the right to feel free to communicate as a constituent without the shadow of anyone listening in or intercepting that call.

The committee felt that the heart of the matter was that the mere mention of a member's name and the disclosure of plans by certain persons suspected of criminal activity were not in themselves reasonable grounds to allow the wiretap to take place and interception of private conversations between that member and his constituents. In the strongest possible terms, the committee emphasized that the Members of the Legislative Assembly have no immunity from law, so there is no attempt in the recommendations or deliberations of the committee to insinuate that the member can be immune in any way from law. It would have been easy in some situations for the lay person to misinterpret that aspect, so that point was certainly emphasized very heavily. The principle clearly discounts the notion that any special privilege resides for the member himself, but in effect the privilege is for the constituents.

The question of a possible breach of privilege or contempt did not appear to have been reviewed by the investigating persons in the first place, the RCMP. Apparently they had not considered this possible aspect, feeling they are totally within their rights and jurisdictions to place this tap. During its deliberations, the committee was unable to find a single precedent in any jurisdiction where a breach of privilege or contempt had occurred.

The case, as submitted, was adopted by the House on August 22, 1980. The recommendations from that select committee included recommendations that after extensive evidence and consideration, it was the unanimous opinion of members of the committee that the described actions of the RCMP constituted a breach of privilege and contempt of the House, and that this relates to the interception of the member's communication from the legislative office and from the constituency office while the member was in session. They did not include the calls that had been intercepted when the House was not sitting and calls that had been intercepted from the member's home; only from the two areas.

A further recommendation of the committee was that no action be taken against the RCMP as there was no available evidence upon which the persons involved could have been aware that such actions in fact were breach of privilege or contempt of the Legislature. The committee made no specific findings relating to interception of the communications that involved his home when the House was not sitting. Further, the committee was unanimous in its opinion that fear of intercept, such as this one, obstructs the member in his or her performance of duties. Also they emphasized there could be no immunity where there is evidence the member may in any way be implicated in the commission of a crime. In this situation, there was no evidence of any criminal activity on the part of the member in any way, shape, or form.

The committee concluded that the benefit of privilege was to the constituent and to the public at large, not to the member himself. The member has no special status, but holds his privilege in trust for the electorate, and privilege only extends to the extent of the role as a legislator.

I use this example not as it applies directly to the Bill itself, Mr. Speaker, but I do feel it is one that has to be considered as part of the total picture in considering privilege and the rights the electorate has in being able to communicate with the person who really is acting as mediator on their behalf. Perhaps in this province, where we have an ombudsman who is active and works on behalf of individuals, there are certain areas where it is not necessary. On the other hand, there are many constituents who may wish to call their member on issues that are extremely sensitive, and issues which would not apply to the direct jurisdiction of the provincial government and would not have direct course to the ombudsman.

So I think there's a whole area in which constituents would be well served by the inclusion of this clause in The Alberta Evidence Act. I support the member's Bill on the basis that communication between MLAs and their constituents would be fostered and that the democratic process would be enhanced if communication were free and were allowed to remain confidential. I hope other members will support this bill.

MR. COOK: Mr. Speaker, I too would like to rise and support the Bill presented by the hon. member . . .

MR. SPEAKER: Order please. I wonder if the hon. Member for Edmonton Glengarry and the Assembly would agree that the hon. Leader of the Opposition might revert to Introduction of Visitors.

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF VISITORS**

MR. R. SPEAKER: Mr. Speaker, I would like to introduce three friends and guests in this Legislature at this time. First of all, I'd like to introduce a former Premier of the province, the Hon. Harry Strom — I'd like him to stand — Mrs. Ethel Wilson, a former minister of the government, and Mr. Orvis Kennedy, executive director of the Socred Party.

head: **PUBLIC BILLS AND ORDERS
OTHER THAN
GOVERNMENT BILLS AND ORDERS
(Second Reading)**

Bill 222
An Act to Amend
The Alberta Evidence Act
(continued)

MR. COOK: Mr. Speaker, I too would like to rise and support the Bill the hon. Member for Lethbridge West proposed to the House today. It seems particularly appropriate on a day when we have some former illustrious parliamentarians in our gallery that the hon. member has had the opportunity to have this Bill presented, because it does reflect a keen interest and sense of parliament, an interest in the traditions and history of parliament, and a desire to make the Legislature and parliamentary traditions grow. They are a dynamic force in Canadian politics. I'm interested because obviously the member has a concern for the privileges of individual members of the House, and he wants to strengthen members in their role as servants of the public.

Mr. Speaker, I know that in my own case, often the kind of information I receive from a constituent in a particular case is not the kind of information that would be well served if it were made public in a court of law if the government didn't appreciate a particular point of view or didn't support a case and wanted that information turned over. I think this is really an attempt to strengthen the role of the individual members of the Legislature and their service of the public, either the constituent or the general public as a whole, in public policy matters. I'm thinking of cases where a constituent has a pension problem, or we had a case recently with the Church of Scientology in this province where some member's correspondence was requested by a court of law to be produced as evidence. I don't think the individuals there or constituents were well served in having that correspondence made public.

I know some activities are planned for the next few minutes. I would like to close my remarks by saying I think the member has done the House a service by bringing forward this concept and idea. I think it bears further scrutiny. I certainly give it my wholehearted support and look forward to its eventual passage. With that, Mr. Speaker, I beg leave to adjourn debate.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, I know you will be able to overview very briefly for hon. members what is now proposed. In a moment, I will move that it be called 5:30 and that the House be adjourned until 8. Maybe I can deal with that first, and indicate that the House will sit this evening. We propose second reading of Bills on the Order Paper, with the exception of Bill No. 69 and Bill No. 80; otherwise, in order as they appear on the Order Paper.

Mr. Speaker, we now look forward to the procedures which will take place in the Assembly after the Assembly adjourns for the afternoon, and to welcoming certain people on the floor of the Assembly. I would leave the addressing further of that matter to you, Mr. Speaker, and move that we call it 5:30.

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

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

Bill 77
Judicature Amendment Act, 1981

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill No. 77, the Judicature Amendment Act, 1981.

Basically two principles are involved in this Bill. One assures consistency in the question of legal representation on behalf of boards, agencies, and any emanations of the provincial Crown. It assures that insofar as a case involves a constitutional matter, the representation will be that of the Attorney General or his designate.

Perhaps the other point, Mr. Speaker, is really only a variation of the existing law, which already requires that notice be given to the Attorney General in any case in which it is proposed that a constitutional issue be raised. I might mention that from time to time our experience was that notice was sort of scattered, intermittent, or uncertain, and that sometimes our counsel were appearing after notice had been given of the fact that a constitutional point was to be argued; probably notice strictly speaking within the terms of the existing legislation, in that they did in fact have notice but very often inadequate notice. Considering the apparently increasing number of constitutional cases that were coming forward, up until the present time at least, we thought it would be good if a simple and reasonable requirement for 14 days' notice to the Attorney General was put in.

The Act also applies to notice that must be given to the Attorney General of Canada in cases in which a statute of Parliament rather than a statute of the province might be argued in the constitutional sense.

Mr. Speaker, those are the principles, and I recommend that members support Bill No. 77.

[Motion carried; Bill 77 read a second time]

Bill 85
Labour Relations Amendment Act, 1981

MR. YOUNG: Mr. Speaker, it's my pleasure this evening to move second reading of Bill 85.

By way of explanation, Mr. Speaker, several amendments to The Labour Relations Act are included in Bill 85. The first really is a matter of clarification. The amendments result in the ability of officers of the Labour Relations Board to question an employee during regular working hours without his employer being present. They also enable officers of the Labour Relations Board to question the employee during a hearing of the board. But under our regular statutes, of course, the employee is not bound to respond if the response would be incriminating to the employee.

One of the more substantive matters contained in Bill 85 has to do with making sure that employees involved in trying to obtain representation by a trade union via the petition route are protected in terms of the employer's knowledge of who has actually signed the petition. When we passed The Labour Relations Act, the protection now afforded to employees who become members of a trade union by signature of a membership card and payment of a union fee — in which case there is a prohibition on the Labour Relations Board from indicating to the employer who has signed — was inadvertently not afforded to employees who signed petitions. The second amendment contained herein will afford that protection to petitioners.

The third amendment contained in the legislation is perhaps the most substantive. Again, it relates to an attempt to correct an oversight in the existing Labour Relations Act. The amendment we're addressing this evening relates only to the instance of a newly organized or certified trade union or bargaining unit. In that instance, the process is that the employer cannot change working conditions from the date of application for certification until the Labour Relations Board determines that a majority of the employees in normal circumstances favor union certification. Once a decision is rendered, if the decision is positive — that is, if the union is certified — there is an automatic 30-day freeze on any changes in the relationship between the employer and employees, unless it is by mutual consent.

The proposed amendment continues that 30-day freeze, post the date of certification, and permits that if either party — the union or the employer — within that 30 days, serves notice to bargain collectively, on the day of the service of notice is commenced a period of 60 days in which a work stoppage is not possible, either by reason of lockout or strike. If a collective agreement is not in place at the end of that time frame, the parties are free to proceed in the normal course in the event of a dispute.

The reason for the provision is to assure that if the parties desire to bargain collectively, they will be in a situation where that honest desire has time to mature: time to understand what collective bargaining is, time to appreciate the individuals they're dealing with on each side of the table, time to go through the bargaining process, hopefully without any spontaneous or inadvertent error and work stoppage. It is believed that if in 60 days the parties cannot come to a collective agreement and do not mutually wish to continue making that effort, then they should be in a position to go to the next stage, which is a level of economic warfare, if you wish. It could be work stoppage.

The 60 days identified here are selected because in the normal course of renewal of a collective agreement, there

is a provision in the statute that the collective agreement may be open not more than 90 days before completion of the agreement and not less than 30 days. Sixty days is obviously the average of 30 plus 90. It was felt that that, combined with the provision of the 30-day freeze, would provide both parties sufficient opportunity to negotiate should they choose to do so. I should point out that if neither party served notice to commence collective bargaining during the 30-day freeze, which is automatic after certification, they obviously could move directly into a work stoppage at the end of the 30 days if that would be their will.

I should mention that this point is sensitive to some small degree. The consultation we have had has provided two sets of advice from the trade unions. As you will appreciate, the nature of trade unionism in Alberta today has presented us with several different voices purporting to speak for the different elements of that interest group. One part of the trade union movement would like less than 60 days; the other would like more than 60 days. This is the best compromise we're able to achieve. In our judgment, having looked at legislation in other parts of Canada, it is the fairest approach we can take. I should tell hon. members that there have been attempts to force arbitration in first agreement situations. The experience with those initiatives has not been very successful and, in fact, I'm quite sure will be reconsidered.

Moving to the fourth area of amendment. There is now a provision in The Labour Relations Act that in the event of a disagreement as to the meaning or interpretation of a collective agreement, the parties shall resort to a system of final and binding arbitration. I speak only of where a collective agreement is in effect and the question of interpreting the meaning of the agreement. It has come to our attention that there is a possibility that a defective mechanism could be in an individual collective agreement which would preclude the operation of the provisions we have applied by statute, which would ordinarily operate where there is no mention in the collective agreement of any system for resolution of differences.

There is a possibility that where the parties have tried locally to arrive at a grievance procedure, it can be defective and allow them to be stalemated, unable to get past the appointment or actually achieve the appointment of the arbitrator. This provision will enable the Minister of Labour, on request of either party, to appoint an arbitrator on behalf of the party, in order to effect and put into operation the provisions for arbitration. I may add in passing that it will also deem the appointee to be the financial responsibility of the party on whose behalf the appointment is made.

I think that brings me to a conclusion of the major items. There is one other item which is strictly a correction of a typographical error. Where the former legislation read "employer", it should have read "employee". It made a very significant difference in the interpretation of the particular section of the statute, and that is corrected.

Mr. Speaker, I urge hon. members to accept this Bill at second reading. Perhaps before I resume my seat, I could indicate that these are for the most part relatively minor amendments and should affect relatively few situations. They are considered, however, to be very important in those few situations. Parties that have been consulted with in this case — the Alberta Federation of Labour, the Alberta and Northwest [Territories] Building Trades Council, the Canadian Manufacturers' Association, and the Alberta Chamber of Commerce — have all had the

opportunity to reflect their views on these changes to departmental officials and to me.

MR. NOTLEY: In rising to address a few comments to Bill No. 85, I recall the debate that took place in the House last fall, Mr. Speaker, when we made major changes to the Act. We saw not only The Labour Relations Act brought in by the government but The Employment Standards Act. At that time, during discussion of both Bills, I pleaded with the government to delay enactment so there could be further consultation with — to quote the Minister of Education, who likes to use this terminology — the stakeholder groups. The government said no, we've done enough consultation. They pressed ahead, notwithstanding the fact, as the minister well knows, that a year ago there were a number of major concerns on both Bills that we are amending today.

Today, a year later, we see amendments. The minister tells us that they are essentially housekeeping amendments. Several of them are, and it's not necessary to debate those amendments. But in my judgment, Mr. Speaker, several provisions in Bill 85 deserve some attention by the House. I regret we're in this stage. Had we had further consultation a year ago, before the government pressed ahead with the two Bills last fall, had they held them over until the spring, it may well have been unnecessary to bring in amendments and go through the same process again.

The minister has advised us that there's been consultation with the Alberta Federation of Labour, the building trades, and the Alberta Chamber of Commerce. It's my understanding — and the minister can correct me if I'm wrong — that there was an initial meeting with the Alberta Federation of Labour, but certainly the kinds of suggestions we have presented to the Legislature today were not agreed to by the Alberta Federation of Labour. They have some real concerns about them.

Let me deal with sections 8, 9, and 10, the principles contained in those provisions. The minister has essentially suggested to the House that we've got the building trades saying they want a shorter period of time and the Federation of Labour saying they want a longer period of time, and this government in their balanced way took the happy medium, the epitome of sweet reason, when one hears the minister. Except, Mr. Speaker, it seems to me that a couple of points really must be made. The building trades have a case. They've been arguing for a reduction of the time required before a work stoppage can take place. After all, the building season is relatively short, so it makes a fair amount of sense that they have the option of going ahead. As I understand sections 8, 9, and 10, we're not just talking about either a lockout or a strike; that's one part of it. We're talking about something equally as important: the right of the employer to make changes in working conditions and wages after the 90-day period and thereby undercut the collective bargaining process.

Mr. Speaker, if the collective bargaining process is to work, we have to balance two pretty fundamental realities. On one hand, you have the reality of the person who owns the business, the strength of capital. That is an individual strength, represented either by an individual entrepreneur or by a company. On the other hand, the only way that workers have any counterbalance, if you like, is the collective strength they exercise through a union. Now some people may or may not like unions; that's irrelevant. But that is the sort of tradition, if you like, of collective bargaining. You have the strength of

capital against the collective strength of people gathered together in a union.

The problem with any provision which allows changes in working conditions unilaterally by the employer is that it can undercut the union. Instead of these proposals going automatically on the bargaining table as they should once negotiations have begun, to become part of the give-and-take of the collective bargaining process, you can, if you like, have an employer circumventing the whole process, delaying any action for 90 days, and going the route of attempting to undercut the union. Unless the minister thinks it won't happen here, he might well look at other jurisdictions, both in this country and elsewhere on the continent, and find that indeed it can happen.

Frankly, that's a concern of the Alberta Federation of Labour, and it should be clearly stated. It's not just a simple matter of time. It's a fundamental question that relates to collective bargaining procedure and unilateral action by one side of the equation. This government should be very hesitant to embark upon any local act that encourages unilateral action, after all the things I've heard about the constitution dealing with the provinces, you know. And I agree with those concerns. Similarly, if we're going to make the collective bargaining process work, you do not bring in legislation, however well-meaning, that will have as its ultimate effect the opportunity for an employer to do an end run around the collective bargaining process.

That will come back to haunt us. Those of us who believe that collective bargaining is appropriate, that it's the best possible method of being fair to working people on one hand and maintaining the type of balance required between labor and capital, have to protect that concept and make it workable. As I read sections 8, 9, and 10, I say to the minister, with great respect, that there is going to be a subtle erosion, perhaps not used by most employers. The minister is probably right when he says this will be dealing with the exception rather than the rule. But those exceptions can be important.

Mr. Speaker, I want to deal with one other aspect of the Bill on second reading. That is amendment 6, which deals with the certification procedure. The legislation we passed a year ago said there must be a combination of existing members, people having paid dues, and names on a petition, and that this must represent 50 per cent of the work force in order to constitute a petition for a certification vote. That has been changed. Now it's signed-up members and existing members or names on a petition. In other words, instead of taking three, lumping them together, and getting 50 per cent, we have two in one group and one in the other, which must constitute 50 per cent. The impact of that is to make it somewhat more difficult to gain the right to have a vote.

I want to draw members' attention to the demands, the tests we have in the legislation. You know, I could see the minister wanting to sharpen his pencil if what we're talking about here is automatic certification. But we don't have automatic certification. We went through that hassle a year ago in the Legislature. We have a vote that is ordered by the Labour Relations Board. In other words, once we get an application for certification, we must go through the process of having a properly constituted vote.

Mr. Speaker, when I contrast the tests required here to organize — which are quite substantial — with the tests, for example, in the city of Edmonton, the city of Calgary, or any municipality in the province to get a plebiscite, of course it's nowhere near. Because after all, we're not talking about unionization; we're talking about a vote to

determine whether a union will come into a particular shop. We have to be clear about what we're addressing. The ultimate power still rests with the members in a properly constituted vote. It's just a question of whether that vote can take place.

Now, Mr. Speaker, in this amendment we're setting out a fairly detailed test which, I'm told by organizers in the field, is a little more difficult than it was before. Because before we could take any one of three things, lumping them together. Now we aren't able to do that. But I put this point, and I mentioned it a year ago but I really think it needs to be mentioned again: is the test of 50 per cent before we conduct a vote really necessary? Is it reasonable? Why should we not look at a lower figure?

Mr. Speaker, I suppose the place to begin might be to contrast the tests we have as members of the Assembly. If one were to take those of us who can stand in our places and say we represent 50 per cent of the eligible voters, no more than two or three members of the House could stand and say, yes, we would meet the test of a labor relations assessment to even have a vote. But as I look over the results of the last election — I bring this in as a matter of interest — there are eight ridings where not even a majority of the people voted, including I might add, not to embarrass the hon. minister, the riding of Edmonton Jasper Place, where 49.5 per cent of the people voted, 50.5 per cent failed to vote. If we were to apply to members of this Assembly the same kind of rigid standards the minister is asking for a vote for unions, there would be no more than a very tiny number of elected members in this Assembly, and one of the people who wouldn't be here would be the Minister of Labour himself.

I raise the point, Mr. Speaker, because if you're going to have a supervised strike vote in any event, why in heaven's name do we have to go through this very difficult, cumbersome procedure? This government is always telling us they want to eliminate red tape, cut through red tape, make it simpler, less bureaucracy, let's get to the heart of things. Then we have a Labour Relations Act that you almost need to be a Philadelphia lawyer to — it's a great labor Act for the lawyers, I might say. There's no question about that. You know, people do very well in the legal business these days. If you can't do well in other areas, certainly go into the labor relations field because there are all sorts of opportunities that this Act is opening up. But why do it? Why not simplify it? Why not make it consistent with other provinces in such a way that we don't exact upon people who want to organize what, in my judgment, is frankly an unreasonable test.

While the minister has addressed his comments to the House in a very moderate and almost diplomatic style — he always is, of course — the fact is that people in the labor movement in this province have some concerns. In his summary of the debate, I invite the minister to deal specifically, point by point, with concerns that have been expressed, not by me, although I have indicated that I certainly support those concerns, but concerns that have been brought to my attention — and I'm sure have been brought to other members' attention — about the two issues I think are most relevant in the Act. What is vital — and I say this as bluntly but also as sincerely as I can — is to maintain unimpaired the integrity of the collective bargaining process. It is the collective bargaining process that gives us some order out of the jungle. It seems to me that the more we play around with it by having unnecessary regulation, the greater the potential for the erosion and ultimate collapse of that process.

The government must clearly convince not only members of this House — which may not be a very difficult thing to do, with the odd exception — but more important the tens of thousands of working people in the province that this is in its totality an even-handed measure. Right now I think it's fair to say that many people, who the minister knows as well as I do, are very concerned about these sections and would want, not necessarily Merv Leitch-like explanation, but a fully comprehensive, exhaustive if not exhausting, explanation as to what the government has in mind.

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

HON. MEMBERS: Agreed.

MR. YOUNG: Thank you, Mr. Speaker. I shall try not to be exhausting, but I will try to be exhaustive in terms of the response.

First of all, let me deal with the question of delay that the hon. Member for Spirit River-Fairview raises. We have here four or five amendments of which the hon. member, in his comments, has raised two as being substantive. About a month ago, in my last meeting with the president of Alberta Federation of Labour, that honorable gentleman indicated to me that he was going to take issue that there was not enough time to study these amendments. Now that comment followed on some other weeks of time that he had had. I speak now, Mr. Speaker, of persons who live, breathe, know, and work daily with this statute. There are probably no other persons around who should have any better understanding than those persons. We are talking about very few amendments, and only a couple of them of significant or substantive nature.

He told me he would be complaining that they did not have sufficient time. I guess my response — and I regret it has to be this way — is that there is a request before us for a charter of workers' rights, and any amendments which don't include a charter of workers' rights will be met with, first, inadequacy in terms of the content and, secondly, an allegation of inadequate time to consider or whatever other approach may be taken. I regret it's a fact that that's the situation that does seem to prevail in relation to the Federation of Labour at this time. I suspect it doesn't make a useful contribution on their part any easier, nor a useful response on my part any more possible.

With respect to being fair-handed, even-handed, I think I should tell hon. members what did previously exist. That was a provision that once a union had applied — and I speak now of The Alberta Labour Act preceding The Labour Relations Act — for certification, the relationship, the working conditions of the employer could not be changed until that certification had been dealt with, yea or nay. If it was positive, if the union was certified, a 30-day freeze went into effect, and bargaining could commence. The freeze remained until a conciliation commissioner became involved in an impasse, on request of either party or appointment of the minister. At that point, the provision was that the conciliation commissioner either got a resolution or reported out. Our judgment of the length of time that process took was 90 to 120 days after certification of the bargaining unit. In our judgment, that was the maximum it should have been, and that may be stretching it a bit.

So we haven't really changed anything very much in terms of the freeze on the employer's ability to change the

employment relationship. Remember, we have here a freeze which prohibits the employer of making any change in the relationship, the working conditions of the employees, from the time the union applies for certification until that hearing is held, until a decision is then made dealing with the certificate one way or the other. If it is positive, at that point a 30-day freeze takes effect and the parties commence bargaining if they wish. If they commence collective bargaining, the freeze continues for another 60 days. So effectively, we have what could be a 90-day freeze post the date of union certification.

The question is: is that even-handed? I put it to all hon. members: is it even-handed to leave the employer in a position where no change for any reason can be made in working conditions for those employees for unlimited time? Doesn't that tilt the scale in favor of the union, which can sit on its duff and not bargain? So, I agree with the hon. member that it is a question of being even-handed. But it seems to me that being even-handed in this situation is coming up with a reasonable time frame for both parties.

Now, we looked at this question. We discussed with the Federation of Labour and others the possibility of rather than go this route, shall we leave it at the discretion of the Labour Relations Board to make a decision on request of the employer to change working conditions. If the request seems reasonable, the Labour Relations Board might permit. If it's unreasonable, the Labour Relations Board wouldn't permit. I can assure you that the Labour Relations Board wasn't enthused about the request, the Federation of Labour didn't like that approach, and neither did the chamber of commerce: nobody, in short, really liked it. I can understand why. Talk about complexity: it would be very difficult, and it's not something I particularly wish to see. But it was one approach; it was not acceptable.

So what approach would be acceptable? Again, we looked at what happens in terms of renewal of agreement, came up with 60 days, which is a reasonable norm, and suggested to the parties that this might be the best of a difficult situation. I've already indicated that we had a different response from the two sectors of the trade union movement. My hon. colleague from Spirit River-Fairview suggests that, well, the building trades can take that approach because they have a short building season, et cetera. What we should be alert to is that the building trades in this province are organizing more than just construction sites. They are organizing fabrication shops and ongoing situations, which potentially makes for some other interesting scenarios to come. But in any event, the application in the interests of the building trades is much more significant than the hon. member's suggestion would have us believe.

In my view, Mr. Speaker, given the fact that one has to be fair, has to try to keep the scales in balance for the employer and for the trade union, we arrived at the point of saying, all right, if the parties are sincere — naive possibly, but sincere — 30 days plus 60 days gives them the time to learn about one another, to understand the process they're in, and to have made a good effort at arriving at a collective agreement. If they are not sincere, if they are bound to take one another on, we have a rapidly deteriorating situation in the work place which must be harmful to the employees and to the employer. So let them have at one another and sort the situation out once and for all. That was the approach that was taken in this particular situation.

With respect to the third issue the hon. Member for

Spirit River-Fairview raises, the question of the petition route for union certification. Just to refresh our minds, currently there are three routes. One is if the union can demonstrate by evidence of membership cards that 50 per cent or more of the employees of an employer are members of the trade union in good standing, and if the membership is not challenged as having been obtained in an unfair manner, certification is automatic on presentation of the evidence before the Labour Relations Board. That's route number one. That has to do with signed membership cards.

Route number two is if the trade union can show that at least 50 per cent of the employees have paid a membership fee to join the union; in other words, receipts for membership fees. If that can be demonstrated and is not challenged, certification by the Labour Relations Board is automatic. Those two routes can be combined.

We tried to clarify the third route, which is a petition route, in The Labour Relations Act. And I want to point out that the petition route was tried once before in the case of the Alberta Government Telephones inside employees, under the old Alberta Labour Act. It wasn't successful, but at least it was tried. We tried to clarify it in this legislation, to make the procedure clearer for everybody. The attempt was successful except in one respect: the wording inadvertently led to confusion as to whether it was possible to recognize petitioners, plus members in good standing, plus persons who had paid a membership fee to join a union. At the time we changed this, our view was, and now is, that if a union goes the petition route it should be petition all the way, because petition is very easy to get as the hon. member well knows. He does deliver us the occasional petition, and I'm sure he doesn't slug it out too heavily in order to garner the names for the petition.

What have we got then? We have a process in which if 50 per cent of the employees sign a petition — if it is considered to have been obtained in a fair manner — they have the right to request a vote on whether or not the union will be the selected representative of the employees. I should say to the hon. member that that route is already being used. It is being used right now by Alberta Government Telephones inside employees.

I want to describe the process for the hon. members, because the hon. Member for Spirit River-Fairview makes much of the need for 50 per cent. Unlike the constituents who voted or didn't vote for me — who had to go out to the polling booth and vote — in the case of Alberta Government Telephones, the Labour Relations Board has already sent each employee a secret ballot by mail. They can mark that ballot, drop it in the nearest post box, return it in the manner prescribed, and that's all there is to voting. Now if 50 per cent of them chose not to vote, chose not to put themselves out that little bit, then I suggest that the request, the strength of feeling, the desire for a union of that particular type isn't very strong. That process is under way now, and I think it is a very fair process. It is entirely secret ballot, controlled by the Labour Relations Board.

That's the route we're trying to make absolutely clear here. From my point of view there is no change at all in principle or in substance, but an effort to make sure that people do not get trapped in confusion. Surely, if a person is willing to pay to join a union or has a union card in his pocket, he should be equally ready to sign a petition saying he's interested in having a secret ballot.

The only other comment I want to make is that the hon. Member for Spirit River-Fairview reflected upon the

legislation as being complex. As far as I've been able to see from comparing it with other legislation, it's pretty straightforward. A number of moves made last year were made with the specific objective of making the legislation live for those not learned and not trained in the law. Furthermore, the very point I've just dealt with, the clarification of the petition route, has the same objective: to make interpretation by the lay person possible without necessarily resorting to trained legal counsel. The hon. member said that those who can't do well otherwise go into law. If he feels frustrated, I'm sure his experience in the political life of our province will stand him in good stead when he submits his application to the faculty of law at the university.

[Motion carried; Bill 85 read a second time]

Bill 86
Employment Standards
Amendment Act, 1981 (No. 2)

MR. WEISS: Mr. Speaker, I move second reading of Bill 86, Employment Standards Amendment Act, 1981, (No. 2).

The amendments to The Employment Standards Act contained in Bill 86 follow from consultation with various interest groups in Alberta, including the chamber of commerce, the Alberta Federation of Labour, and the Canadian Manufacturers' Association. While the majority of the changes are designed to simplify or clarify the application of the Act, there are two specific policy changes. Therefore, they warrant explanation and clarification to the Assembly.

The first of these is the addition of Section 99(1), providing for the reciprocal enforcement of officers to change their orders of the labor standards branch in other provinces. Two other provinces, British Columbia and Saskatchewan, have similar provisions in their labor standards laws. The result of this amendment will be that judgments made against an employer situated in Alberta will be enforceable in B.C. and Saskatchewan. Should the employer relocate there, once they are filed with the courts of these provinces, judgments made in those provinces will likewise be enforceable by the labour standards branch of Alberta. The change significantly increases the opportunities for redress to employers, wrongfully deprived earnings, and conversely limits the opportunities for evasion by employers who have had judgments made against them. Now the second major amendment . . .

MR. SPEAKER: Order please. The hon. member reads well, but even that is contrary to practice.

MR. WEISS: Thank you, Mr. Speaker. I guess I could answer yes.

The second major [amendment], contained in several clauses throughout the Bill, pertains to the collection of wages, vacation pay, and holiday pay, particularly between employers and employees. At present, the power of the branch is limited to collection of the minimum levels. This will now allow the labor standards branch to assist in the collection of levels of pay that they've had problems with in the past.

Further amendments relate to holidays to which employees are entitled. The first amendment relates to general holidays, to include any day that's been agreed upon by the employee and the employer. It certainly will allow some flexibility, in that when an employee does have a

holiday, he'll be able to come back and not have to take that specific day attached to his vacation. It provides the needed flexibility to both employees and employers.

An amendment to Section 34(2) of the Act resolves the dilemma that exists at present. Under the current law, where an employee is paid by the week, his vacation pay is equal to the weekly wage. When the weekly wage varies, the application of this provision is very confusing. The Bill will provide that when the employee is paid other than by the month, his vacation shall be 4 per cent of his yearly earnings. This is a complete reversion of the provisions of the Labour Act, which The Employment Standards Act superseded, as it is similar to the provisions regarding termination pay.

One of the most important administrative changes made in this Bill relates to the keeping of employee records. Previously, all records had to be kept and maintained in the province of Alberta. In light of the growing use of computers and resulting centralization of information and storage packages, they would allow the employer to maintain these records outside the province. There will be strict control, and of course these records must be made available within a reasonable time upon request.

Mr. Speaker, I urge all members to support this Bill.

MR. NOTLEY: Mr. Speaker, unlike Bill 85, I certainly intend to vote for Bill 86. But I think it would be useful in examining the principles contained in Bill 86 to reflect for just a moment, not only about the minor amendments that are made, although they are useful, but about what the Act doesn't contain. Perhaps in the course of the debate, we might ask the minister or the hon. member sponsoring the Bill to respond to several questions.

When talking about The Employment Standards Act, Mr. Speaker, I think we should take a good deal of time to examine this Act and not rush, because we're talking about the only kind of protection the unorganized have in the province. It's one thing when you've got the protection of a union and a collective bargaining situation. But The Employment Standards Act sets out the minimums that are there, the sort of bottom line, if you like, for the many, many thousands of Albertans who are not enrolled in a union of any kind, who have no collective bargaining procedure as such, and therefore have to depend upon The Employment Standards Act.

I say to the minister, first of all, that I think it would be useful for this Assembly to have a fairly frank review by the Minister of Labour of the assessment of the department, and particularly of the minister, of the Alberta Federation of Labour's workers' rights campaign, the declaration of rights. Because contained in the declaration of rights are some pretty significant provisions which, would reshape not only The Labour Relations Act that we dealt with, Mr. Speaker, but more particularly The Employment Standards Act. As I look over the Bill, it does not contain any change, for example, in the rather bitterly debated provision last year that under the terms of this Act, handicapped Albertans can be exempted from the minimum wage. The minister argued the case last fall. I didn't agree with him then; I don't agree with him now. The standard work week in this province, before which overtime is not applicable, is still 44 hours, leaving Alberta as the only province in Canada to contain this particular provision.

We have the situation in holidays. The hon. Member for Lac La Biche-McMurray raised the issue of holidays. As I understand the legislation, an employee can be required to work up to two years less a day before being

eligible for holidays, other than the statutory holidays. That same employee can be required to work for an employer for up to 20 years without receiving more than two weeks' holidays a year. Again, Mr. Speaker, we're dealing with people who aren't organized. It certainly isn't going to be the situation where you have organizations representing working people. But for the many thousands of Albertans who aren't in trade unions, this is the bottom-line legislation.

I'd ask the hon. Minister of Labour, and perhaps the Member for Lac La Biche-McMurray as well, to deal with the issue that I know is particularly of concern to the McMurray Independent Oil Workers; that is, the issue of compulsory overtime. I had an opportunity to be in Fort McMurray in June and met with members of the union executive. We had questions raised, both by the Member for Lac La Biche-McMurray and me during the spring session, and the minister outlined certain responses at that time. I ask the minister to specifically advise the Assembly what the position of the department is now, with respect to the issue of compulsory overtime, and what the government's response is to the McMurray Independent Oil Workers' very strongly felt view that the issue of compulsory overtime is inconsistent with their view of even-handed labor legislation.

Mr. Speaker, in concluding my remarks on Bill 86, I just say to the members of the House that it is not just the question of the rules of the game for collective bargaining that we're dealing with in these two Bills. We certainly deal with that in Bill 85, The Labour Relations Act, or its predecessor last year, the amendment, which I believe was Bill 79 last year. But in Bill 80 last year and Bill 86 this year, it is important to stress and restate the fact that this is the protection for people who cannot otherwise protect themselves. It's one thing when you've got the balance between labor and capital, between the organized trade union movement and capital. You've got the kind of protection that is best for government to stay away from. The minimum amount of intervention in the collective bargaining process is the most appropriate course to follow. But where we don't have that kind of balance, then somebody has to protect that mechanic in a small shop, or the waitress, or the many thousands of people who are now earning if not minimum wage just marginally above the minimum wage. It is this Act that has to set out those standards.

I know there has been some representation, certainly some people at the steps of the Legislature a few months ago. But I would ask the minister to take the time to respond fully to the request of the Alberta Federation of Labour for a charter of workers' rights. And specifically, what consideration is being given to the issue of affirmative action in reverse for the handicapped, the 44-hour work week, the question of no provision for coffee breaks, and the holiday time issue?

MR. YOUNG: Mr. Speaker, if I could begin to respond to the hon. Member for Spirit River-Fairview, and deal first with the McMurray Independent Oil Workers, and juxtapose to the question he raises there, two of his comments. The first comment he made was that The Employment Standards Act should have primary application; in fact, was the only source of protection for the unorganized. I remind him that the McMurray Independent Oil Workers are organized.

To go to his second last point before he closed his debate — I think I can say it was his second last point — in which he observed that where there is organized labor,

it is best for government generally to stay away and leave the parties to sort themselves out. Perhaps I'm paraphrasing a little strongly. But effectively, I think the hon. member indicated that it was his opinion that where there is organized labor, government should interfere to the minimum, that the organization could take care of itself.

Well, with Suncor and the McMurray Independent Oil Workers in Fort McMurray, we have in fact an employer and a union. They have some difficulties and differences between them. The McMurray Independent Oil Workers has persisted in trying to draw this statute into that debate. Our exploration of that dispute — because we have tried to resolve it with the two parties — is that for some years, going on 10 and maybe more, the McMurray Independent Oil Workers and Suncor have periodically had to deal with the shut-down, the turnaround of the plant. That's normally a five- or six-week operation, and involves an application to government for a waiver of the maximum hours of work in a week, because they go on to extensive overtime during that period. The position taken by the McMurray Independent Oil Workers has always been: yes, we would like to be able to work the overtime, but no, we don't want to work it quite the way the company wants it worked; give us the permit so we may work it, and we'll work the thing out between us. That has been going on continuously.

This year when it came time for the plant take-down, from my advice it came earlier than had been planned and was a more extensive operation than had been foreseen. The union has an article in its collective agreement which deals with overtime and requirements on individual employees. So there was a difference of opinion about the meaning of that collective agreement. It was submitted to arbitration, and the union's point of view was not upheld by the arbitrator, but rather the interpretation of the company. If I may say, ever since that time there has been a continuing demand on the part of the McMurray Independent Oil Workers, particularly their president — who I understand may be the next candidate for the New Democratic Party in Lac La Biche-McMurray — that government change this awful legislation which has allowed that union and its members to be hard done by.

I simply say to the hon. member, the question really is: is he correct in his assessment that generally speaking the government should stay out of situations where unions are involved? If so, then we should stay out of the rhubarb going on with Suncor, such as it is now. We have tried to assist both parties, and I think we're making some progress. The hon. Member for Lac La Biche-McMurray has been very assiduous in making sure he has attended the meetings called by the union to explain to him the situation and problems there. He has faithfully relayed, almost daily at times, the messages from the president of the McMurray Independent Oil Workers. So I'm quite familiar with the difficulty. We have had special efforts to do some preventive mediation, and I'm not sure of the status now because some of those efforts have taken place as late as last week. I think that recently there may be some developments of a positive nature.

But the problem is not with the legislation; the problem is with the attitudes and with what other agendas the respective parties have. I make no brief for either party being right or wrong in this instance, other than, generally speaking, the company hasn't been calling on me; it's been the other way around. But I know that extensive overtime was worked there, and I understand the parties have now tried to address that difficulty.

I come back though, Mr. Speaker, to the question of

where these standards should apply. If I may speak to the question of the charter of workers' rights, on that point, I think it's important — because it is an important question — that we examine that issue for a moment without going into the detail and substance of the 50 or 60, I've forgotten the number, articles requested by the Federation of Labour in that charter of workers' rights. We're all workers. In my view, those of us in the Assembly are also workers. Those in the press gallery who watch the ceremonies and proceedings here are also workers. I think everybody in society works in some way or another. So, at bottom, what are we really talking about? We're talking about the basic rights of everybody in society. It's really that fundamental. Therefore, I have some reluctance to think that we can think of that charter and the suggestions in it, in terms of a large group of people but something less than total society. In terms of that request, I think all hon. members need to evaluate the request in that context.

If I could briefly address the question of holidays, vacation: the basic minimums. They are basic minimums, Mr. Speaker. That was the intent of the legislation. It should not be up to this Legislature to presume that it knows better than the employer and the employee in local circumstances. Surely a positive, healthful, satisfactory relationship and working situation, one that must provide self-esteem both to the employer and the employee, one from which all sorts of social relationships develop, in many instances, should be as free of government intervention as possible. Surely we have a requirement to establish basic minimums. But, in my view, we don't have a need to establish the total relationship. It seems to me that that's what the hon. member is asking for.

I think, too, that it's an over-simplification to say that the only protection for the unorganized employee is this Bill. In my view, that is not correct. One other protection is the alternatives for employment. In the past decade and in this decade, in Alberta at least, the alternatives are many indeed. I don't think for one minute that there is but one source of employment for many employees; not at all. From the volume of contact I have, taking total contact into account, the most frequent concern expressed to me is the lack of available employees. So I would suggest that there is another very good standard or control, if you will, on the ability of employers to abuse employees.

Mr. Speaker, I think that addresses the main themes. I guess the one question is the matter of the handicapped. I should address that because there is a provision here, which has been in Alberta statute for many, many years, to enable an exemption to the minimum conditions of employment for the handicapped. Now, as I understand it, the objective of most of the handicapped and those who are interested in promoting the handicapped and their integration into society in as fully functioning a way as possible, given the abilities they have, is to integrate and involve them in employment. In my view, the exemption here is because currently we have a very narrow view of what employment is. The hon. member makes a good point.

If we have a person employed under very special conditions which are not the norm, and which in fact are so unusual as to constitute a great deal more intervention by government or by an agency than there would be in the normal employer/employee relationship, I think we must address whether perhaps we shouldn't call that employment in the pure sense of the word, as is meant by this Act. If we were to examine carefully what we're doing, it

may well be that we don't need that exempting provision.

Mr. Speaker, as a matter of fact, I can say that it is used very, very seldom. There is a good case to be made, perhaps even now, that it could be deleted. But we're not absolutely sure that we may not be taking a retrogressive step, in terms of some of the programs which phase the handicapped individual into an employment situation. There are some situations in which the handicapped person is receiving a wage as a start into an employment situation and, if I may put it this way, a pension or another payment of support. I suppose it's possible to combine the two and pay them both out as a wage. Then assuredly it would be above the minimum wage, and there would be no concern. But very, very few people are affected. And until we have really clarified whether that kind of relationship is a true employment relationship, we've chosen not to remove this particular section.

I have to say that I am keeping it here because I think, in the interests of the handicapped, it's the best way to go given the institutions, procedures, and processes we have in place at the present time. In other words, it's here as an affirmative support to the objective of integration and not from the point of view of abuse. I can further say that it is used only in combination with the departmental resources of Social Services and Community Health and Labour working together in any of these situations to make sure there is absolutely no way there's going to be any abuse.

Thank you, Mr. Speaker.

[Motion carried; Bill 86 read a second time]

Bill 91
Legal Profession
Amendment Act, 1981

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill No. 91, the Legal Profession Amendment Act, 1981.

Mr. Speaker, for some number of years now, certain amendments have been required or at least have been known to be desirable in regard to this particular legislation. The Legal Profession Act is an old and carefully structured piece of legislation which governs the internal management and the many, many other aspects of the handling of the legal profession as a basically self-governing profession in the province of Alberta. I mention internal management, but also areas such as discipline of course, admission, education qualifications in various ways, and conduct of individual practitioners.

Recent years have seen an explosion in the size of the profession in Alberta and have required the profession and government to address their minds to whether or not the carefully drafted legislation of many years ago is still adequate to serve a much larger group, a much more active group of practitioners in the legal profession in Alberta. The explosion of the size of the profession has been in part based on the considerable growth in population in the province of Alberta, particularly within the last decade, and the extraordinary economic activity, in that, as a result of that, certain types of legal work that used to be done rarely in the province are now done on a relatively regular basis and are distinguished perhaps by the increasing complexity and the number of individual transactions in which very large sums of money are involved. That used to be much less common.

We've also seen changes in attitudes in regard to the nature of the profession, changes in attitudes on the part

of practitioners. Some things that would not have been countenanced a few years ago are now acceptable in the practice of law. The example that comes most easily to mind is the question of advertising. A few years ago, it was unthinkable that a lawyer would advertise his services. Now it's commonly done and is agreed to be proper.

Another feature bearing upon the need for amendment has been the extensive review of professions and occupations done by the government of Alberta, and the extent of consultation with professional and occupational groups as well as with members of the public in regard to that; the publication of the government's policy in regard to professions; and the revisions made in that policy as a result of public discussion, debate, and input in various forms.

Mr. Speaker, as the nature of the practice has changed, one of the things that has become most apparent is the need for a reassessment of educational requirements, in the sense of continuing education in regard to periodic or intermittent upgrading of practitioners' competency and skills from time to time. This, too, reflects the increasingly detailed and sophisticated knowledge required in the practice of the profession as a result of the very considerably increased activity commercially and in other ways which make such demands upon professionalism. We require a high degree of professionalism and a high degree of performance. That relates directly to things like re-education and educational updating. In that respect, I think the profession has always done a pretty good job. They want to do a much better job.

The legal profession has for many, many years had many working committees which address themselves on a purely volunteer basis to matters of law reform and changes in administration of certain types of legislation which frequently affect broad segments of the public. The amendments to The Land Titles Act before the Assembly at the present time are there because people who work with the system in what is now a very high volume office, and one that affects simply thousands and thousands of Albertans annually in their transactions relative to homes and businesses — that particular legislation is being streamlined this year. All sorts of little wrinkles are being taken out of it if the Legislature approves the Bill introduced today in regard to land titles.

That is the sort of work to which the legal profession has been addressing itself over the years, in the sense of volunteer committees working, making suggestions to government, to say: because of our involvement in this field, we think it would work much better if you did it a different way. In a few years when we bring in the personal property security legislation — it's already been introduced — and builders' lien legislation, these types of things all draw committees, some of which work in the time available to them of course, but over a period of maybe two to three years, and bring in very strongly professional compendiums of their observations on how the law might be improved and made more workable.

Now those are valuable contributions, and the profession has long done that. I have associated that type of work with the natural desire the profession now has to have legislative authority, as proposed in the amendments to The Legal Profession Act, along with the other amendments proposed to put greater requirements on members of the profession in regard to educational updating.

Along with that type of revision in this Bill, Mr. Speaker, are also revisions in regard to the discipline procedure. It was felt that the level of fines was outdated.

That may be a small thing by itself, but they are to be substantially increased under the provisions of Bill 91. Also, the discipline proceedings will be varied in a way which gives the benchers of the society, through the investigating committees, a greater ability to, in effect, fit the punishment to the crime — I use the word "crime" in a very general sense; there may not be one in the strict sense — to fit the punishment to whatever irregularity may come before them in respect to the practice of a member, whether it be neglect, incompetence in some form or, perhaps related to that, a lack of the necessary expertise in a particular field and, consequently, some ill service to a client.

The benchers, or through their committees, have long addressed such things, but the proposals now will enable them to define the offences more clearly. The previous provision which really allowed only a finding of conduct unbecoming, which is considered a very serious offence, is to be broken down into areas where a finding of conduct unbecoming may still be made of course, but other findings, which are clearly meant to be for lesser offences, can also be made in particular references to what would be called professional misdemeanors: both of those classifications coming under a new type of description of offences against professional competence under the heading of conduct deserving of sanction. It's also a part of the provisions of the discipline proceedings that conduct quite unrelated to the practice of law may also be made the subject of discipline under the heading of one of the areas of conduct deserving sanction.

Mr. Speaker, another provision would require that a person must now be a Canadian citizen to practise law in Alberta. I think this is very timely. I consider it an anomaly that that was not a requirement previously in the strict sense, in that British subjects were entitled to practise without being Canadian citizens.

Other changes proposed: the way in which annual assessments can be made against members of the profession will be broadened in order that, if necessary, assessments other than annual assessments can be made against members for specific purposes at any time through the year. The profession knows they will need that. There have been some discipline problems in the profession in recent months and years, where the ability of the profession to honor obligations in the sense of paying claims of people whose claims are approved for payment — greater financial resources will have to be used for that.

The other important provisions that have specific reference to the government's policy on professions are the change in the system of appeals from proceedings where discipline is the issue and the prospect of new trials before the Court of Queen's Bench, in addition to the previously existing procedure where appeals could be made to the Court of Appeal on the overall issues and, of course, the introduction of two lay benchers to join the members of the legal profession who serve as benchers. The profession had some doubts about that a few years ago. In recent years, they have come to the view that that is probably a very good policy, and I'm pleased to say that they now support that aspect of the changes. It was one where some change in their views has occurred, and I'm pleased to see it.

Mr. Speaker, I think that gives a fairly comprehensive outline of the important aspects of this Bill. I would only reiterate that also in the Bill are a number of areas where certain types of procedures are made more straightforward and simple. Streamlining of that type is always valuable, and there's a fair amount of that in the Bill. But

I think I've covered the major issues and would urge hon. members to support second reading of Bill 91.

MR. R. SPEAKER: Mr. Speaker, I'd just like to make a comment with regard to the trust funds of barristers and solicitors. I understand that the reason for the amendment, relative to assessments, is to try to pick up some of the funds lost through misappropriations or misuse of trust funds held by barristers and solicitors. I didn't notice where the Act deals with the auditing of trust funds of the various firms across the province. The feedback I have received from a number of different firms is that the auditing procedure seems to be a very cursory type of process and doesn't do an in-depth study of what really happens to the trust fund and what goes on. I wonder if the hon. minister could comment on that. In order to change the auditing procedure, would that be a matter of the action of the benchers, or could some type of amendment be added to the Act to assure that all trust funds are audited properly and that those clients working with various barristers and solicitors can have that kind of trust? I'd appreciate very much if the minister could comment on that.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, I'd like to acknowledge the importance of the matter raised by the hon. Leader of the Opposition in respect to accounting for trust funds. Nothing is more important in the atmosphere of trust that must exist when people have any form of financial transactions, but mostly ones that are very important to them and they are retaining someone to act for them to protect their interests and their funds in those circumstances. I think the overall background though is that even with the sorts of cases which have claimed a fair amount of publicity lately and involve lawyers' trust funds and which, in one form or another, are either before the courts or indeed soon to be there, the amount of actual default is very, very small in the overall picture.

The number of transactions transacted by some 2,500 lawyers in the province on a daily basis, year in and year out, really gives, I feel I can confidently say, little if any cause for concern. Mr. Speaker, I would say that the auditing which has long been provided for in the legislation and the terms of which probably don't require any particular amendment, because the mechanisms are all in place and have been for some time — I think I can assure everyone that the benchers are most interested in addressing their minds carefully to what changes in auditing practices need or should be made. I think it would be a difficult matter to make in legislation requirements which impose, from a distance, a type of rigidity which maybe requires flexibility in the hands of the executive members of the law society, being the benchers, in the very wide ranging powers they have in that respect. So although they may, I would think no doubt, address themselves to concerns as soon as they arise in that area, I don't think that a further answer in that problem lies in further legislation.

[Motion carried, Bill 91 read a second time]

Bill 93
Energy Resources Conservation
Amendment Act, 1981

MR. LEITCH: Mr. Speaker, I move second reading of Bill 93, the Energy Resources Conservation Amendment Act, 1981.

Mr. Speaker, this Bill proposes some relatively modest amendments to the provision of the Act dealing with the Energy Resources Conservation Board capacity and procedure to award costs to local interveners in board proceedings. The significant changes are a broadening of the groups to whom the board may make such awards of costs. The section that's being amended required that there be an interest in land as defined in The Land Titles Act before the intervener group would be entitled to costs, or alternatively they'd be in occupation or entitled to go into occupation. The change widens that group by providing that if they have an interest in the land, it's not necessary that it be an interest defined in The Land Titles Act. I would urge support of the Bill, Mr. Speaker, because this I think is an important area and does enlarge the board's capacity to award costs in circumstances it thinks appropriate.

MR. NOTLEY: I certainly intend to support the Bill, but I would make a couple of observations on Bill 93, Mr. Speaker, to the minister and to the members of the Assembly. I think this business of having the latitude to pick up costs for interveners is extremely important now, as we have a number of situations arising through the province where there is local concern. We have the plant west of Calgary, which is the subject of a good deal of controversy. I might just say that in my constituency, in a little community called Silver Valley, there is a good deal of concern about the possibility of a sour gas plant going in there and the impact that's going to have on the land. To undertake intervention before the ERCB, it has been recommended that legal counsel be engaged. In the absence of some kind of clear policy that those costs would be paid, it's difficult for people to embark upon, even though the decision to go ahead with the plant and not make the necessary modifications could have some very long term effects on that community.

The effect of Bill 93 would make it somewhat easier, but it's still at the discretion of the board. I realize it's a difficult question to overcome, Mr. Minister. But where you do have a clear impact on a community, it seems to me that the practice the board will have to develop is that where landholders band together and engage legal counsel and hire expertise in order to make submissions to the hearings — in the case of Silver Valley, we're going to have a hearing early in December on that particular project, and the community quite naturally wants to have the opportunity not only to make a submission but to make a solid, competent, qualified submission as possible. That means dollars in order to acquire the expertise.

The other point that I raise to the minister is the notification procedure. Let me again use the Silver Valley case as an example. We had a meeting in that community that attracted about 100 people. The ERCB people were extremely obliging and sent representatives up from Calgary. I have no quarrel with the approach they took when they heard there was a concern. But I think we should deal with something that came out that night as a result of the meeting, and that is the method of notification. There had been notification of this gas plant. It had been carried in newspapers. It had been carried in the *Calgary*

Sun, *The Calgary Herald*, the *Edmonton Journal*, and the *Edmonton Sun*, except that to my knowledge there isn't a single person in Silver Valley or Forth Creek who gets *The Calgary Herald*, the *Calgary Sun*, *Edmonton Journal*, or the *Edmonton Sun*.

AN HON. MEMBER: They're lucky.

MR. NOTLEY: They may be lucky; that's true. Perhaps that's an argument one might make. We'll discuss that another day. But the point I want to make . . . [interjection] Just calm down, my friend, I want to get on with the important issue at the moment.

The point I want to make is that where we have these projects being proposed, Mr. Minister, I think the ERCB should ensure there is not only adequate notification of the landholders, but that the papers that carry the ads be the papers that people receive, which is whatever the local community paper may be in a given area. I put that forward as a suggestion to the government flowing from the absence from this procedure in this instance. But it was brought out at the meeting, and it struck me as a relatively minor change in procedure that the board wouldn't need a change in the Act to make, but it would overcome some of the needless hard feelings that wouldn't occur if people simply knew what was going on ahead of time.

MR. GOGO: Mr. Speaker, I'd like to make a couple of points with regard to Bill 93 as well. I recall several years ago, when I think a 500-kv. line was going south, there was a great deal of phone calls to the new MLAs to become involved. I didn't really understand the procedure. I recall a group getting together, calling themselves by a certain name, and going to Calgary where the hearings were held with the ERCB. There were then complaints that they didn't understand all the legalese and so on. So I spent a little time trying to understand it. I'm pleased to see one section being repealed and the other one being put in where there's a just cause. Someone makes that judgment. I've often wondered what the criteria are. I see that they either have an interest — i.e., if it's the case of a power line, presumably it goes through their land and not 20 miles away, not a special-interest group, and not from the faculty of the University of Calgary, but they are probably directly affected physically.

I seem to recall some time ago somebody telling me, with regard to Calgary Power, that the environmentalists had insisted on certain conditions and projected costs went from something like \$80 million or \$90 million to \$135 million. I felt at that time that because of the nature of the utility and the awarding of increased costs by the Public Utilities Board, that many power rate payers in Alberta were having to pick up that cost.

So, I'm very pleased to see on page two of the Bill — I don't know how many page twos it's got here — that consideration given to whether or not it's frivolous or vexatious. Mr. Speaker, I would asked the minister to comment in closing debate on whether in his view this Bill will look after the matter of people making frivolous claims or accusations before the board and in effect ending up having the board pay the costs of legal counsel to represent them.

Thanks very much.

MR. R. SPEAKER: Mr. Chairman, I would like to speak in support of this Bill, and as well speak in support

of the work of the Energy Resources Conservation Board. Perhaps it's the first opportunity I've had to say that, following the hearings on the power line that was to extend south of Calgary. Many of my constituents were involved in those hearings, making presentations. I want to say that the board made themselves available. The chairman of the board was in contact with me and other persons in the constituency and saying, if there is something else that should be added in terms of submission or of knowledge, we would like to hear that. I want to say that I felt there were open and thorough hearings held by the Energy Resources Conservation Board, and I think that credit is certainly due to their work.

As well, I support in the Bill the broadening possibility that the board can pay some of the costs of interveners. I think that a number of persons take themselves away from their daily way of life or way of earning their living and spend time in hearings that often are not of their own cause. For example, the power line that Calgary Power was requesting south of Calgary certainly was not requested by the farmers. All of a sudden they were faced with a problem that they had not created, but the expenses to go to the hearing were placed on their shoulders. I think it is incumbent on the government to take this step and broaden the possibilities of providing compensation to those who make a presentation to the hearings when required; a presentation they have to make even when they don't want to make it.

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

HON. MEMBERS: Agreed.

MR. LEITCH: Thank you, Mr. Speaker. I appreciate the contributions the three hon. members, including the Leader of the Opposition, made to the debate on second reading of this Bill. Essentially we're giving the Energy Resources Conservation Board fairly wide latitude in determining to whom costs will be paid, by whom they will be paid, and the amount of the costs.

As I followed the remarks of the hon. Member for Spirit River-Fairview and the hon. Member for Lethbridge West, they centred on the difficulty; that is, who should have their costs paid as a result of an appearance before the board. There will be circumstances where the intervention would be frivolous and very expensive, and there would be other occasions when, while interest in the line or whatever is being considered by the board is rather remote, it's still reasonable and appropriate that a group appear before the board to make representation. I'm confident that the board is going to be able to draw up, through its practice and its regulations — and the board has fairly wide discretion in the Bill to make regulations with respect to the awarding of costs — a guideline that's easily discernible, although it may not be easily applied, to determine what groups would receive costs and in what amount.

One of the answers to the question raised by the hon. Member for Spirit River-Fairview about not knowing, as I followed it, whether you would be entitled to get costs, might be solved in part by the provision in the Bill that a group that contemplates appearing before the board can make an application for an advance or prior payment on part of the costs. I'm sure that would go a long way to solving that problem.

With respect to the notice, or lack of it, in the area being affected by the matter under consideration by the

board, that surprises me a bit. It's the first occasion I've heard of that, although I have received comments about the form of notice and things of that nature in other instances. My recollection is that the board endeavors to advertise or provide notice in the areas that would be affected by the project. That may well have been an isolated incident. Certainly I'll take note of the comments, and I agree with the concept that the information about the proceedings and the project ought to be made available in all ways possible in the area that will be directly affected.

[Motion carried; Bill 93 read a second time]

Bill 94
Government Land Purchases
Amendment Act, 1981

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill No. 94, the Government Land Purchases Amendment Act, 1981.

A large number of the amendments in this Bill are administrative, but two deserve special mention. The first one provides that the Minister of Environment may for the first time utilize the provisions of this Act, which essentially is a revolving fund for the purchase of lands in restricted development areas, basically around Edmonton and Calgary, although for all future areas so designated. In the past, of course, those have been purchased through the special warrant procedure. In future, they would be done through this amendment to this Act. Partly as a result of that, the ceiling of the Act, which is presently \$100 million, is being increased to \$450 million. I would stress again that because this is a revolving fund, it does not mean those moneys will necessarily be invested over the course of any number of years. Rather, budgeted amounts will be referred to the Assembly every year with respect to expected purchases through the fund.

MR. R. SPEAKER: A question to the hon. minister, and we can debate this further in Committee of the Whole.

Would this be the legislation that would have been used to acquire the land in the newly annexed area next to Edmonton? Would this legislation have been used to advance the money that Alberta Housing used to buy that land?

MR. HYNDMAN: On the question, without closing debate, Mr. Speaker: no, I understand that that is done through existing legislation through the Department of Housing and Public Works.

[Motion carried; Bill 94 read a second time]

MR. CRAWFORD: Mr. Speaker, unaccustomed as I am to making what may be an agreeable suggestion, although there is some committee work that could be done tonight, because it's nearly 9:50 p.m. I think the House might adjourn. This is also out of careful regard to the fact that we must all be here tomorrow in the morning rather than in the afternoon.

Mr. Speaker, undoubtedly tomorrow the business of the House will involve some time spent in regard to the ministerial statement by the Premier, mentioned earlier, and following that, the proposal is Committee of Supply and the department would be Recreation and Parks.

MR. NOTLEY: A question to the hon. House leader. Since the question period today, has any consideration been given to the comment the House leader made about a special debate on the constitution, and a time frame for it? Would we be looking at Monday or Tuesday of next week?

MR. CRAWFORD: Mr. Speaker, I think those are possibilities, but we don't really know. We'll try to deal further with that matter and, recognizing the importance of the subject, make sure that appropriate discussion is had.

[At 9:49 p.m., on motion, the House adjourned to Friday at 10 a.m.]

