

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Wednesday, March 17, 1982 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF BILLS**

Bill 16
Hazardous Chemicals
Amendment Act, 1982

MR. BATIUK: Mr. Speaker, I request leave to introduce Bill No. 16, being the Hazardous Chemicals Amendment Act, 1982.

This Bill was intended to provide control of transportation, treatment, and disposal of hazardous wastes.

[Leave granted; Bill 16 read a first time]

Bill 18
Land Titles Amendment Act, 1982

MR. KNAAK: Mr. Speaker, I request leave to introduce a Bill, being the Land Titles Amendment Act, 1982.

The Bill is intended to update the present Land Titles Act of Alberta with certain routine, and some substantive, amendments.

[Leave granted; Bill 18 read a first time]

MR. CRAWFORD: Mr. Speaker, I move that Bills 16 and 18 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 201
An Act to Amend the
Municipal Election Act

MR. OMAN: Mr. Speaker, could I have your permission to introduce a Bill, An Act to Amend the Municipal Election Act.

This Act is permissive legislation which would grant municipalities the right to impose limits on expenses and require disclosure in municipal elections.

[Leave granted; Bill 201 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. COOKSON: Mr. Speaker, I wish to file with the Assembly the terms of reference for a joint inquiry between Environment and the Energy Resources Conservation Board into the recent Suncor incident. Just briefly, the inquiry will investigate the equipment and procedure failures, investigate the reasons oil and contaminants were discharged into the Athabasca River, investigate the

environmental impacts of the discharge, inquire as to what notification took place on the part of Suncor with respect to the discharge, and investigate what remedial measures should be taken and what modifications to plant facilities and procedures should be made to prevent similar occurrences in the future.

MR. KOZIAK: Mr. Speaker, pursuant to Section 11(2) of the Public Contributions Act, I am tabling the 30th annual report, for the year ended December 31, 1981.

MR. SCHMIDT: Mr. Speaker, I beg leave to table the 13th annual report of the Alberta Hail and Crop Insurance Corporation, for the year ended March 31, 1981.

MR. TRYNCHY: Mr. Speaker, I wish to file with the Assembly four copies of the 1980-81 annual report of Recreation and Parks.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. DIACHUK: Mr. Speaker, I take pleasure in introducing to you, and through you to members of the Assembly, two classes of grade 6 students visiting the Legislature today from Sifton elementary school in the constituency of Edmonton Beverly. They are accompanied by teachers Vicky Archer and Steve Shamchuk, and bus driver Ann Peterson. I ask them to rise and receive the usual welcome of the Assembly.

MR. MACK: Mr. Speaker, it is my distinct pleasure this afternoon to introduce to you, and through you to members of the Assembly, a group of 55 students from J.A. Fife school in the constituency of Edmonton Belmont. They are accompanied by Mr. Oliver Chernyk, Mrs. A. Shaigec, and Mr. Dale Lock. I would like to pay special tribute to these teachers accompanying the students and taking the time and effort to ensure that the students have an opportunity to visit their Legislature in their province, which I am sure will be extremely meaningful to them. They are seated in the public gallery, and I ask them to rise and receive the warm welcome of the Assembly.

head: **ORAL QUESTION PERIOD**

Heritage Savings Trust Fund

MR. R. SPEAKER: Mr. Speaker, my question is to the Premier, with regard to the investment division of the Heritage Savings Trust Fund. The recent Auditor's report presented to the Legislature, the recent review of the investment division, indicates that the return on the Alberta Heritage Savings Trust Fund for the last three years was 3.7 per cent for '79-80, 13.6 for 1980-81, and 8.5 per cent for ['79-81].

My question is: in the review taking place at the present time, would the Premier consider making that part of the investment division, which contains some \$1.3 billion or \$1.4 billion, available to Albertans through low-interest loans at fixed interest rates, which could be 15 per cent and even better returns than we are making on a high-risk basis at present?

MR. LOUGHEED: Mr. Speaker, I thought that was precisely the second question asked by the Leader of the

Opposition last Monday. It is part of the consideration which is always ongoing with regard to the Heritage Savings Trust Fund.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Is the Premier giving serious consideration to that kind of review on his agenda? Would that be a matter of a special discussion in the Legislature, under resolution? Would the government introduce that kind of resolution?

MR. LOUGHEED: Mr. Speaker, I think that would be considerably premature. Assessments are certainly made, and will continue to be made on an ongoing basis, with regard to the investment policy of the Heritage Savings Trust Fund.

DR. BUCK: Depends what the polls say.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier. Would the government give consideration to a change such as this in the spring session of the Legislature?

MR. LOUGHEED: Mr. Speaker, usually matters of policy with regard to the Heritage Savings Trust Fund come to the floor of the Legislature in the fall, at the time there is the debate with regard to the transfer of 30 per cent of the resource revenues. If a discussion of that nature comes up, that would seem to be the appropriate place to have it.

MR. R. SPEAKER: Mr. Speaker, so this matter is clear to all Albertans, is the Premier saying that the earliest discussion that will occur on this matter will be in the fall of 1982 and not before?

MR. LOUGHEED: Mr. Speaker, I didn't say that at all; I said that that would be the appropriate time at which the matter might be discussed. It might well be that action is taken before that event and, if action is taken before that event, I'm sure the Leader of the Opposition will be well aware of it.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. What actions will the Premier be taking in this Legislature that will allow the Legislature to discuss that matter this spring, in terms of low-interest loans, when over the last three years the investment division on average only earned a rate of return — that is, of the combined marketable bonds in short-term investments — of some 8.6 per cent ...

MR. SPEAKER: There's always a question about appending debating material to a question, and of course the concern is doubled when the thing is done twice.

DR. BUCK: Just in case he can't average it out.

MR. R. SPEAKER: Just giving my old-fashioned mathematics to the Legislature, Mr. Speaker.

Is that one of the priority items on the Premier's agenda that is going to receive urgent consideration? In that urgent consideration, what steps could be outlined to the Legislature that indicate a sincere effort, on behalf of the government, to deal with this problem for Albertans?

MR. NOTLEY: In the Legislature.

MR. LOUGHEED: Mr. Speaker, as I said in the earlier question, it's a matter we will be reviewing. We will consistently review the state of the economy, forecasted interest rates in the country, and assessments of alternatives. If and when action is taken or required to be taken by the government, it will be taken.

MR. COOK: A supplementary question, Mr. Speaker. I wonder if I could direct this question to the Government House Leader: would there be any reason one of the opposition members could not put it on the Order Paper himself?

MR. NOTLEY: Rollie, you're out of order again.

DR. BUCK: There goes another major speech, Rollie.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier, with regard to the priorities, a major review, or a change in thrust of the Heritage Savings Trust Fund. Has the Premier any studies in the works, or committees that we in this Legislature are not aware of, that are looking at changed priorities and a change of structure, in terms of the present four divisions of the Heritage Savings Trust Fund, that will enable it to meet the requests of Albertans for involvement in it at the present time?

MR. LOUGHEED: Mr. Speaker, I'm sure the hon. Leader of the Opposition is aware that these are matters of judgment, as distinguished from matters of study. They involve the question of the forecast with regard to the economy of the province. They involve questions with regard to forecasted interest rates. They involve available alternatives. They involve the fiscal policy of the government. Certainly if the hon. Leader of the Opposition wishes to raise the points in budget debate, I'm sure he will at that time. All I can say is that it's a matter of judgment, of ongoing assessment. If and when in our judgement revisions in investment policy are required, then the action will be taken.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier. On this side of the House I read the 'Lougheedisms', as I call them, about all remarks being made in the Legislature. The Premier made a statement outside the Legislature that this weekend the convention of the Conservative Party will look at different priorities with regard to the Heritage Savings Trust Fund. Will that convention give the Premier new directions, so Albertans can have higher expectations of the Heritage Savings Trust Fund? [interjections]

MR. NOTLEY: Let's hope so.

MR. LOUGHEED: Mr. Speaker, without getting into the question of the relative judgment of the hon. Leader of the Opposition in paying attention to the very exciting convention we have coming up on the weekend ...

MR. R. SPEAKER: Mr. Speaker, on the point of order. It wasn't the convention I was paying attention to. [interjections] it was the news media. I'd like that corrected in *Hansard*.

MR. SPEAKER: With great respect, I understood the question to relate to the convention, and also to be a

challenge to the hon. Premier to engage in some kind of prophecy.

MR. ZAOZIRNY: Mr. Speaker, a supplementary question to the hon. Minister of Government Services, on the subject of the heritage fund. It arises from the document dated March 5 and tabled in this Assembly, with respect to the cost of the Heritage Savings Trust Fund communication program. Could the hon. minister advise the Assembly if consideration is being given to enhancing that communications program with a document which in effect would be an annual report to Albertans and which would be forwarded to individuals each year, giving them the best possible and most accurate information about the use and application of the heritage fund?

DR. BUCK: Tell them how well off we are.

MR. McCRAE: That's a very interesting representation, Mr. Speaker. I'm sure Executive Council will take it under consideration. [interjections]

Brennan Inquiry

MR. R. SPEAKER: Mr. Speaker, question number one, no action. We'll try number two. [interjections] You didn't listen to that one; let's try another.

My question is to the Attorney General, with regard to the Brennan inquiry. Here we have a very serious inquiry and a report that was to be delivered to the Legislature. We haven't received it yet. Could the Attorney General indicate the problems? When will that report come to the Legislature?

MR. CRAWFORD: Mr. Speaker, for the sake of accuracy, I believe the situation is not that the report was either asked for or would be presented to the Legislature but that when the commissioner is through with the preparation of his report, he will present it to Executive Council. It would be my intention to make it public very shortly after it's received. In that sense, it will certainly be available for the members of the Assembly at that time.

Mr. Speaker, I have no way of knowing when to expect the report, and I take this occasion to express regret if anything I said earlier indicated that it might have come prior to this time. It certainly would not be proper for me to communicate in any way with the chairman of that commission. Although he's not acting as a judge in that case, he is a member of our court, and I would not communicate with him. Sometime ago I did make a remark that it perhaps would be along shortly, but I have no way of really knowing that and, as I'm sure are other members, am quite willing to await the event.

Restricted Development Areas

MR. R. SPEAKER: Mr. Speaker, I had some supplementary questions for the Minister of Housing and Public Works, but I can ask some of the Minister of the Environment as well. In view of the fact that 50 per cent of the Edmonton RDA land and 20 per cent of the Calgary RDA land has been bought by the Environment Department, and in view of the fact that the cost was somewhere around \$20,000 an acre, could the minister indicate what steps are now being taken to proceed with the completion of the restricted development area program?

MR. COOKSON: In the case of utility corridor land, Mr. Speaker, it's been pretty well an ongoing policy of our government to acquire the land if and when it is needed for utility purposes. However, if there are individuals within that restricted development area who for various reasons, perhaps retirement or a wish to move to other areas — we would be prepared to look at any submissions they might make with regard to purchase.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the minister give assurance to the Assembly that there were no threats of the prospect of expropriation or lower land values if the original landowners at the time of the purchases didn't sell to the government? Has the minister any evidence of that? Can he give assurance that there weren't those kind of actions in the market place?

MR. COOKSON: Mr. Speaker, it takes us back approximately eight years to the time the utility corridor or the restricted development area was established. It's been a policy of our government simply to review cases that come before us insofar as requests by individuals who wish to sell or dispose of their land for various reasons are concerned. At that time, we would undertake to buy. For example, if there was some great urgency in having to acquire a portion of a specific area, we would move more aggressively and negotiate with the landowners concerned. At the present time, I don't know of any area within the utility corridor, which is part of the RDA, where we have had to undertake expropriation.

Western Power Grid

MR. STROMBERG: Mr. Speaker, could the Minister of Utilities and Telephones cast some light on what has happened to the proposed power grid between Manitoba and Alberta since the Manitoba election?

MR. SHABEN: Mr. Speaker, the most recent meeting of the ministers responsible from Manitoba, Saskatchewan, and Alberta was held on Monday this week. That's the first meeting held between the three provinces since tentative agreement was reached last fall in early October.

MR. STROMBERG: A supplementary, Mr. Speaker. I believe a study of the power grid was to be completed. Has the report been completed, and when does the minister plan on perhaps tabling it?

MR. SHABEN: Mr. Speaker, that study was completed some time ago. If members will recall, it was commissioned by the premiers of the three provinces. My understanding is that the studies will be tabled in due course, upon agreement by the three premiers.

MR. STROMBERG: My final supplementary, Mr. Speaker. Could the minister indicate where the grid line point of delivery will be in Alberta?

MR. SHABEN: Mr. Speaker, that's a hypothetical question, because agreement hasn't been reached. However, a tentative routing has been agreed to by the three provinces.

MR. CLARK: Could the minister inform the Assembly whether Alberta is at present in an import or export position on the amount of power they use to what they're

producing? What effect on our position in exporting or importing power will future uses of power have?

MR. SHABEN: Mr. Speaker, the Alberta interconnected system is such that there is very little export of electric energy. We produce our own requirements. There is some export to the Northwest Territories and a small amount to Saskatchewan, and none imported at the present time. Within the province, we operate with a reserve of approximately 30 per cent over our peak capacity. Exports or imports are not significant at the present time.

MR. STROMBERG: A supplementary, Mr. Speaker. Could the minister indicate the cost of this power f.o.b. Alberta? Will it be higher than the cost of power now in Alberta, or will it be cheaper?

MR. SHABEN: Mr. Speaker, as I indicated in my earlier answer, in early October last year tentative agreement had been reached between the three ministers, and we were prepared to take our recommendations to our respective governments. Since that time, there has been a change in government in Manitoba, and some new suggestions have been brought forward. I'm considering those suggestions. There's no way of indicating what the price may be, because that's an important part of the discussions.

MR. NOTLEY: Mr. Speaker, a supplementary question. The minister indicated there was a meeting yesterday and that the government of Manitoba, I understand, has made some proposals for certain changes in the interim agreement of last fall. Is the minister in a position to outline to the Assembly: number one, what schedule of meetings will be occurring between ministers of the three provinces, in terms of eventually reaching an agreement; and number two, what major proposals have been made for changes, as a result of the change in government in Manitoba?

MR. SHABEN: Mr. Speaker, at our meeting Monday we discussed in a preliminary way the new proposals put forward by Manitoba. The agreement was that our officials would be meeting in the next couple of weeks and that the ministers would meet again in a month. We haven't set any meetings beyond a meeting in approximately a month's time.

MR. LYSONS: Mr. Speaker, I'd like to ask a supplementary question. Has the minister had any studies launched, dealing with those people who produce their own power? If they have surplus power, could they sell it back to the utility companies? Have you done any work on that?

MR. SHABEN: Mr. Speaker, I believe that question was discussed at some length last fall, when the Legislature was debating Bill 92, the Electric Energy Marketing Act. When fully implemented, sections in that Bill would provide for opportunities for co-generation; in other words, surplus energy in the province perhaps being made available to the Alberta interconnected system, possibly reducing the cost of energy and the amount of reserves necessary in the province.

MR. MUSGREAVE: A supplementary, Mr. Speaker. In view of the fact that we now have two socialist governments east of us dealing in this power situation, could the minister advise if he has spoken with private industry in

the province of Alberta on the economic viability of this entire scheme?

MR. SHABEN: Mr. Speaker, in the course of our negotiations over the past two and a half to three years, we have sought the advice of and made information available to the Electric Utility Planning Council of Alberta, which is made up of the several utilities in the province, including the investor-owned utilities. We maintain that contact. They have had an opportunity to review the studies, although they're not party to the discussions. Of course, we are aware of any comments they may have with regard to the matters raised in the hon. member's question.

Students' Conference — Lethbridge

MR. GOGO: Mr. Speaker, I have a question to the hon. Minister of Advanced Education and Manpower. Recently a conference was held at the University of Lethbridge by the [National] Union of Students. I believe it was their founding meeting. My understanding is that they failed to pay their debts, and have left substantial unpaid debts with the University of Lethbridge. Has the minister been made aware of this?

MR. HORSMAN: Mr. Speaker, I understand that the National Union of Students met there last May, a conference which led to the founding of the Canadian Federation of Students. I understand they have not yet paid the bill, which is in excess of \$23,000. My discussions with officials at the university indicate that they are pressing very hard to have the indebtedness met before the end of this current fiscal year, which is March 31. As yet they have not met with success in that endeavor.

MR. GOGO: A supplementary question to the hon. minister, Mr. Speaker. Was his department in any way involved with sponsoring the conference?

MR. HORSMAN: Mr. Speaker, I should report to the Assembly that upon the request of the National Union of Students, the president of which is a student at the University of Lethbridge, I believe, my department and I agreed to sponsor a dinner for the delegates up to \$1,000. It was through the request that we come forward with \$1,000 and have it paid directly to the University of Lethbridge that I became aware of the indebtedness currently outstanding. I have instructed my departmental officials to make the payment directly to the University of Lethbridge and not to the sponsoring body.

MR. GOGO: A final supplementary, Mr. Speaker. In view of the fact that the funding at the University of Lethbridge, although it sometimes appears to be adequate ... In view of the funding by the department and recognizing the fact ...

MR. SPEAKER: Could the hon. member perhaps come directly to the question?

MR. GOGO: Thank you, Mr. Speaker. Will the hon. minister bail us out? [laughter]

MR. HORSMAN: Mr. Speaker, I have indicated that we will pay the \$1,000 we had agreed to. I believe it is the responsibility of the successor body to the National Union of Students, the Canadian Federation of Students, to pay their own indebtedness. I do not have any funds

available to meet the difference between the \$1,000 and the some \$23,000 outstanding.

MR. NOTLEY: The answer is no, John.

St. Paul Nursing Home

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Hospitals and Medical Care. Has he received a brief presented jointly by the town of St. Paul and the St. Paul Chamber of Commerce to the Northern Alberta Development Council on February 16 of this year, calling on the provincial government to assume control of the St. Paul nursing home, which is now owned by Extendicare Ltd.?

MR. RUSSELL: Mr. Speaker, I may have. I've received a number of reports dealing with the situation at the nursing home in St. Paul. Without checking my file, I couldn't recall if the particular brief the hon. member mentioned is among those.

MR. NOTLEY: Mr. Speaker, a further supplementary question. Is the minister in a position to advise the Assembly whether he has yet received the petition signed by some 1,000 residents in the St. Paul area, calling for an investigation of the Extendicare nursing home in St. Paul?

MR. RUSSELL: No, Mr. Speaker, I don't believe I've received the petition. I certainly don't recall it, and I think I would have remembered one that large and that recent.

As I mentioned, however, a number of reports have been generated about the conditions at the St. Paul nursing home. I've had officials of the department out there to do some rather detailed investigations, and they are meeting — I believe today — with the new owners of that nursing home.

MR. NOTLEY: Mr. Speaker, a further supplementary question. Has the minister had an opportunity personally to review the report of the Health Facilities Review Committee on the St. Paul nursing home? In January, I believe they spent a few short minutes, or I guess two hours in total, reviewing this particular facility. Has the minister had an opportunity to examine that report?

MR. RUSSELL: I certainly have, Mr. Speaker. That's what really generated the detailed investigations and site visits by my department officials. In turn, that has led to the meeting today or tomorrow with the new owners. I think it's clear to everyone who is familiar with the report that some swift action is going to have to be taken.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. During the discussions today by government officials with the owners of the home, will the question of the complaints, and the time these complaints have in fact been coming, be examined as well; not just the current status of the situation in the home, but that there appear to have been legitimate grounds for complaint for some time. Will that also be examined?

MR. RUSSELL: Mr. Speaker, of course it will. Without going into any details at this time in the House, which I think would be premature, I should mention that the particular nursing home in question is part of a chain

recently sold to a private-sector company. Certainly their understanding of what they were buying was very clear, in my mind. Their obligations are known. It's certainly our intent that if the conditions of the sale and the agreement are carried forth, we're going to see substantial improvements, not only in that nursing home but in nine others as well.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. During the course of the discussions, will a specific review of the complaints, which I understand have been put in a petition which was presented to the local MLA to be presented to the minister, include such specific things as poor diet, poor sanitation practices, not a single dietician on the . . .

MR. SPEAKER: Order please. The hon. member asked that question a moment ago. He's now asking it with additional detail. It would seem to me that this is not the place to go into detail of that kind, howsoever important it undoubtedly is.

MR. NOTLEY: Mr. Speaker, on a point of order, if I may. It seems to me that on a matter of public concern like this, it is certainly well within the scope of the question period to ask the specifics of an investigation. Today we had the Minister of the Environment announcing an investigation on the Suncor question, and perhaps a little later on I'll have some questions about that investigation. In terms of a matter of public interest of this nature, it would seem to me that the scope of the investigation is clearly in order in the question period. I certainly don't want to entice debate. You know I wouldn't want to do that, Mr. Speaker. But I think putting the question on the scope of the inquiry is totally appropriate.

MR. SPEAKER: The question was asked a moment ago, though, and it was answered, as to whether there would be an inquiry. Now we have another question saying, will there be an inquiry on these specific points? I realize they are important. One of my concerns is that we're well on into the allotted time for the question period, and five other members would like to ask their first question, also on matters of public concern. Perhaps we could have a brief supplementary by the hon. Member for Spirit River-Fairview, followed by one by the hon. Member for St. Paul.

DR. ANDERSON: Mr. Speaker, on a personal point of privilege. There was insinuation that the MLA for the area had received a petition and that that petition had been forwarded to the minister. For the record, I'd like to state that I've heard that the petition is coming. I have not received it yet and, for that reason, haven't been able to give it to the minister.

MR. SPEAKER: With great respect to the hon. member, I'd hesitate to characterize what was said as an insinuation.

MR. NOTLEY: Mr. Speaker, perhaps I could put the supplementary question. Certainly if the Member for St. Paul hasn't received the petition, fair enough. I would not want to imply that he had if he hasn't.

I would like to put to the minister a supplementary question that would deal quite specifically with the scope of the discussions. It's one thing to have discussions, but will there be not just discussions but an in-depth inquiry

by department officials into the litany of complaints on the operation of this nursing home?

MR. RUSSELL: Mr. Speaker, members may recall that about a year ago, I launched an in-depth inquiry into those problems throughout the entire nursing home system in Alberta. I expect to receive that report by the end of this month. Notwithstanding that, I recognize that from time to time there will be ongoing problems in specific, individual institutions. This is one of them. I can assure all hon. members that every detail will be carefully examined with respect to the care those residents are receiving.

Wildlife — Winter Effects

DR. BUCK: Mr. Speaker, my question to the Associate Minister of Public Lands and Wildlife has to do with wildlife. Is the minister in a position to indicate if the department is doing any studies on the effect of the deep snow and the adverse winter we've been having, especially when the winter has been hanging on so long? Is an inventory being done at this time to find what effect that is having on game animals?

MR. MILLER: Yes there has, Mr. Speaker. Particularly west of Edmonton in the Whitecourt area, where the snow is particularly deep, there has been a problem with some of the elk and moose coming down and getting into some farmers' haystacks, as well as getting onto roadways, where some of them have been killed by native hunters.

DR. BUCK: Mr. Speaker, a supplementary question. The fact that the snow is so deep and the animals are coming onto the road has been brought to my attention and, I'm sure, to your attention, Mr. Minister. They're having problems in the Blackfoot grazing reserve area on Highway 14, where we've had some near misses and some actual collisions with animals. Can the minister indicate if a study or inventory is being done in that area, as to the effect of these animals coming onto the road and the fact that some of them could be starving because of the deep snow?

MR. MILLER: Mr. Speaker, we have had no reports of starvation and death of any animals. We do know that because of the deep snow, they are getting onto the roadways. I haven't had as many concerns expressed about the area the hon. member refers to, as I have from the Whitecourt area.

DR. BUCK: Mr. Speaker, a supplementary. There is a fund established for farmers who have had hay damage. But in the area where people are colliding with wild animals — if a person has maybe \$500 deductible, he has to look after that first \$500. Is any consideration being given to people being compensated when inadvertently they run into animals?

MR. MILLER: No, Mr. Speaker. This occurs relatively frequently at all times of the year, when wild animals get onto the road. They seem to be attracted by the lights of vehicles, get hit and killed, and do cause damage. But there has never been any consideration given to a wildlife damage fund with respect to repairing these vehicles.

Trucking Regulations

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Transportation. Could the minister indicate his policy with regard to changing trucking regulations in the province? Do they have input from the Motor Transport Board? Are all regulations approved by the minister before they are put into force?

MR. KROEGER: Mr. Speaker, I wonder if I could ask for clarification. Are we talking about new regulations to come or regulations in the past?

MR. MANDEVILLE: Mr. Speaker, I'm talking about making changes to the regulations, new regulations brought into the minister's department, under the motor transportation department.

MR. KROEGER: No, Mr. Speaker. All the regulations we propose are invariably brought to me for information and approval.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Has the minister received representation from hay haulers throughout the province on the change in regulations, where they now can haul only seven tiers of hay instead of the eight they have been hauling in the past?

MR. KROEGER: Yes, Mr. Speaker, I've had some representation on that particular item. We're making some special exemptions, particularly in the area the Member for Bow Valley is talking about. We've made some exemptions for reasons of accommodating the movement. But generally we have to adhere to the height restrictions that apply, because the tendency has been to exceed the heights prescribed, thereby constituting a danger to other motorists.

Retail Business Licences

DR. PAPROSKI: Mr. Speaker, a question to the Minister of Consumer and Corporate Affairs regarding the removal of provincial licences from small businesses, which of course is an example of removing government interference in this area. Would the minister indicate whether this policy of removing the need for small businesses to have licences will continue wherever possible, or is the policy now changing?

MR. KOZIAK: Mr. Speaker, within the last couple of months about 18,000 retail businesses were relieved of the annual or biannual responsibility of filling out forms, sending in cheques, and that type of thing. I've had good response to the removal of those licences.

I'm looking at other areas where we can eliminate red tape and unnecessary forms which serve no useful purpose except to keep people at both ends busy filling out forms and adding to the returns Canada Post receives. To have people wasting their efforts on unnecessary procedures is not beneficial to the consumers, to the businesses involved in catering to consumers, or to the economy.

DR. PAPROSKI: A supplementary, Mr. Speaker. Would the minister indicate to the House whether he has representation from consumer groups expressing a concern, or can he assure the House that consumers will not be jeopardized by this program, recognizing they no

longer have to be licenced? If they're not jeopardized, how is that so?

MR. KOZIAK: Mr. Speaker, with respect to the removal of the licences the hon. member refers to, the effect on the consumer in terms of protection will be neutral, because there was never any protection given by the licences when they were in existence. So the elimination does not add or subtract from the protection to the consumer.

There are certain areas in which I have made certain changes which do add to the protection of the consumer. But those are in those restricted areas where licensing is necessary; for example, in the mail order business. In the future I will be looking at the area where the consumer purchases services in advance, the future-services area. The philosophy behind licensing that I bring to my responsibility in this portfolio is to provide licensing only where necessary, not necessarily licensing.

DR. PAPROSKI: Mr. Speaker, just to be absolutely clear, because consumers have indicated to me a concern in some instances. I support the program in either case. I'd like to have further clarification. To get a licence, you had to meet certain parameters. Now you obviously don't have to meet those parameters, because no licence is necessary. Has the minister set down other parameters, or is that just wide open now?

MR. KOZIAK: Mr. Speaker, the parameters that affected the issuance of retail business licences included such aspects as appropriate zoning, requirements of building standards, that type of thing. The governments, whether at the municipal or provincial level, have more than adequate capability to attend to those questions at other levels of government. So it was unnecessary for the Department of Consumer and Corporate Affairs to deal with matters of zoning or building standards.

The only other aspect of the retail business order that was of a substantive nature dealt with bankruptcy sales, the concern being that people would put on so-called bankruptcy sales every second month as a come-on to consumers, when there was no bankruptcy in fact. The provisions of the Unfair Trade Practices Act deal with that concern more than adequately. So it was unnecessary to have a whole flock of licensing procedures just to respond to that one particular aspect. Of course the removal of that licensing came as a result of that review.

DR. PAPROSKI: Mr. Speaker, a final supplementary. The comments the minister made should satisfy the concern of many consumers. When we speak of removal of provincial licences, can the minister indicate to the House whether municipalities can still impose a municipal licence that is even greater in cost and red tape than the provincial licence?

MR. SPEAKER: The hon. member is asking a question of law, relating to the powers of municipal governments.

DR. PAPROSKI: Mr. Speaker, maybe I can rephrase it, and you may or may not allow it. Can the minister indicate to the House whether there is any change regarding the municipalities being able to impose a municipal licence?

MR. SPEAKER: It's a rather thin disguise over a question of law. I don't know if the minister wants to deal with it briefly or not.

MR. KOZIAK: Mr. Speaker, about the only way I can deal with that question is to indicate that in terms of rationalizing our approach to licensing in the Department of Consumer and Corporate Affairs, nothing that has been done affects, negatively or positively, what steps a municipality might take in terms of its licensing functions.

MRS. CRIPPS: Supplementary, Mr. Speaker. Then from the last answer the minister gave, is it not anticipated that the municipal governments will have to require extra licensing in order to fill some sort of gap left by the department?

MR. KOZIAK: No, Mr. Speaker. As a matter of fact, I think we should all think about the concept that just because there's a business out there, it must be licensed. I don't find any truth or rationale whatsoever to that concept.

Licensing is a form of raising revenue, no doubt. And, from time to time, municipalities use the licensing process to raise revenue. I think that to suggest that everything that moves out there has to be licensed is a movement toward too much government. We should all be concerned about that, because government seems to be the expense rising most for all of us in terms . . .

MR. SPEAKER: Order please. I'm sure the hon. minister's statement of the philosophy of licensing is appropriate. But my concern is to reach some more questioners before the question period runs out. Might this be the final supplementary on this topic.

Gaming Licences

MR. BATIUK: Mr. Speaker a supplementary to the Attorney General. In view of the fact that other licences are being cancelled, I wonder whether the Attorney General would advise whether he would consider cancelling the licences for little community bingos?

MR. CRAWFORD: Mr. Speaker, it has been a little while since I reviewed the revisions made a year or so ago, when the regulations in regard to gaming were revised and guidelines were provided to the Gaming Commission. My recollection is that at that point they were certainly simplified for small organizations. If the hon. member has a case in point which shows that that intention is not being carried out, I'd certainly like to hear more about it.

Support for Amateur Sports

MR. D. ANDERSON: Mr. Speaker, my question is to the hon. Minister of Recreation and Parks. Is the hon. minister in a position to confirm reports that the government will be presenting legislation to establish a Crown corporation for the purpose of encouraging private-sector donations for amateur sport?

MR. TRYNCHY: Mr. Speaker, over the last weekend, some 100 sporting associations across the province met in Edmonton for a very successful convention. During their discussions, they felt that a better possible route for support of amateur sports was through some other media than just the Department of Recreation and Parks. In the Sunday meeting, they came forward to me — they would approve or would like to see approval of a Crown

corporation whereby we might be able to get funding from the private sector, in addition to government funding. I appreciate their concern and their suggestion, and I will be taking it to my colleagues in due time.

MR. D. ANDERSON: Mr. Speaker, a supplementary for clarification. Is the minister indicating to the House that his department is giving serious consideration, is in fact planning legislation in this regard?

MR. TRYNCHY: Mr. Speaker, I guess it's premature to say that we're planning legislation. I would be reviewing their request. I would also be reviewing that request with my colleagues and, if my colleagues say the direction to take is a Crown corporation, of course we'd see legislation.

MR. D. ANDERSON: Mr. Speaker, one final supplementary question. Could the minister assure this House that in considering the possibility of a Crown corporation, his department will try to consider the need for volunteer involvement over bureaucratic involvement by government officials? In other words, will the ratio of volunteer involvement far outweigh that of government employees in any Crown corporation?

MR. TRYNCHY: Yes, Mr. Speaker. In my three-year involvement with Recreation and Parks, I have directed attention to volunteers, and I can assure the hon. member we're gaining in that respect.

MR. KESLER: Supplementary question. In the negotiations, would the minister look at a public foundation rather than a Crown corporation, so it stays in the private sector rather than going into the hands of the government?

MR. TRYNCHY: Mr. Speaker, my understanding of a Crown corporation is that it is in the hands of the private sector, not government.

MR. KESLER: Supplementary question, Mr. Speaker. Would the hon. minister indicate whether or not this would be a public foundation, rather than a Crown corporation?

MR. TRYNCHY: Mr. Speaker, it's hypothetical; we haven't moved. I don't really understand that a public corporation is any different. I don't follow the trend of the hon. member's question.

MR. KESLER: The trend of the question is, would the hon. minister attempt to set in place a foundation where there would be no government interference?

MR. TRYNCHY: That's a question we'll take under consideration.

MR. SPEAKER: The hon. Minister of Utilities and Telephones would like to deal further with a subject that arose earlier in the question period.

Western Power Grid (continued)

MR. SHABEN: Thank you, Mr. Speaker. In replying to a question posed by the Member for Drumheller, I believe I indicated "30 per cent over peak capacity". My

intention was to say "30 per cent over peak load". There's considerable difference in describing the capacity of our interconnected electric system.

ORDERS OF THE DAY

head: GOVERNMENT MOTIONS

3. Moved by Mr. Lougheed:

Be it resolved that the address in reply to the Speech from the Throne be engrossed and presented to His Honour the Honourable the Lieutenant-Governor by such members of the Assembly as are members of the Executive Council.

[Motion carried]

1. Moved by Mr. Crawford:

Be it resolved that the *Standing Orders* be amended as follows:

A Temporary Standing Order 8(2), effective May 28, 1979, is amended

- (a) by striking out clause (b) and substituting the following:
 - (b) When Government Designated Business is called, the Assembly shall consider any item of business that the government Whip has designated, by written notice to the Clerk prior to 12 noon on the previous Friday, from those items on the Order Paper for that Friday under Motions Other Than Government Motions, Government Bills and Orders or Government Motions, which may be followed by any other government business.

- (b) in clause (c) by striking out "Thursday" and substituting "Friday".

B Standing Order 17(1) is amended

- (a) by striking out clause (b) and substituting the following:
 - (b) for the receipt of a report or concurrence in a report, or both, that has been tabled in the Assembly, except a report from the Committee of Supply or Committee of the Whole;
- (b) in clause (j) by adding "or amendment" after "suspension";
- (c) by striking out all that portion following clause (l) and substituting the following:
 - (m) made upon routine proceedings that may be required for
 - (i) the observance of the proprieties of the Assembly and maintenance of its authority;
 - (ii) the appointment or conduct of its officers;
 - (iii) the management of its business;
 - (iv) the correctness of its records.

C Standing Order 20 is amended

- (a) in suborder (1)(b) by striking out "any resolution, clause, section, or title" and substituting "any or all of the resolutions, clauses, sections, or titles then before the Committee";
- (b) in suborder (2) by striking out "2 a.m." and substituting "12 midnight".

D Standing Order 28(a) is amended by striking out "have unlimited" and substituting "be limited to 90 minutes".

E The following is added after Standing Order 46.1:

46.2 The Select Standing Committee on the Alberta Heritage Savings Trust Fund Act shall report to the Assembly on the annual report of the fund no later than the third Monday in October if the Assembly is then sitting or, if the Assembly is not then sitting, on the first Monday of the next ensuing sitting.

F Standing Order 47 is renumbered as Standing Order 50.1 and added after Standing Order 50.

G Standing Order 51 is amended

- (a) in suborder (4) by adding "but may not vote" after "the meeting";
- (b) in suborder (7) by striking out "present to" and substituting "move in".

H The following is added after Standing Order 51:

51.1(1) Committee of Supply shall be called to consider the main estimates on not more than 25 sitting days.

(2) Committee of Supply shall be called to consider the estimates and supplementary estimates, if any, of the Alberta Heritage Savings Trust Fund on not more than 12 sitting days.

(3) Any day that a subcommittee of the Committee of Supply sits constitutes a sitting day for the purposes of subsections (1) and (2).

(4) The Leader of the Opposition may, during the period when the estimates referred to in suborders (1) and (2) are under consideration by the Committee of Supply, designate, by written notice to the Clerk prior to 4 p.m. on a Thursday, one department's estimates to be considered by the committee on the following Monday.

(5) The Clerk shall cause notice of any designation pursuant to suborder (4) to be printed in the Votes and Proceedings for that Thursday.

(6) In respect of the supplementary estimates and interim supply estimates, a minister of the Crown may, with at least one day's notice, make a motion to determine

- (a) the number of days that the Committee of Supply and its subcommittees may be called, and
- (b) the dates and the number of departments' estimates that may be designated by the Leader of the Opposition for consideration by the committee,

and the question shall be decided without debate or amendment.

(7) A department's estimates may not be designated under this standing order if consideration of those estimates has been concluded or the department's estimates have been previously designated.

51.2(1) In this standing order and in standing orders 51.3 and 51.4, "normal adjournment hour" means

- (a) 5:30 p.m. if it is a Monday, Tuesday, Wednesday, or Thursday unless an evening sitting is to be held, in which case it means 12 midnight; and
- (b) 1 p.m. if it is a Friday.

(2) If, 15 minutes before the normal adjournment hour on the last day on which estimates referred to in Standing Order 51.1 may be considered, the estimates have not all been voted upon, the Chairman shall immediately interrupt the proceedings and shall forthwith put a single question proposing the approval of all the matters not yet voted upon, which shall be decided without debate or amendment, and the committee shall forthwith rise and report.

(3) If a subcommittee has not reported to the Committee of Supply 30 minutes before the normal adjournment hour on the last day on which estimates referred to in Standing Order 51.1 may be considered, the subcommittee shall be deemed to have reported.

51.3 Committee of Supply and its subcommittees shall rise and report no later than the normal adjournment hour.

51.4(1) In this standing order, "appropriation Bill" means

- (a) a Bill introduced to appropriate sums of money contained in the estimates approved by the Committee of Supply;
- (b) a Bill for a special Act introduced pursuant to the Alberta Heritage Savings Trust Fund Act.

(2) No appropriation Bill shall be advanced more than one stage on each day.

(3) If any appropriation Bill has been moved for second reading on any day, Mr. Speaker shall interrupt the proceedings 15 minutes before the normal adjournment hour and put the question on every appropriation Bill then standing on the Order Paper for second reading, which shall be decided without debate or amendment.

(4) If any appropriation Bill has been considered by the Committee of the Whole on any day, the Chairman shall interrupt the proceedings 15 minutes before the normal adjournment hour and shall forthwith put a single question proposing the approval of every appropriation Bill then standing referred to the committee, which shall be decided without debate or amendment, and the committee shall forthwith rise and report.

(5) If any appropriation Bill has been moved for third reading on any day, Mr. Speaker shall interrupt the proceedings 15 minutes before the normal adjournment hour and put the question on every appropriation Bill then standing on the Order Paper for third reading, which shall be decided without debate or amendment.

I Standing Order 52(1) is struck out and the following is substituted:

52(1) The *Standing Orders* of the Assembly shall be observed in the committees of the Assembly so far as may be applicable, except that

- (a) a member may speak more than once, and
- (b) in Committee of the Whole, no member may speak for more than 30 minutes at one time.

[Adjourned debate March 15: Mr. R. Speaker]

MR. R. SPEAKER: Mr. Speaker, in speaking to Motion No. 1, I would like to make just one or two short comments, then move referral of this motion. There have been discussions between the Government House Leader and us and the opposition, and we have reached some agreement with regard to that motion.

Mr. Speaker, I can only say that in respect for the common practice of a committee studying rules, making changes, and recommending changes to the Legislature, I think that custom should be preserved and protected in this Legislature. On that basis, I would like to move this motion of referral:

... that Government Motion No. 1 standing on the Order Paper be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing and that the Committee be instructed to report to the Assembly no later than April 2, 1982.

I move that for discussion at this time. My reasons are very basic. I outlined the other day that, historically, that is the right way it should be done. I would hate to see that precedent, that procedure, broken at this point in time.

MR. NOTLEY: Mr. Speaker, I'd like to rise and very briefly speak in favor of the proposed amendment which, as I understand it, is that the matter now before the House be referred to the Standing Committee on Privileges and Elections, Standing Orders, and Printing. I think the amendment would certainly go some distance to accommodating the concern expressed in the House last Friday. Unfortunately I wasn't here that day. But had I been, I certainly would have endorsed the concern expressed by some members that if we're going to make major changes in the rules of the Assembly, those changes should only come as a consequence of deliberation in a committee representing both sides of the House.

I recall the changes that occurred in 1973, if my

memory serves me right, which came as a consequence of a committee representing both sides of the House. I wasn't on that committee, but it's not important that every member of the opposition be on the committee. What is important is that the committee represent both sides of the House, the government and the opposition, if we're going to make any major changes in the rules.

I think the amendment before us has a lot to recommend it. First of all, we would be following custom, so there would be no question of any breach of what has normally been the procedure in most Houses. Secondly, there is a reasonable timetable that I don't think anyone can be upset about. As I recollect the motion put forward by the hon. opposition leader, the committee must report by April 2. As a consequence, we will have a report before the House so that the House can then give some careful and early attention to the results of the committee deliberation and their report.

It seems to me it has a twofold advantage. On one hand, we follow the normal custom. On the other hand, we have a timetable which is reasonable and where, if members feel fundamental changes should be made, those changes can be made relatively quickly but according to the traditional approach of making fundamental changes in a legislative assembly or parliamentary body.

That being the case, Mr. Speaker, I'm happy to lend my support to this particular amendment.

[Motion carried]

MR. SPEAKER: Perhaps I might be permitted, in view of the House having reached a decision on the point, to say something which I might otherwise not be at liberty to say. I congratulate the Assembly, and I welcome the adoption of this motion, because the ruling which I made on that point, I must say, was made with some considerable hesitation and regret. Now that the Assembly has adopted this means of dealing with what appears to be a possibly far-reaching change in our *Standing Orders*, it would seem to reinforce the custom of the House as it has been in past years.

head: GOVERNMENT BILLS AND ORDERS (Second Reading)

Bill 17 Criminal Injuries Compensation Amendment Act, 1982

MR. LITTLE: Mr. Speaker, I move second reading of Bill No. 17, the Criminal Injuries Compensation Amendment Act, 1982.

The principal features of this Bill are, first, to extend the Act to allow the board to compensate a person whose private property is damaged or destroyed as a result of an act performed by a peace officer; and secondly, to extend the law to allow the board to compensate an innocent bystander or his dependants, who are injured or killed as the direct result of an act of a peace officer who is endeavoring to prevent a criminal offence or to apprehend a criminal offender.

A situation which occurs not infrequently is that of an individual whose property has been damaged or destroyed by police action during attempts to prevent a crime or arrest a suspect. While the police cannot allow regard for private property to restrict their actions in attempting to bring a criminal under control, nevertheless

it does not seem equitable to leave the unfortunate individual whose property was involved to bear the full cost of repairing or replacing it. Of course the board will deduct any insurance proceeds received by the person seeking compensation in respect to the destroyed or damaged property.

With respect to innocent bystanders, an individual who by chance — or mischance might be more appropriate — is caught in an exchange of gunfire between the police and the person they intend to arrest, is an anomalous situation in that if he or she is hit by a shot fired by the suspect, his or her position is quite clear; but if he or she is hit by a shot fired by the police, that is not likely to be an injury which is a direct result of an act that is a crime included in those listed in the Act. Clearly the act of a police officer in firing the shot is not such a crime. Since it is not clear whether the injury or death can be related to the original resistance by the suspect, an amendment is therefore needed to remedy this apparent gap in the legislation. Otherwise it would be a curious and most unfortunate situation if the right to compensation in such circumstances depended on who fired the shot; that is, the police or the suspected offender.

The Bill further provides that the board may take into account a victim's explanation of why the alleged criminal act was not reported to the law enforcement authorities within a reasonable length of time. Such might occur when the victim was hospitalized for a lengthy period of time and was thereby not able to report the incident as soon as might otherwise be reasonably expected, or even ignorance of the existence of the Act.

A further amendment to the Act will make Canada Pension Plan payments exempt from deduction from an award made by the board. Payments made from the Canada Pension Plan have become a right possessed by all citizens who work or have worked, and one to which they have been compelled to contribute. To reduce a payment of compensation to a victim of a crime, or more frequently to the dependants of the victim, by an amount received under the Canada Pension Plan, would therefore be the equivalent of confiscating contributions the victim had been compelled to make by deduction from his or her earnings, or additions to his or her income tax payments, which of course would be manifestly unjust.

Finally the Bill will clarify the definition of "spouse" as it is currently found in the Act. At present, persons are deemed to be spouses for the purposes of the Act if, although not married to each other, they cohabit as man and wife and are known as such in the community, and if "a legal impediment exists to their marriage." The proposed amendment will exclude this last-mentioned requirement of a legal impediment. The present wording favors those who take no steps to sever their existing marriage. The proposed amendment is in accordance with the definition which is now found in the Workers' Compensation Act.

Thank you, Mr. Speaker.

MR. SPEAKER: I'm not sure whether the hon. Member for Redwater-Andrew is intending to enter the debate.

MR. TOPOLNISKY: No, Mr. Speaker.

[Motion carried; Bill 17 read a second time]

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

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

[Mr. Appleby in the Chair]

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

Bill 4
Wildlife Amendment Act, 1982

MR. CHAIRMAN: I believe the Wildlife Amendment Act, 1982, was held for an amendment during the last sitting of the committee. Could we have some advice about that?

MR. CAMPBELL: Mr. Chairman, there will be no amendment.

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

[Title and preamble agreed to]

MR. CAMPBELL: Mr. Chairman, I move that Bill No. 4, the Wildlife Amendment Act, 1982, be reported.

[Motion carried]

Bill 8
Transportation of Dangerous Goods
Control Act

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

MRS. OSTERMAN: Mr. Chairman, I have a couple of questions. It may be that I haven't perused the Bill as thoroughly as I should, but would the minister elaborate on the number of people that he feels will have to be employed in the province in order to properly conduct all the regulations that will come under this Bill? What kind of working relationship will have to be maintained between other agencies in the provinces adjacent to us, and with the federal government?

MR. MOORE: Mr. Chairman, last fall I think I outlined the areas of training requirements within the Alberta public service, that we would expect to undertake in the development of a program for the control of transportation of dangerous goods. My recollection is that after the program is in full operation, there would be about 25 full-time employees over and above what there are today. There would be offices in Edmonton, Calgary, Grande Prairie, Red Deer, and Lethbridge. That's five offices staffed by a senior person in each case, with some complementary secretarial staff. There would be additional staff, of course, at the head office in Edmonton.

The bulk of the work in the field will be done by existing people: police forces throughout the province, highway patrol, weigh scale operators, Environment and Department of Labour officials, and fire service officials in larger municipalities. Insofar as liaison with other provinces and with the federal government, that would all occur by the senior staff, the director of the program, and would not really require any manpower over and above the director's position.

MR. SINDLINGER: Mr. Chairman, with regard to the Transportation of Dangerous Goods Control Act, I note that in Section 7 authority is given to an inspector to
at any reasonable time without a warrant, enter and inspect a place or vehicle and its load or a building
[et cetera] ...

It seems to me a little incongruous with other practices we have in our society, in regard to the requirement for a search warrant prior to these types of procedures.

For the sake of comparison, I have looked at the Summary Convictions Act, Chapter S-26. It provides the basis for entering different places under different circumstances. It requires that, first of all, there must be reasonable cause demonstrated for such intrusions into the private sector, private places, or private property. Under most situations for a search warrant, I think a police officer must first demonstrate to a justice that there is reasonable cause for something like this to occur. Once reasonable cause has been demonstrated, a search warrant is then presented to the officer so he can carry out his responsibilities.

In this case, it says that a warrant is not required and that an inspector — we don't know the qualifications of an inspector, whether they would be comparable to those of a police officer — can "enter and inspect a place or a vehicle and its load or a building". Perhaps the minister might address his attention to that point and indicate how the privacy and integrity of the individual can be maintained, and not be compromised and trespassed upon by an undue incursion on his private property.

MR. MOORE: Mr. Chairman, I would be pleased to address that matter. Indeed there was considerable discussion on clause 7 before the draft before you was submitted. I would say that it parallels federal legislation, but in no way was that the reason it is written as it is. Perhaps the hon. member is aware that when I first became a Member of this Legislative Assembly, there were many pieces of legislation which allowed entry into private dwellings without a warrant, including the brand inspection Act, the bee diseases Act, and the Planning Act. Since that time, this government has moved to remove the ability of an inspector to enter private dwellings without a warrant in a number of pieces of legislation, I think consistent with what the general public would expect today. There is any number of pieces of legislation, both in this province and other provinces in Canada and federally, that allow inspectors to enter without a warrant at reasonable times — and the legislation does say that — vehicles, buildings, et cetera, other than a private dwelling.

The legislation goes on to say that the inspector should do that only when he believes dangerous goods are being handled there and are offered for transport. Frankly I find nothing offensive about legislation that allows an inspector, when he believes dangerous goods under this Act are being transported in a vehicle or are being prepared for transport in a warehouse or somewhere, to enter at reasonable times without a warrant. To ask that in all cases inspectors get a warrant would severely restrict their ability to act as they are required to under this legislation, in terms of the transportation of dangerous goods.

Mr. Chairman, I respect the hon. member's representation, but I wish to assure him that it would not be our intention to have inspectors unduly or unnecessarily harassing people involved in the transportation of dangerous goods. One can only suggest that in due course the

record will have to speak for itself in that regard. I would expect that, as most civil servants in this province do, police forces and firemen would act in good faith in carrying out the objectives outlined in the Bill.

MR. SINDLINGER: Mr. Chairman, notwithstanding the fact that there are other examples where inspectors or government officials are allowed to enter premises without a search warrant or a warrant permitting them to do so, that is no justification for something in this particular case. We ought to give a great deal of thought prior to enacting any other legislation which allows a civil servant to make incursions on private areas where other law enforcement officials cannot do so. In my judgment, it's very arbitrary and can open itself to a great deal of abuse. There are many examples of that. There are many examples of other provincial legislation — not this particular one — where the federal government has felt so as well, and thrown out that type of legislation.

There have been extreme examples of legislation in those cases, particularly in Alberta and Quebec, a noted one being the padlock law, which was referred to by another member of this Assembly last year. What it does is open the door for some very arbitrary action by people who are not directly accountable for those actions. I don't see anything in this Act which would limit or at least give cause for second thought to an enforcement officer who would be accountable for his incursion on a private sector in such a fashion.

Aside from a philosophical problem, there is also a practical one here. I can give a demonstration of that in the past few years. On the transportation of hazardous goods, about eight years ago some federal official said that propane and butane railway tank cars should be repainted with the words "dangerous commodity" and "hazardous commodity" on them, also that some remedial actions should be taken in the event of an accident. The tank car owners were ordered to repaint all those cars within two years. They did so, and it was not an inexpensive task. It cost a great deal of money over those two years. Immediately after having completed the job of repainting all those tank cars in all of Canada, the same enforcement officials said that they should recover the entire tank car with an insulating material. So all that painting, renumbering, and re-stencilling was for naught; the money was expended for no particular reason.

We should give a great deal of thought about allowing things like this to happen, and giving them official countenance through legislation. I don't believe there should be any case where officials are given the right of entry to private property without a search warrant, and obtaining a search warrant through demonstrating there is just cause for having one.

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

MR. SINDLINGER: I have a couple of other questions, Mr. Chairman, in regard to the remedial efforts that would result from actions taken by an enforcement official or through the authority of this particular Act. The Act is quite broad and allows for the minister or his agents to take certain actions. Later it goes on to define what should occur after those actions. For any inspector or enforcement official to do something in the private sector, that means the private sector has to redirect its energies and efforts to satisfy those things being undertaken by the inspector. That is, if an inspector goes into

any business place, right away the people working in that business place have to drop the things they're doing and accommodate the efforts of that inspector. That's a business cost in itself.

One of the major criticisms we have of government today is that it's too pervasive in our lives, and that rather than our pursuing our livelihood, a lot of our time is taken up satisfying the government in different areas; that is, there's just too much government. So the question here is: once an enforcer or inspector goes in and, first of all, disrupts the business and, secondly, seriously impairs it by seizing goods, what happens to the proprietor of that business? Exactly how is he compensated? First of all, how is he compensated for the goods which are seized? Secondly, how is he compensated for foregone income, lost simply because he cannot continue to conduct his business?

Some things are spelled out here. But in my judgment there is a serious inadequacy, because in a lot of instances remedial actions do not just occur right away; they take a long time. It's a lengthy process. Quite often, that process has to go through the courts. For businesses to spend time in court, first of all trying to retrieve their property and, secondly, trying to demonstrate that they're entirely within propitious practice, is a very costly incursion upon the private sector. I'm not sure this Act adequately deals with those two subject areas. They certainly deserve more attention than they've been given in this particular legislation.

MR. LYSONS: Mr. Chairman, I'd like to deal with a couple of points that the hon. Member for Calgary Buffalo has alluded to. As is so usual in his remarks, he has no idea of the complications. I'm a farmer, albeit very small. We have animals and things around our farm. If a tanker truck with oil, propane, or other goods spilled in a ditch, I would not only desire but expect that an inspector come in and block off the flow of those chemicals or whatever as quickly as possible. It would seem like a very stupid thing to have an inspector chasing down someone to give him a warrant to go in and do those things. If anyone has ever had a water supply that they wanted to protect, they would want to protect it as soon as possible.

I see absolutely nothing wrong with this particular section in the Act. In fact it would be highly irresponsible if this wasn't in the Act, to protect landowners and all those things near and dear to us, particularly in the rural areas.

MR. SINDLINGER: Mr. Chairman, it seems to me that the member who has just spoken has gone back to the first point, in regard to the philosophical justification of intrusion upon private property in the private sector without first demonstrating reasonable cause to do that and, secondly, without going through established procedures to get a search warrant. I for one would not want anyone intruding upon my privacy or compromising my dignity in an arbitrary fashion. Lord knows that we as human beings, regardless of where we sit or what we do in our lifetime, can be very arbitrary from time to time. It is better that we run our lives according to the rule of law rather than the rule of men.

When we give people like an inspector the unfettered right to intrude upon our privacy, we are subjecting ourselves to the whims and fancies of anyone who may have that authority. I for one do not like that. I would like to have some protection from the arbitrariness of something like this. I cannot see where in any case — unless it's a very extreme situation, an exigency that

requires immediate and urgent attention — anybody should be allowed to intrude upon our privacy in the manner this Act authorizes an inspector to.

MR. MOORE: Mr. Chairman, perhaps I'll try again. I'm sure the hon. member is aware that the Act says, and it's important:

For the purpose of ensuring compliance with the Act and the regulations, an inspector may, at any reasonable time without a warrant, enter and inspect a place or a vehicle and its load or a building, other than a private dwelling.

Subject to being corrected by the Attorney General, those powers are less than those normally granted to police forces in this or any other province. One could have written this Act on the basis that inspectors would have the same powers law enforcement officers do under other provincial legislation, and they would have more powers than actually exist here.

Nothing here purports to enter the privacy of one's home or abode. It deals purely with buildings and vehicles where dangerous goods may be stored or transported. Again, the Act says that the inspector can enter only for purposes of ensuring compliance with the Act. I don't think you can write good judgment into legislation or regulations. We hope good training will provide good judgment, and that people won't be unduly harassed by this legislation.

Let me just say one other thing about the hon. member's comments about people being asked to take certain actions under the legislation and having to drop all their other chores. If there's a violation of the legislation, and if we believe we need some control over the transportation of dangerous goods, then indeed people should be required to drop everything in certain cases, comply with the Act, and make sure their actions comply with the Act. So I don't find anything offensive about that.

It is true, and I think the hon. member is aware of this, that with regard to the transportation of dangerous goods, this Act places on a lot of people in our society an additional level of responsibility which they didn't previously have. But in this Legislature and elsewhere, people have been saying we need that. The hon. Member for Clover Bar is in the middle of a constituency that has a lot of dangerous goods transported through it. Other members have the same concern, and they've said that government must act rationally in concert with other governments and provide some control over the transportation of these dangerous goods. That's what we're trying to do.

I've had a lot of co-operation from our Minister of Economic Development. We are going to try our utmost to make sure the regulations attached to this Act, the manner in which dangerous goods are transported, do not incur an unreasonable burden upon industry and the general public. I think it's fair that we do that. That's one of the reasons we co-ordinated this legislation right across Canada: so you don't have to change labels, signs, speed limits, trains, and motor vehicles when you move from one province to another. But make no mistake: a level of performance that wasn't previously required will be required under this Act.

MR. THOMPSON: Mr. Chairman, I'm amazed at the Member for Calgary Buffalo bringing this point up.

MR. SINDLINGER: Mr. Chairman, I ask that this member and the member preceding him address their

comments to the issue at hand and not the Member for Calgary Buffalo.

MR. THOMPSON: I'm going to in a second, Mr. Chairman. I've heard him say many times in this Legislature that the government is responsible for protecting the public. We're dealing here with hazardous goods. We need inspection. We have inspection for cafés, where public health needs protection. In cases like this, I think we have no choice but to put these kinds of teeth in the Act if we're a responsible government.

Thank you, Mr. Chairman.

MR. KESLER: Mr. Chairman, in light of the incidents of past months in relation to transportation of dangerous goods, the Act is certainly timely. I think the public in general would certainly appreciate the action intended here. However, I feel there is some vagueness in the repetition of the word "reasonable", and I wonder if that word doesn't leave too much latitude and room for interpretation. Some of the problems we face today are because of vagueness of terms with respect to abnormal, reasonable, herewith, and notwithstanding. I wonder if those words in particular, "fail to comply with any reasonable request", page 4, Section 5(a), and "if an inspector is satisfied on reasonable and probable grounds" — again we get "reasonable". Are there specific guidelines for the term "reasonable" in this proposed Bill?

MR. SINDLINGER: Mr. Chairman, first of all, let me state that there is in fact a need for legislation that deals with handling and transportation of hazardous goods. Furthermore, the government has been very prudent in consulting with the federal government to ensure uniform standards across the country for the handling and transportation of dangerous and hazardous goods. So the question about the need for this legislation is not one I'm going to debate, because I believe there is in fact a need, and I'm glad to see the government has acted on that need.

The question, however, is with regard to individual rights and protection from arbitrary imposition of the law and regulation by governments and the civil service. In my hand I have a book, *Martin's Annual Criminal Code, 1981*. It deals with various federal Acts, the Criminal Code, the Canada Evidence Act, the Food and Drugs Act, the Narcotic Control Act, the Juvenile Delinquents Act, et cetera. It is quite specific in spelling out what information is required before a search warrant is even issued. There is nothing arbitrary about it and no need for anybody to sit down and ask themselves if this is reasonable. There is no latitude for that type of judgment; it is spelled out in these Acts.

Yet in this particular Act, we have a requirement that there be a reasonable demonstration that there is a need for somebody to go in and search and seize to ensure compliance with the Act. That's not good enough, Mr. Chairman. It doesn't protect anybody's rights. Certainly one of the most basic rights we have in the private sector is the right to ensure that our privacy is not compromised and, by so doing, have our dignity trespassed upon. In this particular Act, there is no guideline which spells out precisely what would justify an incursion on a private place, notwithstanding that it's not a dwelling but a private business place — a barn, a shop, or whatever. An inspector can go in and search and, at his discretion, seize.

Although provisions for remedial actions are laid out

later on in the Act, they are not only costly but time consuming for that person who has been so encumbered. It's time for sober reflection on that type of legislation. Because there have been examples of that type of legislation in the past, that does not justify it for the future.

DR. BUCK: Mr. Chairman, to members of the committee, I certainly compliment the minister, and the ministers across the country, for finally coming up with an Act that will give us some uniformity and also reflect the concern we have as citizens in an industrial country where more and more petrochemicals and dangerous goods are being transported.

I would like to say I certainly support the Bill. But that is not the point the hon. Member for Calgary Buffalo is trying to make. I say to the minister, as sincerely as I can, that the point the member is trying to make is that the minister should take this back to legal counsel and have them look at it closely. None of us is so infallible, hon. minister, that we have all the answers. The minister himself has been a small business man. He knows that when you give people authority to inspect something — a private vehicle, a private building, a private business — there are times when people with the best of intentions overstep that authority. They stretch it into meaning something they don't have the authority to [do]. So we have to protect the rights of the citizen. Basically that's all the hon. member is saying.

I think some of the hon. backbenchers had better realize that the hon. member is saying we support the legislation. It's the rights we are losing that we are worried about, hon. members of the government caucus. There's no argument whatsoever about the necessity of the Bill. There's no argument about the concern. We support the legislation. But as sincerely as I can, I ask the minister to have a look at that section.

I've been in this Legislature long enough to know that when things come to caucus — the minister says, we've got this piece of legislation. You come in at 20 minutes after 12, and caucus is going to quit at 12:45. The caucus says, yes, let's get on to the next one because we're half an hour late. I know the way it works, hon. Provincial Treasurer, so don't look so taken aback. Sometimes we don't look closely enough at what we're presenting. No caucus can go through every section of a Bill clause by clause.

I know and the minister knows that Bills have been amended on the floor of this Legislature on third reading because all hon. members, all 78, missed something quite obvious when looking at them. So I'm asking the minister to take it back, hold that section. There's nothing wrong with that. We don't seem to be in any hurry to get anything done. We're running out of work. Have a look at this section.

The legislation is great; the legislation is good. But look at that section, Mr. Minister, because there is certainly the opportunity for somebody to get over-enthusiastic. I'm driving my truck down a highway. If that man suspects or thinks there may be some hazardous chemical or hazardous goods in that vehicle, he has the right to stop my vehicle and check it. I don't think he should have that right.

Mr. Chairman, to members of the committee, we support the legislation. It's just this section we find distasteful. I think the minister would be wise and prudent to have a look at it to see if it should be looked at and revamped. Basically that's all the argument is about, Mr. Chairman.

MR. MOORE: Mr. Chairman, first of all, in case the hon. member has forgotten, when you have more than three people in your caucus, you meet for several hours at a time. Our caucus did spend a lot of time on this Bill. The Bill was introduced last fall, and that same section was there last fall. It has had wide public circulation since that time. No one has raised any concerns to me with respect to that section, except for today. I don't mind taking it back and asking the Attorney General and others to have another look at that section. But I know that we will bring it back next week in precisely the same manner, because there is absolutely no way this legislation can operate if an inspector is required to get a search warrant every time he wants to look into a vehicle. For reasons of privacy, we put in there: except a private dwelling. At any rate, I've made my arguments on that. Two hon. members don't agree with me, and I guess that's what a debate is all about.

With respect to the word "reasonable", it's used throughout the Act. I say to the hon. Member for Olds-Didsbury that it's difficult, if not impossible, to define in the legislation or in regulations what a reasonable time is. We could say between 7 a.m. and 10 p.m. That may be unreasonable in certain circumstances and reasonable in others. It's a commonly used word. When we were developing sections of this Act, my information was that it's a word suitable for use in legislation, because if someone acts unreasonably, a judge or someone in a position of authority will determine whether it was unreasonable. I realize it's used throughout the Act, but I believe it's the only and most appropriate choice of word there is in dealing with the sections we're talking about. So unless someone has an alternative to that particular word, I think it has to stay there, even though it doesn't define explicitly what we mean when we talk about hours you may enter or things you may do.

Mr. Chairman, again I say that I'm prepared to review Section 7 with respect to the right of an inspector to enter, compare it with the powers that exist among police forces across the province, and others. I will undertake to do that, and I don't mind if the Bill is held in committee for that one purpose. If members want to address other sections of it, we can bring it back at another time.

MR. CHAIRMAN: Does the committee agree that the Bill be held, as the minister suggested?

SOME HON. MEMBERS: Agreed.

MR. CHAIRMAN: Anybody opposed?

MR. NOTLEY: Mr. Chairman, I certainly agree it should be held, but while the minister is looking things over, could I add one other thing I'd like him to examine as well, if he's going to hold it. [interjection] Yes, he's just holding that section, I believe. But I am a little concerned about Section 11(2), Mr. Minister. I'll just read that:

For the purposes of proceedings under this section, a defendant engaged in any activity to which this Act applies is deemed to have been at fault or negligent unless he establishes, on a balance of probabilities, that he and any others for whom he is by law responsible, took all reasonable measures to comply with this Act and the regulations.

You know, it's rather unusual when a socialist member stands to sort of defend the situation of the private entrepreneur. But, Mr. Chairman and Mr. Minister, the whole basis of our system of law is that someone is

presumed innocent until proven guilty, and that the balance of probabilities must be that they are presumed innocent. Let's see what this is saying:

For the purposes of proceedings under this section, a defendant engaged in any activity to which this Act applies is deemed to have been at fault or negligent unless he proves otherwise.

MR. KESLER: That's unreasonable.

MR. NOTLEY: Mr. Chairman, I really say to members of the House that we'd better hold this one over too, and give some thought to why we have to give this sort of power in the Act. I can understand that it might be easier to apply the Act, but the implications are not only that you've got a stringent Act; you're then going to have people who come under this Act saying, just a minute, Mr. Minister, you're going to have to have much laxer regulations. If we're going to be guilty until we prove ourselves innocent, maybe we'd better water down the regulations. That's one side of it.

But the basic principle any Legislature has to stop and ask itself, no matter who the legislation affects, is: should we turn around a basic proposition of our whole system of justice? Mr. Minister, I would say to you that we have to have some awfully good reasons advanced why 1,000 years of Commonwealth jurisprudence should be turned around in a Bill we pass in the Legislature in a few minutes.

MR. CHAIRMAN: I believe the committee has agreed that the Bill be held. I think that's the position we're in at the moment.

MR. MOORE: Mr. Chairman, if members have other concerns to raise, as did the hon. Member for Spirit River-Fairview, I hope they will raise them now so I might have an opportunity to inquire into them. If there are other matters connected with the Bill that members wish to raise with me, I would be pleased if they did.

MR. CHAIRMAN: If they are matters that haven't already been raised, I think that would be acceptable. But I don't think we should repeat things that have been said before.

DR. BUCK: Mr. Chairman, from what I can understand, all we're really worried about is holding one or two sections.

MR. MOORE: Except the hon. Member for Spirit River-Fairview has raised a question about another section, which I can respond to now or, since the Bill is being held, I would prefer to make note of his comments from *Hansard* and respond when it comes back. Without arguing about sections 7 and 11(1), and parts connected with it — they will be debated again. If members have some concerns about other sections in the Bill, they'll be free to raise them when the Bill comes back. Nevertheless, if they can raise them now, it might help me to provide some answers.

MR. SINDLINGER: I have just one more general comment. First of all, I'm glad the minister is taking this back for reconsideration. Again, I must say that it's necessary legislation. I'm not against the intent or need

for it, but certainly those two things ought to be reconsidered.

[Mr. Purdy in the Chair]

Also, generally when the Bill is looked at again, it might be well to spend some time on the question of ultimate liability; that is, in terms of defining more precisely who is liable for accidents and the mishandling of dangerous goods and commodities. There is a question right now as to who is ultimately liable for accidents. With some legislation, it appears that a person who loaded a car — for example, a railway car — could be liable for an accident that occurred through the negligence or fault of somebody who unloaded the car 2,000 miles away. There is an unassigned liability at present, so that almost anyone who has handled the commodity, from the production stage to the consumption stage, could be liable for any accident. That point might be addressed as well in reconsideration.

Thank you.

MR. DEPUTY CHAIRMAN: Is it agreed that the Bill be held?

HON. MEMBERS: Agreed.

Bill 10

Law of Property Amendment Act, 1982

MR. DEPUTY CHAIRMAN: Are there any comments or amendments to be offered with respect to any section of this Act?

There is an amendment, which has been circulated to hon. members. Are there any questions on the amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

MRS. CHICHAK: Mr. Chairman, I move that the Bill be reported as amended.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports Bill 4, Bill 10 with some amendments, and reports progress on Bill 8.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, I'll shortly move that it be called 5:30, but would indicate to hon. members that tomorrow the Assembly will sit in the evening, at which time the Provincial Treasurer will give the Budget Address. As to business on Friday, I'll attempt to deal with

that tomorrow.

HON. MEMBERS: Agreed.

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

MR. SPEAKER: Having heard the motion by the hon. Government House Leader, do you all agree?

[At 4:25 p.m., pursuant to Standing Order 5, the House adjourned to Thursday at 2:30 p.m.]