

**LEGISLATIVE ASSEMBLY OF ALBERTA**Title: **Friday, April 23, 1982 10:00 a.m.**

[The House met at 10 a.m.]

**PRAYERS**

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF BILLS****Bill 29  
Financial Administration  
Amendment Act, 1982**

MR. HYNDMAN: Mr. Speaker, I request leave to introduce Bill No. 29, the Financial Administration Amendment Act, 1982. This being a money Bill, His Honour the Honourable the Lieutenant-Governor, having been informed of the contents of the Bill, recommends the same to the Assembly.

Among other amendments, Mr. Speaker, this Bill has these purposes: to increase the authorized borrowing limit, to modify the list of eligible investments for the General Revenue Fund and other government funds, to clarify provisions with regard to the Consolidated Cash Investment Trust Fund, and to provide that all interest on debt would be a statutory charge on the General Revenue Fund.

[Leave granted; Bill 29 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. KROEGER: Mr. Speaker, I'd like to table the answer to Motion for a Return No. 145.

MR. SCHMIDT: Mr. Speaker, I would like to file the 1981 annual report of the Farmers' Advocate.

MR. STEVENS: Mr. Speaker, I'm pleased to table the Public Service Commissioner's report for the year ended March 31, 1981, with special reference in this report to the International Year of Disabled Persons.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. WOO: Mr. Speaker, this morning I'm pleased to introduce to you and to members of the Assembly a group of 49 grade 6 students from Jean Vanier school in Sherwood Park. Their visit to the Legislature is in conjunction with their studies on government. They are accompanied by two teachers: group leader Miss Sharon Howrish and Mr. Kevin Siwak. They are seated in the members gallery, and I ask that they now rise and receive the warm welcome of the House.

MR. R. SPEAKER: Mr. Speaker, on behalf of my colleague the hon. Dr. Buck, the Member for Clover Bar, who is unavoidably away this morning, I would like to introduce, through you to members of the Assembly, 55

grade 6 students from the Ardrossan school. Accompanied by teachers Mrs. Bigelow and Mrs. Tuli and bus driver Mr. Markotte, they are seated in the public gallery. I ask that they rise and receive the recognition of the Assembly.

MR. KNAACK: Mr. Speaker, it gives me great pleasure this morning . . . I should apologize; I just came back from the dentist. I see Walter is still away. [laughter] Mr. Speaker, I noticed that my elocution isn't quite the same.

It gives me great pleasure this morning to introduce 26 students from St. Teresa school in the constituency of Edmonton Whitemud, accompanied by their teacher Morley Pinkoski. I ask them to rise and accept the warm welcome of this House.

head: **ORAL QUESTION PERIOD****Oil Sands Development**

MR. R. SPEAKER: Mr. Speaker, my question to the Minister of Energy and Natural Resources is certainly a very obvious and necessary question today. It's with regard to the future of Alsands, and whether we can look at it pessimistically, optimistically, or just where it sounds. From the media, I understand that the meetings were brief, and no results were really announced. Could the minister indicate what breakthroughs have happened, and what sequence of events will occur in the next few days, in the remaining part of this \$4 million month?

MR. LEITCH: Mr. Speaker, I don't know that I can answer the question in terms of optimism or pessimism. Yesterday I had a meeting in Ottawa with the federal Minister of Energy, Mines and Resources. We are continuing the discussions started yesterday; they will be continued today by telephone. Until they are complete, Mr. Speaker, I don't know that I can give the Assembly any additional useful information.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the minister indicate whether April 30 is the "go, no go" deadline as yet, with negotiations in their present state?

MR. LEITCH: Mr. Speaker, at the moment, no discussions are going on to extend the end of the month deadline. Again, I don't know that I can add anything useful beyond that.

MR. R. SPEAKER: Mr. Speaker, a supplementary question with regard to the consortium members and their involvement in this negotiation process at the present time. Could the minister indicate whether the present consortium members are still involved in the negotiation process? Are they being kept fully aware of what is happening? Are there plans to involve the consortium members further, in the next couple of days?

MR. LEITCH: Mr. Speaker, the members of the consortium have been kept informed of the discussions. From time to time, there has been contact with members of the consortium, and I'm sure they will be further involved in discussions in the coming days.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. At this point in time, could the hon. minister advise

who is responsible for bringing more members into the consortium? Is that partly incumbent upon the government, or is that the responsibility of only the present consortium members?

MR. LEITCH: Mr. Speaker, I don't know that I could put it in terms of responsibility. I think it's more accurate to say that both the members of the consortium and the governments — certainly our government — are talking to potential additional participants in the project.

MR. R. SPEAKER: Mr. Speaker, could the hon. minister indicate why the proposal of one of the possible partners of the consortium, Nova, was rejected? Or is the door still open for Nova to become involved in the Alsands development?

MR. LEITCH: I saw that speculative story, and I can only say to the Assembly that no proposal has been rejected. We received a proposal from the Nova Corporation, and it is still under consideration. As I indicated in my earlier answers, there have been discussions between our governments and possible additional participants in the project, and I expect those discussions will continue.

MR. R. SPEAKER: Mr. Speaker, a supplementary question with regard to the discussion with the federal minister. Was one of the items of discussion the matter of what constitutes a significant role for private enterprise in the Alsands development, and that there is a limit of government involvement in that Alsands development? For example, at some point are the ministers saying: look, there cannot be more than 49 per cent, 30 per cent, 20 per cent, or 10 per cent government equity? Is that kind of discussion going on between the two governments at the present time?

MR. LEITCH: Mr. Speaker, that's an important question. I remind members of the Assembly of the position we've taken in the House on other occasions: in our view, this project should only proceed if there is very significant private-sector investment. We haven't put a precise percentage on it, but certainly it is our view — and we've made that known to the federal government — that the project should only proceed if there's very significant private-sector investment.

MR. R. SPEAKER: Mr. Speaker, a final supplementary with regard to involvement of the two first ministers, the Premier and the Prime Minister. In the present sequence of discussions, are any plans being made for the two first ministers to meet on this specific item? To be more specific in the question, Mr. Speaker: prior to the end of April. Or if there is other information, I would appreciate that as well.

MR. LEITCH: Mr. Speaker, I wouldn't purport to answer on behalf of the hon. Premier, but I'll certainly take notice of the question. He is presently away from the Assembly on government matters, and I'm sure he'll respond to it as soon as he returns.

MR. KESLER: A supplementary question, Mr. Speaker. Can the hon. minister indicate whether the remaining private-sector participants have given the government formal notification to withdraw on April 30?

MR. LEITCH: Mr. Speaker, I don't know that I can be more specific than I already have been on that issue. As members of the Assembly are aware, an arrangement was made between the federal government and our government, whereby we would pay the costs of maintaining the project during the month of April. As I said in answer to an earlier question, no discussions are now under way with respect to extending that time line.

#### Shut-in Oil Production

MR. R. SPEAKER: Mr. Speaker, a supplementary question with regard to the negotiations or discussions yesterday. Could the hon. minister indicate whether the other item on the agenda yesterday was with regard to Alberta's shut-in oil and offshore oil continuously being brought in, and the concern of the government of Alberta because of that matter?

MR. LEITCH: Mr. Speaker, there wasn't. I earlier felt that we would be in a position to have discussions on that matter with the federal Minister of Energy, Mines and Resources yesterday. However, the work we want to complete before we have those discussions, which involves some assessment of the markets in the United States and the opportunity there to market Alberta's shut-in production, has not been completed. In addition, I think it preferable for us to have a joint proposal with the province of Saskatchewan, which has a very major shut-in production problem, and those discussions haven't been completed.

As soon as those two things are completed, I contemplate having further discussions with the federal Minister of Energy, Mines and Resources about this very serious problem for Alberta's conventional oil industry.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the minister be a little more specific as to the timetable of those discussions? Will the next formal discussion with the minister be prior to April 30, 1982?

MR. LEITCH: Mr. Speaker, I take it that the hon. Leader of the Opposition is referring to discussions regarding the shut-in oil production problem. I can't fix a date for those because, as I said, we want to complete the items I was referring to before having those discussions. At the moment, I'm not certain when we can complete those.

#### Energy Ministers' Meeting

MR. R. SPEAKER: Mr. Speaker, to the hon. minister, with regard to the length of the meeting yesterday and relative to the importance of the topic, Alsands. For clarification, could the minister indicate why the meeting was so short? Was there no possibility of any decisions yesterday, or did events occur that meant that a longer meeting wouldn't bring any results anyway? Could the minister clarify exactly why the meeting, relative to such an important topic, was so short?

MR. LEITCH: Mr. Speaker, the meeting went on for two hours or more. We reached a point where some further work needed to be done by officials before we could have further discussions. On reaching that point, we decided to return to Alberta and have the officials work here and provide some additional information. That is what oc-

curred, and that's the reason for the meeting ending after about a couple of hours.

**Oil Sands Development**  
(continued)

MR. KESLER: Mr. Speaker, a supplementary question. Because of the obvious lack of progress made in negotiations, can the hon. minister indicate what contingency plans that could be effected after April 30 remain in place?

MR. LEITCH: On what, Mr. Speaker?

MR. KESLER: On proceeding with Alsands in another direction. Does the government have in place contingency plans to deal with the problem?

MR. LEITCH: Mr. Speaker, I think that's a matter we ought to deal with in the Assembly, after we know the results of the current discussions.

MR. SINDLINGER: A supplementary please, Mr. Speaker. I wonder if the minister could indicate to us whether a target rate of return has been set for the equity investment contemplated by the Alberta government.

MR. LEITCH: Mr. Speaker, the decision as to whether Alberta would be an equity participant hasn't been made, of course. As I've indicated a number of times in the Assembly, that's something we've always had under consideration, but no final decisions have been made. That being so, we haven't made any final decisions with respect to target rates of return.

MR. SINDLINGER: A supplementary to the Provincial Treasurer, Mr. Speaker. I ask the Provincial Treasurer whether he could indicate to the Legislative Assembly the rate of return on the equity investment in the Syncrude project.

MR. HYNDMAN: Mr. Speaker, I'd like to be absolutely correct on that information, so I will undertake to consider providing the information.

MR. SINDLINGER: Mr. Speaker, a supplementary to the Provincial Treasurer. If I recall correctly, in the heritage fund committee two years ago, it was indicated that the rate of return would be about 2 to 3 per cent on an accounting basis and about 15 per cent on a discounted cash flow basis.

MR. SPEAKER: Is the hon. member answering the question?

MR. SINDLINGER: So my question is: in light of the rate of return received on the Syncrude project, would the Provincial Treasurer consider that rate of return to be a reservation rate of return, beyond which an investment would not be made in the Alsands project? Thank you, Mr. Speaker.

MR. HYNDMAN: They're different projects, Mr. Speaker. Suffice it to say that the Syncrude investment has been a very good one for the province.

**Nurses' Settlement**

MR. R. SPEAKER: Mr. Speaker, my second question is to the Minister of Labour, with regard to the tribunal that will be making an award for the nurses' settlement. On the basis of the award of that tribunal, I wonder if the minister could indicate if he will comply with Section 154 of the Labour Relations Act; as well, Section 7(10) of Bill 11, which indicates that after an award has been made, it can be enforced through a court order. Could the minister indicate whether his intention is to comply with that section?

MR. SPEAKER: Is the hon. leader seriously asking a minister whether he's going to obey the law?

MR. YOUNG: Mr. Speaker, I just respond to the hon. leader that, not having memorized totally the sections of the particular legislation from which he quoted, I can't refer specifically to them. But as a matter of principle of very long standing, it has been my objective always to comply with the law.

MR. R. SPEAKER: That's all I wanted, Mr. Speaker. Sometimes the law has to be questioned in the Assembly.

Then my question to the hon. Minister of Hospitals and Medical Care is relative to remarks the hon. minister and the Premier made in this Assembly on April 21, 1982. First of all, with regard to meeting the cost of the award of the tribunal, the minister said, we're not prepared to give blank-cheque funding. As well, the Premier said that he wasn't prepared to give an unequivocal response to meeting the award, whatever it was. I wonder if the hon. minister could indicate whether he has had time to reassess that position and at this time is prepared to meet the award of the tribunal, or give it a blank cheque, which it is.

MR. RUSSELL: Mr. Speaker, we can't do that, and I think the reasons are quite obvious. Historically it has always been possible for the province to adjust its grants to the various hospital boards, to cover their operating costs incurred as a result of wage settlements. But before those settlements are made, it's impossible to give a guarantee that whatever the amount is, it will be totally covered. I think Albertans are aware of the status of the budget this year, and I'm certainly in no position to say that whatever the award will be, it will be totally covered.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Then is the hon. minister prepared to allow the hospital boards to raise funds through other media, such as taxation? Will that be one of the steps taken after the award of this tribunal? Let's say that if the cost seems to be excessive, or more than the provincial government can afford, a new tax will be put in place to meet the cost of hospitalization.

MR. RUSSELL: Mr. Speaker, for the last two and a half years, discussions have been going on with the AHA and municipal governments, with respect to finding a satisfactory means of raising discretionary funding that the boards might have access to. I've said that if there is a return to local requisitioning, it wouldn't be done without further consultation and advance notice. In view of those remarks, I don't think it would be realistic to say that local requisitioning will come in as a result of what might be awarded by the tribunal now in session. Although

that's a question being examined in the longer term, I don't believe it would be an option to consider as a result of the current situation.

MR. R. SPEAKER: Mr. Speaker, I'm sure the minister has answered my question, but just to clarify. Then in the fiscal year of 1982-83, no further tax relative to hospital revenue will be introduced?

MR. RUSSELL: Mr. Speaker, during the current fiscal year, there's no intention to proceed with local requisitioning for hospital boards.

MR. R. SPEAKER: Mr. Speaker, then my supplementary question is to the hon. Minister of Labour, and it goes back to Section 7(10)]. Under that section, for the minister's clarification, to put the report of the tribunal into effect

... the Minister may file a copy of the award with the Clerk of the Court ... and thereupon the decision is enforceable as a judgment or order of the Court.

Mr. Speaker, my question is very clear. By filing that order with the court, is the Minister of Labour prepared to enforce it upon the Minister of Hospitals and Medical Care, so the matter, report, or request of the tribunal is met, and last-dollar costs are met for the hospital boards in this province?

MR. YOUNG: Mr. Speaker, in addressing the question from the hon. leader, I have to express a great deal of concern about the kind of discussion that has been going on in the House on this question, on this day and on a previous occasion. This Legislature passed a statute which, by my order, led to the formation of an arbitration tribunal. I submit that some of the questions posed in this last while are coming very, very close to the potential of being interpreted as intervention, or some kind of suggestion or interference with that tribunal.

Mr. Speaker, the question just posed to me is very hypothetical, and it should be dealt with on that basis. But I have to express the reservation that, in my opinion, what is happening now is coming very close, if it is not in fact intervention in the thought process of that tribunal.

MR. R. SPEAKER: Mr. Speaker, on a point of order with regard to the matter raised. My question was clearly: is the minister, in his responsibilities, prepared to enforce Section 154 of the Labour Relations Act and Section 7(10) of Bill 11, passed by this Legislature, which would say very clearly to the Minister of Hospitals and Medical Care that the report of the tribunal, the settlement recommended by the tribunal, must be paid. That's what Subsection (10) says. I'm asking the minister — and this is not an intervention — is the minister prepared to put in place Section 154 and Section 7(10) of Bill 11, and enforce it in Alberta? Is he or is he not?

MR. YOUNG: Mr. Speaker, that is the very same question, in a different guise, that I answered earlier. As far as the issue itself is concerned, it is speculative and ...

MR. R. SPEAKER: No. It's not speculative.

MR. YOUNG: It certainly is premature and speculative. I've already answered the question in the general sense when it was addressed earlier on, on two occasions.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the hon. minister indicate whether the recommendations of the tribunal will be carried out to the letter of the law? Will the minister take on that responsibility, no matter what the recommendations are? Whether they recommend a lot, a little, or nothing, is the minister prepared to follow the law and carry out those recommendations?

MR. SPEAKER: Order please. That's the third time that question ...

MR. R. SPEAKER: He hasn't answered it.

MR. SPEAKER: The hon. member can assess the answer in any way he wishes, but the fact is that the question has been asked for the third time.

Perhaps I should say something about the point of order raised by the hon. Minister of Labour, concerning the propriety of the questions. Undoubtedly the hon. minister has in mind the sub judice rule which says that things should not be done in a parliament which may affect, or perhaps be perceived as affecting, the decision of a court or a quasi-judicial tribunal, which perhaps this commission is; I'm not sure. In any case, I think the application of that rule has undergone a bit of change in the last decade or two. The tendency is to relax it considerably, on the footing that until it is absolutely essential, something that is before such a tribunal or court should not be taken beyond the reach of being dealt with in parliament.

Whatever the situation may be in that regard, however, the question is being asked for the third time. In effect, it's a question of whether the minister is going to obey the law, as the hon. leader perceives the law. I suggest that if the hon. leader has another supplementary on this point — that is to say, on the same topic — perhaps he would like to go on with it. Otherwise I propose to recognize the hon. Member for Olds-Didsbury.

MR. CRAWFORD: Mr. Speaker, by way of a point of order, I would just like to make an observation that perhaps Your Honour would also bear in mind. You've indicated that no doubt the Minister of Labour was speaking of the sub judice convention. I didn't hear him that way. I think it's accepted that the sub judice convention is much different in civil matters than in criminal matters and that in regard to royal commissions, which is the citation reference in *Beauchesne*, it doesn't apply.

Therefore, in regard to a tribunal of this sort, the matter of it being equivalent to being before a court is not the major issue. The major issue would be whether or not a due process can be carried out without interference by the legislative body that put in place the requirement and the need to carry out that due process, and the due process is in the hands of a tribunal. That is the point as I perceive it. If the hon. Minister of Labour was not making it precisely that way, I wanted to add that.

Mr. Speaker, if the matter is pursued by the hon. leader and we're going to be into a discussion of the law, I would have some observations to make on what is involved in the sections of Bill 11 that he has referred to.

MR. R. SPEAKER: Mr. Speaker, on the point of order. I'm not interfering with the process or the responsibilities of the tribunal. I don't want to do that. I'm asking whether the minister will use a section in Bill 11, if necessary. The whole question of "if necessary" is the

answer of the hon. Minister of Hospitals and Medical Care, who indicated they're not prepared to meet that last-dollar cost.

Mr. Speaker, for the information of the hon. Attorney General, Section 7(10) of Bill 11 says:

If the award of the Arbitration Tribunal is not complied with ...

That's where I was referring to the Minister of Hospitals and Medical Care.

... the Minister [of Labour] may file a copy of the award with the clerk of the Court of Queen's Bench and thereupon the decision is enforceable as a judgment or order of the Court.

This means that at that point, the recommendation of the tribunal must be fulfilled.

So it's very important for not only the nurses but Albertans to know whether the government will fulfil their responsibility. That's what I'm trying to determine in my questioning. My one question was on the actions of the minister; nothing to do with the tribunal. My second question was: will the Minister of Hospitals and Medical Care fulfil his obligations? It has nothing to do with any kind of legal process or tribunal process, Mr. Speaker.

MR. YOUNG: Mr. Speaker, if I could speak to the point the hon. leader raised. I underline the "if" in his statement. That is why I said that it is an anticipating question, and therefore a question which is not appropriate at this time.

Mr. Speaker, to address the point you raised. I appreciate the difficulty we're in: that there should be some possibility for discussion. The other aspect, and a serious one, is whether we can have due process in this situation, as the hon. House leader pointed out. I am becoming very uneasy, because this Legislature — supported by the hon. leader opposite — supported the approach taken with the arbitration tribunal. Having put those persons in that place, with that responsibility, they ought to be given full opportunity to acquit the responsibility.

Now, Mr. Speaker, the responsibility itself is a very serious matter. We have at issue a collective agreement which has been a major problem for a lot of people in this province, a very large number of people. I hope all of us in this Assembly support the tribunal, in every way we can, to do the best job that it can do, and then the parties, to get this matter resolved. In my view, discussion at this time on hypothetical issues is not leading to that supportive situation.

MR. R. SPEAKER: Mr. Speaker, further on the point of order, and for your consideration as to whether I can ask further supplementary questions. The situation is not hypothetical. The hon. Minister of Hospitals and Medical Care told the Legislature at this time, and the Premier made statements on April 21, that the government was not prepared to meet last-dollar costs or fulfil their commitment with regard to dollars. This is a fact. So because that is fact, I'm asking whether the Minister of Labour will follow through with his responsibilities. There is nothing hypothetical, as to whether the situation is going to occur or not. The minister and the Premier have admitted that the actions of the government are fixed at this point. They're giving no commitment to fulfilling their obligations.

MR. SPEAKER: Order please. We're going around this thing. The question as to whether it's hypothetical is very simple: the only way this question can avoid being hypo-

thetical is by asking the minister what is his present intention as to dealing with a possible future event. The event may be hypothetical, but at the present time the minister may have a plan or an intention with regard to that event. To that extent, the question would be in order.

But the question is out of order for another reason. We're now apparently ready to deal, for a fourth time, with a question which has already been asked. The minister has taken the position that in his perception, the question ought not to be answered in the sense that it was asked, because he's concerned about the tribunal. The minister's reasons are his. It's not for me to assess them. If he has those reasons for not answering the question, they have to be respected.

As I said a moment ago, if the hon. leader has another point on this topic, would he proceed. But if he wishes to repeat for the third time, in some other form, this one we're now on — which would be the fourth time the question was asked — then I would respectfully ask him to desist.

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Hospitals and Medical Care. The Minister of Labour can wishy-washy around about his responsibilities.

MR. SPEAKER: Order please.

MR. R. SPEAKER: Is the Minister of Hospitals and Medical Care prepared to meet the recommendations of the tribunal, whatever they are, with regard to the government's obligation to pay last-dollar costs?

MR. SPEAKER: That question certainly has been asked before, perhaps not in those words but very close to them.

MR. RUSSELL: Mr. Speaker ...

MR. SINDLINGER: Mr. Speaker, I have a supplementary, if I may.

MR. YOUNG: Mr. Speaker, on a point of order, if I may respond to the observation directed to me by the hon. gentleman opposite. My oath of office requires me to support the legislation of this province, as interpreted by my advisers and me. That's what I intend to do.

MR. R. SPEAKER: Mr. Speaker, why didn't the member stand up and say that to begin with? [interjections]

MR. SPEAKER: Order please. [interjections] Order please.

MR. RUSSELL: Mr. Speaker, I've been trying to speak to the point of order for several moments, and perhaps add to the confusion.

A disturbing deduction is being made through question period, with respect to this matter: because the award is binding, it automatically follows that it's up to the province to cover the costs of the award. That is not the case. It is the responsibility of the employer to cover the costs of the award. The question I've been asked is: will the government guarantee that the total additional costs to the employer, the owners of the hospital, will be covered by provincial grants? For obvious reasons, I've been unable to give that commitment.

There's no question that the award is binding on both parties. As to the question of how the award will be met in its costs, there are a number of solutions: by reducing services, by having other costs, by doing a variety of things. One of the options is: will the government increase its grant? We can't give that commitment today.

MR. R. SPEAKER: On a point of order. To the hon. Speaker: what you've just seen is the reason we must tug the chains of these ministers on the front bench, and get some ... [interjections]

MR. SPEAKER: Order please.

MR. R. SPEAKER: That's the only way they answer questions.

MR. SPEAKER: Order please. The hon. leader knows he's miles out of order in making such an observation. [interjections]

#### **Nursing Shortage**

MR. SINDLINGER: Mr. Speaker, I would like to ask the government whether there has been unusual attrition in the number of nurses available for work in the province since the strike and the enactment of Bill 11.

MR. YOUNG: Mr. Speaker, the best information I have is that there has been very little change. As a matter of fact, some pleasant remarks were made, in that the nurses who were available prior to the strike were also available after the strike. But that's a general observation made to me by a number of persons responsible for the administration of hospitals.

MR. SINDLINGER: Mr. Speaker, another supplementary. Is the government placing more emphasis on providing adequate training facilities for nurses, to meet future demand, or on recruiting nurses from outside the province?

MR. KING: Mr. Speaker, in the absence of the Minister of Advanced Education and Manpower, and as Acting Minister of Advanced Education and Manpower, I'll take that question and the preceding question as notice and see that the hon. member is responded to.

#### **Hazardous Waste Disposal**

MR. KESLER: Mr. Speaker, with all due respect to the parliamentary system of this country, the events of the day certainly remind me of a lot of the things I see in another arena, where people aren't quite so refined. [interjections] In getting to the question, I was at a meeting ...

MR. SPEAKER: I don't wish to give the hon. member's remarks more seriousness than he himself intends. But if the hon. member is reflecting on the nature and character of the House, that's totally out of order. This is the House to which he was elected.

MR. KESLER: Mr. Speaker, on a point of order. I certainly appreciate that that's right: this is the House to which I was elected. Perhaps my esteem and what I expected of the Legislative Assembly has been beat upon severely today in question period. [interjections]

A question directed to the hon. Minister of the Environment. I was at a meeting last evening in Beaver county. From statements by members of the government, it appears that the hazardous waste plant will not go into the county of Beaver. The question is: would the hon. minister consider placing the hazardous waste plant in the Nisku industrial park, which will soon be a ghost park? The residents of that area might appreciate the employment.

MR. COOKSON: Mr. Speaker, I was thinking of putting it in the constituency of Olds-Didsbury [interjections] ... to deal with the problems there. The only other constituency I had in mind was Spirit River-Fairview. But the member is not here today, so I won't comment further on that.

We have a number of other areas, however. We won't proceed into an area until we've been invited by the local authority concerned. Perhaps the separatist member might want to suggest to the local authorities in his constituency to invite us down there.

MR. KESLER: A point of order, Mr. Speaker. I take objection to the hon. minister using the word "separatist". I'm a member of the Western Canada Concept Party. [interjections] Mr. Speaker, if he intends to refer to my philosophies, I would appreciate it if the hon. minister would refer to the member of the "independence" party. [interjections]

MR. APPLEBY: Speaking on the point of order, Mr. Speaker, I have to give a reference. A notorious outlaw in the United States, Jessie James, started his career because he made the statement: we've got the name, we might as well have the game. In this case, I think it's a case of: we've got the game, we might as well have the name. [interjections]

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

MR. SPEAKER: It really isn't a point of order. There has been a succession of specious points of order before the House this morning, and I suggest we've had our quota for this week.

MR. SINDLINGER: This has to be a point of privilege then. Reference was made to the independent party. Since I'm the only independent member of the Legislature, I have to point out that I hold my caucus alone all the time. [laughter]

MR. KESLER: Mr. Speaker, a supplementary question. As an alternative to the Beaver county site, would the hon. Minister of the Environment consider putting the hazardous waste plant in the area of the Alsands project? Perhaps some of the equipment that was supposed to be used for that project could be used in the construction and operation of a hazardous waste plant there.

MR. COOKSON: Again, Mr. Speaker, we move into an area upon invitation. Based on the Environment Council of Alberta report, I've always had in mind that we should be within 100 kilometres of the major source of the problem. I also have in mind the practical economic considerations, in which I'm sure the member opposite would be interested, insofar as the industries are concerned; that is, to locate it as close as possible to the

industries themselves, in order to minimize the economic burden to those industries.

MR. KESLER: A supplementary question, Mr. Speaker. Would the government consider tabling the hazardous waste plant for the next six months? It appears that within that time, there may be no further need for the plant, as the industrial and chemical base in the province may have already collapsed. [interjections]

MR. SPEAKER: I have to regard that question as not being serious. It's just a matter of debate. The hon. Member for Bow Valley.

MR. KESLER: On a point of order, Mr. Speaker. Could the hon. minister answer the first part of that question, as to whether they would table that for the next six months and watch what's happening to the industry?

MR. COOKSON: Mr. Speaker, the plant is a substantial plant. It would be pretty hard to table in the first place.

MR. KESLER: Project.

MR. COOKSON: If the member is talking about deferring, and if that's his position, I think that's a questionable position. It is a problem. The hazardous waste materials accumulated in the province, some 100,000 tonnes per year, with various degrees of treatment required, indicates an urgency. It's not our intention to defer the project in any way at all.

The last part of the question is an observation that I'd like to debate, and perhaps I'll withdraw on that.

#### Highway Safety

MR. MANDEVILLE: Mr. Speaker, to the hon. Minister of Transportation. With regard to the program set up by the Alberta Safety Council and the safety branch — I think they call it Operation Lifesaver — could the minister indicate if this program is in operation now, or is it just being set up?

MR. KROEGER: Mr. Speaker, I would like to take that question as notice. I'll check with the safety branch and report back.

### ORDERS OF THE DAY

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

##### Bill 31 Fire Prevention Act

MR. YOUNG: Mr. Speaker, I am pleased to move second reading of Bill 31, the Fire Prevention Act.

The Fire Prevention Act is a combination of two statutes: the Fire Prevention Act and the Lightning Rod Act. The reason it comes before the Legislature as a new Bill is pretty straightforward. The existing statutes have been around for some time. Some significant changes were desired, and the process of amendment would have been more voluminous than a new piece of legislation.

Mr. Speaker, the broad intent of the Fire Prevention Act should be identified first. It is a companion piece to

the Uniform Building Standards Act. The intent is that the Uniform Building Standards Act should address the question of general safety and public safety for the construction of new buildings or for major renovations of buildings to different uses. The Uniform Building Standards Act provides a legislative base for that objective. The building code provides a detailed code for that objective. There is an appeal provision, so if persons involved in the construction of buildings believe the code impacts them or is interpreted unfairly to their objective, they may appeal to the Building Standards Council.

The objective of the Fire Prevention Act is to pick up where the building code, or the Uniform Building Standards Act, leaves off. It will deal with the proper maintenance and administration of buildings, in a manner safe for the general public for buildings. So it will be a second and continuing stage of building administration, with the particular objective of avoiding losses through fire, of course.

In that sense, the Fire Prevention Act becomes the basis for what will be new fire regulations. If an owner is impacted in a manner which that owner deems unfair, it is intended that those regulations, and the interpretation thereof, can be appealed to a fire prevention council, which is envisaged in the legislation. The objective of this legislation is to vastly improve the right of appeal provisions, to assure that the regulations are interpreted fairly and safely, in an even-handed manner, and that they are well understood. It's also an objective to have a simpler and more effective manner of enforcing the regulations deemed to be important.

Mr. Speaker, the significance of fire safety should not be overlooked or taken lightly. In some eastern countries, it is a serious crime to have a fire that gets out of hand, whether that happens accidentally or whether it's an incendiary fire, the arson types of fires of concern here in this country. In some countries, there is quite a different attitude toward fires and the hazard they create to public safety.

In Alberta, a year ago there were 943 in-depth investigations of arson. That has come about because of changes in technology. We are now more able to identify arson. Secondly, there has been quite a public awareness campaign. More leads as to what may constitute a suggestion of arson are provided to investigators. So the ability to identify arson has increased and, with that, the conviction rate is also improving.

Mr. Speaker, during my term in office a number of hon. members have supported me in my efforts to improve fire safety and the administration of fire safety. I should single out four members in particular. The hon. members for Vermilion-Viking, Stony Plain, Drayton Valley, and Grande Prairie have all provided me with a significant amount of advice and observations on the impact on their local situations, and suggestions for improvements. That list includes a number of other hon. members who have also assisted.

The requirement or desire for change in the existing legislation has many proponents. I would identify for the Assembly that the Alberta Urban Municipalities Association has voiced its strong support for significant changes in the legislation. As a matter of fact the current president, Alderman Craig Reid of Calgary, has written to me, encouraging that the legislation proceed. For a number of years, the fire chiefs have expressed concerns about some elements of the existing legislation and have asked for change. The city solicitors, for Calgary and Edmonton in particular, have encountered some difficulties in enforce-

ment. They also have identified items in the existing legislation which are problems for them, in terms of appropriate enforcement.

From the point of view of the principles involved, the legislation before us was looked at by a committee which had on it representatives of fire chiefs, the two municipal associations, some of the suppliers of fire suppression and detection equipment, and fire prevention officers. I commend those people for the work they put into the concepts they wished to see included in the legislation. I would indicate to hon. members that since the tabling of the legislation, they have been examining it on an individual basis. Later today, I believe, they will be supplying me with a consolidated review of any observations. They are particularly working on some of the follow-up regulations they wish to see included.

If I may now address some elements of the Bill itself, Mr. Speaker, first of all I'd indicate that as with the existing legislation, this one provides for the appointment of provincial officers and continues the practice of relying on and requiring municipal assistance in the enforcement of the legislation and the regulations. There has always been a delegation of authority to the municipalities. That delegation remains and, as in the past, there are some requirements on those officers to carry out certain functions, particularly related to the suppression and investigation of fires.

The one new area deserves some comment. The fire prevention council is an important element of a system which I hope will provide for an appeal and be fair, as I stated earlier. It is intended that that council will be representative of the various interests. Mr. Speaker, when I'm dealing with regulations of the general public interest, as there will be here, I'm always troubled as to how to be assured that those regulations, first of all, are developed fairly and to a minimum, yet still meeting the objective of public safety; secondly, to have them interpreted in a standard and fair manner; thirdly, to have an appeal therefrom; and fourthly, to encourage compliance, without using the heavy hand of enforcement. It will be the objective to place on this council representatives of the municipalities, the fire prevention and suppression forces, and the firms which supply equipment of various types.

As well, Mr. Speaker, I have had discussions with some elements of the insurance industry and intend to have more, because I think it is possible to encourage a closer liaison between the insurance industry — and therefore hopefully the premiums, which is a bottom line and which is a very significant and telling factor to assure the proper maintenance of buildings. If an owner is faced by an insurance company representative saying, if you do this, your premium will be somewhat less costly than if you don't do it, I think that would be a great encouragement and, to a considerable degree, removes the onus from regulators and inspectors.

It is intended that this council should have two purposes: first, to provide advice; second, to provide a means of appeal from an order of a fire prevention officer or, for that matter, any individual concerned with the prevention and suppression of fires. But the third objective, which has come to me as an after-realization, is that by bringing all this industry together as it has not been before, there will be very significant benefits, simply because of the interaction that will take place.

Mr. Speaker, I should identify that the investigation requirements are not greatly different from the old Act, but the definition of "fire that should be investigated" has been changed. The intention is to provide and assure that

any fire which is out of hand and causes any damage will be investigated. The expression used is "uncontrolled fire". It's a difficult definition, because we get into a discussion of who defines "uncontrolled". But having reviewed it with legal counsel and having also had some discussions with the hon. Member for Stony Plain since the Bill was tabled, I think the definition is a functionable one that should be tried to see whether there are any difficulties with it. It is felt there should not be.

The system of enforcement deserves some comment. Currently there are a variety of regulations. As I mentioned earlier, some are apparently not capable of being enforced, because they're a mix of municipal and provincial regulations, and there is some question as to the legal basis on which enforcement would occur. It is intended that a person making an inspection would, first, be able to make some recommendations and, if necessary, issue an order. Of course, it is possible to appeal the order to the fire prevention council. But the order is a step which, in the experience of the last number of years, is used to some degree but not frequently. We believe the system here is much more straightforward than the existing system.

It is also the intention — and it's not explicit in the Bill, so I'll take a moment to express it — that certain situations will be identified, which may be dealt with by way of the summary convictions procedure. Perhaps the best illustration would be where life is endangered by failure to maintain a building in a proper state. The illustration which comes readily to mind is finding an exit door which is padlocked, blocked, or not operable in some manner. It is believed that sort of thing should be the foundation for a ticketing procedure.

Other illustrations would be equally serious enough to be dealt with by a similar procedure. One would be the failure to maintain a fire detection system in an operable condition. It is a fact that if people in a building believe the fire detection system is there and operable, they are much more inclined to be less sensitive to the smell of smoke or any calls of danger than if the fire alarm triggers and there is a very clear and expected type of warning. Mr. Speaker, I should state that I have a personal concern about the detection systems we now have in the province. Some have not been maintained in the state they achieved at the point of installation. That concern is now receiving a great deal of attention from the fire prevention branch.

I should mention that it is envisaged that this Bill and the subsequent regulations will do away with municipal fire prevention by-laws. The intent is to have a code which would be based on a national code, after it has been reviewed by municipal and other authorities in Alberta and could be adopted, and would apply province-wide. It would seem that this is an area of technology and a matter of some pretty hard facts, and that regulations or by-laws which have been developed at a national level with input from all over Canada, based on the best available research, should be as fairly applied and as applicable in one municipality as in another, irrespective of the part of the province.

As one would expect, I have had a number of discussions with the municipal authorities on this particular point. The commitment is that if there are unique circumstances in a municipality — perhaps one would be the illustration of the light rapid transit substations — not covered by the code, there would be provision for a ministerial order which could be obtained on application to satisfy that particular requirement.

The legislation also removes or discontinues the Lightning Rod Act. That is a fairly long-standing piece of legislation in this province and is rather quaintly worded in contrast to the way we do things in 1982. It also happens to apply to one element of fire prevention. There are now many aspects of fire prevention. It is felt that it could be more appropriately dealt with as part of the Fire Prevention Act and the regulations which will flow from that Act.

Mr. Speaker, I believe I have touched on the main elements of the legislation. Perhaps I should mention, as hon. members will have observed, that there has been an increase in the penalties which can accrue for failure to apply and observe properly the legislation and regulations.

In my closing remarks, I want to state that fire prevention requires the attention of all of us. It requires a great deal of voluntary citizen participation. In this piece of legislation and the regulations that flow from it, it will be my objective to do everything possible to encourage that volunteer citizen component in the assurance of safe buildings and proper maintenance of those buildings.

There are some interesting statistics — which I don't have with me today but would be quite interested in providing to hon. members on request at committee study — to suggest that some of the very small communities in Alberta which do not have any paid firefighting capacity, or for that matter any paid fire prevention capacity, have the lowest loss ratios. While that's a little difficult to explain, the only rationale I can identify is that those communities are more alert because of their knowledge that they have to rely on their own resources, and are much more responsible in terms of taking those actions which prevent fires in the first place.

The other observation that should be made is that the majority of fire suppression and prevention activity in this province, even where there are volunteer fire brigades, is by volunteers participating. They do that in varying stages of involvement with professionals. In some cases, there are one or two professional fire prevention and fire suppression officers employed full-time; they provide leadership and training. In other cases, it's totally volunteer. In the broad spectrum, the focus of the department has been, and will continue to be, to develop further the capacity of our communities to protect themselves, regardless of any changes in legislation.

Mr. Speaker, I look forward to the debate this morning, and commend this Bill to the support of members on second reading.

MR. BORSTAD: Mr. Speaker, I would like to make a few comments on Bill 31, and its more particular . . .

MR. SPEAKER: I hesitate to interrupt the hon. member. I'm not sure, but I think the hon. Minister of Agriculture would like leave of the Assembly to revert to Introduction of Special Guests.

HON. MEMBERS: Agreed.

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

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

This morning it's a pleasure for me to introduce to you, and through you to the members of this Assembly, a group of grade 6 students from Lakedell school in my

constituency. Accompanied by their teacher Danita Power, they're seated in the members gallery, and I ask that they rise and receive the welcome of this Legislature.

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

#### **Bill 31** **Fire Prevention Act** (continued)

MR. BORSTAD: Mr. Speaker, I would like to make a few comments on Bill 31, dealing more with the regulations. Over the last number of years — I think probably 10 to 12 years at least — the Alberta Fire Safety Association has been trying to establish uniform sales and servicing of equipment across the province to make sure that installations in cafes and those types of things were installed properly and sold under the standard of United Labs or the Canadian Standards Association, to make sure they were approved, and that only approved equipment was being sold in the province, rather than some of the equipment that gets in and sells in some stores for only a few dollars. When you get it home, you find out it doesn't work. They've been trying to establish that. Are there provisions in these regulations to have this set up?

I believe they are also asking for some sort of courses to be taught at the fire school to make sure the people working in the service areas — in the fire extinguisher end of the business — have some sort of uniform standard across the province so everybody is working from the same base, you might say. I haven't had a chance to check whether there have been changes from the previous Bill, but from the number of items in the Bill, I think that probably is so. I'd like the minister to comment on that.

The Northern Alberta Development Council has had some concerns about some of our remote communities across the province. There is no fire equipment whatsoever in many communities. If there is, it might only be one little fire extinguisher. And usually it's flat; it's never been recharged. I know we've had contact with the minister's department, and I wonder if he might comment on those remote communities and what he thinks might be done as far as an educational program or some sort of training in the community, so at least people realize they shouldn't have a gallon of gas alongside the heater to try to start their stove in the winter. I think some of those things are more important than some of the equipment: fire prevention training or complete knowledge of what should happen and what dangers there are in having fuel in your cabin or wherever it might be, even possibly installing fire alarm systems. They're not worth very much. Maybe if they were installed in some of the remote communities, at least the children would wake up, if the parents weren't there, and be able to get out of the house and not be burned.

MR. PURDY: Mr. Speaker, in rising to speak on Bill 31, I think the new Act, repealing the old Lightning Rod Act and incorporating it into one Bill, is timely. I have had considerable experience with the Fire Prevention Act over the past 18 years, as a volunteer fireman in a small community west of Edmonton, being involved with the fire department of the county of Parkland and, about six years ago, taking over the duties of fire chief of the village of Wabamun and a large area of the county of Parkland that we serve. I have some familiarity with the many

aspects of the Act.

Just a bit of history about the county of Parkland. Parkland was one of the first municipalities in the province to go into a full firefighting service, from one end of the county to the other. Through the county right now, I believe we have 10 various fire departments, from Spruce Grove through to Lodgepole. Wherever there is a town or village administration, there's a joint-use agreement with the town and the county of Parkland to have the local fire department also man, maintain, and operate the county equipment. I have to congratulate the county of Parkland, because they have updated their equipment. They started in 1963, and have been bringing in new units on an ongoing basis and have done an excellent job throughout the area.

As far as that goes, the towns I represent in the constituency — Stony Plain, Spruce Grove, the village of Wabamun, and the summer village of Alberta Beach — have also done an excellent job providing firefighting equipment. Our department recently embarked on a new venture, which I think is very important to the citizens we serve, and probably to the citizens of Alberta who travel our highways; that is, incorporating a rescue unit in the village of Wabamun. It is the only one between Spruce Grove and Edson. I think Drayton Valley has just recently gone to that, but along Highway 16. We looked for participation through the province, but we didn't get any. So with the help of the local fire department, the two large corporate citizens there — TransAlta Utilities and Manalta Coal — and the village of Wabamun, we were able to raise funds in the neighborhood of \$25,000 to put in place equipment, from the jaws of life to portable generators, to all the things needed for rescue operations.

I look at the fire department situation across the province of Alberta, and the majority are volunteer. There are very few paid fire departments. A lot of towns over 5,000 in population have a paid chief and maybe a paid fire prevention officer, but the rest of their people are usually volunteers. The fire department I'm involved in has 27 people. No one there is paid; it's strictly volunteer participation for the town. The town gives us so much for training and so much for answered fire calls, but it goes back into fire department funds. That money was used for the purchase of the rescue van I mentioned.

As I look through the Bill, I think the fire prevention council is a good idea. The minister indicated the composition of it today. Before the minister takes it to Executive Council, I'd like to have some input. I'd like to see the individuals who are going to be named to it to see if they actually have some ability and knowledge insofar as fire suppression, and mainly fire prevention, are concerned.

The minister also talked about fire prevention. This is the main thing in all the areas I look at. If you have a good fire prevention plan, you have a smaller number of actual structural fires. In our department, we try to do a yearly inspection, and we haven't had a structural fire — knock on wood — for a couple of years. I hope we can keep that thing in the village of Wabamun. We've had a number of structural fires in the county area, but when you're in the farming community and other areas, things are a bit different.

Another aspect in the county of Parkland is training of the firefighters we now have. I've written the minister a letter, and he indicates he will respond to me. We went through a very extensive training course with the minister's department, through Ray Saunders, who's the overall chief for the county of Parkland. In the county of Parkland, the total number of firemen is over 200. It's

very difficult for these people to get involved in the Vermilion training. We have people on jobs who cannot get a leave of absence, do not want to take a pay cut for the week, and various things like that. I feel that Vermilion is a good thing for training, but it's a bit removed from what we need in the county of Parkland with 200 people: some trained, some not, and some who should be upgraded.

Today I'm making a pitch to the minister to consider very seriously, in the ensuing years, an additional facility in another part of the province, so we can get more of our people trained. I'm not knocking Vermilion, the fire commissioner's office, or anything like that, but I think we have to look at another location someplace in western Alberta so these people can gain the benefit of adequate training.

I've also looked at the Bill and the regulations coming in, and had a discussion with the minister regarding the various regulations. I would like to have a look at these before they go before Executive Council to see exactly what the minister and the fire commissioner's office are doing under the regulations. I think we have to go slowly with that in view of the fact that fire departments in municipalities are involved, and they are the ones that have to work with these on an ongoing basis.

I have a couple of concerns. One has been outstanding. Maybe when the minister looks at the regulations, he can also look at the form we have to fill out. It's a horrendous form of about 20 questions. If you want to do it adequately, it takes about half to three-quarters of an hour. Volunteers who do not receive any remuneration or anything like that, spend a lot of time getting these forms filled out properly for the fire commissioner's office.

We have a lot of grass fires in our area in the spring, probably starting this weekend. I've now gotten to the stage where I will fill in the name, address, telephone number, and so on, and write across the form or at the bottom for comments "grass fire", and send it in like that. I haven't had any repercussions, and I don't think I will. But for a structural fire, we do our best to get them filled in properly so information and statistics are available to the fire commissioner's office.

One other concern with the Act. I pointed this out to the minister yesterday, but I'd just like to put it on record. Under Section 12 where notices can be given, they talk about, served on "a person who is apparently 16 years" of age. I have a bit of concern with that. The minister indicates that it's used in other legislation. But I think we have to look at the age of majority here in the province, and we have to redefine that.

I have a great problem with one other section of the Act. The minister didn't actually touch on it, but he talked around it. That's under sections 21 and 23. If a volunteer such as myself fails to comply with a section of the Act by not sending in a report in 10 days, the Act says I'm liable for a fine of up to \$500. I think that's a pretty severe thing to have against the volunteer in the community. In his closing comments, I'd ask the minister to make a commitment that he's going to come back in committee with an amendment, either withdrawing those two sections or with something that is a little easier for the volunteer in the community to take. I've had a number of responses from local volunteer fire departments saying that's quite an infringement on something we're doing when we're serving the community with no remuneration or stipend, whatever the case may be.

With those few words, Mr. Speaker, thank you.

MR. PAYNE: Mr. Speaker, I want to participate briefly in second reading of Bill 31.

MR. MAGEE: If I could, Mr. Speaker . . .

MR. SPEAKER: That's right. I overlooked the hon. Member for Red Deer. Would the Assembly agree that he might revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

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

MR. MAGEE: Mr. Speaker, it's my pleasure today — we didn't know that these young people would have an opportunity to come in to the Legislature, so planning was at the last minute. I would like to mention that in the members gallery there is a group of 40 young people. Twenty are from the Red Deer Community College, and 20 are from St. Clair College in Windsor, Ontario. They're here on a student exchange in a pharmaceutical technician course. They're comparing notes with east and west and how each course is conducted. They all appear to have ruddy faces today, mostly because they were in Banff yesterday skiing, while we palefaces were confined to this Chamber without benefit of the sun.

Three group leaders are accompanying them: Mr. Dusyk from Red Deer, Mr. Graham Bell from Windsor, and Mr. Rock Folkman from Red Deer. If they'd all rise, I'm sure they'd receive a warm welcome from the House.

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

**Bill 31**  
**Fire Prevention Act**  
(*continued*)

MR. PAYNE: Mr. Speaker, before I speak to my concerns about this legislation, perhaps I could indicate to our special guests who have just been introduced to the House, some of whom I understand are from St. Clair College in Windsor, Ontario, that in fact Windsor, Ontario, is my birthplace. I would like to caution our visitors that when one makes a visit to the west from Windsor, sometimes it's very difficult to leave and go back.

Mr. Speaker, I have a modest concern with the Bill, and I'd like to address that to the minister. It's with respect to the investigations portion of the legislation. I would like to preface my concern by indicating that I'm fully aware of, and appreciate the need for, a wide range of investigative powers and authorities on the part of government officials.

On behalf of quite a number of my constituents, it's incumbent upon me to express to the House a growing concern about what they perceive to be perhaps inappropriate or not clearly thought through investigative powers, particularly their application. My specific concern is with respect to Section 8(2)(b) which, as I understand it, empowers the local assistant of a municipality at any time, day or night, without a warrant, to enter any building, and not necessarily adjacent to but only near the building, structure, or place where the fire occurred. My question to the minister is: is this simply a repetition or continuation of a similar provision in its predecessor

Act? Number two, is he fully satisfied that such powers are in fact appropriate and necessary? I can only mention parenthetically that I'm not so sure what my personal reaction would be if, in the middle of the night, there were in fact a knock upon the door and a virtual forced entry by such an investigator, simply because my home happened to be across the street from a home where an uncontrolled fire occurred.

Thank you.

MR. SINDLINGER: Mr. Speaker, I would also like to reiterate the concerns expressed by the Member for Calgary Fish Creek. Giving a second look to Section 8(2), the wording of it is very similar to, and in fact from recollection I would say it is exactly the same as, that wording contained in the Bill on hazardous goods. At that time, considerable reservations were expressed by many members about the authority given an investigator to enter buildings, structures, or places, or buildings, structures, or places adjoining or near the building, especially with regard to "without warrant enter" into these premises. After some reflection, the minister sponsoring the Bill on hazardous goods a few weeks ago withdrew that Bill for further consideration until more advice could be sought on this particular matter.

I would also ask the minister sponsoring this Bill to give further consideration to those words where an inspector or some government official may enter a place without warrant "at any time of day or night". I respectfully ask that this Bill be withdrawn for further consideration, in conjunction with the Bill on hazardous materials.

MR. R. SPEAKER: Mr. Speaker, I'd like to make one point with regard to Bill 31. It's not specifically on the Bill, but I think it's appropriate at this point in time.

In Section 28, the Bill sets down the regulations, or allows the minister, through cabinet, to make regulations for a number of various items. One thing that has been brought to my attention a number of times over the last four or five years is the actual cost of equipment, the cost of meeting regulations in some of the rural fire areas where you have a small town of 200 to 250 people. First of all, if they want to buy a fire engine, that's a fair expense; secondly, meeting some of the requirements. Just the outfits for the firemen are a significant cost. Many can hardly meet that cost. Thirdly, equipment when they go to a fire outside the actual town area that has a water system has special costs to it. The point I'd like to make to the minister is that I'd appreciate the minister taking the responsibility — not at this time in the session, but following the session — to have someone review the regulations as to their implications of cost to some of these local fire areas and jurisdictions. That's number one.

Number two, I also see that financial assistance to some of these local jurisdictions is rather sporadic and not really co-ordinated across government. I find myself contacting two or three departments and different people to gain assistance. At the present time, there isn't really much assistance for local fire departments. I'd appreciate the minister taking that on as a task and assigning it to someone under his authority. Possibly there may be another person in government who should really do it, but I'd appreciate — and I know the rural fire departments would also — that kind of review at this time. As legislators it's easy to put in good, strict regulations and procedures, but we often do not evaluate those regulations in terms of cost implications to local government.

We all know that many of the municipalities that have attempted to put in water, sewer, pave their streets, and meet other public works projects, are pressed to quite an extent in terms of doing things on their tax base. I'd appreciate the minister keeping that concern in mind.

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

MR. YOUNG: Thank you, Mr. Speaker. First of all, I would like to address several general items that have been mentioned by a number of members and then deal with some other specifics.

On the question of training either volunteers or full-time paid persons involved in the prevention and suppression of fires, in the last year and a half a situation has emerged which seems to look like this. First, there is the need, which is being met or will shortly be met, at the Vermilion school for the training of leaders or persons who can function as leaders in the community. Some of them will be volunteer, but many of them are local persons who are paid for that responsibility. It is intended to provide them an advanced level of training which will focus in part on leadership and how they can work with and train others on a local basis. Vermilion had been used for quite a while for training those who came on a first-come applications basis. In this last year, our facilities have become strained, even though they've been enlarged.

Also about a year and a half ago, I had the pleasure to visit Vermilion. As it turned out, I happened to land in on an evening barbecue as one of the groups was completing a course. I spent a couple of hours chatting with individuals who represented a good many communities in Alberta. One of them said to me: why can't we have some of this training on a local basis; for instance, why can't we have this manual we're using here and we can only get if we attend, distributed on a local basis, provided we use it as the basis for local training? I said: that's a good question. Why can't it be done that way? So we gave that individual some manuals and some other support, and he proceeded to put on a very good training program in his local community. It did not deal with handling different types of hoses, nozzles, water pressures, and buildings.

We have a building at the Vermilion school which is used for actual fire suppression. But from the point of view of what was learned, I think the impact of that training was nearly as valuable. In fact, it was far more valuable in the sense that a lot more people were able to get basic training and familiarity with equipment they had and the kinds of problems they may encounter in that community, which also could not be provided at Vermilion. So that experiment went very well.

We're now in the process of trying to broaden it, which brings me to the matter raised by the hon. Member for Stony Plain. I haven't responded to him in writing yet, and I don't want him to anticipate totally what the response will be. My preliminary thoughts on the matter are that a lot of training can be accomplished without the need for tremendous facilities such as we have at Vermilion. This year, an effort to do some training was made in one of the colleges. The assessment of that pilot run does not encourage me to put resources in that direction. In fact, there is a tremendous reservoir of willingness and commitment in volunteers, which can be tapped locally, using the equipment those people have, provided they are given the supportive documents, which the department has to direct its attention to in a much more significant

way.

The other element of training is the consequence of changes in our industrial scene. In conjunction with some of the industrial establishments, some advance training will be given to people located in areas where there may be accidents or demands for that kind of skill. That will be undertaken starting this year.

With respect to the regulations, this Bill is subject to proclamation. It cannot be proclaimed until the regulations which will flow from it are ready to be put in place. I foresee quite a long period to assure that those regulations are appropriate to the circumstances. There's no question that we need to have the regulations reviewed by a large number of persons who have different and diverse interests. Then those interests have to be brought together, and it's my intention that that should happen. When it comes to regulations and assuring that different groups have had their input, I'm almost at the point where I'm prepared to insist that, if it impacts them for example, the Alberta Urban Municipalities Association or the Alberta Association of Municipal Districts and Counties have to submit a letter saying they have reviewed them, and there is general satisfaction or there are specific points of concern. But at least we will have a record and know that somebody within those groups has given it attention.

The regulations were mentioned in a different context. The hon. Member for Grande Prairie touched on the need, from his point of view, of ensuring that the equipment made available to the public at large has met certain standards and will achieve certain functions. There are severe difficulties in developing regulations and regulating that closely. One difficulty is that we may very well inhibit the use of products which can be worth while and helpful. Secondly, we are never sure of the circumstances in which products are going to be used.

In the last year and a half, I have learned that fire detection equipment which is useful in eastern Canada and the eastern States, where there's a heavy population concentration, may not function well in western Canada, particularly in Alberta. The reason is that we have quite a different humidity, and it is amazing what that humidity will do. We've even had the experience of having some fire detection equipment triggered by the radar system at Cold Lake. So special attention has to be given to identifying and removing problems which occur. While I certainly appreciate the point of view of the hon. Member for Grande Prairie and am personally prepared to go some way in that direction, I am loath to restrict unduly for fear we will prohibit some competition in the market place. However, I have had some very useful discussions with the representative of the suppliers. I think there is a way to encourage some voluntary upgrading by suppliers and the employees of suppliers, so that not only the equipment but also the installation may be improved.

With respect to the Northern Alberta Development Council initiative, the hon. Member for Grande Prairie, who is chairman of that council, has had some meetings with me and a representative of his council, as well as of the fire prevention branch. A special committee of a variety of interest groups has been struck, focussing on the particular and unique needs of isolated communities. As the hon. member rightly identified, it is pointless to talk about fire trucks and electronic equipment in those communities. In my view, he was quite correct in suggesting that we need some education program and some very simple, battery-operated detectors which could be installed in those homes. In the event that children are alone or someone is sleeping and a fire breaks out, there

would be an early warning system to enable those persons to escape.

A number of points have been made about certain specific sections of the Act. I would like to pick up the concern raised about Section 8 and the capacity to enter upon adjacent property as part of an investigation. I've just checked it. It is in fact verbatim from the existing statute. That doesn't make it right, but I suppose it does offer some rationale of why it appears in this one. One of the difficulties we get into is in trying to pursue an arson investigation where materials may have been stored. Sometimes adjacent buildings provide clues as to locations of some of the materials used in the initial incendiary actions. I believe that's why it is here. But it is certainly well brought to our attention. It's one that will get a renewed review.

MR. PAYNE: It's not the "adjacent" reference; it's the "near" reference.

MR. YOUNG: All right, we'll review it in total. As I said, it's verbatim from Section 11 of the existing Fire Prevention Act.

The hon. Member for Stony Plain asked me for a very vigorous commitment, which is more vigorous than the one I'm going to undertake to give him. But I will make one vigorous commitment: whatever is in this Act or in the regulations must be supportive of the volunteer, because that's where the action is really at in terms of fire prevention and suppression in many communities. The complex of regulation and legislation must not cause volunteers to be discouraged or to decline from taking on responsibility. To that end, either the section should be removed in total or the penalty provision should be reduced in a very major way. It's fair to say that we will examine the possibility of a significant amendment to that particular section.

The hon. Leader of the Opposition raised a question about financial assistance and the implications of regulations for equipment and the imposition that makes on municipalities. I have been concerned about that very question. In the development of regulations, we always ask whether the regulation is going to impose an undue financial burden. Obviously every regulation creates some kind of requirement. I do not believe there are regulations — and it is not our intention to pass regulations — which will impose a financial burden. The other side of that question though is that some local departments and some municipalities have been sold — and I use this expression — fire-suppression equipment which is not interchangeable, does not tie into, and does not relate to the equipment that may be available in the adjacent municipality. That has made it very difficult to have functional, co-operative agreements, as the hon. Member for Stony Plain referred to. We are encouraging agreements among municipalities, because they can in fact stretch the dollars further and have a higher quality service by that kind of arrangement. I think the approach we would take would be in the direction of suggesting certain equipment — not requiring but suggesting — in order to move toward standardization.

In a very direct way, the question of financial assistance is an interesting one. If we as a government move to provide direct financial assistance just for the purpose of fire prevention and suppression, we then get into the tied grants area, the conditional grants. The municipal associations have indicated they do not wish that; they would prefer the block grant. The block grant is already there.

In short, I think we will have suggestions for improvement in this area before us for some period of time, and we should be very cautious about proceeding. Unless the municipality retains that responsibility, I foresee that it will be easily possible to start chopping away at the volunteer effort that has been functioning quite well to date.

I want to make two last points. There has been a lot of discussion about fires and the fear of fires in tall buildings and in buildings with a high occupancy ratio. In point of fact, the losses in terms of death, injury, and damage occur in single-family residences in Alberta. These are far and away the major areas and locations of fire losses in this province in terms of the persons involved. So attention should be directed to that group.

I will mention one last point, because it has come to me not through the Assembly this morning but from an outside source — the notion that this legislation will deal with sprinklers in buildings. It will not. Whether sprinklers are included in buildings is a question which has to be dealt with under the Uniform Building Standards Act and the building code. That code applies to all new construction. Therefore in terms of assuring that a building meets the tests for general safety, that code would deal with questions of sprinklers.

Related to that matter, I might indicate that it will be the intention, and we will try to put it in regulation, that if a building is constructed to the building code, from that point on fire prevention officials will not have the capacity to require any structural change. Maintenance of the building, yes, but the way the doors swing, the way the stairwells run, the way the windows open, or any other element of it, will not be subject to change. It will be deemed that if it met the code at any time, that building is safe from the point of the general public, the residents, and others who may be in it. It's a matter of maintaining it to that particular standard.

Mr. Speaker, may I conclude by moving second reading of Bill 31.

[Motion carried; Bill 31 read a second time]

#### Bill 14

#### Clean Air Amendment Act, 1982

MR. PAHL: Mr. Speaker, I move second reading of Bill No. 14, the Clean Air Amendment Act, 1982.

Mr. Speaker, I would like to highlight briefly four main elements to the proposed amendments of the Clean Air Act. Firstly, the amendments will widen the scope of the legislation to include the production and processing of inorganic chemicals. Secondly, the proposed amendments will permit officials of the Department of the Environment to amend the conditions of an operator's licence respecting the monitoring of air contaminants, measurement of emissions, and reporting procedures. These were previously done by mutual agreement between the operator and the department.

The third area of amendments is designed to streamline some of the enforcement procedures dealing with the provision of documentary evidence. An example would be that if the minister signs a stop order, he would not have to appear in court simply to testify that he indeed had signed the document. The fourth area of amendment proposes to increase by five times the amounts of the fines provided upon violation of the Act.

Mr. Speaker, I urge all members of the Assembly to support second reading of this Bill. Thank you.

[Motion carried; Bill 14 read a second time]

**Bill 15**  
**Clean Water Amendment Act, 1982**

MR. PAHL: Mr. Speaker, I move second reading of Bill No. 5, the Clean Water Amendment Act, 1982.

Mr. Speaker, the proposed amendments to the Clean Water Act parallel those proposed in Bill 14 for the Clean Air Act. In addition, the proposed amendments would embody the definition of a water contaminant within the legislation rather than within the regulations, which has had the effect of limiting the definition of what constituted a water contaminant. The impact of heat upon underground fresh water is also added as a water contaminant.

The other additional dimension to the Section 1(m) amendment is to extend the Act to cover control of water contaminants that may not be presently covered under licence. An example of this would be where a chemical spill threatened a water course.

Mr. Speaker, I recommend support for second reading of the Bill to all members of the Assembly. Thank you.

[Motion carried; Bill 15 read a second time]

**Bill 16**  
**Hazardous Chemicals**  
**Amendment Act, 1982**

MR. BATIUK: Mr. Speaker, I move second reading of Bill 16, the Hazardous Chemicals Amendment Act, 1982.

The objective of this legislation is to provide control of the transportation, treatment, and disposal of hazardous chemicals. In its present form, the Act provides control of manufacture and use of industrial chemicals, which are identified as hazardous because of their persistence in the environment, their ability to be concentrated through the food chain to levels which constitute a danger to human health, and the ability to cause cancer.

Mr. Speaker, over the last year this issue has been brought in this Legislature on numerous occasions. There have been both government and private members' motions on this particular topic. Transportation of hazardous chemical wastes will be controlled by a manifest system. This will require those generators who send out hazardous wastes off their present premises for treatment and disposal to register with the department. It also requires that those who haul hazardous wastes and those who accept hazardous wastes for treatment and disposal will have to register with the department. Each shipper of hazardous wastes will have to report to the department that he has shipped hazardous wastes, indicating the destination. In this way, we can assure that the hazardous wastes are not being dumped illegally or directed to unsatisfactory disposal sites. Treatment and disposal of hazardous wastes will be controlled by requiring that these wastes be sent to facilities which have been approved, under the Clean Air Act and the Clean Water Act, for disposal.

There are a few specifics which require mandatory clean-up of spills on plant sites where hazardous wastes are produced and treated. This does not deal with hazardous waste spills particularly related to transportation, whether by train derailment or likewise. There will be regulations to provide for a schedule which will indicate what specific wastes are considered hazardous and are subject to the Act and regulations. Regulations can be made to control storage of hazardous wastes, and they

can also be made to control the disposal of hazardous wastes.

Mr. Speaker, there have not been any prosecutions under the original Hazardous Chemicals Act. The penalties in this Act have been increased because of the recognition of government of the serious nature of hazardous wastes, simply to keep pace with inflation, and to keep in line with the amendments made to other legislation, the Clean Air Act and the Clean Water Act. There never have been regulations made by the minister under the original Act. But fines could be levelled for contravention. Regulations deal with specific handling, storage, and so forth. But it is stated clearly that any violation under this Act could result in prosecution. The question of regulations under this Act will apply to violations of any of the regulations made or to any violations of the provisions of the Act.

Mr. Speaker, I recommend that this be accepted.

[Motion carried; Bill 16 read a second time]

**Bill 30**  
**Public Health Amendment Act, 1982**

MR. BOGLE: Mr. Speaker, I move second reading of Bill No. 30, the Public Health Amendment Act, 1982.

When this Bill was introduced in the Assembly some two and a half weeks ago, I had made arrangements to meet with Dr. Predy, the president of the Alberta Public Health Association, and Mrs. Abdurahman, the chairman of the Health Unit Association, so that we could further discuss the proposed amendments to the Bill and receive input from both organizations.

This is an important piece of legislation in that it would be the first step in bringing together, under one Act, a number of health-related Acts, by incorporating in this first step the provisions of the Health Unit Act with the Public Health Act. Three major provisions are contained within the present Bill. First, the Provincial Board of Health would be restructured, and its role would be revised. Secondly, the method of selection of members of local boards of health units would be revised. Thirdly, provision would be made for the protection of confidentiality of health unit records.

The Provincial Board of Health is currently made up of members of the public service, with representation from the departments of the Environment; Workers' Health, Safety and Compensation; Agriculture; and Social Services and Community Health. The chairman of the present board is the deputy minister of health services for the department I represent. The role of the Provincial Board of Health will change in two ways. First, it will become an advisory body which would advise the government concerning areas of health jurisdiction and matters pertaining to public health in general. Secondly, it would become an appeal body which would have the authority to review decisions of local boards on matters pertaining to public health and sanitation.

Under the Bill, Mr. Speaker, the board would change from being a board of members of the public service to a board consisting of no fewer than nine and no more than 11 members, all of whom would be appointed by Lieutenant Governor in Council. The board would be made up of representatives of various health professions and from the public, with a number of the members being people with experience as retired officials from various local boards of health as well as active or retired board members from local boards of health. It is our intent to

bring together the knowledge and expertise from urban and rural Alberta, from the professionals and the lay community, so that this new board will more clearly be able to fulfil its role and mandate in its advisory capacity to government and its appeal capacity to decisions made at the local level.

The second major amendment concerns the manner of selection of local board members of the health units. Currently the Public Health Act is the Act used for the local boards of health in both Edmonton and Calgary, whereas the other 25 health units from across the province draw their jurisdiction from the Health Unit Act. Under the present Public Health Act, municipalities have the option of appointing at least one member of a municipal council but of drawing from the public at large, whereas under the Health Unit Act all members of the board must be council members from the various municipalities. This Bill would bring a uniform set of standards for all 27 local health authorities and would require that at least one of the board members be an elected member of a municipal council but that the boards would have the discretion, in consultation with the municipalities, as to the make-up of the board in total.

The system whereby one member is appointed to the local board from each ward within a health unit would be maintained. There would be a period of six months from the time the Bill is proclaimed until all 27 health units would be required to conform with the procedures outlined. At the present time, three of the local health authorities would be required to change. The other 24 all meet the existing and proposed changes. The three that would be required to make some modifications are the local boards of health for the cities of Edmonton and Calgary, whereas at the present time the medical officers of health are members of the board, although they do not have voting rights. Under this proposed legislation, no official who is employed by a health unit board would be able to be a board member. The other municipality that would require a change is the city of Lethbridge health unit. At the present time, that health unit falls under the Health Unit Act, because all members of the board must be city councillors. This has placed a severe strain on the city of Lethbridge, and there is a board consisting of three members. Under this Act, all boards must have at least five members and no more than 10. So the city of Lethbridge would be the third board that would have to make some amendments to conform with this. I might mention that there have been numerous requests, both directly by the health unit board from Lethbridge and through the two MLAs from Lethbridge, for this change.

A third major matter addressed in the Bill relates to confidentiality of information, Section 17. At the present time, there is no section protecting confidentiality of information in either the Health Unit Act or the Public Health Act. I have explained to the Assembly the reasons for the inclusion of this section, and at the meeting with Dr. Predy and Mrs. Abdurahman have requested the Health Unit Association of Alberta to review over the summer months this very important matter of confidentiality of information.

I have further asked the association to consult with and receive input from a variety of health professional associations, including the College of Physicians and Surgeons, the Alberta Medical Association, the Alberta Association of Registered Nurses, and the Alberta Public Health Association, to name a number of the organizations which should be contacted so they may have input

to the proposals. It is my earnest hope that the Health Unit Association will be able to provide input to the government of Alberta which would meet the needs expressed and still supply the basic protection for individual records and recognize the unique and trusted bond between a health professional and a patient.

Mr. Speaker, other amendments will be proposed when the Bill is dealt with during the fall sittings. It is the government's intention to table the Bill at this time to allow for greater input, specifically on the question of confidentiality of information, but also other sections of the Bill. We will be inviting, through the Health Unit Association and directly to the health unit board chairman, the medical officers of health, directors, and other staff members and other parties across this province to make their views known as to the various provisions of this Bill.

I therefore move to adjourn debate on second reading of Bill No. 30.

MR. KESLER: Mr. Speaker, I have one question.

MR. SPEAKER: We have a motion before the House to adjourn the debate, but I don't see that that necessarily precludes a question being asked.

MR. KESLER: It's been brought to light that there has been a proposal by the RCMP of this country to have greater control and access to medical and other public records. It's come to light here in the last few days. Were there contacts in relation to the Bill with respect to the RCMP having greater control in looking into medical records? I wonder if that had anything to do with the writing of the Bill.

MR. BOGLE: No, Mr. Speaker.

MR. SPEAKER: Having heard the motion for adjournment by the hon. minister, do you all agree?

[Motion carried]

#### Bill 18 Land Titles Amendment Act, 1982

MR. KNAAK: Mr. Speaker, Bill 18, the Land Titles Amendment Act, 1982, may be classified in part as a housekeeping Bill. In another aspect, it does have some substantive elements to it.

In addressing the principles, I would like to cite some examples of some of the provisions in the Bill. It makes explicit that an extraprovincial corporation may register a builder's lien. It permits people other than registered owners to file a consent rather than needing to sign the original plan of subdivision and submitting that to the registrar of land titles. It permits a person whose land has a water boundary and the water boundary has changed, to apply to the registrar to have the accreted land added to the certificate of title.

Here's a very substantive change. It's intended to change the law with respect to priority between mortgages. Section 14 of the Bill provides that a mortgage shall take priority from the date of registration as opposed to the date of the advances. So all advances would have the same priority as the registration of the mortgage. Section 17, a modernizing element, permits a married woman to have the name on any land she owns changed to her married name. Should she get divorced, she could

change it in that case as well, should she so wish.

Another provision which could be considered a house-keeping element — some practice had developed where a caveat was being used to register a mortgage, with a very minor fee then being imposed. From now on, the caveat that registered the mortgage will have the same fee as the mortgage itself would have had if it were registered directly. Section 23 permits the transfer of caveats, so the problem doesn't arise where if a caveat remains on the title for a long period of time, you can't find the person who originally filed the caveat.

These are the only comments I have, Mr. Speaker. I move second reading of Bill 18.

[Motion carried; Bill 18 read a second time]

#### **Bill 27 Jury Act**

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill No. 27, the Jury Act.

I would like to make a few remarks in addition to those made when I introduced the Bill. At that time, I indicated that this is probably as good an example as any of a Bill which, although it's very, very important in the overall administration of justice picture — people become very familiar with the processes, and they are much used; indeed they're used on a continuous basis by the courts. Everything seems to work well over the years, and amendments to the Bill are rarely brought forward. As time goes by, even though it's still functioning adequately, it becomes out of date and really should be revised and brought up to date. That is the process we're going through now.

As part of our administration of justice system, the principle of the jury system remains. It's one of the cornerstones of our administration of justice system. The result of what is being removed and additions being made by this proposed Bill really is to be sure that out-of-date restrictions on the qualifications of jurors, cumbersome procedures with regard to the selection of jury panels, and that sort of thing, are dealt with and brought into a scheme of things more appropriate in the 1980s than when the Bill was originally enacted.

I hope hon. members were just a little entertained when I noted at the time of first reading that there were really some very remarkable restrictions on people who are entitled to serve on juries. For example, professors, masters, teachers, and other salaried officials or employees of any university, college, or school were not allowed to serve; also pilots in actual service. I look at my friend the Minister of Agriculture, who I believe rode the odd F-86 in his days as a pilot, and recall that undoubtedly that means pilots for riverboats, passed when the North Saskatchewan River was a place of water commerce, and of course ferryboats were there at that time. That shows the age and need for some updating in regard to this legislation. I don't suppose that it does the Legislature a great deal of credit to say that such ancient things are still the law unless changes are made at the present time, but I think over the years legislatures have probably exercised good judgment in noting other priorities which have come ahead. These changes, although timely, are not really late.

Mr. Speaker, the jury system is used primarily in criminal proceedings. Civil cases where a jury is used are relatively rare by comparison with the number of occasions in which juries are used in criminal cases. The

Criminal Code of Canada makes the necessary provision for the adoption of procedures of selection and impaneling of jury members in criminal cases as well as civil cases, provided the provisions of any provincial statute dealing with those matters are not contrary to the specific provisions in the Criminal Code in regard to things such as challenges in criminal cases. So a reference appears in the Act; the legislation is compatible with the federal legislation and vice versa.

In the area of provincial jurisdiction in jury matters — that is, in civil cases — the number of pre-emptory challenges of a juror is being reduced from six to three. That is just an administrative matter, because for many years juries have only had six members in the province of Alberta. Three pre-emptory challenges would appear to be adequate.

Persons can still be excused from jury duty on any reasonable grounds. In other words, I think it's important to note that the Act does not exhaustively define every point at which a person must respond to a jury summons. It doesn't create greater obligations on people to serve on juries, although it greatly widens the number of people from whom a jury panel may be selected.

The proposed Bill does away with the need for the sheriff to do an annual list of people available for jury duty. He maintains a much less formal type of list on a continuing basis, and simply makes selections as the workload in the courts requires. The selection of eligible persons for jury duty used to be a much more structured and formal system. That helps in the administration of cases which are going to involve juries and, hopefully, as a result is not so much of an inconvenience — if that's the right word — to a person who may end up serving on a jury. It's certainly an objective to make sure that, as important as the duties are, there's as little confusion and inconvenience as possible to the individuals.

Mr. Speaker, without being on a jury, nobody really knows what the essence of that type of public service is, although we would all accord with the view that serving on a jury is a very significant contribution a citizen makes to the due process of the administration of justice. I really mention this for only one reason. As a barrister and solicitor, I of course have not served on a jury, because that wouldn't be allowed. But yesterday I was talking to a friend, Mr. Smith, who told me he had recently been the foreman of a jury and described in, I would say, a considerably interesting way exactly the sort of thing that occurs when jurors — I would think in almost all cases, none having served in that capacity before — undertake those responsibilities and how they carry them out. I must say I was impressed at the interesting description and certainly at the perception of the facts and circumstances of a particular case that a person who serves on a jury must have in order that justice will be done. The result of our conversation reassured me, I might say, in regard to the faith I've always had in the way jurors respond to these important duties.

Mr. Speaker, I think I need refer to no other matters in regard to the principles of the Bill at this time, and accordingly urge all hon. members to support second reading.

MR. LITTLE: Mr. Speaker, I have a couple of questions or comments. Like the minister, I have not served on a jury either, and it's very unlikely that I ever will. During my period in the courts, the criminal jury consisted of six members. I understand that the criminal jury now consists of 12 members. The Act specifically states that the

civil jury shall be six members. Does that mean there will be a difference between the civil jury and the criminal jury?

I would also like to draw the attention of the minister to a response I have from a constituent. With your permission, Mr. Speaker, I would read it into the record:

My main complaint about the new amendments is that they further ensure that the rich are the ones who will benefit from our justice system. In Alberta it was \$1,500 for two days before these amendments. Now it will be much higher with all of the new expenses.

As well the raising of the minimum limits for the right to a jury will further mean only the rich will have the advantage in the courts.

I have no knowledge of a charge for a jury being associated strictly with criminal matters. Would the minister care to comment on that complaint?

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, I think the easiest matter to comment upon that the hon. Member for Calgary McCall has raised is the question of what the limits should be as to the size of a lawsuit where a person is entitled to a jury. I point out that the nature of cases where a person is entitled to a jury hasn't changed from previous provisions. Maybe I can just take a moment to note what those are. Cases involving defamation, false imprisonment, malicious prosecution, seduction, or breach of promise of marriage, are those where a person is entitled to a jury as a right; also in cases involving the recovery of real property.

Then we come to the point the hon. member makes, that the previous limit in regard to tort and contract cases was \$1,000. I don't think it's realistic to persist in no

review at all of the financial limits which call into place the right to a jury trial. The hon. member indicated that the amount went up. I can't find precisely what it is in the new legislation, but would say that I certainly think it's justified to review limits from time to time. No doubt \$1,000 in 1910 was a significant amount, and isn't any more for the purpose of determining what size of case should go forward.

On the other points in regard to criminal juries, Mr. Speaker, the hon. Member for Calgary McCall raised some matters which I hadn't addressed my mind to before speaking to this Bill, because it really deals primarily with civil matters in Alberta. If he would like me to review the Criminal Code provisions in order to provide him with some additional comment on criminal matters, I'd certainly be glad to do that.

[Motion carried; Bill 27 read a second time]

MR. CRAWFORD: Mr. Speaker, I don't know what to take from the comments I'm hearing, whether we should move to committee now or, in view of the time, whether we might call it 1 o'clock. I don't think there would be any great disadvantage to that today. So maybe I can deal with the question of what's proposed for Monday, and remind hon. members that because of the obvious interest of hon. members in regard to the motion on surface rights, in all likelihood I think we would be looking at pretty well the whole day — both afternoon and evening — for dealing with that motion. It is unlikely that other business would be called, although if there is time in the evening, it may be that we would look at committee study of Bills.

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

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

HON. MEMBERS: Agreed.

[At 12:35 p.m., pursuant to Standing Order 5, the House adjourned to Monday at 2:30 p.m.]

