LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Monday, May 28, 1984 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: NOTICES OF MOTIONS

MR. CRAWFORD: Mr. Speaker, I wonder if I might ask for unanimous consent to have Bill No. 34, the Corporation Statutes Amendment Act, 1984, revert from third reading to Committee of the Whole, the purpose being that an amendment is proposed and could only be dealt with in committee.

[Motion carried]

MR. CRAWFORD: Mr. Speaker, with the continued accommodation that hon. members have just given, perhaps I could make another motion of which I have not given notice; that is, to move that Bill No. 207, Remembrance Day Act, be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

head: INTRODUCTION OF BILLS

Bill 262
Motor Oil Recycling Act

MR. SZWENDER: Mr. Speaker, I beg leave to introduce Bill 262, the Motor Oil Recycling Act.

The purpose of this Bill is to establish a refund value on used motor oil in order to increase the amount returned to collection depots for recycling as well as to eliminate the environmental hazard of dumping raw oil.

[Leave granted; Bill 262 read a first time]

head: TABLING RETURNS AND REPORTS

MRS. OSTERMAN: Mr. Speaker, I'm tabling the annual report of the Alberta Automobile Insurance Board for the year ended December 31, 1983.

head: INTRODUCTION OF SPECIAL GUESTS

MR. WOO: Mr. Speaker, it's with a great deal of pleasure that I introduce to you a group of very energetic students from Brentwood School, which is situated in the community of Sherwood Park. The group is made up of 70 grade 6 and 14 grade 5 students and is under the leadership of Mrs. Dale Keith. Mrs. Keith and the students are accompanied by two other teachers, Miss Ruth Ball and Mr. David Canning, and by parents Mrs. Linda Toshack, Mr. Phil Zerr, Mr. Jim Crawford, and Mrs. Heather Bazian. I believe they are seated in both galleries, and I now ask that they rise and receive the very warm welcome of this Assembly.

MR. MARTIN: Mr. Speaker, it is my pleasure to introduce to you and to members of the Assembly Dwayne and Judith Wanner, who are visitors to Edmonton from Hamilton, Ontario. They are seated in the public gallery, and I ask them to stand and receive the traditional welcome of this Assembly.

MR. SZWENDER: Mr. Speaker, it's my pleasure to introduce to you and to all members of the Assembly 28 eager grade 6 students from St. Francis of Assisi school in the constituency of Edmonton Belmont. They are seated in the public gallery, accompanied by their teacher Mr. Symak. They are surprise visitors to the Assembly today, and I haven't had a chance to see them. I ask them to rise at this time and receive the welcome of the Assembly.

head: ORAL QUESTION PERIOD

Indian Land Claims

MR. NOTLEY: Mr. Speaker, I'd like to direct the first question to the hon. Minister responsible for Native Affairs, and it's with respect to his ministerial announcement last Friday. Could the minister confirm reports that any surrendered mineral rights will apply only to unoccupied lands, and could the minister provide the Assembly with an interpretation of how the revised government policy will define "unoccupied lands"?

MR. PAHL: Mr. Speaker, that's correct. The terms and conditions of the Natural Resources Transfer Agreement of 1930 indicate that the province is under an obligation to provide unoccupied Crown lands to Indian bands who have a land treaty entitlement. That would be the starting position with respect to settlement of any land claims that are now outstanding from treaties. As it says, that definition is "unoccupied", in the fullest sense of the word.

MR. NOTLEY: Mr. Speaker, a supplementary question. Let's explore "fullest sense of the word" for a moment. Is the minister saying to the House that any kind of occupation — for example, in the form of oil leases — would preclude a territory being considered unoccupied?

MR. PAHL: Mr. Speaker, it seems to me as though the hon. member is attempting to negotiate treaty entitlements on behalf of the government of Alberta. I would say that each case involves a certain amount of negotiation and discussion with respect to both location and what might properly be called third-party interests, both surface and subsurface. So I'm afraid I can't be of much help to the hon. member on the generality. Land claims are rather specific, and they involve fairly complex negotiations.

MR. NOTLEY: Mr. Speaker, generous though I may be, and particularly today, we'll move from the general to the specific. Since the minister's definition appears to be very site specific, is the area the Lubicon people would prefer — that is, on the west side of Lubicon Lake — considered by the minister and the government occupied or unoccupied land?

MR. PAHL: Mr. Speaker, I regret to provide what might be a frustration to the member, by saying that there are both categories within that general area.

While I'm on my feet, Mr. Speaker, I took as notice a question by the hon. member opposite as to an indication of the value of the minerals in the 25-square-mile area that had at one point been set aside for the Lubicon treaty entitlement. The Energy Resources Conservation Board and other officials who looked at it declined to indicate a value on potential mineral resources, although they did indicate that the land was highly favourable for wildcat prospects for oil and gas. But inasmuch as there were no production records on the acreage, there was no way any revenue could be estimated. I could indicate to the House that something like $2.5 million in bonuses and lease acreages was paid in that area. Within the area are lands both under lease and, if you will, unoccupied in the fullest sense of the word.

However, I would indicate, and remind the House and the member who asked the question, that the first step with respect to a land claims entitlement is for the federal government to provide us with a validated documented land claim, to indicate the numbers of individuals and the preferred locations, in effect, of the reserve lands. It's from there that you make a judgment. So to speculate as to how much land, located where, would in my view be inappropriate at this time.

MR. NOTLEY: Mr. Speaker, a supplementary question. The minister's view of whether or not it's appropriate is beside the point. The question to the minister is with respect to the area west of Lubicon Lake. Is it the government's position that all areas under lease, where oil wells exist — I have maps containing oil wells in the Lubicon area, and I'll file three copies with the Legislature Library. My question is, is it the position of the government that areas that have been sold and bonuses collected represent occupied as opposed to unoccupied land?

MR. PAHL: Mr. Speaker, first I'll be very interested in seeing the hon. member's information. The land on which he at least raised the question earlier in the Legislature has had licences issued for eight wells, I think. Five of them did not indicate any production, and two are capped gas wells. So we seem to be discovering oil wells out of the blue.

I say again to the hon. member that there is a variety of occupied and unoccupied Crown land with respect to subsurface and surface leases in the area. So before it's appropriate to get into the full tangle, you need to know what area of land will be required — first of all, presented to us by the federal government and, secondly, validated by the provincial government — before you can get into the question of where a lease might be located and whether it's an unoccupied or occupied lease, either surface or subsurface. The same concerns would hold for surface leases as would be held for subsurface leases. Those third-party interests would have to be satisfied in some way.

MR. NOTLEY: Mr. Speaker, a supplementary question. As I understand the minister's answer, he indicated that the government would consider some of the land in the traditional Lubicon area occupied and some unoccupied. I should say that the map includes wells. I suggested oil wells, but it includes other wells as well.

The point I want to raise with the minister is, what is the government's definition of occupied land? Should there be a producing oil or gas well? Does the government consider that occupied land at this stage? The minister has already indicated that some of the land is occupied and some is unoccupied. He must have some basis for coming up with that statement in the House. What is the basis?

MR. PAHL: Mr. Speaker, I think I prefaced my remarks by saying that it appeared to me as though the hon. member was trying to undertake a negotiation of a land claim that had a lack of definition within the parameters. The fact is that until we receive a validated documented land claim from the federal government, we really don't know how much acreage we're dealing with.

In the general sense, the definition of "unoccupied" would be: without a competing land use or surface lease. But I think it is important to remind oneself that when a treaty land entitlement is effected, you need to consider both the surface rights, and the individuals who hold those interests, and the subsurface rights. Both those matters would have to be considered in defining "unoccupied". If we talked about a surface lease where a person who was in effect a member of the band where there was to be a land entitlement had a trapline, obviously that definition of "occupied" would not have particular meaning for the negotiation.

Mr. Speaker, until such time as we have from the federal government the information that would indicate the quantum and the desired acreage, I really think it's not particularly productive to go through the exercise the hon. member is trying to pursue.

MR. NOTLEY: Mr. Speaker, what the minister thinks is productive or not is really not relevant at the moment. The question I put to the minister pursues the issue of his ministerial statement. The minister made reference to

> the ... government will ... continue to reserve the authority to collect up to 50 percent of any royalty revenues generated from the development of subsurface minerals.

Mr. Speaker, could the minister advise the House whether any land transfer in Treaty 8, and indeed for any and all Alberta transfers through treaties 6 and 7 — did any transfer from 1930 include anything less than the full mineral rights?

MR. PAHL: Mr. Speaker, I may be subject to correction. My understanding is that in the main, the transfer followed the terms and conditions of the Natural Resources Transfer Agreement of 1930, whereupon the subsurface minerals were transferred, with the right of the province of Alberta to collect up to 50 percent of the royalty revenues generated from the development of those minerals. My further understanding is that to date, the province of Alberta has not exercised its authority to collect its 50 percent share of those mineral resources.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. I have both the Acts — the 1930 Natural Resources Transfer Agreement as well as the 1924 Act, which is referred to in the 1930 Act and which, by the way, talks about precious metals as opposed to oil and gas. My question is whether or not, in its discussions with Ottawa, the government of Alberta has determined a mutual approach to this question of the collection of 50 percent of subsurface mineral royalties. Is the minister's assertion shared by the federal government, or is it a position taken by this government?

MR. PAHL: Mr. Speaker, it hasn't been a subject of specific discussion, but I could indicate to the Assembly that it has not been under dispute by the federal minister or any of his officials.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. It may not be under dispute, because the province has not been collecting the royalties. Should we get into that, it may be.

My question to the hon. minister is, has there been any independent legal advice sought with respect to the 1930 Act and the reference in the 1924 Act to precious metals?

MR. PAHL: First of all, for clarification, does the member want us to get into the collection of the 50 percent [on] minerals? Is that the nature of the question?

MR. NOTLEY: Mr. Speaker, I want to know whether the government has obtained legal advice so that it knows whether the statements made in the House are constitutionally sound or subject to challenge in the courts.

MR. PAHL: As we've learned, Mr. Speaker, almost anything is subject to challenge in the courts. However, I believe the basis on which the provincial government is acting with respect to the 1930 Natural Resources Transfer Agreement and the 1924 agreement is a sound basis for our position. I'd like to say again that, to my knowledge, that position has not been questioned or in any way challenged by the federal government.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. In light of the claim made in the ministerial statement last Friday,

> to remove any real or perceived obstacles to resolving the few outstanding Indian treaty ... land claims,

could the minister advise whether settlements on both the Fort Chipewyan Cree Band claim and the Lubicon Lake claim are just around the comer? Could the minister give the House some time frame his department is working on in order to achieve these two settlements?

MR. PAHL: As I indicated in the House at an earlier time, Mr. Speaker, I don't control the clock in this instance. There are three parties to both negotiations. However, I can indicate that the willingness of Chief Lawrence Courtoreille of the Fort Chipewyan Cree Band to return phone calls and make himself available for discussions has had a considerable positive impact on our ability to move toward an agreement. All I can say is that in a news report I read, and perhaps the hon. member did as well, Chief Courtoreille projected that they would be putting a referendum before their band sometime in the next month. That would lend itself to a condition where both governments could take a recommendation for settlement to their respective executive councils. So that one appears to be very near.

With respect to the Lubicon Lake situation, the ball, in effect, is in the federal government's court, with respect to providing a validated land claim to the provincial government. We move from there.

MR. SPEAKER: Might this be the final supplementary on this topic.

MR. NOTLEY: Yes, Mr. Speaker. Could the minister advise the House whether he sees any obstacles in the settlement of the Lubicon Lake land claim in their traditional area west of Lubicon Lake as a consequence of the very substantial mineral development which has occurred there?

MR. PAHL: I think I'm being asked to look into my crystal ball, Mr. Speaker, and it's a bit cloudy. If I were to predict where the challenges might arise, it's first of all getting a validated land claim from the federal government. That's taken us some 44 years. Secondly, the complexities of the surface holdings are far in excess of anything that might be anticipated from any conflicts with respect to mineral holdings.

MR. NOTLEY: I just hope it's not another 44 years to establish that point, Mr. Minister.

Pensions Conference

MR. NOTLEY: Mr. Speaker, could I ask the second question of the hon. Premier. It's with respect to a meeting taking place on June 5, I believe, at which time it's anticipated that proposals for the reform of Canada's pension system will be finalized. Could the Premier indicate which member of Executive Council is representing Alberta at this meeting of provincial and federal ministers in Toronto?

MR. LOUGHEED: Mr. Speaker, I refer the question to the Minister of Labour.

MR. YOUNG: Mr. Speaker, I'll be representing the government of Alberta.

MR. NOTLEY: That's nice to know, Les. A supplementary question to the minister. It's my understanding that the federal government is going to introduce changes of between $25 and $50 a month in the guaranteed income supplement, the first cheque going out in July 1984, just before a possible election. I'm sure that has nothing to do with it. I put the question to either the Premier or the minister attending this conference on pensions. Where does the government of Alberta stand on the suggestion of substantially increasing the guaranteed income supplement?

MR. YOUNG: Mr. Speaker, I think I'll assist the hon. Leader of the Opposition by indicating the nature of the pensions conference, which may lead him to redirect his question. The conference will focus first and foremost on the private pension system, or the employer pension system. While there may be some discussion of the Canada Pension Plan relative to its fit with the private pension system, there has been no indication of any discussion of subject matter such as the hon. member has raised.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. In a moment I want to redirect the issue of the increase in the guaranteed income supplement. But specifically with respect to private pension plans, the National Action Committee on the Status of Women, among others, has urged a legislated imposition of inflation proofing on all private pension plans. Since this conference is dealing with private pension plans, has the government any position with respect to the National Action Committee on the Status of Women's recommendation?

MR. YOUNG: Obviously, Mr. Speaker, the government has some positions, which we'll be discussing with other government representatives at the conference. On the particular question of mandatory or periodic or regular indexing to take into account the impact of inflation, I understand there is a variety of different positions from various governments. The position I will be taking into the discussions will be opposition to any inflation indexing; rather, a focus on the part of governments on fiscal monetary policy which would strive to reduce and eliminate inflation rather than accepting inflation as a natural consequence of our system and trying to accommodate it.

MR. NOTLEY: Good luck. Mr. Speaker, I'd like to ask a supplementary question. I understand Ontario has suggested that in the event of a divorce, pension credits need not nec-

essarily be split. Is it the Alberta government's position that pension-credit splitting be automatic and mandatory in all divorce settlements?

MR. YOUNG: Without exploring what is meant by "pension-credit splitting", I would put the general position at the present time as being that in the event of dissolution of the marriage, that portion of the pension credits which has accrued during a marriage should be looked upon as an asset shared equally by the parties. Then we get into the system of how to treat those credits: who should have jurisdiction or discretion to determine that there should be a payout in cash or that there should be a trade-off on different assets in the family, in the total basket of family assets, that would equate with pension. Those questions have not been addressed in detail. But in general, the position is that pension accruals during a marriage should be treated as a common asset, to be taken into account for distribution on an equal basis on termination of the marriage.

MR. NOTLEY: Mr. Speaker, my final question is to either the hon. Minister of Social Services and Community Health or perhaps the Provincial Treasurer. Since we understand that this happy news of an increase in guaranteed income supplement is going to take place in time for the July cheque, is the government of Alberta considering matching the federal increase through the Alberta assured income plan or the Alberta widows' pension program?

DR. WEBBER: Mr. Speaker, the Alberta assured income program for senior citizens is adjusted whenever there are changes in the guaranteed income program. If there is an increase in the guaranteed income supplement, the Alberta assured income program is adjusted accordingly — no increase in the program *per se* and no cutbacks in the amounts that individuals get; there's just a readjustment.

In terms of the widows' pension and the assured income for the severely handicapped, these programs do track federal old-age security programs, and adjustments are made on an ongoing basis with these important programs.

Unemployment Action Centres

MR. R. SPEAKER: Mr. Speaker, my question to the Minister of Manpower is with regard to the funding of the unemployment action centres. I understand the minister has directed a letter indicating no support. Unemployment and action: that's just about a contradiction in itself, isn't it?

Mr. Speaker, could the minister indicate the basic reasons for refusing that funding?

MR. ISLEY: Mr. Speaker, as indicated in the letter of response to the Alberta Federation of Labour, discussions are ongoing between them and the federal Department of Employment and Immigration, which initially funded them, and it appears that funding may continue.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the hon. Minister of Social Services and Community Health. This is for the benefit of the Premier. Could the minister indicate the reasons for continued referrals from the department of social services to the unemployment action centres, if these centres do not have the support of the provincial government?

DR. WEBBER: I'd have to take that as notice, Mr. Speaker. I wasn't aware that there were referrals going to that particular agency.

When social allowance recipients, particularly the unemployed employable category, come to social allowance offices for benefits, they are referred to people in our department in terms of either trying to go through a retraining process if necessary, or trying to be placed in employment areas if possible. If my memory is correct, during the month of April some 5,000 social allowance recipients received consultation and advice in that regard.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Can the Minister of Manpower indicate the decision of the government in terms of the position when the federal government ends its funding for the current programs? Will the province reconsider its position or, at that time, support termination of that service in the province of Alberta?

MR. ISLEY: Mr. Speaker, at this point in time, I hesitate to indicate to the group that they would have a positive response if and when the federal funding runs out.

Labour Relations

MR. MARTIN: Mr. Speaker, I'd like to direct my question to the Minister of Labour; it seems to be his day. Has the minister launched a review of the adequacy of the Labour Relations Act as a tool for ensuring sound labour relations in the province, in view of the Labour Relations Board decision last Friday?

MR. YOUNG: Mr. Speaker, not a review based on the decision of the Labour Relations Board last Friday. Last Friday, in upholding the actions of the particular lockout in question, the Labour Relations Board indicated very thoroughly in their decision that they were making decisions that made labour relations sense and that the same criteria that were used to uphold the lockout would also be used to uphold the legality of a strike, that it met the test of the legislation.

Mr. Speaker, I think it important that we recognize that once the two parties decide to be represented by a union and the employer by the employer's representative, our labour legislation has as a focus that we try, through the legislation, to mitigate the possibility of a work stoppage. However, fundamental to the legislation is the concept that should the parties be unable to agree on a resolution of their problem, they can resort to economic action. That is exactly what a strike is and that is exactly what a lockout is, and that's what the board found.

MR. MARTIN: A supplementary question. We'll go through it step by step here and see if it makes sense. Does the government have any policy regarding whether or not lockouts should be permitted when there is an application for certification of a bargaining agent before the board, which affects the employer that is the one locking out?

MR. YOUNG: I don't think I need refer to government policy; I think I can paraphrase the Labour Relations Board position. In a registered employer's organization, which covers all the employers of a certain class within a certain geographic area — in such a circumstance, it would be possible for a union to make an application for certification at almost any point in time. Therefore it would not make labour relations sense to deny to all the employers covered by that registration order the opportunity for a lockout because one or more applications for certification existed. Labour relations sense would indicate that there had to be an opportunity for a lockout as a *quid pro quo* for a strike. To make a different decision would mean that in

fact the union would be in a position to always preclude any possibility of a lockout, which would make a one-sided labour relations situation.

MR. MARTIN: A supplementary question, Mr. Speaker. Understanding that, it still seems to me to tip the balance, so I'll come back specifically. The board decision on Friday said that section 136(1) of the Act, regarding alteration of terms and arrangements, does not specifically stipulate that such lockouts are prohibited. My question is, will the minister be recommending any legislative changes to strengthen that section?

MR. YOUNG: Mr. Speaker, at the present time, recognizing that I have not had the decision for very long, nor have I had an opportunity to hear any reasoned responses from the parties as yet, I have no basis on which to make a judgment one way or the other.

MR. MARTIN: A supplementary question to the minister, Mr. Speaker. The board ruled that in its opinion, the intent of the 25-hour lockout in Calgary was to compel employees to accept certain terms and conditions, even though no negotiating or bargaining took place. The union argued that it was to terminate the contract. What review has the minister commenced of possible changes to an Act which is so vague that it permits the board to rule on intent in this sort of situation?

MR. YOUNG: Mr. Speaker, if the hon. member reads the definitions in the Act, I believe he will find out that intent is a requirement of one of the definitions.

MR. MARTIN: A supplementary question. I'll make it even more specific for the minister. Because of the board decision last Friday, has the minister made an assessment of whether these short-term lockouts effectively dismantle bridging provisions in the Labour Relations Act?

MR. YOUNG: Mr. Speaker, they definitely do not dismantle bridging provisions. What they do is bring a termination to a bridging provision. But that follows, from the nature of collective bargaining. It provides that the parties are free to negotiate a collective agreement, and I think the court cases now indicate this. In that collective agreement, they may put what has come to be called a bridging provision. If they do so, they are free to state that bridging provision however they may, voluntarily. The practice normally is that they express the bridging provision termination as the meeting of one or other of the conditions which terminate by strike or lockout. That's the normal conclusion to a bridging provision. That's exactly what has happened in this case. A lockout has brought a conclusion to what is otherwise an unspecific term if it would be expressed in numbers of days or weeks or by date.

MR. MARTIN: A supplementary question, Mr. Speaker. The point I'm trying to make to the minister is that it's a loophole in the legislation. You could call an elephant a pig, but it is still an elephant, no matter what the minister says.

My question has to do with the construction industry. Has the minister received the report of the special committee that was established just after Bill 110, to review the construction industry in the province?

MR. YOUNG: Mr. Speaker, to deal first with some of the comments of the hon. Member for Edmonton Norwood, which had nothing to do with the question he just asked. To go back to the basic premise of collective bargaining, in the event of breakdown the sanctions used by either party are economic. On one hand the employees, through their union, use the sanction known as a strike. The alternative to the employer is a lockout. Those are fundamental sanctions and, as much as it is possible to achieve a balance in economic sanction, they're balanced sanctions.

In terms of the report of the advisory committee on the construction industry, Mr. Speaker, I have indeed received the report. The report contained in it a request that I should meet with the advisory committee which prepared the report, and I have arranged to do so later this week.

MR. MARTIN: A supplementary question, referring to the minister's statement. Is the minister saying that the short-term lockout, which is new to the province, does not change the picture of negotiating in this province, that everything is the same as it was before?

MR. YOUNG: It's exactly what I'm saying, Mr. Speaker. A lockout was always one of the alternatives. It's just that economic conditions have never been of the nature they now are, so we've not had the experience with it that we're now having. But a lockout — and that's what this is; it's not a loophole — is an exhausting of the provisions of the statute which permits a work stoppage as a conclusion to an economic difference in collective bargaining.

MR. MARTIN: A supplementary question.

MR. SPEAKER: Might this be the final supplementary on this topic.

MR. MARTIN: Recognizing what the minister said, that the lockout has always been there and that strikes have always been there, the difference is that it has never before been used in this manner: to terminate a contract, to pay lower wages. My question is, would the minister look at the possibility that it's being used to get around the bridging prospect? Just take a look if that's the reason it's being used.

MR. YOUNG: Mr. Speaker, I've already indicated that what we're talking about is not getting around the bridging but what is a fundamental of the collective process if we're going to allow a conclusion in collective bargaining to be reached by economic might. There are other ways of achieving collective agreements. The fact of the matter is that under the Canadian and North American system in particular, strikes and lockouts have been developed as the basic way one party exercises influence upon the other. That's exactly what's happened in this instance.

Teacher Evaluation

DR. BUCK: Mr. Speaker, my question to the hon. Minister of Education has to do with teacher evaluation. Is the minister in a position to indicate if the mechanism is in place and when we will be seeing local boards start the evaluation of teachers?

MR. KING: The actual implementation of teacher evaluation does depend on the local school board, as the hon. member's question suggested, and therefore it will be up to the local school boards to determine when the mechanics will be in place. The fact of the matter is that some school boards have already taken some initiatives prior to the announcement of the provincial government policy on teacher evaluation, so preliminary teacher evaluation has been under way in this school year in

some jurisdictions. Similarly, teacher evaluation will start in September 1984 in other jurisdictions. In some jurisdictions which will require a year to develop policy and organize the program, teacher evaluation will not be under way until September 1985.

DR. BUCK: Mr. Speaker, is the minister in a position to indicate what role the principal will play in these evaluation discussions? Will the principal be one of the main participants in the evaluation process?

MR. KING: Again, Mr. Speaker, it is important to remember that evaluation is conducted for two purposes. Most often it is meant to help the teacher improve his or her teaching skills, but in some cases evaluation is meant to prepare the way for dismissal. These latter cases are very few in number, but they do happen. It's our expectation that the principals would be extensively involved in the first kind of evaluation; that is, evaluation for the purpose of improving teaching performance. We would not expect them to be involved in the same way where the purpose of evaluation is to identify cause for dismissal.

DR. BUCK: Mr. Speaker, with the principal playing a role in looking at the evaluation, has the minister given consideration to what the effect will be on the principal/staff relationship in light of the fact that if, say, a teacher wants some assistance, he may feel reticent about going and asking for help if he considers that he may be being evaluated? What consideration has the minister or the department given to this factor?

MR. KING: Mr. Speaker, I can only repeat what I have said on other occasions in the Assembly; that is, in the long term the success of evaluation is going to depend very much on the attitude of the people who are being evaluated. If they think of it as being a negative, critical, or destructive process, that's what it will prove to be. If they think of it as being developmental, constructive, and positive, that's what it will prove to be. My hon. colleague across the floor is evaluated by his professional colleagues on an ongoing basis, I'm sure almost constantly. The fact of the matter is that he knows that because of his professional and collegial relationship with his colleagues, the purpose of this will be constructive, and it's in that light that he accepts it.

DR. BUCK: Mr. Speaker, to the minister. Who will be responsible for evaluating the principals?

MR. KING: The school board, Mr. Speaker.

DR. BUCK: Mr. Speaker, in setting standard evaluation guidelines throughout the province, maybe the minister can indicate what we are talking about when we talk about adequate teacher evaluation policies. Has the minister made those guidelines clear?

MR. KING: We believe we have, Mr. Speaker, and the hon. member is reading from it.

ORDERS OF THE DAY

MR. SPEAKER: Might we revert briefly to Introduction of Special Guests?

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS
(reversion)

DR. WEBBER: Mr. Speaker, it's my pleasure today to ask the Assembly to recognize in the normal way a guest we have in the Legislature. Mr. Ray Clark is the chairman of the Senior Citizens' Advisory Council, and he works closely with the Senior Citizens' Bureau in looking after the affairs of senior citizens in this province. Would he stand and the House recognize him.

head: COMMITTEE OF SUPPLY

[Mr. Appleby in the Chair]

MR. CHAIRMAN: Would the Committee of Supply please come to order.

ALBERTA HERITAGE SAVINGS TRUST FUND
CAPITAL PROJECTS DIVISION
1984-85 ESTIMATE OF
PROPOSED INVESTMENT (II)

Executive Council
Alberta Research Council

Agreed to:
Total Vote 1 — Electronic Products Test Centre $4,225,000

MR. HYNDMAN: Mr. Chairman, I move that the resolution be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of Supply has had under consideration the following resolution and reports as follows:

Resolved that from the Alberta Heritage Savings Trust Fund a sum not exceeding $4,225,000 be granted to Her Majesty for the fiscal year ending March 31, 1985, for the purpose of making an investment in the electronic products test centre, a project to be administered by the Minister of Economic Development.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, I wonder if the House might consider giving leave to revert to Introduction of Bills in order that an appropriation Bill in respect of the report just received from the Committee of Supply might be introduced by the Provincial Treasurer.

MR. SPEAKER: Is there unanimous consent for the motion by the hon. Government House Leader?

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF BILLS**
(reversion)

Bill 49
Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1984-85 (No. 2)

MR. HYNDMAN: Mr. Speaker, I request leave to introduce Bill No. 49, the Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1984-85 (No. 2).

This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

[Leave granted; Bill 49 read a first time]

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

Bill 13
Planning Amendment Act, 1984

MR. KOZIAK: Mr. Speaker, last fall this Assembly considered Bill 102 during the course of second reading and also committee study, and approved the concepts contained in Bill 102. The Bill was thereafter permitted to die on the Order Paper to permit further discussions with municipalities in the province, which have subsequently occurred, and is reintroduced in the form of Bill 13. For all intents and purposes, the principles contained in Bill 102 are again articulated in Bill 13; however, there have been some refinements in Bill 13 as a result of the discussions that have been held with municipalities.

In respect of the question of the public utility, we have accommodated certain of the recommendations made to us. We have also accommodated certain of the representations with respect to the off-site and redevelopment levies. In other areas, the positions of the municipalities and of the government are at variance in certain respects. As is the case in a democracy, however, there is the opportunity for honourable men to disagree, and that is the case in this particular set of circumstances.

I raise the amendments in Bill 13 that I raised in Bill 102 because I am concerned, as I am sure other members in the Assembly are, that the landowner in this province is properly treated, having regard to the primary legislation that we hold so dear, the Alberta Bill of Rights. On that basis I am again putting forward Bill 13, with the principles contained therein, for the support of this Legislature.

MR. NOTLEY: Mr. Speaker, I'd like to comment briefly on Bill 13. Perhaps when we get into committee stage, we could deal with some of the aspects in a little more detail.

As I understand it and the minister has implied, there are still some people in the municipalities who want their money back on this Bill, if I could use that analogy. They are not exactly jumping up and down with enthusiasm. Either in closing debate or when we get into committee stage, perhaps the minister could outline the major areas of concern by the municipalities. My understanding is that the municipalities don't like the definition of "public utility" that excludes public transit. There is some concern over the aspect of the removal of section 98(c) of the Planning Act, which permits a subdivision approving authority to disallow a parcel of land to be developed because, in the authority's opinion, it is unsuitable for development.

Mr. Speaker, I just suggest to members of the House this afternoon that when we deal with changes in a Bill such as the Planning Act, a Bill which has an enormous impact on the type of development that occurs in this province, it's fair to say that we have to respect the rights of the landowner. But at the same time, there has to be recognition of the greater public good. That greater public good has a number of ramifications, whether it be right-of-way for LRT in a city or certain aspects that have more rural validity. The fact of the matter is that I for one am just a bit troubled when I hear that there is not the sort of unanimity one would hope from the municipalities before we make changes in an Act that the municipalities are going to have to wrestle with on an ongoing basis.

That's not to say that the minister will be able to find total unanimity, Mr. Speaker. But for us to debate the principle of a Bill which is an amendment to the Planning Act, it seems to me that perhaps even in second reading, the minister should take some time to outline in a fairly detailed way those areas of difference and what specific steps have been taken to reconcile differences where differences still exist. Then we'd be in a better position to deal with Bill 13 when we get to committee stage. If there are fundamental differences in the way in which municipalities review this Bill as it affects the principle, Mr. Minister, perhaps we should have that discussion now and get into the details when we move to committee stage.

Mr. Speaker, I want to file those concerns on second reading and, hopefully, we'll have a more comprehensive response from the minister when he closes debate. If not, we'll ask some of the more detailed questions when we get to committee stage.

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

HON. MEMBERS: Agreed.

MR. KOZIAK: Mr. Speaker, the two areas in which there is a lack of unanimity are the ones the Leader of the Opposition has pointed out. Those are the amendments to provisions which define public utility and the superdedication provisions over and above those required for the subdivision, under section 98.

First of all, if I can address the question of public utility, there's no doubt whatsoever in my mind that what we are facing is a set of circumstances in which, through an oversight in drafting, a situation was created which was never the intention of this Assembly. In creating the Planning Act we said, let's take the definition of public utility from the Municipal Government Act and just use that in the Planning Act. So we said for "public utility", see Municipal Government Act. For the purposes of the Municipal Government Act, the definition of public utility, as therein contained, was necessary. It included reference to the transit system, as the hon. Leader of the Opposition pointed out. It also included references to others things, such as a power station perhaps. Those things were completely necessary within the concepts of the Municipal Government Act but not when it comes to the question of dedication of lands under the Planning Act.

What I would like to do, Mr. Speaker, is refer hon. members to a book that saw a considerable amount of discussion and debate in this province before the final adoption of the Planning Act. It's a red book titled Towards a New Planning Act for Alberta. On page 22, which deals with roadways, services, dedications, and general levies, the statement that should be kept in mind is set out:

> The philosophy adopted is that a development should pay its own way, but should not be called upon to subsidize the general public.

Further, in the same area:

> but if the development officer requires any part of such roadway or utilities to be provided in such capacity or manner as to accommodate or benefit developments adjacent or otherwise removed from the development for which a permit is being sought or for the general benefit of the municipality as a whole, the municipality should, as against the applicant, assume and pay the cost thereof ...

Mr. Speaker, that is the concept enshrined in Bill 13. The development should pay for those services that are necessary in order to make that development work, but no one would suggest the development should also pay to provide services of general benefit to the community as a whole.

One can even question whether an LRT line through a person's property is not in fact detrimental to the use of that property. Ask any farmer how he likes a railroad cutting across his property. It might be fine if there is an elevator that gathers grain there, and he was paid for that and was able to deliver his grain almost as he harvested it. Otherwise, the railroad bisecting a farmer's property is not an asset. It's a liability, and the same with LRT. Because the LRT runs through your property may mean it's a liability rather than an asset. It's where the station is located that may count.

When it comes to that aspect, of course, there are opportunities with respect to the municipality and the land developer or owner where the station is located to reach certain satisfactory conclusions with respect to zoning that may offset and encourage the dedication of the site. There are opportunities in other areas where this can happen. But we shouldn't reach the conclusion that there should be a dedication just because of a loophole that existed as a result of our not looking carefully at the definition of public utility in the Planning Act in the first instance.

Mr. Speaker, I call section 98(c) the superdedication section. We're aware that there are requirements for dedication to service the subdivision in terms of roads, utilities, that type of thing, to a maximum of 30 percent — whatever land is needed would be required to be dedicated. Then you have another 10 percent dedication for the purposes of parks and schools which, I might add, is generally higher than is seen in other provinces in this nation. In some provinces that dedication is only 5 percent, so we in this province have a substantially higher requirement for dedication in this area than in some other provinces. So depending on the need for internal roadways, you can have a dedication to a maximum of 40 percent.

Then there is provision under section 98 for superdedications, over and above 40 percent. There we talk of gullies and things of that nature. Then there was this phrase, 98(c), which said, land that was unsuitable for development. The problem with the word "unsuitable" is that it starts to take on new meaning in the mind of the person who reads it. When the Planning Act was considered and the question of this particular dedication was included, the idea behind it was that this was worthless land anyway, there was nothing that could be done with it, and rather than create problems in the future, we'll just have a dedication and there will be no development on this land.

The issue arose subsequently, when applications were made for the sale of this land and a representation made that an amendment to the Act should be made which would permit the sale of land acquired as an environmental reserve pursuant to 98(c). That seems to be at odds with the concept that this is worthless land. In looking into the matter further, Mr. Speaker, I think expectations were starting to develop about the meaning of section 98(c). People were starting to look at 98(c) not in terms of what is unsuitable but what is undesirable. In other words, if additional lands over and above 10 percent could be picked up here for parks, that would be great and would be land that wouldn't be desirable for development. But if we believe in property rights, we have to admit that if the greater public good is to be served by the acquisition of lands for parks, the greater public should pay for that. It shouldn't be the result of enforced dedication on one owner that should result in that benefit to the greater public good.

Mr. Speaker, those are the two provisions that were raised during the course of the remarks of the Leader of the Opposition, and I thought I'd respond to them now, as he invited me to.

[Motion carried; Bill 13 read a second time]

Bill 19
Fuel Oil Administration Amendment Act, 1984

MR. DROBOT: Mr. Speaker, I move second reading of Bill No. 19, the Fuel Oil Administration Amendment Act.

This Bill will provide amendments to generally update and clarify the Act. It will also provide consistency in the method of administration for independent and commissioned bulk agents, will change the definition of a farm truck in accordance with the changes in vehicle licensing, and will reduce the instance when special permits are needed for out-of-province farmers to purchase farm fuel or marked fuel. It will provide standard record retention clauses.

The Fuel Oil Administration Act deals with numerous regulations and definitions. In order to generally update the Act, 17 amendments have been proposed in Bill No. 19. These amendments range from minor definitional adjustments to procedural changes. Bill No. 19 addresses the Fuel Oil Administration Act with adjustments to continually improve this successful program.

[Motion carried; Bill 19 read a second time]

Bill 20
Universities Amendment Act, 1984

MR. KING: Mr. Speaker, on behalf of my colleague the hon. Minister of Advanced Education, I would like to move that Bill No. 20 be read a second time.

As hon. members are aware, the Bill removes one section and replaces it with a new section in three parts. Mr. Speaker, the purpose of this replacement is to enable the Universities Co-ordinating Council, established under the legislation, to undertake tasks that may be mandated to it by professional organizations, either within the body of other professional legislation or by decision of the professional organization, which mandate is pursuant to the government's policy on professions and occupations, especially section 9(a) of that policy.

The amendment has the effect, first of all, of allowing the Universities Co-ordinating Council to do certain things and of stipulating in the legislation that the UCC may do these things. Section 64(2) establishes the composition of committees of the UCC that would actually be charged with carrying out the mandate, and section 64(3) provides that where professional legislation or the governing body of a professional organization

directs, these powers of the UCC would have to be delegated to the committee established under 64(2).

[Motion carried; Bill 20 read a second time]

Bill 25
Public Health Act

MRS. KOPER: Mr. Speaker, I would like to move second reading of Bill 25.

As mentioned in the introduction of this Bill, the present health legislation is archaic and overlapping. This Act will incorporate into one Act all provincial legislation respecting the protection of public health in Alberta. The Acts which would be revised and consolidated under this Act are the Treatment Services Act, Venereal Diseases Prevention Act, Tuberculosis Act, Nursing Service Act, Health Unit Act, and the old Public Health Act. The present legislation does not appear to be contemporary and does not accurately reflect current practices. Focus in the other Acts was on the prevention of communicable diseases through programs of immunization and public health inspections, whereas I believe the present practice is leaning toward health care and prevention of chronic diseases.

You can see that this Bill has been a long time in preparation. In 1976 the need to revise the Act was recognized, and work started in earnest. Discussion papers were circulated and, in the spring of 1982, Bill 30 was proposed to amend the Act but was left to die on the Order Paper. So definitely a lot of the spadework for Bill 25 has been done in the past.

It should be noted that prior to the drafting of the new Public Health Act, officials of this government reviewed legislation from all other jurisdictions, including Ontario, and countries. The legislation was developed from regulations from three working committees comprised of experts in this field and from within the department and the community. In addition, other experts in Alberta in the field of communicable disease control were consulted, including private practitioners that were specialists in communicable diseases and practitioners of community medicine.

All in all, I feel there has been a lot of work, a lot of public consultation, and we are here with a Bill that is very significant to the public health of Albertans, particularly in these days of rising health care costs. As we study the Bill, I hope it will be recognized that again and again throughout, the protection of the health of the public at large is the primary focus of this Bill.

With that in mind, Mr. Speaker, I would like to review the main principles of our Bill. The first change proposed in the Bill is the role of the Provincial Board of Health. It will be composed of seven to 11 members and will be an advisory body to the minister on all matters related to public health. On request of the minister, it may also investigate, collect information, and conduct research. Also, by order of the Lieutenant Governor, it may be required to hold public hearings. The board may also hire persons with special technical expertise in any area they wish further information on. The other mandate of the provincial board will be to hear appeals from persons considering themselves aggrieved by a decision of the local board who have been unable to resolve the difference of opinion through discussion with the local board. A point that has been brought up — by looking at the amendments, you will notice that the primary function of this board is advisory. There is an amendment planned to address this, so that the title of the board will be the advisory and appeal board rather than the appeal and advisory board.

The second section of the Bill that I wish to focus on outlines the establishment or, if need be, the disestablishment of health units. Mr. Speaker, the intent here is to permit greater flexibility for the appointment of local boards and thus encourage greater local autonomy. It's quite clear that there appears to be relative satisfaction with the present methods of selection of board members throughout the province. Through this legislation, we hope to be able to continue in much the same way. The local boards will have five to 11 persons, with at least one of them being a member of a council. It should also be noted there is an amendment distributed to delete a section that, I guess, declares terms of the length of stay on the local board. It should also be noted that each board may decide for itself whether the chief executive officer of the board is also the medical officer of health. The board is permitted to determine their role; thus, another step in local autonomy.

The services provided by the local board are described, in section 20, as preventative, diagnostic, treatment, rehabilitative, and palliative services; also supplies, equipment, and care that the regulations require it to provide. The next clause says there are services that could "permit" it to provide. It is thought that the government has the responsibility for setting a basic level of care throughout the province, and local boards have the responsibility for determining services pertaining to their local needs.

It should also be noted that local boards would have increased financial autonomy, granting authority to borrow money or to retain certain revenue surpluses. Since the Bill was introduced, Mr. Speaker, it has also been brought to our attention that many of the local boards dedicate a great deal of their effort to promotional health advertising. Health promotion is an amendment we propose to introduce in this definition of the services provided by local boards.

This Public Health Act streamlines the administrative process as well. The relationship between the minister, and the information needed by him as well, to ensure continued good supervision and management of local boards is quite thoroughly prescribed. The minister would also continue to have authority to provide treatment services under special programs, such as aids to daily living, the polio program, the rheumatoid arthritis program, or the cleft palate program. These are some of the examples that would continue to be under direct authority of the minister.

The area that public health is possibly most often connected with in the minds of the people of Alberta is that of communicable diseases, as outlined in section 4. In that regard, I noticed over the weekend in a paper that the last case of smallpox in the world was diagnosed on October 20, 1970. I found that very interesting, as one of my aunts died of smallpox as an infant. It is rather reassuring to know that through the rigorous efforts to stamp out disease, public health has been successful in this particular area.

Section 31 of our Act clearly defines the duty of people to consult a physician and submit to treatment if infected or if thought to be infected. You'll note that in cases of sexually transmitted diseases, the choice is given to consult a physician or attend a special clinic. That's in section 31(2). Accompanying this section is a very important list of communicable diseases. This is an essential part of the regulations accompanying section 31. The list will be divided into four sections. The first section has diseases that are notifiable by all sources, and divided up. There are some that must be notifiable by a laboratory as well. The second section lists sexually transmitted diseases which must be reported. The third section lists diseases that require immediate notification. The fourth section lists diseases that are deadly and may require compulsory treatment.

It's not a very long list, Mr. Speaker, but it is a very important one. I shall refer to that fourth section later.

The process that must be followed is outlined in our Act. The medical officer of health must be notified as soon as possible, within 48 hours with some diseases. It should be noted that there are notification regulations or policy established in the case of an epidemic. The last time this section was used was in 1918, but it must be there. We have not been required to use it, thank heavens, but knowing it is there gives us a certain amount of security. It should be noted that in this section, the medical officer of health has the authority to enter a place and to investigate, and within 24 hours to determine whether there is a health hazard. It should be noted that a court warrant is needed to extend this period any longer. It should also be noted that this section is likely to be very infrequently used. It should be recognized that it is not a change in the present procedures. It has existed since 1977, and it is there to be used only when a disease may be fatal.

These provisions consolidate the Tuberculosis Act, the Venereal Diseases Prevention Act, and the communicable disease Act, and will hopefully remove some of the confusion and overlap between the treatment of these diseases.

The next area we should perhaps look at is the policy with regard to recalcitrant patients. This section is restricted to a limited number of very serious diseases, potentially lethal, with very, very serious consequences. If I could give an example, Lassa fever is one of the exotic diseases that would be classed in this area. This is a disease that can be transmitted by air or through bodily excretions and is so infectious as to necessitate care for the infected person in a special isolation unit. The diseases are characterized by high fever, hemorrhage of internal organs, and damage to other vital organs such as the liver, kidneys, and the nervous system. There are many diseases of this nature. They usually originate in foreign countries and are brought to this country. We seem to be far more susceptible to these diseases in our country than in others. They have an extremely high mortality rate.

If I could elaborate, the present procedure is rather lengthy and cumbersome, and potentially dangerous to the persons who must execute the orders. For instance health protection, the deputy officer of medical health, will initially ask for pertinent information, such as whether this is an open case of tuberculosis or whatever the disease is. Is the patient really noncompliant? Have you really tried? Has the laboratory work been done? There will be many of these questions asked. Then documentation must be prepared with the patient's personal history, a laboratory report confirming it, and a nursing report outlining the efforts taken. The deputy medical officer of health then initiates preparation for proceeding with the case. Three copies of this are typed by the secretary. The Edmonton local board of health solicitor is contacted. An appointment is made with a secretary at the judge's chambers. Information under the Act that the charge is laid is sworn before the judge. Then a copy of all documents is sent to the board of health, and the recalcitrant patient is to appear in court. He may or may not appear, and then they are transported to hospital. If the patient pleads not guilty, another hearing is set.

You can see, Mr. Speaker, that this procedure does expose others to a risk. It's hardly needed. I should also add that there is precedent for this civil commitment procedure under the Mental Health Act, which is substantially similar to this Bill. It has worked well over seven years, without any evidence of abuse. In its report, the Drewry task force on mental health did not recommend any substantive changes in that procedure. I feel that is an important thing, when we look at this.

I should mention that the Bill provides very careful controls on this exercise of authority. First of all, a person must be examined within 24 hours of his arrival at the facility. Secondly, a person must be released not later than seven days after his date of admission, unless an isolation order has been issued under the Act. In some jurisdictions — Ontario is one — the commitment procedure extends to any communicable disease. This will be only to the small range of diseases I formerly described.

Mr. Speaker, the next area I feel we should look at is with regard to the confidentiality of records. All the same procedures presently in place under the Venereal Diseases Prevention Act will remain. I think it is very important for us to realize that there will be no change. The confidentiality provisions are now in the Hospitals Act, and the clauses delineate the provisions very carefully. I feel this has been dealt with quite adequately.

The next item that I think is very important is the present practice for the Crown to comply with regulations under this Act. There is evidence in the past that this has been done on many occasions. In this regard it seems more reasonable that if there is a problem, the political process would be as effective as any process. It stands to reason that the appropriate minister would be bound to take action to ensure the welfare of the public. If need be, it is possible to ensure compliance by inviting inspectors in and, when a problem develops, be sure that proper contact is made.

I would also like to bring the section on inspections to your attention. Presently, the authority for the public health inspectors is described under the Act, and the appeal mechanism benefitted by the provincial board is very clearly delineated. It should be noted that over a period of time, a study of 12 health units in our province was done. In one year, of 91,453 contacts with the public, there were only 34 appeals to any decision of the public health boards. That's one in every 300. I feel that that is extremely important. There are many detailed regulations under this section and they'll be revised, with a view to eliminating any conflicts, overlap, or duplications with other Acts.

Mr. Speaker, the final part of the Act that I wish to draw hon. members' attention to is the last section of the Act, which deals with other Acts that presently overlap some of the jurisdictions in the Public Health Act. I think the areas are quite well defined. Perhaps the best example is the issue of pasteurization of milk. While it is proposed that enforcement of legislation will now be dealt with under the Dairy Industry Act, there is actually no change in the law and the regulations accompanying the Act. I think all members are very aware of the problems with unpasteurized milk. Local boards of health will continue to be responsible for ensuring that adequate bylaws are drawn up for protection from these dangers.

The other legislation to be amended is outlined in the sections from transitional section 84 on. The different Acts that are to be amended are written out there.

All in all, Mr. Speaker, the hon. Leader of the Opposition, while addressing another Bill this afternoon, advocated consideration of the greater public good. I think that's what this Bill is all about. I feel that it is almost a state of the art. I know there's a great deal of work to be done yet; thus we're most concerned that this Bill be approved by this House so we can get on with the work of providing regulations for us to continue to develop public health in this province. When something catastrophic happens, the biggest complaint is: why doesn't the government do more? I would say we're doing all we can with this. I invite debate on the issue.

MR. MARTIN: Mr. Speaker, I'd like to go through some of the principles of the Bill. It's a huge Bill, and I think some of the specifics would be better held for Committee of the Whole. It is a new Bill, and I think most people will agree with most

parts of it. I think most people generally accept the principles, at least the concerns that we've had given to us. I'm sure the hon. member is aware of that also, although there have been people that have raised specific criticisms, if you like. I would like to leave those with the hon. member. Perhaps in closing debate, she could go through and answer the specific things that have been handed to us and, I'm sure, to other members of the Legislature.

One is that it is a very complicated and far-reaching Bill. It is my understanding, Mr. Speaker, that this does not go into effect until July 1, 1985. I think civil liberties organizations and other people said: because it is so complicated and has such wide-ranging ramifications in many different areas, because it does not go into effect until July 1, 1985, wouldn't it have been possible to give public health professionals and civil liberties organizations time to evaluate the Bill? It's like any other Bill we're going to deal with. Perhaps a draft regulation should be made public, for discussion. I know the hon. member said at the end that we're in a hurry because we do need this Bill, I suppose, because of the possibility of health difficulties. Many people would say: we've been under the old Act for a long time and because this is an important Bill, we need more time to discuss it. I'm sure that has been brought to the hon. member; it has certainly been brought to us as one concern.

The other broad area that I think needs some discussion — the hon. member talked briefly, and I was not aware of it, that there really wasn't any change to do with the pasteurization of milk. Even though it would be under the Dairy Industry Act, the law is basically the same, as I understand her comments. My question dealing with the principle is — I think all MLAs have had some representation from the Health Unit Association of Alberta questioning this. They thought it would make it more difficult for public health personnel to influence the passage of municipal bylaws. They felt it would hinder the introduction of a provincewide policy regarding pasteurization of all milk sold in all retail outlets. That was their concern. Perhaps in the discussions, they're not quite so concerned now. Maybe the hon. member can update us on what has happened in that area.

The other area that many people have alluded to and talked to us about has to do with — and again, I believe the Health Unit Association of Alberta is one group particularly concerned that the provincial government does not seem to be bound by its own legislation. As they point out, this in effect means that any provincial government properties or personnel do not have to follow the public health standards which the government imposes on everyone else. I would like the hon. member to comment on that, how the government would answer that, because I am sure she is aware that that has been a criticism in dealing with the Bill.

The other area in terms of principles, Mr. Speaker — it is my understanding that both the Health Unit Association of Alberta and the Canadian Institute of Public Health Inspectors requested four other areas. They do not seem to be a part of the Bill, or if they are, I've missed them. I know the hon. member will update me. The first is the definition of school. I believe they feel that this should include private schools and schools not operating under the Department of Education. It's my understanding that this was especially a concern of public health inspectors, because they felt there was a possible loophole there. I would leave that with the hon. member.

It is my understanding that the Bill does not refer to milk dairies, man-made beaches, or portable water supplies. It's pointed out that these are public health concerns and where we could be facing potential public health hazards. Dealing with that, I guess my question would be why we have not referred to them in the Bill.

It has been brought to our attention that public health inspectors should be defined in terms of the Bill, for clarification. Because this is a huge Bill, some of the roles, if you like, and what these people should be doing should be defined in terms of the Bill. I'd ask the hon. member to comment on that in conclusion.

The last area I want to raise at this particular time is, as mentioned, that they feel the term "construction" should be added to section 75(1), I believe, in that area. It was pointed out to us that construction standards involving health criteria are valid for campgrounds, wells, water fountains, places where livestock or poultry are kept, et cetera. The point they are making is that construction standards regarding public health should not be limited to just food establishments, that there are other areas.

I expect there is some overlap in other Bills, Mr. Speaker. But these are concerns at this particular time that were brought to us, as I mentioned, by different people, professionals in the area. There are some other questions we might have that are more specific and that, as I said, would be better dealt with in Committee of the Whole. With those few comments. I will wait for the answers to some of those concerns.

MR. NOTLEY: Mr. Speaker, I'd like to address several comments to this important Bill. I don't think there's any doubt that the time had come to rewrite the Public Health Act in this province.

I would like the hon. member — and I apologize; I missed the first few minutes of her remarks, so if she has covered this, so be it. Members of the House did receive representation from the health units in the province. I know I did; I'm sure other members did. The respective health units contacted us, outlining a number of concerns about Bill 25. I realize that we've received amendments. As I glance over the amendments, I'm not sure whether those amendments have dealt with the concerns expressed by the health units. Perhaps when the hon. member closes debate, she could do as the Minister of Municipal Affairs did and outline for the members, during the debate on the principle of the Public Health Act, those areas where there was a reconciliation of differences — I believe there were five resolutions passed, at least sent to me, concerning Bill 25 — and those areas that are still outstanding in terms of the government's approach to this legislation as opposed to the position taken by the health units. I understand a meeting took place in Calgary a few days ago. A few days before that, I believe the minister attended a meeting in Jasper. Perhaps, Mr. Speaker, we could have a fairly comprehensive review of just what the differences in principle are between the health units in the province and the government.

The second observation I'd like to make is that while I realize you cannot deal with virulent communicable diseases in any way other than having fairly significant enforcement features, we have received representation from some people expressing concern about the scope of powers provided in the Act. One always has to balance the greater public good against individual rights. I suppose that is especially true when you're dealing with communicable diseases. What troubles mc a bit is that it seems to me this is the kind of thing that might well be set out more clearly in the legislation. I take a look at the Ontario legislation, and it seems to me that the Ontario legislation deals with this rather complex problem a little more sensitively than ours does. When the hon. member closes debate. I would like to know what consideration was given by the government to the 1983 legislation passed by the Ontario

provincial parliament. The name of it is An Act respecting the Protection and Promotion of the Health of the Public. It distinguishes between 12 virulent diseases and communicable diseases generally.

I raise that, Mr. Speaker, because I know that at least some civil liberties people have expressed concern about the powers involved. The fact of the matter is that they, too, realize that there has to be a restraint on individual liberty. The question is that, within the bounds of public policy, that constraint should be as little as possible in order to protect the public good, not broad sweeping powers which create the possibility of abuse.

Mr. Speaker, I would like to make a couple of comments about the role of health units in the province. I think health units are the unsung heros and heroines of our health system. I have always felt that if we are to move to the objective of a proper, fully comprehensive health system, we have to underscore the importance of preventive health. That not only creates an important role for the health units in Alberta but gives them an immense amount of responsibility. In my discussions over the last 13 years with both the Grande Prairie health unit people and the Peace River health units, it's fair to say that these people have done first-class work. But it is work that I think would be able to go somewhat further if we had a clearer commitment to preventive health by the government in total.

The minister can talk about the budget, and certainly over the last 12 or 13 years we have seen an increase in the budget allotted to health unit boards in this province. No one is denying that. But the total mix is not appreciably different from what it was 15 years ago. I think one of the most encouraging things about the budget this year is the expansion in the home care program. The point I'm getting at is that public health is not just the question of how you stop contagious communicable diseases. The role of health units as a delivery system for preventive health is a fundamentally important one. This Act in many ways sets out the rules of the game for what I would call the cutting edge of any approach to preventive health in this province.

Mr. Speaker, several observations have been made, to my colleague and me at least, with respect to definitions. We've heard from people who have contacted us that the definition of a community health nurse is inadequate. I think the question of how we define a community health nurse is pretty important if health units are to carry out even the mandate we've given them today. I'd like to know what discussions have taken place specifically with the health units and also with the nursing profession, concerning the definition of a community health nurse. Community health nurses, especially in rural areas, find themselves frequently faced with formidable challenges that would summon the skills of the best physician and surgeon around. So that is one area that seems to me to merit at least a response on the part of the government.

Having made those observations in a general sense, my colleague and I feel that the Bill, notwithstanding several elements within it that trouble us a bit, nevertheless represents an important step forward. We are prepared to support it during second reading debate but would, I hope — and I just close with these comments — be able to give the Bill the kind of attention it deserves when we get into committee stage. I know that members are getting a little anxious to go home, but we are paid to do the public business. I see the Member for Edmonton Belmont shaking his head: I guess he isn't paid to do the public business. I guess he's out with his friend the member for wherever it is, chasing down Tory nominations for the federal party. He's going to have to chase down a few more votes, though, if the Liberals get away with this pension increase.

In any event, setting aside that minor digression from the question at hand, I would simply say that because we're dealing with a fairly comprehensive Act, I hope that when we do get to committee stage, some of these specifics can be dealt with in a little more detail. But to set the stage for that debate, I invite the hon. member who has sponsored the Bill to outline the specifics, at least as they relate to general principles. Let me just summarize those things I would like her to respond to: first of all, the present status of the Bill as it relates to the concerns expressed to us by the health units; secondly, the issue of the power required under the Act; thirdly, what assessment, if any, was undertaken of what seems to be excellent legislation in Ontario; and fourthly, to what extent the government sees an increase in the role of health units in the years ahead.

MR. SHABEN: Mr. Speaker, I'd like to congratulate the hon. Member for Calgary Foothills on piloting this very difficult piece of legislation in the Assembly. I have a question, and it's not necessary that it be responded to today; perhaps it could be dealt with more fully in committee. The question arises from an inquiry by a constituent who was concerned about the implications of the legislation, and perhaps it needs clarification. The constituent was advised that should an outbreak of measles occur in a high school, for example, and their son or daughter, who is in grade 11 or grade 12, has not been immunized against that disease, the parent is under the understanding that that student would not be permitted to attend school until the period of the outbreak of the disease had passed.

It would be appreciated if the hon. member could check into that because some individuals, for personal reasons, may choose not to immunize their children for common childhood diseases. If the hon. member could check into it, perhaps she could respond either to me directly or later on during committee study of the Bill.

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

HON. MEMBERS: Agreed.

MRS. KOPER: Thank you, Mr. Speaker. In concluding debate I would like to take the opportunity to reiterate some of the things that I perhaps brought forward but not at the appropriate time, when the hon. Leader of the Opposition was not in the House. I would like to address the broader principles of the Bill and, with your approval, leave some responses to committee, when the amendments are introduced.

I think many of the amendments do indeed deal with the issues that such bodies as the Health Unit Association have brought to our attention. We have also received a considerable number of letters of support from other people that endorse the Bill and just say, please hurry up, let's get on with our work. As you must appreciate, there is an outstanding volume of work to do in revising the regulations that accompany this. In discussing this, I wish to reassure members of this House that we need, we must have, we are demanding input from the people that must carry out the details of this Act. That, as you know, is time-consuming.

May I just reiterate that this legislation was developed from working committees of experts in the field in Alberta, within the department and the community. Officials of the department reviewed legislation from every jurisdiction in Canada, including Ontario, and in other countries — everything that could possibly be brought to bear on this. In particular they were concerned with the provisions that perhaps appear to infringe on civil liberties. I believe it is in the interests of a free and democratic society to provide authority for protection of the

public from potentially dangerous communicable diseases. When dealing with this, we need to respond quickly. We need to invoke legal procedures that may give an opportunity for a frightened but infectious person to avoid detection. We need to protect the public. The measures we have proposed in this Bill are in line with that, and I believe meet the needs as far as we're concerned. Indeed, Mr. Speaker, they only cover about 10 diseases in total. The civil commitment procedures would only apply to those diseases which would cause death.

In response to some of the other issues, I feel the scope of the powers are definitely defined in this Act, and we are encouraging local autonomy as much as possible. The change of role of the Provincial Board of Health to an advisory and appeal board will make a great deal of difference in the administration of this Act. I would also like to point out to hon. members that the roles of a couple of health workers have been discussed, one being the public officer of health and the other the community health nurse. There's legislation for both of these professions wherein their roles are very well described, and it seems redundant to try to describe these in definitions. That's why the definitions are worded as they are.

In conclusion, Mr. Speaker, I would like to maintain that there is a clear commitment by this government to the local boards of health, covering what was called by the hon. member of the opposition "preventive health", but I'd like to call it promotional health. I think the health unit boards have told us that's what they would like included and, if you will note, that is part of the amendments as the definition of service complies.

We're looking for health for all Albertans, and we hope the public boards of health throughout our province will be given the challenge and the laws that will enable them to do that.

[Motion carried; Bill 25 read a second time]

Bill 26
Veterinary Profession Act

MR. JONSON: Mr. Speaker, in moving second reading of the Veterinary Profession Act, I would like to refer to a number of the major principles contained in the Act. By way of introduction, I'd like to mention that the Veterinary Profession Act replaces a long-outdated Act governing the profession, one which was providing some difficulties to veterinarians because of the lack of revision, particularly with respect to flexibility and power to levy fees for the maintenance of their own organization.

Mr. Speaker, one of the main features of the Act is that it brings the practice of veterinary medicine under the government's policies with respect to professions and occupations, and I would like to mention some of the key ones. First of all, it provides for members of the public to be appointed to the council of the association and the practice review committee, in keeping with the policy of providing direct representation from the public in the operation of a profession. Secondly, it provides for the establishment of a code of ethics, which is protective of the public interest. A third feature worthy of note, in keeping with policy, is that the regulations of the association are subject to the approval of the Lieutenant Governor in Council.

The Act also contains a number of revised and updated definitions which were much needed, particularly with respect to the term "veterinary surgeon", the term "student" as it applies to the practice of veterinary medicine, and perhaps most important of all the revision and updating of the definition of veterinary medicine itself, which in the Act is designed in such a way as to parallel as near as is practical the definition provided in the Medical Profession Act.

A third very important feature of the Act is that it has been developed in close consultation with producer groups in the agricultural industry. In the section which deals with field of practice, care has been taken to provide certain workable exemptions, in order that the usual practices of the industry can be carried forward while at the same time recognizing the role of veterinary professionals.

Mr. Speaker, I think those are the key matters dealt with in the Act in terms of overall principles, and I commend the Act to the Assembly.

[Motion carried; Bill 26 read a second time]

Bill 29
Exemptions Amendment Act, 1984

MR. KOWALSKI: Mr. Speaker, it's my pleasure today to move second reading of Bill 29, the Exemptions Amendment Act, 1984. This Bill will amend the Exemptions Act by increasing the value levels of certain real and personal property of an execution debtor that is exempt from seizure under a writ of execution. The Bill indicates that the new levels would come into force as of July 1, 1984.

Essentially there are four items that are being adjusted or changed in Bill 29, Mr. Speaker. The first deals with the exemption for furniture and household furnishings and household appliances. That exemption level is currently $2,000. The Bill would move that exemption level to $4,000. The second major change deals with one automobile. The current exemption level is a sum not to exceed $2,000. Bill 29 indicates that that exemption level would increase to $8,000.

The third major change deals with tools, implements, and equipment that are necessary for an individual to continue his work and his opportunities within the workplace. The current level of exemption is $5,000. Bill 29 increases that to $7,500. The fourth major change, two parts to it, basically deals with the home, the type of accommodation an individual has. A house occupied by an execution debtor and buildings used in connection with it currently have an exemption level of $8,000. Under Bill 29 that exemption level will rise to $40,000. Currently the exemption level of a mobile home occupied by an execution debtor is $3,000. Bill 29 would see that exemption level go to $20,000.

Mr. Speaker, in light of no changes in some of these exemptions going back to the early 1950s and certainly no changes since the last major revisions to the Exemptions Act in 1970, I think inflation and real changes in values necessitate these changes at this time. From a principle point of view, I think Bill 29 emphasizes throughout that a person's family and home are extremely important and, secondly, that the tools used in maintaining a livelihood are important as well. I certainly ask all members of the Assembly to support the Exemptions Amendment Act, 1984.

Thank you.

MR. MARTIN: Mr. Speaker, I'd like to rise on second reading of the Exemptions Amendment Act, 1984. First of all I think it is long overdue, as the amendment increases the value levels of certain real and personal property. It may be a sign of the times, but it's my understanding that the last time the Act was amended to increase the value of assets was during the Depression. I don't know if that tells us something about the times in Alberta or not.

While I support the move, Mr. Speaker, I think it's still not adequate in a couple of areas. I'm chiefly speaking of the value of a home. It's my understanding that they raised it from $8,000 to $40,000. I suggest, though, that in this day and age there are not many homes in Alberta worth $40,000. If we look around, I think the average market value of a house, depending on location of course, would range anywhere from $70,000 to $90,000. There may be the odd house around worth $40,000; I don't know. But you're certainly not going to find them in the city areas. So I would say the amount is somewhat unrealistic.

The other area: as I understand it — and if I'm incorrect, I'm sure the hon. Member for Barrhead will straighten me out and make sure I am correct; I know he would love to do that — dealing with ADC, again as part of that Act I believe the Agricultural Development Corporation is allowed to seize all possessions of debtors. It seems to me that this allows a double standard: ADC, a lender of last resort, is given sweeping powers to pursue its debtors while people in the private sector, if I may point out, do not seem to have the same rights. Because it ties into this particular Act as we are dealing with it, I would just ask how we might do that. From debate in this House, Mr. Speaker, we've heard about what's happening in farm communities. We've asked the Minister of Agriculture how many farmers have been foreclosed on, and we've tried to pursue it that way. But as I said, it seems there is a double standard.

I'd like the hon. Member for Barrhead to perhaps comment on those two areas dealing with this Act.

MR. R. SPEAKER: Mr. Speaker, I would like to just make a comment or two as well with regard to the Act but not specifically on the change in values. I think they are certainly warranted at this time, and I certainly want to add my congratulations I guess, in one sense, to the member for bringing them forward at this time. They're most necessary. I would like to give notice to the member, though, that I will be bringing in an amendment to the Act. It's in line with some of the other Acts I have introduced in this Legislature.

As a member of this Legislature, I have a very strong feeling that victims of crime as well as spouses who have been neglected by the other spouse or children who have been neglected by a spouse, should receive compensation. This Act could affect that process. In study in Committee of the Whole, Mr. Speaker, it is my intention to introduce an amendment that would give the following effect: in the case of a seizure under a writ of execution based on, firstly, an order or agreement to pay maintenance to a spouse or former spouse or for a child and, secondly, an order for compensation to a victim of a criminal act or, thirdly, a settlement or award of damages resulting from an act in respect of which the execution creditor has been convicted of a charge under the Criminal Code of Canada, the following real and personal property of an execution debtor is exempt from seizure. Then I go on in my amendment to list a number of items that have already been listed in the Act as presented through Bill 29, adding one or two minor clauses in that area as well.

Mr. Speaker, my feeling is that this Act is certainly one that works in tandem with other Acts to provide benefits to victims of crime and to spouses and children who have been neglected or abandoned. I believe it's important to have an amendment to fulfill the thrust of some of my earlier legislation introduced in this House.

MR. NOTLEY: Mr. Speaker, I can certainly understand the reason for introduction of this Act, given the absolutely lamentable state of the Alberta economy, a situation that is not getting any better as a result of the economic policies of this government. So I suppose we have to deal with the victims of this government's mismanagement of the economy.

Mr. Speaker, I'd like to offer a couple of observations during second reading of Bill 29. In the furniture exemption, I notice that we have a doubling, from $2,000 to $4,000. We're going to move from $2,000 to $8,000 for a car, from $8,000 to $40,000 for a home, but when it comes to necessary tools and implements only from $5,000 to $7,500. I was a little puzzled, because we have a doubling in most cases, a five-fold increase in the case of a home. I think my colleague has made a good point about $40,000. That's still going to mean that a person's home will not be his or her castle anymore.

With respect especially to some of the smaller artisans who are in business and are one step away from bankruptcy, I'd like to say that I'm not sure that $7,500 for tools is reasonable. We've seen a lot of people go through a fairly expensive capital investment, not too recently, as a result of metrication. I don't want to get into the situation about the metric system that the former Member for Olds-Didsbury would eloquently raise in the House, but the fact of the matter is that it has involved a good deal of expense — I'm sure rural members in particular would know that — not only for farmers who've had to acquire additional equipment of one kind or another but certainly for small-business people as well.

Mr. Speaker, I'd like the hon. member to advise what particular reasoning went into doubling the furniture allowance but a 50 percent increase in the provision for necessary tools. Given the plight of a lot of small-business people these days, I'm not sure that's a reasonable exemption. Perhaps we should look at a somewhat higher exemption so that even if a person's assets are seized, to a large extent they at least have something to start over again and pick up the pieces of their lives. I think the $7,500 may be low.

My colleague has already raised several points that I would just reinforce. The question of the value of a home today: the average market value in urban Alberta is between $70,000 and $90,000. But I'd like to take a moment to add a few extra words about the special problem faced by farmers, Mr. Speaker. One of the concerns that troubles me is that ADC, which is presumably a lender of last resort, that little ray of hope, is nevertheless not bound by the restrictions that apply to other people in the lending business. ADC is allowed to seize all possessions of its debtors. If that is an incorrect interpretation, I hope the Member for Barrhead will set us straight, but that's certainly the interpretation we've been given. It seems to me that creates a double standard.

I've not been noted as a stalwart defender of the banks, but it seems to me that we shouldn't have double standards. If the banks are subject to the laws, then so should ADC. While it may be convenient for the government — and I know people can say that we're dealing with public funds; that's true — in my view it is not fair at this particular time to give a provincial lending agency extensive seizure powers which go beyond other lending institutions, be they private or public. I can understand why the legislation was drafted the way it was. But I would have hoped that during the process of review which led the government to introduce Bill 29, some consideration would have been given to what I consider to be, at the very least, an anomaly, where ADC is apparently allowed to seize all possessions, notwithstanding the provisions of this Act.

In conclusion, Mr. Speaker, we obviously must support the principle of increasing the exemptions. As my colleague has pointed out, it has not been done for many, many years. We would raise at least some questions about the amount of the dollar increase. Perhaps we'll have more of a chance to deal

with that in committee stage, although I hope the hon. member will deal with the question of implements and tools.

Finally, Mr. Speaker, when we are bringing in legislation of this kind, I think it might be useful to ask ourselves to what extent it is going to apply to agencies of the Crown. We had a discussion on the Public Health Act just a few moments ago and raised the issue of the extent the Crown is going to be bound by legislation passed in this House. Given the situation where a large number of farmers, especially our younger farmers, owe considerable amounts of money to ADC and some of these operations are in trouble, should we get to the point where seizure is the inevitable last step that is taken, I hope that at the very least the same caveat that would apply to other commercial lending institutions would restrict ADC, so the individual would at least have something from which to start again.

MR. SPEAKER: May the hon. Member for Barrhead conclude the debate?

HON. MEMBERS: Agreed.

MR. KOWALSKI: Mr. Speaker, I think some of the points raised by several hon. members of the House need a bit of explanation. First of all, the proposed amendment the Member for Little Bow gave notice of to the Assembly today is one I'm sure all members will want to spend some time considering. During Committee of the Whole, it will certainly warrant some careful evaluation by all members. The points he puts forward with respect to maintenance, victims of crimes, and abandonment, are items all members of the Assembly deal with on almost a weekly basis in terms of some tragic story that has been brought to them by a constituent of theirs. In terms of the merit of the principles I'm addressing today under the proposed Bill, I certainly look forward to discussion on the suppositions put forward by the Member for Little Bow with respect to that.

With respect to some of the concerns raised by the Member for Edmonton Norwood, first of all I think he's incorrect when he says that in his view there have not been any changes to the Exemptions Act since the Depression. My understanding is that some changes were made in the 1950s. I suppose that's far enough in the past to really warrant the required changes being brought in, in 1984. In my introductory remarks this afternoon, I did indicate that one of the things that in fact compelled me and the government to bring this forward in 1984 was the realization that there had not been major changes to the Exemptions Act since 1970.

I think one item needs clarification. With respect to a home, both the Member for Edmonton Norwood and the Member for Spirit River-Fairview talked about the $40,000 proposed exemption under the new Bill. I think it's very, very important to recognize that most homes in our society in the province of Alberta today are in fact owned by two people, a man and a woman, joint tenancy. Under the Exemptions Act, that $40,000 item would apply to either or both of the individuals. So in fact what you're really talking about in the case of a joint tenancy situation, in my understanding anyway, is an exemption level to the magnitude of $80,000 rather than $40,000 for a single home. I think that's an interpretation and recognition that is rather important.

The Member for Edmonton Norwood also referred to this $40,000 figure as being somewhat unrealistic. Perhaps it would be useful for members of the Assembly to recognize what these exemption levels are in our three sister provinces in western Canada. What we're proposing under Bill 29 is a $40,000 exemption. In the case of a joint tenancy, that would in essence be an $80,000 exemption. If we look at Manitoba as an example, the exemption level as it exists today is $2,500, or $1,500 if held in joint tenancy. So what we're talking about in the province of Alberta, essentially, is a $40,000 figure compared to $2,500 in Manitoba. In Saskatchewan that figure is $16,000; in British Columbia it's $2,500. So if in fact we are somewhat unrealistic in Alberta, maybe the argument could be made the other way, that we've gone a little farther than we might have, looking at other jurisdictions in western Canada in a comparative nature. But I recognize the point was made.

In terms of the agencies of the Crown that both the Member for Edmonton Norwood and the Member for Spirit River-Fairview addressed, I hope there's no confusion in the minds of any hon. members. It's my understanding that that whole question dealing with whether or not agencies of the Crown are exempt falls under another Bill, not under the Exemptions Act. That would come under Bill No. 50, the Law of Property Amendment Act, 1984, that I guess has already gone into Committee of the Whole. I suggest that perhaps the appropriate time to raise those arguments with respect to agencies of the Crown would be under Committee of the Whole debate on Bill No. 50, the Law of Property Amendment Act, 1984.

With respect to the other concern put forward by the Member for Spirit River-Fairview on the question of farm machinery, I think it's important to recognize that the changes being advocated today under Bill 29 deal with five specific items. But a careful reading of the Exemptions Act under the *Revised Statutes of Alberta 1980,* particularly Bill E-15 — there are in fact a number of other very substantial items that are exempt if you are involved in agricultural husbandry. Specifically, Mr. Speaker, the following items are really already exempt:

> cattle, sheep, pigs, domestic fowl, grain, flour, vegetables, meat, dairy or agricultural produce

of a sufficient nature and volume that in essence could be converted into cash to provide sustenance for a period of 12 months,

> horses or animals and farm machinery, dairy utensils and farm equipment reasonably necessary for the proper and efficient conduct of the execution debtor's agricultural operations for the next 12 months.

I think that would certainly cover the gamut of farm machinery we'd talking about.

In addition to that, the Exemptions Act also provides for the exemption of

> one tractor, if it is required by the execution debtor for agricultural purposes or in his trade or calling.

In addition, in the province of Alberta we currently provide an exemption for

> seed grain sufficient to seed the execution debtor's land under cultivation

and in addition to that

> the homestead of an execution debtor actually occupied by him, if it is not more than one quarter section.

In fairness, Mr. Speaker, the points being raised today under the Exemptions Amendment Act, 1984, call for five very important extensions in terms of values. I think all members should recognize that a careful reading of the main Act itself would cover most of the concerns hon. members have raised today.

Once again, Mr. Speaker, I thank all members for their attention, thank those members for their contributions, and ask all members to endorse second reading.

[Motion carried; Bill 29 read a second time]

Bill 37
Oil Sands Technology and
Research Authority Amendment Act, 1984

MR. MILLER; Mr. Speaker, I move second reading of Bill 37, being the Oil Sands Technology and Research Authority Amendment Act, 1984.

The purpose of this amendment, Mr. Speaker, is to enable the Authority to expand its ambit to use in oil shale development the expertise that has been developed in the oil sands. I think it's important to note that AOSTRA, the Alberta Oil Sands Technology and Research Authority, is now 10 years old. It was established in 1974, with the purposes of going into joint ventures with industry, supporting university research, assisting inventors, and aiding in technology marketing. I think the success of the Alberta Oil Sands Technology and Research Authority is known not only in the province of Alberta but also worldwide. They have made significant advances in enhanced oil recovery, oil sands technology, and improved economics.

Mr. Speaker, I urge everyone to support this amendment.

[Motion carried: Bill 37 read a second time]

Bill 41
Alberta Mortgage and
Housing Corporation Act

MR. SHABEN: Mr. Speaker, I move second reading of Bill No. 41, the Alberta Mortgage and Housing Corporation Act.

In the throne speech, Mr. Speaker, the government indicated its intention to combine the Alberta Home Mortgage Corporation and the Alberta Housing Corporation into a single entity. The two corporations have been functioning under two separate pieces of legislation: the Alberta Home Mortgage Corporation under the Alberta Home Mortgage Corporation Act, and the Alberta Housing Corporation under the Alberta Housing Act. This combines the two pieces of legislation into one and provides the authority for the new, combined corporation to continue to meet the needs of Albertans in those areas set out in the legislation.

The legislation will come into force on proclamation. We're hopeful that we can move forward with the reorganization and proclaim the legislation some time this summer. Members may have had an opportunity to peruse the organizational review that was tabled in the Assembly and provided to the Legislature Library on May 4. That outlined the study and review, which has been undertaken, that is explicit in the policies that will be followed in establishing the new Crown corporation.

Mr. Speaker, I'd like to acknowledge the support and hard work of the former CEO of the Alberta Housing Corporation, Mr. Ken Poholko, who worked very hard along with other members of the management committee, made up of Mr. Joe Engelman, who continues to be the president of the Alberta Home Mortgage Corporation and has assumed the role of acting president of AHC, and also the deputy minister of the Department of Housing. Mr. Rasmusson. Involved in the work that has gone on from October until the present time were two private-sector board members, one from the Alberta Housing Corporation board, Mrs. Joyce Campbell, and one from the Alberta Home Mortgage Corporation board, Mr. John Bagan. Their advice and input in the process of reviewing the role and function of the two corporations was invaluable in finally developing the review and study that was filed in the Legislature on May 4.

The two corporations have provided an invaluable service to the people of Alberta over the years, particularly in those years when there was very rapid growth. The province experienced zero vacancy rates in rental accommodation and a very difficult period of time for individuals who were trying to acquire homes — a lack of serviced land. During that period of time, Mr. Speaker, there was quite a high staff turnover in both corporations, because of the expertise the individuals who worked for the two corporations developed in helping to meet Albertans' housing needs. Many of those individuals joined the private sector and provided service through private-sector companies.

Follow-up to the passage of this legislation will continue in the months ahead. It will take a number of months until the actual implementation is complete. The role of the new corporation, as has been described in the legislation and as is well known in the House, will be to continue to meet the needs of low- and moderate-income families, with particular emphasis on senior citizens.

I urge all members to support the passage of Bill No. 41, the Alberta Mortgage and Housing Corporation Act.

[Motion carried; Bill 41 read a second time]

Bill 46
Engineering, Geological and Geophysical
Professions Amendment Act, 1984

MR. CHAMBERS: Mr. Speaker, I move second reading of Bill No. 46, the Engineering, Geological and Geophysical Professions Amendment Act, 1984.

The more significant changes included in this Bill are in the areas of discipline and appeal, the scope of practice, public membership on the board of examiners, and changes to the regulation-making authority under the Act. The amendments to the disciplinary procedures will provide for the dismissal of a complaint if there is insufficient evidence to substantiate it, defer discipline hearings pending completion of civil or criminal action, permit suspended members to apply to the courts for a stay of suspension, permit the association to appeal a decision of the discipline committee, and allow the discipline committee to assess part of the cost of the hearing rather than all the cost. Amendments to the appeal procedure will improve the process and provide greater certainty by giving an investigated person the right of appeal directly to the Court of Appeal.

The scope of practice has been redefined to exempt from registration with the association persons whose practice consists exclusively of teaching engineering, geology, and geophysics at a university. Further exemptions in the area of geology and geophysics include persons engaged in related activities under the supervision of a professional member. The provision of public membership on the board of examiners will provide public involvement in the setting of standards for entry into the profession. Changes to the regulation-making authority will permit greater recognition of technologists as part of the professional team.

[Motion carried; Bill 46 read a second time]

Bill 51
Small Business Equity Corporations Act

[Debate adjourned May 22: Mr. Lee speaking]

MR. McPHERSON: Mr. Speaker, I want to make a couple of remarks with respect to Bill 51, as soon as I find the Bill. You will recall that the hon. Member for Calgary Buffalo concluded debate on second reading of Bill 51 and, in his absence today, I thought I would commence the remarks I intended to make on second reading a number of weeks ago.

Mr. Speaker, to anyone from Red Deer and, I suppose, from any other area within Alberta, it doesn't take long to begin to appreciate that much of our economy is built on small business, not only in centres such as Calgary and Edmonton. Our whole economy is inextricably entwined with small business, and indeed small business can be considered a barometer of the Alberta economy. As small business grows and prospers, so does our economy. It would be trite for me to suggest that small business is in fact the backbone of our economy. If we base our consideration on the widely accepted definition that a small business is a firm that generates sales of less than $2 million, small business in Alberta accounts for 33 percent of the gross provincial product, employs over 50 percent of the provincial labour force, creates two out of every three new jobs and, most importantly, invests and circulates capital in our own communities. So I think we could agree that small business is important to Alberta.

What factors exist today that make it essential for small-business men to be able to raise equity capital — the intent behind Bill 51. I believe there is special agreement that small business requires patient money at the present time, "patient money" meaning funds that are committed to a business for a reasonably extended period of time, funds that form true capital for small businesses. Certain sources of capital are customarily denied to small businesses because of, amongst other factors, a perceived smallness of the size of the business, the risk involved, the lack of security, the perceived unprofitability, and the lack of expertise exhibited by some small-business men in searching out financial banking and marketing their ideas and concepts.

The recent recession has resulted in diminished equity and increased debt load for all businesses, and small businesses have not escaped this reality. Traditional sources of financing for existing and new small-business ventures — such as chartered banks, trust companies, and credit unions — are most cautious in accommodating credit requests at this time. In any event, Mr. Speaker, a number of small businesses simply can't handle the additional debt load and the additional debt financing at this point in time. The fact of the matter is that many small businesses in the province today are debt rich and equity poor. They just don't have the security, nor can they offer the security that can generate sufficient cash flow in the early going or service any further debt. So clearly there is an urgent need for patient money for our small businesses.

If we agree that small business is a vitally important part and if we can additionally agree that there is a need for small businesses to be able to raise equity capital, we as a responsible government should be able to respond to such a need. Indeed, we have done that through Bill 51.

I suggest there are at least a couple of ways in which government can assist in achieving the goal. First, government could assist the mechanics related to the placement of equity capital. That will be accomplished through Bill 51, the basis of which is to provide for small-business equity corporations, which will create pools of equity capital within the private sector. These small-business equity corporations would be designed to operate within the private sector, for the private sector, and by the private sector. It is the intent of the government simply to create the environment to develop initiative by private-sector individuals to establish corporations that would in turn be positioned to invest in various small businesses throughout the province by means of equity placement.

Mr. Speaker, another aspect of Bill 51 is that the government should endeavour to position itself to enhance investors on a particular return on investment. That is one of the crucial points behind Bill 51, the Small Business Equity Corporations Act. It's been said time and again that perhaps one of the requirements in the area of equity funding, in light of the rather significant risk involved, is that there must be a high return on investment. It's not unknown that the return on investment in some existing equity corporations can be as high as 18 and 20 percent, understandable in light of the fact that there is little or no security in relation to the investment. It's all in equity, and it's very risky.

Certainly one of the things the small-business equity corporation can and will provide for in a very meaningful way is that the equity corporation, by virtue of either receiving a tax incentive through its corporation or indeed receiving grants to the individual investors of that corporation, of up to 30 percent of the contribution, given certain parameters which have been well enumerated by the minister in first and second reading of this Bill — those [incentives] and grants of up to 30 percent will provide a tremendous incentive for individuals and corporations to invest in small businesses in a way of equity that may not attract them to do so. In other words, what I'm trying to say is that rather than accept an 18 to 20 percent return on their money by investing in an equity position in a corporation, these new small-business equity corporations will find themselves in the interesting realm of perhaps accepting 8 to 9 to 10 percent return on their equity, given the fact that they have already received up to 30 percent on the investment through tax incentives or grants.

In simple terms, Mr. Speaker, the Small Business Equity Corporations Act will provide that a group of investors, of their own volition, will form a private venture-capital company, wherein each investor will commit a certain amount of capital to this venture-capital company. Again, Mr. Speaker, that's the key: it is a venture-capital company. It should be stated time and again that this provides the environment for investment. It is not government guaranteed. The moneys will be established and invested by the private sector. This venture-capital company would in turn invest these funds on an equity basis to one or more small businesses. There will be very little government involvement in this, and that's as it should be.

I suggest that the investors would receive, through the tax credits against provincial taxes payable or indeed through the grants to individuals — these amounts that are in relation to the amounts invested by the individuals will make a very significant contribution to increasing the badly needed equity that small business finds itself in, in the province. This enhanced return would hopefully coax Albertans to provide to small businesses the badly needed equity, with a minimum of government interference in the marketplace.

Mr. Speaker, in my remarks at the beginning of this spring session, I made a number of comments in relation to the prospects of a small-business equity corporation, or at least a mechanism for pools of private-sector capital to assist small business. I'm enormously pleased to see that the Minister of Tourism and Small Business has come through with a Bill that was presented before the House, that is now being debated, that will enable small businesses in the province of Alberta to attract equity to their corporations to help them thrive and will create many, many new companies. I think we in this Legislature should give our earnest and heartfelt support to second reading of Bill 51.

MR. PLANCHE: Mr. Speaker, if I could just rise to make one short comment before the question is called. I am very favourably disposed toward Bill 51. I think it's needed, and I commend the minister for bringing it forward. However, the Bill itself is extremely difficult to read. The proposal generally is

a simple one, and I encourage the minister to have a simple kit for folks like me who would ask for information on the Bill so it is understandable and so you could act on it. It's very difficult to read.

SOME HON. MEMBERS: Agreed.

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

HON. MEMBERS: Agreed.

MR. ADAIR: Mr. Speaker, on that last note, I can assure the hon. member that a simple kit is being prepared, first for me, and secondly for those who have some interest in the program.

I very much appreciate the comments of hon. members who have spoken on second reading of Bill 51. I would like to re-emphasize the objectives of the program. The Bill itself is to facilitate the stimulation and formation of private-sector pools of capital that could then be used by those corporations for reinvestment in the small-business community in small or medium-sized businesses. As I said earlier, the third side of that is of course the incentive that would be provided through the Bill by way of grants to individuals and tax credits to corporations. The thrust of that would be a certificate of corporate investment that would go to a corporation that had participated first in the creation of the equity corporation and then the reinvestment of that sum of money into the small and medium-sized businesses within this province.

I don't think one should leave it without stating that there is risk when you're talking about equity investment, and we are suggesting to the public at large — and I might point out, Mr. Speaker, that to date we have had almost 500 inquiries for copies of the Bill. There's a tremendous amount of interest in the private sector. We hope that upon completion of this, we will have that simple kit — if that's the right term — ready by some time in July.

Mr. Speaker, I move second reading of Bill 51, the Small Business Equity Corporations Act.

[Motion carried; Bill 51 read a second time]

Bill 52
Real Estate Agents' Licensing Amendment Act, 1984

MRS. OSTERMAN: Mr. Speaker, I move second reading of Bill 52, the Real Estate Agents' Licensing Amendment Act, 1984.

[Motion carried; Bill 52 read a second time]

CLERK: Bill 54.

MR. CRAWFORD: Mr. Speaker, rather than proceeding with Bill 54 at the present time, perhaps I could indicate to hon. members the proposed business of the Assembly this evening. The Bills that remain for second reading, two of them being professional statutes, will be proceeded with if there is time. However, I propose to call Bill 44, the Appropriation Act, at 8 o'clock. Thereafter, if Bills 22 and 54 can be proceeded with, the Assembly might go into Committee of the Whole in order to study certain Bills on the Order Paper under Committee of the Whole. It is not proposed to try to do in Committee this evening any Bills that have been read a second time today.

[The House recessed at 5:25 p.m. and resumed at 8 p.m.]

Bill 44
Appropriation Act, 1984

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill No. 44, the Appropriation Act, 1984.

[Motion carried; Bill 44 read a second time]

CLERK ASSISTANT: Would the Acting Government House Leader advise me what Bill is to be called next, please.

MR. HYNDMAN: Bill No. 45.

MR. MARTIN: On a point of order. The hon. House leader said that that Bill wouldn't be brought up until tomorrow. I think the two he mentioned were the Bills dealing with the Chiropractic Profession Act, but I don't think the minister is here. Then we were going to go on to Committee of the — here he is; he can explain it.

MR. CRAWFORD: Mr. Speaker, the minister who would normally move the professional legislation isn't here; perhaps he will be later this evening. In light of that, I move that you now leave the Chair and the Assembly resolve itself into Committee of the Whole to study Bills.

[Motion carried]

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

[Mr. Purdy in the Chair]

MR. DEPUTY CHAIRMAN: The Committee of the Whole will please come to order.

Bill 8
Legislative Assembly Amendment Act, 1984

MR. DEPUTY CHAIRMAN: Are there any amendments or comments to be made in relation to any section of this Bill?

[Title and preamble agreed to]

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

[Motion carried]

MR. DEPUTY CHAIRMAN: Bill No. 19, the Fuel Oil Administration Amendment Act, 1984. Are there any amendments or comments to be offered with respect to any section of this Bill?

MR. CRAWFORD: Mr. Chairman, I indicated earlier that the Bills that would be studied in committee would be the ones on the Order Paper as such and not ones that had been in second reading earlier today.

MR. DEPUTY CHAIRMAN: I didn't realize it had been in second reading today.

MR. CRAWFORD: Yes, Bill 19 was given second reading earlier today.

MR. DEPUTY CHAIRMAN: We'll withdraw that, then.

Bill 23
Hospitals and Medical Care Statutes
Amendment Act, 1984

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

[Title and preamble agreed to]

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

[Motion carried]

MR. DEPUTY CHAIRMAN: Bill No. 24, the Employment Standards Amendment Act, 1984.

MR. YOUNG: Mr. Chairman, could you hold that Bill for this evening, please?

MR. DEPUTY CHAIRMAN: It is so ordered.

Bill 35
Child Welfare Act

MR. DEPUTY CHAIRMAN: There is an amendment to this Bill. Any comments on the amendment?

[Motion on amendment carried]

MR. MARTIN: If I may, before we push ahead with an important Bill — I'm not going to take a great deal of time this evening to go through the Bill. I said in second reading, Mr. Chairman, that I basically agreed with the intent of it. I had one caution — a number of cautions, but one major one. I notice that since that has been raised in second reading, some other groups have indicated a somewhat similar concern; I believe it was the Edmonton Committee for Child Abuse and Neglect. I don't want to take a long time today, Mr. Chairman, but just to indicate that this concern is still here. I notice it's not only our concern but concerns other people. As I said before, nobody disagrees with the idea of the pre-eminence of the family, but I think many people, including us, have some concern that by pushing it and talking about the pre-eminence, there wasn't enough said about the rights of children.

I know the minister and I have disagreed about the need for a children's rights Bill, but I won't proceed with that. But as a caution here today, I hope we watch very closely when we get into this in the following year. As I said at the time, Mr. Chairman, I think we will adequately need the backup services too, and I will look forward to that in the next budget year. It's all right to talk about the pre-eminence of the family; we all agree with that. But I hope we will be very, very careful, as we go over to one principle, about the possibility of having children in dangerous situations.

I know the minister has said that in his own mind at least there is that balance of children's rights and the rights of the family, but I hope — and I just say this as another caution in Committee of the Whole — we are being very, very careful here in terms of what we are doing for children's rights. I think we would all agree we do not want to put one child in a dangerous situation. As he knows by Bill 248, the Children's Rights Act, that I put in, I would personally have liked that to be included, but it's not going to be. I recognize that. I know the minister says it's part of the Individual's Rights Protection Act, and children are people and so forth. I think it would have made it stronger. Perhaps it would have made groups like the Edmonton Committee for Child Abuse and Neglect feel a little more relieved, if I could put it that way, if that had also been part of the Bill.

I will be watching the next budget closely. As I said before — and I'd just like to leave it with the minister — it's all right to talk about the pre-eminence of the family. We all agree with that. But there have to be backup services for that family, especially if they've had some difficulty with the child. If there's been any history at all of child abuse, then they're going to need counselling as well. So in Committee of the Whole, I just leave that with the minister. It's not only a concern of the opposition; I'm sure he's aware of many groups who are concerned.

Still, it is generally a good Bill. I will certainly vote for it. But I do want to place that caveat in both sets of readings: my concern and the concern of other groups in terms of what we may possibly be doing to children if we're not careful. I know that's not the intention of the minister, but I think that is the concern of many people. We'll be watching as the regulations are brought in, to make sure that we do not place any children back into dangerous situations.

Thank you, Mr. Chairman.

MR. R. SPEAKER: Mr. Chairman, I would like to say that those that have made presentations to me have been supportive of Bill 35, and certainly that's a good sign of the work of the minister. The question with regard to the rights of children has been raised as well, and maybe the minister would like to comment on that further.

The other item that was raised with me was with regard to the provision which states that any person procuring or assisting in the procuring of an adoption for payment or reward is liable to a fine of $10,000 or, in default, up to six months' imprisonment. I'd appreciate the minister's comment with regard to that section, as to the precedent and reasons for that heavy a fine, and whether other legislation, say from other provinces, used for drafting that section of the Bill recommended that type of fine. I note that in comparison to some other criminal acts, that type of punishment is rather severe. It may be proper in this type of situation. Certainly no one supports that kind of act occurring in Alberta or in Canada, and a heavy fine is necessary. But I'd like to know more about the background of the reasoning behind that penalty.

MR. NOTLEY: Mr. Chairman, during the course of second reading, both my colleague and I raised a number of points. As I came in, I heard my colleague reiterating the issue of funding. Let me just say to the members of the committee, Mr. Chairman, that I think the commitment of the government will probably be more clearly proven by the way in which we properly fund the department than in the wording of an Act. We can put all kinds of words into an Act, and they may sound excellent. There can be some very good principles enunciated in an Act, principles we can all support. But if there isn't adequate funding so that people who are given the responsibility of undertaking the task have the wherewithal to do their work, then we're going to have problems.

The problems we debated in a much less convivial atmosphere in 1980, problems which seemed to arise day after day because of a department that was under enormous pressure — those were the times, Mr. Minister, when the pressure that faced Albertans was the impact of a seemingly uncontrollable boom. That had an impact on the way in which we cared for children. But now, notwithstanding some of the principles we're approving in this particular Bill, the fact of the matter

is that families are under pressure. They're under enormous pressure. The minister would know that. The loss of a job by one or both of the breadwinners, the running out of unemployment insurance benefits, and the demeaning situation of people who have never before had to apply for social assistance: these are the kinds of things that have a very detrimental effect on the family.

I don't think there's any doubt, Mr. Chairman, that if we are serious in our objective of providing the maintenance of the family unit, we will have to encourage far more counselling. We will have to be there in a supportive way — not just the government. Clearly the private sector in terms of voluntary agencies, churches and other types of organizations, although they are stretched to the breaking point — but I add "including the government" on the front line. Having played at least some part in the debates in this House before over the deficiencies of our social services department, I just want to make it clear that I hope we don't get into a situation, Mr. Minister, where we pass an Act and then don't provide the necessary backup for those workers in the field who will determine whether this Act is meaningful, whether it's successful.

Mr. Chairman, I'd like to make one other observation. During second reading, we discussed the issue of where one strikes a balance between the rights of the children and the preservation of the family. My colleague and I have made it clear that although the family unit today is sometimes a little more difficult to describe than it would have been 50 years ago — it's not exactly *The Waltons* picture we see in many families in Alberta today — we feel strongly that preserving and protecting that family unit is important. What still concerns me is that we talk about the "rights" of the family and the "interests" of the children.

I believe, and my colleague introduced a Bill, the Children's Rights Act, that there are certain inalienable rights which, frankly, are not going to be addressed properly by the Individual's Rights Protection Act. As I recollect the debate that took place on second reading, if it wasn't the minister it was one of his colleagues who mentioned that it wasn't really necessary to set out children's rights in this kind of legislation because, after all, we have the Individual's Rights Protection Act, the Human Rights Act, and I suppose we even have the Charter of Rights.

The problem in dealing with this kind of problem, Mr. Chairman, is where legislation is triggered. If legislation is triggered, as the rights of children would be in this sort of document, where child care workers have a responsibility and where the government accepts a responsibility to be mindful of certain inalienable rights, then those rights are likely to be protected in the normal course of events. Where those rights are more abstractly defined in legislation that is somewhat removed, then often the child will be protected but not invariably. I think it's just a question of where one draws the line. During the course of our travels in the province — I think I mentioned this in second reading, but it bears repeating — in every one of the public hearings we held, we had people come to us who were particularly knowledgeable in the field, especially those representing the profession, and argue very strongly that we have to be careful that we set out clearly not just the interests of children but the rights of children.

Mr. Chairman, having made those observations, I don't think there's much doubt that the Act is a very significant improvement. There has been at least some receptiveness to concerns that Albertans have raised. For example, consultation with chiefs or band councils before Indian children are taken into care is a concern we had brought to our attention. The government has accepted that. That's a step in the right direction. But there are still those unanswered questions of where we draw the line — and I realize it's difficult to nail down an easy answer, because you're making judgmental decisions — between goals that I think we share in common. I would say that no member on the government side would in any way want to jeopardize the rights of children. Neither do we on this side want to undermine the rights of the family. It is a case of how, in a rather complex world, we reconcile those two factors, muddied as always by the facts that relate to the thousand and one different cases the minister's department is going to have to handle. But if we are able to clearly set out our principles in the legislation, I think it is going to make it much easier for people who are given the responsibility of carrying out the intent of the Legislature.

MRS. KOPER: I've had quite a bit of communication about this Bill, Mr. Chairman. I think they've recognized a lot of changes from Bill 105 to this; namely, the terminology, "secure treatment" instead of "compulsory care", the idea of open hearings, and the idea of children's guardians. They seem very impressed with the way the public has responded to the minister's request for input.

There are a couple of questions, though, that I wonder if I could insert at this point. The first one concerns emotional injury. The definition of emotional injury is under section 1(3) of part 1. I am interested in how the court decides how emotional injury is defined. How are these conditions met? Would it be by a panel of experts, or would it be defined through a test? How can this be interpreted?

The second item I would appreciate if the minister would review is under section 2, where:

> a child, if the child is capable of forming an opinion, is entitled to an opportunity to express that opinion on matters affecting ... and the child's opinion should be considered by those making decisions that affect the child.

I wonder if the child is able to give informed consent about what would happen to him, or would the child be able to tell the judge directly. Could he address a committee, which would then appear before the court or the judge? How would that go about? It seems too, Mr. Chairman, to the minister, that it is very, very important that people making these presentations be very well trained and able to interpret.

All in all, the total response to this Bill has been most positive and commending of our government. Thank you.

MR. DEPUTY CHAIRMAN: Would the minister like to respond?

DR. WEBBER: Thank you, Mr. Chairman. I appreciate the comments and questions of the hon. members who have made their comments this evening, and also appreciate the positive reaction from those people who have spoken. As several of them have indicated, when you're dealing with child welfare matters, protection of children and family matters, you're into an area where trying to balance the rights of family and the rights of children is a very difficult thing to do.

Having said that, we have gone through a lengthy process, getting input from as many sources as possible. Almost all these sources indicated the difficulty of the balancing act between looking after the protection of the child and the efforts of child welfare people keeping families together. In this particular piece of legislation, we think we've got a balance that is workable. I think it's a Bill unique in Canada, in terms of having identified in it a section dealing with matters to be considered. Included in that, of course, is the stressing of the

importance of the family, working with family, and also the reference to the interests of children.

The expression "rights" of the family — and we have a Bill in the House by the hon. Member for Edmonton Norwood dealing with the rights of children. I think it's important to recognize, and I'm sure we all do, that every time we use the expression "right", responsibilities are associated with that. We talk in here about the rights of families, and I think it's important to recognize that families have responsibilities. These are addressed here as well.

The primary reason we're not going the route of building in rights of children specifically is that in the very important process we went through, the Cavanagh Board of Review, where they heard submissions from across the province, their conclusion was that there was no need to specify rights of children in this particular piece of legislation. I suppose we could get into a debate on the Bill of the hon. Member for Edmonton Norwood as opposed to this particular legislation, but I won't do that. I'll just simply say that we think what we have here is an important balance between the importance of the family and the necessity of looking after children that are in danger.

Reference was made to the Edmonton Committee for Child Abuse and Neglect and a couple of concerns they had. There is no point in repeating their concerns relative to the strong emphasis in this piece of legislation on the rights of families or the importance of the family. Having said that, we've received a lot of mail from different organizations and groups across the province that are very, very happy that we have a piece of legislation here where we are emphasizing the importance of the family. I think it's proper that we have that. Certainly there are those who think we should give a stronger emphasis to the rights of children as well. If my memory serves me correctly, since Bill 35 was introduced to the House there has only been one organization that has very strongly indicated its views on the rights of children; I refer to the Edmonton Committee for Child Abuse and Neglect. That's not to say there may not be others out there that have the same concern about the emphasis on the rights of children versus the family.

I want to make one point about the concern of the Edmonton Committee for Child Abuse and Neglect, though. They said they were disappointed in the administrative structure in terms of the role of the children's guardian versus the role of the director of child welfare. I want to say that I believe they are confused with respect to what is in the Bill. In the new legislation we will not have a director of child welfare; such a creature won't exist. It will be the children's guardian. The children's guardian will be an advocate for the child that is in the hands of government. The administrative structure of the department would handle the administrative matters relating to programs and funding that are required to deal with children, but it would be the children's guardian that would be the advocate.

Backup services: certainly this is a question that is better for other forums. This is a piece of legislation. We will be going through the funding process in the coming year and will be dealing with the policies related to programming in the coming year. To have a piece of legislation like this and not have the infrastructure in place to deal with it would not serve either the children or the families of Alberta.

The hon. Member for Little Bow had a question related to the penalties with regard to adoption. I think he was referring to section 71(1), although he didn't specify that number, where there is a penalty relative to procuring or assisting in procuring a child for the purpose of adoption — in other words, black-market adoptions. I think it's very important that we have a heavy penalty specified in legislation for such activities. In recognition of the importance of preventing that kind of black-market situation, we have this penalty provision built into the Act.

Comments were made about Indian children and consultation with band councils. After listening to some of the bands, the councils, and others, it was felt important that we be involved in prior consultation as opposed to informing band councils as to what happened to Indian children, whether they be put in foster homes or adoptive homes, and that we consult and work with band councils, particularly to try to place Indian children in Indian homes.

The last couple of comments relate to the point that was made in second reading, I believe, about morale in the department. For the record today, I want to say that in the process of travelling across the province and meeting with child welfare workers, on some occasions meeting child welfare workers without the presence of administrators, I found great enthusiasm on the part of these people in presenting their ideas and views with regard to this piece of legislation, and enthusiasm with respect to the kind of work they would be doing down the road. So I don't think any suggestion that there is poor morale with respect to frontline workers is an accurate description at all. Generally I think we have extremely good child welfare people in the department, and they are doing a good job and attacking their jobs in good spirit.

The hon. Member for Calgary Foothills had a couple of questions, one with regard to emotional injury and how that is defined. It is of course defined in the Act in section l(3)(i), I believe. Unlike the other two injuries in the Bill, sexual abuse and physical abuse, there has to be demonstrated evidence that emotional injury has occurred as opposed to a child being in a position of potential emotional injury. It's so hard to predict whether a child is really in an emotionally injurious situation. One child may react very negatively to a particular situation and another child in exactly that same situation may not be affected at all. So emotional injury has to be demonstrated before this particular child would be in need of protection. Who would do that if it were in the courts? I expect that a judge would want to see some kind of evidence of emotional injury if that were the basis on which the case was before him. How the judge would want that evidence brought forth would, I suppose, be up to him. I assume the child welfare people would bring in assessments of the situation to demonstrate their case. If they weren't able to demonstrate their case, the judge would rule accordingly.

One of the principles referred to was in section 2(d), which says that a court and all persons shall consider the following:

> a child, if the child is capable of forming an opinion, is entitled to an opportunity to express that opinion on matters affecting the child and the child's opinion should be considered by those making decisions that affect the child.

In several parts of the Act, that opinion is determined in different ways. With respect to adoption, there has to be consent of the child to the adoption if he's over a particular age. The principle is very broad, of course, as it is supposed to be as a principle. This particular principle would have to be taken into account in the decision-making process whether a child's case is before an appeal committee or simply in the discussion stage with the child welfare workers. So it's a general principle here. It is more specific in the different sections of the Act as to how that child's opinion should be considered.

Those are a few of the comments I wanted to make, Mr. Chairman.

MR. MARTIN: Going back on my notes from second reading, Mr. Chairman, there are a couple of points I forgot to raise at

the time. One had to do with religion and a group that has, I'm sure, lobbied the minister and other members. Basically, as I understand it — and, I think, had some merit — especially with young girls who are giving up their babies for adoption, often religion is a very important part of their life. They were suggesting that's one of the things that could be considered, all other things being equal, of course; that couldn't be the only criterion. I wonder if any thought was given to that in terms of this particular Bill, Mr. Chairman.

The other area has to do with where the department, as part of the Bill, is to provide written plans of care in any child welfare agreements or court proceedings. It gives the court, not the social worker, the authority to determine whether medical treatment should be provided to a child when the parents are unwilling. My concern here, that I will leave with the minister, is that this could tend to be a little bureaucratic. Often, medical treatment is something that is needed quickly. I wonder what the reason is that a social worker could not make this. It seems to me that medical treatment, by the time you go through a court — time is often of the essence. Going through courts may take time, and that child actually needs that medical care and needs it quickly.

I wonder what the reason is for moving the authority from the social worker, who could move quickly, to the courts. Could this not put the child under some danger, especially if the medical treatment is emergency treatment that's needed quickly? Or can the social worker still make that decision if it's an emergency? How does that work specifically? If this isn't clear in the regulations, I suggest to the minister that we could run into some problems, be leaving the child in some danger, especially for emergency treatment. If it's long-term medical treatment, obviously it's not an immediate thing. I'm talking about emergency treatment. How does that fit in, in terms of the minister's understanding?

DR. WEBBER: Mr. Chairman, on the first point, there is a principle in 2(h) which says:

> (h) any decision concerning the placement of a child outside the child's family should take into account
>
> > (i) the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage.

So one of the principles is that they take into account the religious heritage of a child. Certainly it was one of the points raised by a number of groups when we were developing the Act.

Also, with the adoption process now, of course it can occur directly to the courts without going through the department. During the court hearing, this being a principle, the courts would have to take it into account in the placement.

Written plans of care: this is a new addition to this particular Bill. It was thought that if proper planning is going to occur with regard to the placement of a child, there should be a written plan of care to the courts, to show that the child welfare people are taking more effort and more cautions in terms of planning for the future of that child. There was no question there with regard to what the hon. member had to say. It was simply a comment.

I believe the question about medical care refers to section 20(2), where if a child has been apprehended and the department has exclusive custody of the child and is responsible for his care, maintenance, and well-being if the child is apprehended because the guardian of the child refuses to permit essential medical, surgical, and remedial treatment, the director shall apply to the court for authorizing the treatment. I agree that it could be a longer than what would be desirable process. That is why one of the May 16 House amendments to Bill 35 is a section, which will follow this particular section, which would allow the court to dispense with the service of notice under subsection (3) and authorize the giving of a shorter period of notice. So at this stage, we have taken that particular concern into account by House amendment.

[Title and preamble agreed to]

DR. WEBBER: I move that the Bill as amended be reported, Mr. Chairman.

[Motion carried]

Bill 36
Mines and Minerals Amendment Act, 1984

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

[Title and preamble agreed to]

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

[Motion carried]

Bill 38
Public Lands Amendment Act, 1984

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

[Title and preamble agreed to]

MR. WEISS: Mr. Chairman, I would move that Bill No. 38, Public Lands Amendment Act, 1984, be reported.

[Motion carried]

Bill 39
Pension Statutes Amendment Act, 1984

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

MR. MARTIN: Just some general comments and then some specific questions. I understand why the Provincial Treasurer — as I understand it, it will not lower our unfunded liability but it will not grow any larger, at least for the immediate future. That is the purpose of the Bill. I would ask a couple of questions, because the whole area of pensions is of course in the Auditor General's reports. It's been an ongoing problem, and I'm sure this is one of the reasons the hon. Treasurer responded at this time.

It's my understanding — and I'm sure the Treasurer will correct me if I'm wrong — that the government hasn't yet produced the 1982-83 annual report of the pension board. I expect that's fairly important, and we would see the justification for these increases.

The other general area, because I wasn't here the first time dealing with the principles, is to ask the Treasurer, knowing why he did — I'm not sure that I as a member would have

done anything differently, but I wonder what alternatives the Treasurer looked at in dealing with this problem. It seems to me there are probably three or four different solutions, and the one the Treasurer went for was increasing the level of employee contributions.

My other general question has to do with discussion. Before this was brought in was there a fair amount of discussion with Provincial Employees, namely the president Mr. Booth, or was it totally by surprise on their part? I haven't discussed it with him. I just read a brief report in the media right after. I think it's fairly important when we go through these exercises, especially something that affects provincial employees that directly. I hope there was some ongoing discussion, even if at the end we agreed to disagree. I'm not sure I understand that.

I guess I am mainly interested in the options the Treasurer considered before he brought in this particular Act. I'm sorry I wasn't here for second reading, Mr. Chairman, but if the Treasurer could help me out in this area at this time.

MR. HYNDMAN: Mr. Chairman, with respect to the alternatives, they were identified in two previous reports of the Auditor General, wherein he indicated there were essentially three options that could be reviewed by the government if it were decided to reduce the rate of increase or reduce the unfunded liability of the pension plans. One option was to move as we did in 1982, and that was to enlarge the existing $1.1 billion injection into and setting up of a new Pension Fund. The second option was to cut benefits, which would bring it more in line. The third option he mentioned was to increase contributions.

In reviewing those three, obviously the fiscal situation of the province at this time, with a significant deficit and with the situation with regard to stable revenues, in our view would preclude a further addition to the $1.1 billion Pension Fund, which has now grown to $1.8 billion. That was not considered appropriate. The second option of cutting benefits was not considered appropriate either, insofar as those who have contributed to the Pension Fund have done so on the basis that those benefits will be there when they retire. Therefore, we looked at the third option, increasing contributions of employees and employers. As mentioned in the ministerial statement I gave, we felt that was best done on a phased basis, .25 percent a year for five years.

With respect to the most recent pension reports, I believe those are close to being finalized. I point out, though, that they have not traditionally and would not bring forward information on the most recent actuarial situation with respect to the pension plans. Those actuarial reports are expected very shortly and will be made public. We will then know what the estimated liability over the next 10, 20, 30, or 40 years is. I will certainly make those public. The fall session of Public Accounts would probably be the time to do that.

With regard to the third question raised, that of discussion with boards, there has been discussion over the course of the last 12 months or more with all the various pension boards, including the two involved in Bill 39, with regard to all aspects of the legislation and the recommendations of the Auditor General that in order to start to bringing the liability closer into line, there had to be some changes. The various members on those boards — there are a number of statutory members, as the hon. Member for Edmonton Norwood knows — were informed and knew there were going to be changes made by the government. That was done during the 12 months or more prior to the introduction of the legislation.

MR. MARTIN: Just to follow up. If I recall — I don't have it here — at this point the unfunded liability is something over $4 billion. Let me put it this way. In the next couple of years, will this basically be it? I understand the two largest pension plans, the public service and the local authorities, were actually showing a surplus in the latest annual report, in 1981-82.

My question deals with the unfunded liability. With this increase of employee contributions, it is my understanding that it will not increase the unfunded liability. What are the Treasurer's plans in the future to deal with the unfunded liability? At some point that comes due. It's like a bill we're going to have to pay. Does the Treasurer have plans to at least cut that down somewhat from over $4 billion?

MR. HYNDMAN: Mr. Chairman, the objective is to demonstrate in a prudent and responsible way to objective third parties that the government is aware of this liability and that we have taken steps to ensure that it does not end up with a situation such as New York City some years ago. I think we have done that with this move.

We have to remember that the unfunded liability is not something which is due and payable at any single point in time. In other words, that liability is something due and payable over the next 40 years, as persons now in the pension plan retire. It's also a matter of opinion — and this is why perhaps this fall I would welcome debate by the Public Accounts Committee on the assumptions made by those who decide, the actuaries — as to what the liability is, because there are assumptions with regard to inflation and to interest rates, which will define the extent of the income earned and inflation, and also with regard to the mix of the public service. Over the last two years that has probably changed from the situation in 1980 or 1981. So it's quite desirable for the committee and others to cross-examine the actuarial assumptions, because they're looking 10, 20, 30 years down the road and presuming certain interest rates and certain inflation levels in arriving at that $4 billion figure. So undoubtedly there's some liability, and it's some large amount. I think, though, that as a result of this legislation our position will probably be better than most governments' in Canada. The problem isn't solved, but we're moving in that direction.

MR. MARTIN: I appreciate the comments about Public Accounts. I think that's an important exercise to go through. Having been on the workers' compensation committee and travelling across Canada, I would say to the Treasurer that actuaries are disagreeing among themselves. That becomes at best a guessing game; an intelligent guessing game, I suppose. As we found out in workers' compensation, if you talk to one actuary they feel that if you have so much unfunded liability, that's fine, because you're dealing now and in the future: others are more conservative, and so forth. So it's hard to follow what is the ideal.

The figure I'm using is of course from the Auditor General. Would it be the Treasurer's assessment that the Auditor General's figure is reasonable, or does the Treasurer basically disagree about the $4.1 billion? He said there seems to be some disagreement or that other people would say it's more, less, or whatever. Does the Treasurer feel that's a realistic picture of the unfunded liability we have at this particular time? I know that much of it won't come due for a while, but surely some of it has to start coming due at some point.

MR. HYNDMAN: From the point of view of the Auditor General's obligations under statute, I have no disagreement with his figure.

[Title and preamble agreed to]

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

[Motion carried]

Bill 42
Alberta Corporate Income Tax
Amendment Act, 1984

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

[Title and preamble agreed to]

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

[Motion carried]

Bill 43
Alberta Income Tax Amendment Act, 1984

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

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill 43 be reported.

[Motion carried]

Bill 47
Alberta Art Foundation
Amendment Act, 1984

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

[Title and preamble agreed to]

MR. McPHERSON: Mr. Chairman, I move that Bill 47, the Alberta Art Foundation Amendment Act, 1984, be reported.

[Motion carried]

Bill 48
Cultural Foundations Amendment Act, 1984

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

[Title and preamble agreed to]

DR. CARTER: Mr. Chairman, I move that Bill No. 48 be reported.

[Motion carried]

Bill 50
Law of Property Amendment Act, 1984

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

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill No. 50 be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bills 8, 23, 36, 38, 39, 42, 43, 47, 48, and 50, and reports Bill No. 35 with some amendments.

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

HON. MEMBERS: Agreed.

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

Bill 54
Chiropractic Profession Act

MR. MARTIN: You finally got here, Dave.

MR. KING: Yes. I appreciate the fact that some hon. members noticed. Most of my colleagues didn't.

Mr. Speaker, I would like to move that Bill No. 54, the Chiropractic Profession Act, be read a second time.

As hon. members are aware, the Bill replaces an existing Chiropractic Profession Act. The new Bill conforms to the government's policy on professions and occupations. The notable features that I draw to the attention of hon. members are: first, in general terms, the new Bill recognizes that educational and professional standards have been improved and support more stringent self-government by the members of the profession in the province; and secondly, more specifically, the definition of the practice of chiropractic has been modified and is consistent with a definition that is increasingly in use in many North American jurisdictions. Particularly, the definition relates not only to the adjustment and manipulation of the spinal column but to other articulations of the body. In general terms, the discipline process has been improved in a way that is consistent with that seen in other recent professional legislation adopted by the Legislative Assembly. The Universities Coordinating Council is mandated to play a vital role with respect to academic preparation.

Thank you, Mr. Speaker.

MR. MARTIN: To follow up, I believe the Member for Grande Prairie asked a question the other day, and I think all hon.

members received a letter from a group in the Chiropractic Association, indicating that there was some division on the legislation. I'm sure the hon. Minister of Education is aware of the group that wrote the letter; it came from a solicitor. They were asking that it be slowed down. They said that part of the association — I think they indicated one-third of their total membership — had expressed concerns about the legislation.

I don't pretend to be an expert, but I think we should bring concerns in the House when a Bill is debated. As I understood it, quickly reading the letter, I believe there are three or four major concerns: one, that the control of chiropractic education appears to be taken from the profession and given to the university, where there is no faculty for this particular profession: two, compared to the present legislation, the number of provisions devoted to practice, review, and discipline is viewed as highly punitive and alarming — again, using their words. As I recall, in this letter from the solicitor, they seem to indicate that they have a right to have the Bill explained to them, to have the opportunity to make their own comments before the legislation becomes law. I recognize that this may be a problem within the profession itself, but it seems that this part of the group — they indicate it may be a third; I don't know — feels that there's been a lack of communication, input, about new legislation.

So to follow up in the second reading, Mr. Speaker, I ask the Minister of Education if he is aware of this group and their concerns and if they have relevant concerns, if I can put it that way, to at least put on record where we stand here.

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

HON. MEMBERS: Agreed.

MR. KING: Mr. Speaker, in concluding the debate, I would respond to my hon. colleague representing Edmonton Norwood in this way. First, I observe that the provisions affecting the role of the Universities Co-ordinating Council are consistent with the general policy statement and, further, they are consistent with some other professional legislation that has been adopted in this Legislature, including, for example, the Optometry Profession Act; there is no faculty of optometry in the province of Alberta.

With respect to practice review and discipline proceedings, I can only say again that in my view the sections set out in the Chiropractic Profession Act are very similar to the sections set out in other recent professional legislation, and they are consistent with the intention of the government's policy on professions and occupations. I don't think you can read anything into them that would suggest they are punitive or restrictive: that is, it couldn't be read into them on any objective basis, but subjectively, of course, that interpretation can be put on any kind of legislation.

The hon. gentleman asked whether or not we were aware of the concern of the group; he indeed alluded to the fact that a question had been asked about this in the House. I can only repeat that we are aware of concern. In our judgment, that concern is not held by anywhere near one-third of the members of the profession. The best reading we can get on it is that it would be in the order of perhaps 10 percent of the members, at the outside.

Approval in principle of the Bill this evening leaves us open to the opportunity of further discussing the particular sections with any interested members, either of the profession or of the House. We are still open to the opportunity of moving amendments to particular sections of the Act at committee stage, but my judgment at the moment is that the people who are concerned represent a very small number of the chiropractors and that their concerns in light of the legislation are not substantive.

[Motion carried; Bill 54 read a second time]

MR. CRAWFORD: Mr. Speaker, having considered certain Bills in committee and having concluded a number of second readings, that is all the business programmed for this evening.

Tomorrow there is the hour in the afternoon that has been designated, and it is proposed that the Assembly sit in the evening as well. We will be continuing with second reading of Bills and, if there is time, committee study of the ones that were given second reading today.

[At 9:10 p.m., on motion, the House adjourned to Tuesday at 2:30 p.m.]