

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Wednesday, May 30, 1984 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: **PRESENTING REPORTS BY
STANDING AND SELECT COMMITTEES**

MR. DIACHUK: Mr. Speaker, I would like to present the report of the Select Committee on the Workers' Compensation Act and the Occupational Health and Safety Act. Copies will be distributed to all members, and copies are being sent in today's mail to all organizations and parties that appeared or made submissions to the select committee.

I wish to thank the members of the select committee for their co-operation and dedication in bringing the report to completion. On behalf of the committee, my colleagues who served on it, I wish to extend thanks to the staff members: John Wisocky and Al Runck of the Workers' Compensation Board, Keith Smith of the occupational health and safety division, and secretary Mrs. Louise Empson of the Clerk's office. The work carried out by the staff of the Workers' Compensation Board and the occupational health and safety division was much appreciated by the select committee. Not to overlook the staff in my office, a special thank you to them from the members of the select committee and me.

head: **INTRODUCTION OF BILLS**

Bill 263**Student Employment Tax Credit Act**

MRS. KOPER: Mr. Speaker, I beg leave to introduce Bill 263, the Student Employment Tax Credit Act.

The purpose of this Bill is to provide a tax credit of half the wages of any student gainfully employed by a taxpayer during the summer of 1984. The maximum tax credit will be \$1,000.

[Leave granted; Bill 263 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. BRADLEY: Mr. Speaker, I'd like to table motions for returns 141 and 142.

MR. CRAWFORD: Mr. Speaker, I'd like to table the answers to Written Question 170 and to Motion for a Return 134.

MR. HYNDMAN: Mr. Speaker, I wish to table replies to orders for returns 134, 215, 216, 152, 143, 224 and, on behalf of the hon. Minister of Transportation, 162. The total cost of two of the returns, 134 and 215, was in excess of \$20,000. [interjections]

DR. WEBBER: Mr. Speaker, I'd like to table Motion for a Return No. 211.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. STILES: Mr. Speaker, it's my pleasure this afternoon to introduce to you, and through you to members of the Assembly, 24 residents of the Didsbury nursing home in the Olds-Didsbury constituency. These senior citizens of our province are accompanied by their leader Joyce McCullough and by several persons who are assisting them: Gerry Riddoch, Vern Morgan, Lois Shannon, Janet Naegeli, Erna McCafferty, and bus driver Don Irwin. I'd like them to rise and receive the warm welcome of the Assembly.

MR. KOZIAK: Monsieur le Président, encore il me fait grand plaisir de vous présenter, et par vous présenter aux membres de cette Assemblée, des étudiants d'école J.H. Picard. Mr. Speaker, again I'm pleased to bring to your attention 57 fluently bilingual students from J.H. Picard school in the constituency of Edmonton Strathcona. They are grade 9 Social Studies classes and are here to learn about democracy and the work of this Assembly. They're accompanied by their teacher Monsieur Genereux, and I ask that they rise and receive the warm welcome of the Assembly.

MRS. CRIPPS: Mr. Speaker, if they're fluently bilingual, I hope they understood the minister's remarks more readily than I did.

Mr. Speaker, it's my pleasure today to introduce 18 grade 9 students from Tomahawk. They're accompanied by teacher David Hatto, and by parents Mrs. Greanya and Mrs. Woodruff. They're in the public gallery, and I ask that they rise and receive the warm welcome of the Assembly.

head: **ORAL QUESTION PERIOD**

Taxation of Chartered Banks

MR. NOTLEY: Mr. Speaker, I'd like to direct the first question to the hon. Provincial Treasurer. It's with respect to an important initiative undertaken by the government of Ontario to further increase the taxation of chartered banks in that province, banks which seem to be doing a good deal better than their customers. My question to the minister is: has there been any meeting between the minister and his counterpart in Ontario, the hon. Mr. Grossman, with respect to that gentleman's appeal in his recent budget speech for a complete review of the allocation rules applicable for determining the tax base for banks?

MR. HYNDMAN: No, Mr. Speaker, there has not been a meeting.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. Ontario is now the eighth province to reduce the amount of reserve funds banks can claim as a deduction for provincial income tax purposes. Could the Provincial Treasurer advise the Alberta Assembly what the position of the Alberta government is with respect to such a move?

MR. HYNDMAN: Mr. Speaker, the position of the government of Alberta with regard to the tax regime, which was set up essentially in order to encourage investment and is doing that — and is, fortunately, the lowest personal and corporate taxes

in Canada — has been set forth in the budget. That is the position at this time. Any further matters will be reviewed at upcoming meetings of ministers of finance and in preparation for any future budget.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Given the fact that Ontario is the eighth province to reduce the reserve funds which banks use as a deduction and given the fact that we have a deficit and extra money could be obtained this way, my question to the minister is, what study or review has been commissioned by the government of Alberta with respect to the actions of other provinces?

MR. HYNDMAN: Mr. Speaker, the matter is under continuous review, as is the situation with regard to fiscal and other policies of all governments in the country. Every year, in preparation for the budget, there is a range of options upon which every government must make decisions in order to present a budget. We have made those. We've made the decisions for this year. As I've indicated before, they are leading to or moving into the recovery. All these matters are kept under review throughout the course of each year.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. Given the conclusion of Ontario as well as seven other provinces that such a move would yield considerable additional funds ...

MR. SPEAKER: Order please. This is the third time we're getting the same preamble, it's obviously just being done for the purpose of argument. I realize that the hon. Provincial Treasurer has replied in kind, but it would seem to me that there should be some reasonable limit. Therefore I suggest that unless there is some reason that I'm not aware of for repeating the same preamble three times, we should get directly to the question.

MR. NOTLEY: Mr. Speaker, on a point of order. It's certainly not an argumentative question. However, the question was to put in context whether or not the Alberta government was going to follow the actions of eight other provinces in this country.

MR. SPEAKER: Order please. I must respectfully disagree with the hon. Leader of the Opposition that the question is not simply debating something which I'm sure other hon. members would like to debate as well if they were given an opportunity. What's happening here is that the hon. leader is saying: look, eight other provinces have done something; why don't you? We've had the same thing four times now.

MR. NOTLEY: Mr. Speaker, on the point of order. Quite the contrary. The question is to ask this government what assessment they have made, in particular on the loss of revenue to the province of Alberta, of not making our rules with respect to taxation of banks similar to the rules in place in eight other provinces.

MR. HYNDMAN: I've answered it twice, Mr. Speaker. I can simply say that the general thrust of this government — and perhaps we're unique in Canada in this way — is to reduce expenditure. We are one of only two governments in this country that have reduced expenditure this year over last year. We'll continue to be in the minority and provide that kind of leadership.

MR. NOTLEY: I'm sure the shareholders of the banks will be pleased to hear that, especially the chartered banks headquartered in the east.

With his newfound interest in supporting the banks, could the minister advise the Assembly whether either he or the government has undertaken any discussions with the chartered banks with respect to the procedures they have in place in Alberta with respect to both demand notes and foreclosures, given their profit situation and the pressures of small-business men, homeowners, and farmers?

MR. HYNDMAN: Mr. Speaker, there are discussions going on continuously at various levels of government with all the banks. We've indicated that one of the best assurances of fairness is to ensure that a large number of financial institutions are in the marketplace, making funds available. In this province we have over a dozen of the Schedule B banks headquartered in other countries. We have banks headquartered in the province of Alberta. We recently purchased some equity shares in one, the Bank of Alberta. There are other banks in western Canada. Those, together with our own homegrown treasury branches, are the best assurance that there will be fairness in the marketplace.

MR. NOTLEY: Mr. Speaker, I'm glad to hear that. Could the minister tell the House what discussions to review the taxation system the government proposes with the chartered banks at this stage, perhaps taking the Ontario example of increasing bank taxes ...

MR. SPEAKER: Order please.

MR. NOTLEY: Mr. Speaker, could I put the question in this way: is one of the options the government is considering the reduction in personal income tax, part of which could be assumed by higher taxes on banks?

MR. HYNDMAN: Mr. Speaker, the hon. gentleman's arithmetic is again not correct. The emphasis of this government — I know it's not of socialist governments in the country — is to reduce expenditures of government. We've shown leadership in Canada, and we'll continue to do that. I look forward to suggestions from the hon. leader which would reduce expenditure in government.

MR. NOTLEY: I'm sure his Tory friends in Ontario would be interested in the assertion that they're socialists.

Mr. Speaker, could I ask the hon. Provincial Treasurer whether, in the department's ongoing discussions that the minister indicated they have with bankers, there has been any questioning of banking practices in this province, particularly from the standpoint of asking Alberta and Canadian customers to shore up possible poor investments made by these large chartered banks offshore?

MR. HYNDMAN: Mr. Speaker, the discussions encompass the widest range of interests of the province of Alberta. The general views we have and would continue to put forward are those of Albertans who have accounts, loans, or business with all financial institutions, whether they are banks of a chartered nature, Schedule B banks, trust companies, or all other financial institutions.

MR. NOTLEY: Mr. Speaker, a supplementary question to the Provincial Treasurer. Has the government of Alberta made any representation at all to federal authorities with respect to the general profit picture of the chartered banks compared to the rather lamentable profit picture of small business?

MR. HYNDMAN: Mr. Speaker, I think we can all offer comments from time to time on the profit, loss, or otherwise pictures of various institutions in the country. Certainly what we as a government do is regularly reflect the views the constituents of the various MLAs in this Assembly have with regard to business they have with various financial institutions in the country and the province. We'll continue to do that.

MR. NOTLEY: I guess the debtors will have to wait a little while longer.

Water Resources Permits

MR. NOTLEY: Could I ask my second question of the hon. Minister of the Environment, Mr. Speaker, and ask him to update us on questions put yesterday. In answering my questions yesterday, the minister indicated that all developers working on a stream course "would require a permit under the Water Resources Act". The memos I released yesterday indicated that no water resource permits were required in the Cold Water Creek, Beaverlodge weir, or Pigeon Creek cases. Has the minister had an opportunity to determine whether or not permits were issued in any or all of these cases, as required by section 5 of the Act?

MR. BRADLEY: Mr. Speaker, I have undertaken a preliminary review of each of those incidents. I have not got a complete and full report at this time. I can advise of the circumstances in a general sense in each of those cases.

With regard to Beaverlodge creek, the municipality had an application to construct a water storage facility. The permits to construct were issued to them, but the necessary permits under the Water Resources Act were not obtained by the municipality. They proceeded to construct those works without the necessary permit. When that was discovered, they were required to make an application for a permit. So that is the instance there. The municipality did not come forward. They did receive a permit after the work had been constructed. I guess the judgment was that it was not deemed appropriate at that point in time to pursue the matter further once the permit had been applied for after the fact.

With regard to the Pigeon Creek question, it was an emergency situation. At the time the minister responsible authorized the necessary work to prevent flooding. An emergency channelization was approved by the minister because of impending damage which could occur to land because of flooding.

I am still reviewing the matter with regard to Cold Water Creek. I understand a permit was not issued. The preliminary information I have is that at that time the Department of Transportation was operating under the premise that they were undertaking an operation and maintenance activity and that that type of maintenance activity did not require a permit, so they did not have a permit. I am continuing my investigations.

MR. NOTLEY: Mr. Speaker, a supplementary question. I want to deal with the Cold Water Creek situation. The minister indicated that this was operation and maintenance. However, one of the memos suggests that it is common practice by the Department of Transportation to block streams without pumping facilities being put in place as a normal rule. Could the minister advise the Assembly whether there has been any blanket operating agreement between the two departments on this matter, as suggested in the memos?

MR. BRADLEY: Mr. Speaker, the incidents the hon. member has raised were part of a review of our referral process by the

Department of the Environment and the department of Public Lands and Wildlife. A number of applications come forward to the department in any year, and these are three instances where some questions and opinions were raised as to the necessity of permits, particularly with regard to Cold Water Creek. My understanding is that if it were an operation and maintenance type of procedure, it would not require a permit. If it were new construction, it would require a permit.

I have this particular matter under review to get a more definitive answer, but a permit was not issued in this case. As I stated, it appears to be a misunderstanding as to whether or not the permit was required, the interpretation of Transportation being that it was under an operation and maintenance category.

MR. NOTLEY: Mr. Speaker, a supplementary question. I'm dealing with a question concerning a memo dated December 30, 1982, from Dave Christiansen to Ron Millson. The reference is with respect to the Fisheries Act, and the observation is made;

however Transportation indicated they have an agreement with the Department of the Environment to undertake this type of activity.

The preface to that is that there was a clear violation of the Fisheries Act.

Mr. Speaker, to the minister. What is the government's position? Was there in fact an operating agreement which has been superseded? Is this memo an accurate reflection of government policy, or what?

MR. BRADLEY: Mr. Speaker, I don't have before me the specific memo that the hon. leader indicated. I think I indicated yesterday that if he wished to bring some correspondence to my attention, I would look at it. I'm not aware that he has done that.

I can only say that the incidents which were raised by the leader yesterday were raised in the context of the review of the referral process. The departments involved have met — and I think it was early last year that this took place — and ironed out some of the wrinkles, perhaps, that were in the referral process. I understand that an agreement that is operating efficiently and correctly is now in place between the departments involved.

MR. NOTLEY: Mr. Speaker, a supplementary question. As I understand the minister's answer to my first question, he indicated that there were no permits in the cases of the Beaverlodge weir, Pigeon Creek, and Cold Water Creek. With respect to the Water Resources Act, and the provisions of section 5 of that Act as well as section 95, which binds the Crown, has any consideration been given to prosecutions in any of these examples? I cite the recommendation here of not the minister's officers but one of his colleague's officers, that prosecution of the Department of Transportation should in fact take place.

MR. BRADLEY: Mr. Speaker, I think I've indicated that in the specific case, the department was under the impression that the Department of Transportation was undertaking an operation and maintenance type of activity and did not require a permit. On the matter of whether or not prosecutions have been pursued, obviously they have not been. There was judgment at the time by those people responsible that they would not pursue charges. As I said, these cases predated my assumption of the ministry.

MR. NOTLEY: Mr. Speaker, a supplementary question. Let me deal with a memo that didn't predate the minister's respon-

sibility but was dated January 14, 1983, dealing with the Pigeon Creek case. The minister indicated that there was an emergency, thus forcing the government to move ahead. The memo from Mr. T. W. Smith, director of central region, to Ron Millson, wildlife biologist, habitat protection and integrated planning, Edmonton, indicates:

We were never given any data to support the so-called "pressing emergency" nature of the work.

Then it goes on to say:

In our view, no legitimate emergency existed.

MR. SPEAKER: Order please. Let's get to the question.

MR. NOTLEY: I ask the minister what personal investigation he has undertaken of the suggestion by an officer of this government — not an elected officer but an employee of this government — that it was "a political over-reaction".

MR. BRADLEY: Mr. Speaker, the author of the particular correspondence is entitled to his opinion. As I understand it, at the time the former minister had received representations from municipal officials, from farmers adjacent to the creek, and from landowners along the lake that the situation was such that action was necessary to reduce damage. Under an emergency situation, he authorized the work to be done.

MRS. CRIPPS: A supplementary, Mr. Speaker. Is it not a fact that a number of farmers had contacted the minister's department for a number of successive years, requesting assistance on this situation?

MR. BRADLEY: Mr. Speaker, the question of the particular channelization that was done had been a subject of concern to people in the area and, particularly in that year, representations came forward. The minister of the day used his authority and took the necessary action to have the work implemented to prevent any further damage.

Sex Education

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Education. I wonder if the minister could indicate the present position of the department with regard to the health curriculum for grades 4 to 6, specifically with regard to the optional section on sexuality.

MR. KING: Mr. Speaker, the health curriculum is mandatory. The unit on human sexuality, although it was developed by the Department of Education, is not itself mandatory. It is used in circumstances where the local school board adopts a resolution of the board to the effect that that unit should be used in the schools of the system. In other words, the use of the unit on human sexuality is optional at the school board level and actually depends upon a deliberate decision by the school board.

In the event that the school board decides the unit on human sexuality will be used in the schools of that jurisdiction, then it continues to be at the option of individual parents whether or not their children will attend the class while that unit of instruction is being provided. So instruction in that unit is also optional at the parent or child level, as well as being optional at the school division level.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. I understand that a number of concerns have been raised with the minister in the last short period since implementation of the program in various school divisions. Could the minister

indicate whether a review is in process at this time, with a view to changing some of the aspects of the curriculum and some of the curriculum material that would be used?

MR. KING: The review of curriculum is an ongoing responsibility of the department, Mr. Speaker. So to that extent, I can say that the health curriculum, as all others, is constantly under review. But I don't want to mislead the hon. member or any of his constituents with that statement. I wouldn't expect that the outcome of that review would result in any change in the curriculum itself in the next two or three years. We generally adopt the practice that some experience with a curriculum is necessary before we will make changes in it.

I should make two points that are pertinent. The first is that we also received a number of concerns a year ago, before the curriculum was introduced. At that time changes were made in the curriculum and the description of the resources used in the course. Secondly, while I said a moment ago that I wouldn't expect us to change the curriculum itself, the same is not necessarily true of the curriculum resource materials: textbooks, teachers' manuals, and other materials of that type. We may indeed make some changes with respect to the curriculum resource materials, if not the curriculum itself.

MR. R. SPEAKER: Mr. Speaker, a supplementary. My understanding is that in grades 7 through 9, the optional section has not been developed in terms of a curriculum relative to the topic of human sexuality. Can the minister indicate when that section of the curriculum will be finalized and made available to the various school divisions?

MR. KING: Mr. Speaker, I'd have to undertake to get that information and provide it to the hon. member and any others who are interested. I don't have the answer at the moment.

MR. R. SPEAKER: Mr. Speaker, a final supplementary. As the curriculum changes have just been introduced and further curriculum is being developed as well, would it be the minister's intention to make his office or himself available to the general public to make some personal presentations with regard to various concerns they have?

MR. KING: Within the limits of available time, absolutely.

Young Offender Facilities

MR. PURDY: Mr. Speaker, I'd like to address a question to the Solicitor General. Since the province of Alberta, in conjunction with the federal government, has adopted young offenders legislation, is it the intention of the minister to supply adequate remand centres for these young offenders?

DR. REID: Mr. Speaker, I think members are aware of the fact that there are two stages to the implementation of the Young Offenders Act. The first stage occurred on April 1 this year and addresses the transfer of certain facilities from the Department of Social Services and Community Health to the Solicitor General's department. April 1985 is the implementation date for a uniform maximum age across the country, and the intent of the legislation is that at that time there should be two separate streams through the administration of justice and through corrections services. With a view to that, it will be necessary for the province to have available a remand facility for young offenders. We do not have such a facility at this time, as the 16 and 17 year olds are currently in with the adults over the age of 18.

MR. PURDY: A supplementary, Mr. Speaker. In view of the fact that a release came out from the minister's department, indicating that two centres will be built, one in Edmonton and one in Calgary, for completion in 1986, can the minister rationalize for me why the centres will be constructed in metropolitan areas when a major facility for adult offenders is being decentralized to Grande Cache?

DR. REID: Mr. Speaker, there hasn't really been a release from the department as yet. We are considering several options for the provision of young offender facilities. On the basis of economy, because of the smaller number of young offenders, rather than have a separate, free-standing remand centre such as the Edmonton Remand Centre or the Calgary Remand Centre, it looks as if the most economic operation would be to incorporate the remand facility with a closed-custody facility for the two major cities. At the moment we estimate that the size of those facilities will be in the vicinity of 100 beds apiece; that decision is not yet final.

Because of the remand function and the travel back and forth to the courts, it's obvious that that means the facilities will be within the metropolitan areas of the city of Edmonton or Calgary. That's a very different situation from the decentralization of the new correction centre for adults at Grande Cache. That will not have any remand function, except possibly for one or two people in the Grande Cache area. Rather, it will be a medium-security facility that will be used for the longer term people in the provincial correction centres, probably those who are sentenced to periods of approximately 18 months to two years.

MR. PURDY: A supplementary, Mr. Speaker. Before any final decision is made, can the minister give the Assembly a commitment that the decentralization caucus committee of government may look at this before these remand centres are put in the metropolitan areas of Edmonton and Calgary?

DR. REID: Mr. Speaker, I understand that the decentralization committee looks at the decentralization of facilities. As I said, the difficulty with this particular type of facility is that it will not be possible to decentralize it very far from the court facilities in Edmonton and Calgary, which, after all, provide a significant percentage of the total number of offenders.

There has not as yet been a site picked for either facility. As I said, their planning isn't anywhere near complete, and indeed the size has not definitely been decided, I can assure the member that we will look at the alternatives in relation to the cost of land and the operating costs involved in the transportation of offenders to and from the court facilities they will be attending for hearings in front of the judges. I think that's about as far as I can go at this time.

MR. PURDY: A final supplementary, Mr. Speaker. Has the Attorney General given any consideration to revamping the court system once the various aspects of the young offenders legislation are put in place, so these young people that are now tried in adult court will have a facility of their own?

MR. CRAWFORD: Mr. Speaker, under the young offenders legislation, if a young person were tried in an adult court, based on a decision made by a judge that the case is one that should appropriately be tried there pursuant to the federal and provincial legislation, then presumably the facilities of the remand type that would be needed would be used by that young person, and those would be adult facilities. I don't know if there are other questions or concerns raised in a more general way with

respect to the necessary segregation, but I'd be glad to give further consideration to that.

MR. McPHERSON: A supplementary to the Solicitor General, Mr. Speaker. In light of the Young Offenders Act and the information provided today, can the minister advise if he has had any cause to reassess the young offenders component of the proposed Red Deer remand centre?

DR. REID: Mr. Speaker, the difficulty we have is that with the legislation only being implemented some few weeks ago and the staggered introduction of the system, we do not yet know what the requirements for young offender facilities will be. As the member probably knows, in young offender legislation there is the potential for diversion prior to court hearings, so that no court hearing is heard, with a view to restitution and perhaps community service as an indication to a young offender that society does not appreciate his behaviour. In addition to that, there is the provision for alternative programs which do not require incarceration. Until we get some experience of the judicial attitude to the young offenders under the new legislation, it's rather difficult to determine what our requirements for closed- or open-custody facilities will be.

We already have some facilities that we have taken over from the Department of Social Services and Community Health. As I mentioned, there will obviously have to be some construction of remand facilities and closed-custody facilities in the two major metropolitan areas. Further decentralization of the system to Red Deer, Lethbridge, or Medicine Hat is at the moment a little indeterminate, as we don't know what the requirements will be. I'm aware of the member's interest. In the original proposal for a facility in Red Deer, I think there was allowance for 12 young offenders' beds in that facility. At the moment that provision is under review while we acquire the experience of our needs for closed- and open-custody facilities.

MR. PAPROSKI: A supplementary question to the Solicitor General, Mr. Speaker.

MR. SPEAKER: Might this be the final supplementary on this question. A considerable number of members still wish to be recognized.

MR. PAPROSKI: Mr. Speaker, with respect to the possible opening of young offender facilities in Edmonton and Calgary, I wonder if the minister has a time line with respect to construction and completion of such facilities.

DR. REID: As I said, Mr. Speaker, the implementation of a uniform maximum age is April 1985. At the discussions in Montreal between the federal Solicitor General and the provincial ministers responsible for the Young Offenders Act, it became obvious that those provinces which do not now have a maximum age of 18 were not going to be able to meet the deadline for the construction of new facilities.

As I said in the debate on the estimates of the department, it's my intention to visit Britain, with senior members of the department staff, to look at changes they have recently implemented in their system for young offenders. Subsequent to that visit, we may implement some changes in the projected program for young offenders in Alberta. So the construction and completion dates are as yet indefinite.

Container Shipping

MR. MUSGROVE: Mr. Speaker, my question is to the hon. Minister of Economic Development. Recently an extra charge was put on the use of containers for transportation of agricultural products versus the charge for the use of hopper cars. I'd like to ask the minister if this problem has been resolved.

MR. PLANCHE: On this specific issue, Mr. Speaker, if my memory serves me right, it was that alfalfa pellets now fall under a preferential freight rate. There was an extra charge placed on this shipper because he's using the containers. I'm not sure that it's a rail rate issue. I think it's a freight forwarding issue, in terms of a container drop-off charge. We've written to the railroads for clarification as to why this should be. I can report to the member when I get an answer.

MRS. CRIPPS: A supplementary, Mr. Speaker. I understand that recently a forest products company at Edson that is using containers to ship has had its rates increased by 20 percent. Does the minister have verification on that, and is that a policy decision that's been discussed with the railways?

MR. PLANCHE: I am aware that they had notice of a rate increase. Yesterday we wrote to the appropriate official at CNR to ask him for an explanation, to explain to him that this increase will shrink, by some 16 states in the United States, the potential market for products from this plant. The province and the shipper are entitled to an explanation, and I intend to get one.

Sale of Interest in Land

MR. STILES: Mr. Speaker, my question is addressed to the Minister of Municipal Affairs. Is the minister aware of the practice in parts of Alberta of individuals selling fractional interests in their land, of as many as 50 small lots out of a quarter section, as a means of circumventing the subdivision provisions of the Planning Act and the various municipal land use bylaws?

MR. KOZIAK: Mr. Speaker, the matter has been raised with me by members of this Assembly, by people outside the Assembly, and by the Alberta Association of Municipal Districts and Counties through a resolution that was passed at their spring conference. In saying I'm aware of it, I think I should also indicate that I don't see that any move should be taken to prevent the ability of people to assign interests in their titles, so to speak, to others. The ability to hold ownership of land in more than one person is a recognized right, and I don't think we should interfere with that. However, there is another matter that should be dealt with; that is, the expectation some people have that a fractional interest also entitles the owner of that fractional interest to an actual fractional, subdivided piece of the land. If that's the case, that's a huge mistake. That entitlement is not there. That could result in a rude awakening for the person who buys under those circumstances.

MR. STILES: A supplementary question, Mr. Speaker. Is the minister contemplating taking any steps to change in any way the provisions of the Planning Act to protect the interests of adjacent property owners, who are naturally somewhat aghast at the prospect of vast numbers of people moving next door to them for recreational purposes over the summer months?

MR. KOZIAK: Mr. Speaker, I think we have to separate ownership from use, because the fact that you have ownership

doesn't mean you can develop that property in a way that would accommodate individual owners. For example, if you had a quarter section of land and sold, say, 10 undivided interests in that quarter section of land, you couldn't set up and create 16 plots on which there could be 16 cabins or something of that nature. That could only be undertaken through the normal process under the Planning Act, with applications to the governing body for a development permit. I imagine there may be some difficulty in being able to achieve that.

MR. STILES: A supplementary, Mr. Speaker. I take it there aren't any steps contemplated. Are any steps contemplated to protect individuals who may be drawn into these schemes by the Hollywood-style advertising that is prevalent in some of the papers, advertising the benefits of ownership in these parcels to be enjoyed?

MR. KOZIAK: Mr. Speaker, it's impossible for us to be able to protect all investors from the follies of their investment. The only thing I can suggest is that it would be hoped that anybody who purchased an interest in land would have the good sense to seek professional advice and, through that professional advice, be warned of the limitations that exist on a fractionally held interest in land.

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

MR. STILES: A final supplementary, Mr. Speaker. I'd like to know if the minister has had any consultation with the Attorney General respecting the titles that may be issued in regard to these plots. I understand there is a possibility that the land titles offices may be issuing separate titles to each of these fractional owners, as opposed to a single title for the entire parcel.

MR. KOZIAK: Mr. Speaker, I haven't had discussions with the Attorney General on that particular issue. I don't know if my colleague the Attorney General is in a position to respond to the practice in the land titles offices, which fall under his responsibility. If he is in such a position, he might wish to. If not, he could do so at a subsequent time.

Domestic Assault Cases

MR. MARTIN: Mr. Speaker, I'd like to direct my question to the Attorney General. It's a question of public policy that flows from a recent Alberta appellate decision which overturned a sentence against a husband for criminally assaulting his wife. My question is, is that the end of the matter? Is there no appeal unless an error in law can be found in ruling that no crime was committed when the victim provoked the assault?

MR. SPEAKER: I have to respectfully draw the hon. member's attention to his question appearing to seek legal advice. If he's looking for avenues of appeal, I suggest he consult a solicitor.

MR. MARTIN: That's not the important part; it happened anyhow.

I'll go on to the second question. What assessment has the Attorney General made of the fact that the Solicitor General of Canada has urged chiefs of police to lay criminal charges against men who assault their wives? He has also instructed Crown attorneys to treat domestic violence the same as violence by a stranger. Does the Attorney General agree with the Solicitor General's directive on this matter?

MR. CRAWFORD: Mr. Speaker, following a review that was done a year or so ago, for some time it has been the policy to treat domestic assault cases in the same way as assault cases among strangers. Of course there are situations where, when one applies the same rules as one would apply with respect to strangers, the specific instance in a particular case still produces a situation where perhaps a charge can't be proceeded with because of the inability to have a particular witness or complainant available. Those situations do occur. But the subject matter the hon. member is asking about is one that has been fully reviewed, and indeed the policy with respect to it was previously declared in the Assembly.

MR. MARTIN: A supplementary question. Given that this appellate decision is not an isolated matter — for example, last year the same judge ruled a rape conviction on victim provocation again — what is the Attorney General doing to improve the ratio of successful prosecutions from initial complaints?

MR. CRAWFORD: Mr. Speaker, I think one wants to be successful in a prosecution if one has a guilty party. From time to time, the courts go so far as to find some people innocent. That is something which I would not want to interfere with, when they judge that to be the best thing to do.

MR. MARTIN: A supplementary question. That may be a very flip answer ...

MR. SPEAKER: Order please.

MR. MARTIN: ... but the Attorney General is well aware ... [interjections] The question is coming. The Attorney General is well aware that in ...

MR. SPEAKER: Order please. The hon. member is simply making a comment.

MR. MARTIN: Did you have a bad night?

MR. SPEAKER: No. There have to be reasonable limits, and occasionally the Chair needs to intervene, notwithstanding the penchant of some members to always try to get the last word.

MR. MARTIN: My question to the Attorney General is simply this, Mr. Speaker. In some cases where directives have gone down, there has been a vast improvement in terms of prosecutions. This has happened in other parts of Canada.

MR. SPEAKER: Order please. Let's get to the question.

MR. MARTIN: My question is: has the Attorney General looked into the experience in Windsor and in Manitoba, where there has been a rise in prosecutions?

MR. CRAWFORD: Mr. Speaker, perhaps in some sense it's a repetition to respond further to the question. Perhaps I didn't emphasize it enough in the earlier answer, although I mentioned that it was dealt with on previous occasions in this House. Indeed the whole issue was debated last year under a private member's resolution.

In summary, in cases where there is domestic violence, both the police forces and the Crown attorneys are instructed with respect to a policy to proceed in all appropriate cases. Mr. Speaker, appropriate cases certainly take into account the fact that given the vigilance of the Crown attorneys in this area and the application of the police investigations and their instructed

attitude with respect to investigating such complaints — at the moment I can't answer the hon. member on whether or not it statistically yields the sort of numbers of prosecutions relative to the numbers of complaints that perhaps he would like to compare. But the policy is there, and the policy is to maintain a vigorous prosecution policy in those areas.

MR. MARTIN: A supplementary ...

MR. SPEAKER: Might this be the final supplementary.

MR. MARTIN: ... to the Solicitor General on the same matter. A policy paper on wife assault from the B.C. Attorney General's department notes that police say they would like to arrest the offender but cannot see the point, because the Crown will not prosecute. My question is, have any similar views about this matter been expressed to the Solicitor General's department from police forces in Alberta?

DR. REID: I have not received any such letter.

MR. MARTIN: I didn't ask about a letter; I asked for views. [interjection]

MR. SPEAKER: I should draw the House's attention to the time for the question period having elapsed. Perhaps I didn't manage the earlier part of it as I might have. We have five members who would still like to ask questions, and the hon. Minister of Social Services and Community Health has some information previously sought. I've already called on the hon. Member for Red Deer. I wonder if the Assembly would agree that we might hear from the hon. Member for Red Deer, and then the hon. Minister of Social Services and Community Health.

HON. MEMBERS: Agreed.

Private Pension System Review

MR. McPHERSON: Thank you, Mr. Speaker. My question to the Minister of Labour is with respect to the recent document released by his department called *Proposals for Improving the Effectiveness of the Private Pension Plan System in Alberta*, and the resulting announcement of a variety of public meetings to be held throughout the province over the course of June. Mr. Speaker, could the minister advise the nature and purpose of the public meetings to be held throughout the province?

MR. YOUNG: Yes, Mr. Speaker. The purpose is to give those persons who are interested in the private or employer pension system an opportunity to present their views to me and to members of the staff of the department who are involved in the administration of private pensions. It is our hope that we can take those views in a somewhat informal manner and that it will be a forum in which there is an exchange of information between not only the government and those presenting views but perhaps persons with different viewpoints. That would be the first objective. There may be some persons presenting views in terms of written format. We have adopted a position that will be very flexible on how we handle the forums until we get a better indication of how many people are interested and the focus of that interest.

MR. McPHERSON: A supplemental, Mr. Speaker. Would it be my understanding that representations made by individuals

at this meeting will be informal, rather than a written submission?

MR. YOUNG: It can be either way. We're really trying to accommodate people as best we can.

Mr. Speaker, I would like to add that for those persons who want to present views in a written form subsequent to that time or if that day is not convenient, those would be most welcome.

Youth Emergency Shelter

DR. WEBBER: Mr. Speaker, I'd like to respond to a question raised yesterday by the Member for Little Bow, with respect to funding to the Youth Emergency Shelter in Edmonton. On April 3 this year, I wrote to the shelter society, offering them funding on a *per diem* basis for youth in that shelter who have status under the Child Welfare Act or who are assessed by our department as being appropriate for residency in the shelter. The shelter's acceptance of that offer was confirmed to me by letter on May 14 and again today in telephone conversation with the director, Michael Farris.

Mr. Speaker, I should add that the *per diem* funding will commence when the financial agreement is formally signed by both the shelter society and the Edmonton region in our department.

MR. SPEAKER: I express my regret to hon. members who were not reached. If we sit tomorrow, perhaps there will be an opportunity to reach them then.

ORDERS OF THE DAY

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

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

[Mr. Purdy in the Chair]

MR. DEPUTY CHAIRMAN: Will the Committee of the Whole Assembly please come to order.

Bill 45 Medical Care 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. NOTLEY: Mr. Chairman, before we pass this Bill, I think my colleague indicated last night that we had several questions about it. I might just say that our view of the premium system is well known. We do not support the premium system as a fair, equitable method of financing medicare. We think Alberta should get in step with other provinces and finance medicare through a more equitably based taxation system. However, that is not the point of this Bill; the Bill is to attempt to deal with people who are in arrears. There are several questions I'd like to put to the minister. Rather than putting a whole series of questions, it might be better if I put them one at a time.

I'm sorry I wasn't able to be in the House last night, but I have read the Blues. I think the minister made some reference to doctors and health care professionals making note of a person's residence when they treat that person. I guess my question is: will the Alberta health care commission be sending to doctors and other health care professionals and institutions, the services of which are covered under the Alberta Health Care Insurance Act, directives describing the form in which people not apparently registered under the Health Insurance Premiums Act are to make a declaration of their residence? I realize we're probably getting into the sort of thing that will be covered by regulation, but I would like to know what consideration has been given. We are going to be asking health care people to do this. What form will they have to fill out?

MR. RUSSELL: Mr. Chairman, we have had indication of co-operation in this already, volunteered by the Alberta Medical Association, which is just as anxious as we are to keep coverage and accounts straight. All we really want is a person's name and address. From then on, the health care commission will attempt to go after the party if there are arrears owing or if it's necessary to try to get a declaration of intent to settle arrears.

MR. NOTLEY: Mr. Chairman, perhaps I could just follow along a bit. What do we mean by "name and address"? For example, in a rural area — suppose someone from Hines Creek, for the sake of argument, just puts down "general delivery". Is that an adequate address? Will phone numbers be required? Is someone who doesn't strictly comply with the form in making their declaration of residence deemed not to be a resident of Alberta, or a doubtful resident?

MR. RUSSELL: Mr. Chairman, if we haven't heard from anybody and if they're in arrears and are not answering their mail, we have to assume they're not here anymore. If proper procedures are being followed, the mail would be returned. If it's simply unanswered, then presumably there is some other reason the person isn't answering it.

But to answer this line of questioning, which appears to be getting fairly technical, the whole spirit and thrust of the system that is embodied in this Bill is to provide coverage to all the residents of Alberta, if you're a resident, you must have a residence. If you don't have a residence, then the Canada Health Act says that we don't have to cover you. So just tell us where you live.

MR. NOTLEY: Mr. Chairman, the minister said that last night, and that's fair enough. Since the minister has indicated that we have co-operation from the medical profession and other health care professionals, I guess I want to know what happens to Dr. Smith in X community — perhaps it may be a larger community — when somebody comes in and gives their address, as many people do: general delivery, such and such a community. Will that be considered a proper address in terms of complying with this Act?

MR. RUSSELL: I haven't addressed my mind to the matter of general delivery, Mr. Chairman. I suspect that if that's a legal mailing address, it would be taken.

MR. MARTIN: Just to follow up because of the confusion. As I mentioned, I appreciated the discussion last night. Just so I understand it, one of the current definitions — also part of the Canada Health Act and part of this new Act — is a person who is transient. I believe this definition has been included in the Act since its inception in 1969. Given the long-standing nature

of this exclusion, what working definition of "transient" does the department employ to determine whether or not a person is a transient for the purposes of the Act? Specifically, I guess there is the three months that a person has to be a resident in Alberta. Is that the definition of a transient, as the minister sees it?

MR. RUSSELL: Again, Mr. Chairman, a transient would be a person with no permanent fixed address. At this time I should offer the comment that we're dealing with a very small percentage of the population. Of the 2.3 million people in Alberta, I suspect 2.1 million of them will never be affected by this legislation. They pay their premiums and always have, and they take care to keep their cards and things up to date. Of the others left, there will probably be another portion that simply is sloppy, and those people will eventually be tracked down. Of the remainder, there will always be people who try to cheat the system, whether it's this system, an automobile insurance system, paying for overdue books at libraries, or whatever. They're a part of society.

Again, the thrust of this Act is to get your address so that we can follow you down if you owe us money, and if you are deserving of premium waiver or premium subsidy, this will be another way of delivering it. The other advantage of the plan we introduced last fall was that a lot more people are now on assistance programs. But I mean to emphasize that, because the line of questioning seems to be looking for the exception rather than the rule.

MR. MARTIN: Mr. Chairman, we're just trying to understand legislation that's being passed and who is going to be covered. I think that's perfectly acceptable in Committee of the Whole. We want to know what we're voting on. As the minister is well aware, there's been a lot of confusion over the issue. We're trying to nail it down so that we're satisfied, and I hope the minister would be glad to nail it down so that everybody understands it totally.

My question would have to do, for example — admittedly it's an exception, but the rules are there for the exceptions too. That's what we want to understand. The blue card system dealt with exceptions also, and it was a very important exception. My question to the minister comes back to what the "transient" definition means. If you talk to people in, say, the Boyle Street area in Edmonton — there are probably similar areas in Calgary — the point about address becomes difficult, because these people shift around. They could have lived in Alberta all their lives. Of course that was the group they were seeing coming in; they didn't have the blue cards. They probably were in arrears. I don't know.

Mr. Chairman, is a person covered under the Act if he has an address that's a local hotel down on 96th Street — that's where his residence is — has lived in Alberta over three [months], and gives that address to the doctor at, say, Boyle Street or wherever? What we're trying to find out is what "transient" means.

MR. RUSSELL: Yes, Mr. Chairman, there are many Albertans who live in hotels and have hotel rooms as their permanent addresses. I can't see why that wouldn't be acceptable.

MR. MARTIN: Just to follow up: as long as a person gives an address and as long as they satisfy the three-month requirement of living in the province, as the minister said last night, they are covered at that point.

Just a couple of other areas. One has to do with the area of penalties in terms of percentages of interest. If I recall, that

had to do with arrears of premiums. There would be an interest rate, but it is not specified in the Bill. Could the minister indicate why he decided not to specify the interest rate? As I understand it, it's left to the discretion of the minister. I hope there would be some reason. If we're having trouble collecting premiums from people, we'll have even more trouble collecting interest besides.

The other area I would like some clarification on has to do with (g), which says:

in clause (z) by adding "and any other person deemed by the regulations to be a resident" after "in Alberta".

That's added to the end of clause (z). I'm just curious. I'm not worried about it, but I wonder what the purpose of that particular amendment is.

MR. RUSSELL: I'll deal with the latter point first. I was curious about that clause too when I first saw it in the Act, and wondered why it was there. The advice I've been given is that, first of all, our experience has shown that in any legislation you need to describe the authority to pass a regulation. You need to have that described in the Act in a fair amount of detail. You can't just say, this shall be authority to pass regulations under this Act. So they try to cover all the situations they can by which a regulation may have to be passed. There may be people who don't meet the requirements of residency for receiving medical services but obviously should. We would deem those people to be residents, and that clause in the Act gives us the authority to write that kind of regulation.

The reason the interest thing is not mentioned is a fairly common one. It will probably float up and down according to market regulations, and we haven't put it in the Act. It would mean changing the Act every time we wanted to perhaps quickly change the interest rate.

MR. MARTIN: So there may be some situations we haven't thought about, and (g) basically covers them.

Just one final question. The one that came to my mind was in the media, and the minister referred to it. It had to do with immigrant people. As I understand it, some of them weren't covered. They were waiting for landed immigrant status and of course were on private insurance. Had the minister thought that these people, if they had some notification from the federal department that they were in fact applying and had a letter — is that the type of group that perhaps the minister could make a move on in section (g) if he was satisfied that they were applying for landed immigrant status? For the time being, they could go onto medicare.

MR. RUSSELL: That's probably not a bad example to use. I was trying to think of some experiences I have had since I've had this job. Occasionally cases are brought to the desk where you want to help the person but can't, because they don't meet the requirements. I think of a very sad case of a student here from Hong Kong with terminal cancer who required a lot of medical assistance and wasn't eligible for it. His family was back in Hong Kong and he was by himself, so we paid it. I mean, a caring government wants to do that kind of thing.

I should mention another thing about this kind of deeming people in or out. I discussed this with Madam Bégin, when she insisted she was going to put the universality thing up from 95 to 100 percent. I gave her the opinion that it's impossible for any province to meet 100 percent of the coverage. You will never cover 100 percent, because there are some people who will not join the plan. For religious or personal philosophical beliefs, they simply won't join. I'm told we have just in excess of a hundred such people in Alberta who have never joined

medicare, have never paid premiums, have always paid their own health care bills, and want nothing to do with the plan, if the Canada Health Act is strictly interpreted, we don't have 100 percent coverage. Those people are residents, but they don't belong. However, the federal minister has said that she's going to overlook that kind of situation. Conversely, we're going to overlook the other kind of situation, where there may be 50 or 100 cases a year where a person isn't a resident or isn't an insured person but we want to cover them, so we will deem them to be residents.

[Title and preamble agreed to]

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

[Motion carried]

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

MR. DEPUTY CHAIRMAN: There is an amendment to this Bill. Are there any questions or comments in relation to the amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

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

[Motion carried]

Bill 54
Chiropractic Profession Act

MR. DEPUTY CHAIRMAN: There is an amendment. Are there any questions or comments in relation to the amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill No. 54 be reported as amended.

[Motion carried]

Bill 207
Remembrance Day Act

MR. DEPUTY CHAIRMAN: Bill 207 has an amendment. Are there questions in relation to the amendment?

MR. MUSGROVE: Mr. Chairman, I didn't get into the topic of the Remembrance Day Act yesterday, so I would like to make a few comments today if I might be permitted.

First, I'd like to say that I was at the Legion rally that took place in Brooks this spring. It was a gathering of all the Legions of Alberta. I was happy to take part in their march and opening ceremonies. While I was talking during their opening ceremonies, I brought to their attention our private member's Bill that had been introduced a few days before that, which met

with a lot of applause by the Legion members from all of Alberta. The Bill we're passing today is the result of that private member's Bill. I have always been happy to take part in the Legion ceremonies on Armistice Day, and for the last two years I've been placing a wreath on behalf of the Alberta government.

Mr. Speaker, a few words about my own part in the remembrance. I was still going to school at the end of World War II. I was 17 years old at the time and just finishing school. I had one year of training in the army cadets and fully intended to become part of the armed forces at the end of that school year. As it happened, VE Day was on May 8, 1945, and then they weren't taking recruits to join the armed forces. I'd like to say a few words about my childhood. Of course I was going to school many years before the beginning of World War II. During those days we had a ceremony of two minutes' silence on November 11. We also had an awareness program to make people aware of the sacrifices that had taken place so we could have freedom. Just to prove how well that is imprinted in people's minds, I beg leave to recite a poem I learned in grade 4. It's called In Flanders Fields.

In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

Thank you very much.

[Motion on amendment carried]

[Title and preamble agreed to]

MR. THOMPSON: Mr. Chairman, on behalf of the Member for Lethbridge West, I move that the Bill be reported as amended.

[Motion carried]

head: **PRIVATE BILLS**
(Committee of the Whole)

Bill Pr. 4
Dino Alberto Knott
Adoption Termination Act

MR. DEPUTY CHAIRMAN: There is an amendment to this Bill.

[Motion on amendment carried]

[Title and preamble agreed to]

MRS. KOPER: Mr. Chairman, I move that this Bill be reported as amended.

[Motion carried]

Bill Pr. 6
Concordia Lutheran Seminary Act

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

[Title and preamble agreed to]

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

[Motion carried]

Bill Pr. 7
Newman Theological College
Amendment Act, 1984

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

[Title and preamble agreed to]

MR. STILES: Mr. Chairman, on behalf of my colleague the hon. Member for Edmonton Gold Bar, I move that the Bill be reported.

[Motion carried]

Bill Pr. 8
George Harold Sibbeston Adoption Act

MR. DEPUTY CHAIRMAN: There is an amendment to the Bill. Are there any questions or comments regarding the amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

MR. R. MOORE: Mr. Chairman, I move that Bill Pr. 8 be reported as amended.

[Motion carried]

Bill Pr. 10
Edmonton Research and Development
Park Authority Amendment Act, 1984

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

[Title and preamble agreed to]

MR. STILES: Mr. Chairman, on behalf of my colleague the hon. Member for Edmonton Gold Bar, I move that this Bill be reported.

[Motion carried]

Bill Pr. 11
Edmonton Convention Centre Authority
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. STILES: Mr. Chairman, on behalf of my colleague the hon. Member for Edmonton Gold Bar, I move that this Bill be reported.

[Motion carried]

Bill Pr. 12
Alberta Association of Municipal Districts
and Counties 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. MUSGROVE: Mr. Chairman, I move that this Bill be reported.

[Motion carried]

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

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bills 45, Pr. 6, Pr. 7, Pr. 10, Pr. 11, and Pr. 12, and reports Bills 49, 54, 207, Pr. 4, and Pr. 8 with some amendments.

MR. DEPUTY SPEAKER: You've heard the report. Are you all agreed?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: It is so ordered.

head: **PRIVATE BILLS**
(Second Reading)

Bill Pr. 1
Central Trust Company and
Crown Trust Company Act

MR. ALEXANDER: Mr. Speaker, I move second reading of Bill Pr. 1, Central Trust Company and Crown Trust Company Act.

[Motion carried; Bill Pr. 1 read a second time]

**Bill Pr. 3
Foothills Christian College Act**

MR. STILES: Mr. Speaker, on behalf of my colleague the hon. Member for Calgary North Hill, I move second reading of Bill Pr. 3, the Foothills Christian College Act.

[Motion carried; Bill Pr. 3 read a second time]

**Bill Pr. 5
Alberta Savings & Trust Company Act**

MR. ALEXANDER: Mr. Speaker, I move second reading of Bill Pr. 5, the Alberta Savings & Trust Company Act.

[Motion carried; Bill Pr. 5 read a second time]

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

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
1	Students Loan Guarantee Amendment Act, 1984	Crawford (for Loughheed)
2	Agricultural Chemicals Amendment Act, 1984	Koziak (for Bradley)
3	Emblems of Alberta Amendment Act, 1984	Hyland (for Topolnisky)
4	Municipal Land Loans Repeal Act	Paproski (for Fischer)

**Bill 5
Young Offenders Act**

MR. HIEBERT: Mr. Speaker, before I move Bill No. 5, the Young Offenders Act, I recall that the Member for Edmonton Norwood raised the question about legal aid and what criteria would apply. I'd like to respond to that at this time.

The three general criteria that would be used would be, one, financial: the individual would be assessed or looked at in terms of income and assets. In the case of young offenders, the income and assets of parents and guardians would also be reviewed. For a single person, it's less than \$8,700 per year; for a couple with two children, the criterion is less than \$12,000 per year. The second criterion would be with regard to the nature of the offence. If it was an indictable offence, legal aid could be considered. For the Young Offenders Act provincially, the municipal and provincial offences are generally not that serious; therefore it was not included in the Act, as it was for the federal Young Offenders Act. Thirdly, it would have to be a summary conviction offence. In that case, legal aid would assess the livelihood of the young offender, the relative situation with regard to pursuing an education or training, and possibly the factor of loss of freedom with regard to having transportation for employment or whatever. It would be very unlikely that this would apply for many of the offences under the provincial Young Offenders Act.

It's my understanding that if legal aid were required, the provincial offenders Act would make provision for the judge to appoint a lawyer, and the appointment would be made by the Attorney General or a delegate from the Legal Aid Society insofar as meeting that request. The judge would then make the determination as to who would pay. That's my understand-

ing of what would apply to the Young Offenders Act, and I thought I should give that information to members of the Assembly and to the Member for Edmonton Norwood.

With those brief remarks, Mr. Speaker, I move third reading of Bill No. 5, the Young Offenders Act.

[Motion carried; Bill 5 read a third time]

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
7	Attorney General Statutes Amendment Act, 1984	Crawford
8	Legislative Assembly Amendment Act, 1984	Crawford
9	Senior Citizens Housing Amendment Act, 1984	Hyland (for Alger)
10	Fur Farms Amendment Act, 1984	Hyland
11	Municipal Financing Statutes Amendment Act, 1984	Musgrove
12	Co-operative Marketing Associations and Rural Utilities Guarantee Amendment Act, 1984	Cripps (for Bogle)
13	Planning Amendment Act, 1984	Koziak
14	Pipeline Amendment Act, 1984	Thompson
15	Agricultural Pests Act	Cripps
16	Stray Animals Amendment Act, 1984	Cook (for Batiuk)
17	Cancer Programs Amendment Act, 1984	Woo
18	Department of Energy and Natural Resources Amendment Act, 1984	Pahl (for Sparrow)
19	Fuel Oil Administration Amendment Act, 1984	Drobot
20	Universities Amendment Act, 1984	Isley (for Johnston)
21	Insurance Amendment Act, 1984	Crawford (for Osterman)
23	Hospitals and Medical Care Statutes Amendment Act, 1984	Pahl (for Russell)

**Bill 24
Employment Standards Amendment Act, 1984**

MR. PAPROSKI: Mr. Speaker, I'm pleased to move third reading of Bill No. 24, the Employment Standards Amendment Act, 1984.

MR. YOUNG: Mr. Speaker, I'd like to take a moment to respond, in the first instance, to an observation or suggestion made by the hon. Member for Edmonton Norwood when he was addressing this matter at second reading, and also to put this Bill in context in terms of what it's doing to the assistance the government tries to provide to individual employees in relation to employers. I should indicate here that the philosophy behind the staff in the employment standards branch is that employees are less able to fend for themselves in relationship to employers because of the difference in economic circumstances. Therefore over time the government has put in place a staff, which now numbers almost 90 persons, to assist employees in certain circumstances to collect their wages and other benefits they believe are due and owing to them.

To begin with, there may always be differences of view as to whether the amounts in question, complained of by employees, are in fact legitimate, substantiated claims. That's one problem we have. The other situation is that we have a small number of employers who seem inclined not to pay employees. Unfortunately, they're the ones who give employers a bad name. It's possible that they don't pay anyone else when they don't have to, and that creates a problem.

I should indicate to hon. members that the number of claims has been increasing steadily. In the year 1982-83, 11,837 claims were dealt with. In dealing with the claims, we always do an investigation to try to satisfy ourselves as to the appropriateness of the claim advanced by the employee. That means evaluating the evidence submitted by the employee and the employer and also reviewing the matter with the employer. The situation is that if an agreement cannot be reached, an officer can issue an order. At that point the employer has an opportunity to appeal the order, and that is where Bill 24 is of considerable significance.

Since we moved to this system of appeals a couple of years back, we have found that many employers who were in this situation were appealing the orders of officer but failing to show up at the point of appeal. They didn't bother going to the hearing. The result is that over 80 percent of the appeals that were launched were resolved in favour of the employee. But in the process of doing the appeal, of course it's a long run of time during which the employee is without his salary. In the meantime, the employer has the money or, if in dire financial circumstances, may well be legally bankrupt and without assets, in which case the employee never does get paid.

When we examined what was happening to our system, we noted that we had proportionately more than three times as many claims going to appeal as was the situation in Ontario or British Columbia, meaning that we had a very much higher ratio of appeals to orders than in the other two provinces. We examined all provinces, but I mentioned those two just out of interest. Those two provinces require 10 percent of the value of the appeal up front before an appeal can be accepted. In those instances, in the event that the appeal is not upheld — in other words, the appeal body finds in favour of the employee — that 10 percent goes to general revenue. So it becomes, if you will, a cost in it, and the employer has to pay not only the value of the original claim but 10 percent more, which goes to general revenue.

[Mr. Speaker in the Chair]

Our approach was to try to implement a change in a different manner. As members realize, the amendments introduced yesterday reduce the minimum amount of claim, and the maximum for that matter, to \$300 per claimant who goes to appeal. So under our system, an employer would have to put up \$300 or the value of the claim if that were less than \$300. We do not think that's a significant deterrent to an employer. We do think it will have the effect of minimizing the amount of what I will characterize as frivolous or unsubstantiated appeals. That's pretty important. As I mentioned earlier, we have upwards of a hundred people involved in this process. I'm reluctant to say it, but our salary and wage costs to the government are in the same order as the value of the wages received, which are then passed on to employees. So it's a very costly process in terms of what we're able to retrieve for employees.

We believe the end result of these changes will be that we will have a substantial reduction. We expect it will reduce the number of appeals by upwards of two-thirds, perhaps even more. Additionally the \$300, or value of the claim if that is

less, means we will have in hand the money necessary to pay the smaller claims. On the last check we did of the kinds of claims we receive, they amounted to 26 percent of the number of claims made to employment standards officers. That means we're in an immediate position to pay out the money if in fact there is an appeal and the appeal is lost. Mr. Speaker, I thought it useful to indicate this background, and I think it responds to some of the points raised by the hon. Member for Edmonton Norwood.

While I'm on my feet, the only other point I will make is that there has been a rewriting of sections 100 and 101 of the statute. A considerable amount of legal talent was involved in the rewrite. We think we now have a section of the statute which, although it deals with the very complex area of priority of claims by creditors, is as clear as it can be. That should also reduce legal costs for a number of parties who try to interpret it in different ways and reduce the time of the bench as well. On more than one occasion, the judiciary has expressed concern about confusion as they read that particular statute in the past. In revising it, we have gone as far as we can in advancing the priority of wage claims without interfering with the Torrens system of priorities under the land registration system.

MR. SPEAKER: Are you ready for the question?

[Motion carried; Bill 24 read a third time]

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
25	Public Health Act	Pengelly (for Koper)
26	Veterinary Profession Act	Jonson
30	Queen's Counsel Amendment Act, 1984	Crawford
31	Financial Administration Amendment Act, 1984	Crawford (for Hyndman)
32	Government Land Purchases Amendment Act, 1984	Crawford (for Hyndman)
33	Alberta Heritage Savings Trust Fund Amendment Act, 1984	Crawford (for Hyndman)
34	Corporation Statutes Amendment Act, 1984	Crawford (for Osterman)

Bill 35 Child Welfare Act

MR. YOUNG: Mr. Speaker, on behalf of my colleague the Hon. Dr. Webber, I move third reading of Bill 35, the Child Welfare Act.

MR. McPHERSON: Mr. Speaker, may I seize this opportunity in third reading to offer some comments towards third reading of Bill 35. I do so for two reasons. The first one is that Bill 35 clearly represents one of the more important Bills that the Legislative Assembly will consider this year. Secondly, and honestly, I had intended to offer some remarks in second reading debate of Bill 35 and was not able to take that opportunity.

With your indulgence, Mr. Speaker, I would choose to offer some observations on this most important Bill, a Bill that perhaps would be unnecessary if we were in an idyllic world. One might make the observation that if all individuals were totally responsible for the activities of their children and the important protections of the activities of their children. Bill 35 could be thrown in file 13. But that's not the case, and of course we're

in a society where we as the representatives of our constituencies and as a government are charged to ensure that children are fully protected from abuse, neglect, and emotional abuse.

Mr. Speaker, the whole thrust behind Bill 35 is to protect the children of this province who in fact need protection. It has been a delicate balancing act between protecting children and their interests and recognizing that the family is the basic unit of society. Indeed it is the essence of our society, and the family in our society should be supported and preserved, indeed encouraged. Mr. Speaker, I submit that that balancing act has been accomplished by an innovative piece of legislation that in the main is unique in all of Canada. Why so? One reason is that Bill 35 provides within it a statement of principles that are unique from any other jurisdiction in the country. It weaves a golden thread between preserving the integrity and privacy of families and ensuring that the security of the children remains paramount.

Mr. Speaker, these principles are outlined in the Bill under section 2, entitled "Matters to be considered". For the record, I think it's worthy to enumerate just what the Bill does in recognition of the support of family:

2 In exercising any authority or making any decision pursuant to this Act, a court and all persons shall consider the following:

(a) the family is the basic unit of society and its well-being should be supported and preserved ...

Interestingly enough, subsection (b), which is enumerated in this Act directly behind the support of the family, found itself down towards the bottom of the list under the former Bill 105. Through consultation with the Minister of Social Services and Community Health and a variety of people throughout the province, it now finds itself right here. It states that:

(b) the interests of a child should be recognized and protected;

(c) the family has the right to the least invasion of its privacy and interference with its freedom that is compatible with its own interest, the interest of the individual family members and society.

Mr. Speaker, in this regard Bill 35 strongly upholds the principle of the family as the centre of our society and that the state should only intervene in this most sacred institution where the protection of a child is clearly deemed to be necessary. Interspersed throughout Bill 35, one finds directions that the judiciary and social care professionals must consider the integrity of the family in their considerations. But certainly the intent of the Child Welfare Act is to provide specific standards for the care and welfare of children in need in our province. Instead of providing nebulous wording such as "neglect", which gives a government worker far-reaching powers to intervene in a family, the Bill prescribes special conditions under which a child is considered in need of protection. Section 2, which I just talked about, enumerates those conditions and will offer firm guidelines to social workers in discharging their difficult responsibilities.

I would be remiss if I didn't take the opportunity while I'm on my feet, Mr. Speaker, to heartily commend and congratulate the countless social workers in the province who work so diligently in their pursuit of ensuring that children in this province who are in need are in good care. I don't think it can be said enough that they do a very, very commendable job.

Mr. Speaker, hon. members are aware of the Cavanagh Board of Review on the child welfare system. Many of the 60 recommendations that the Cavanagh board incorporated in the report do in fact find themselves before us today in Bill 35. In the concluding remarks of the report, Cavanagh explained that his recommendations were not extracted and set aside individ-

ually at the end of the report because of their belief that they should be considered in the context of the discussion. However, there are some highlights towards the end of the report.

Through some recommendations, they offer changes in the grounds for apprehending children. They expect a marked reduction in the number of children taken into care and express the wish in their report "that this will release funds and workers for preventive social work". In the body of the report, Cavanagh goes on to say that "... in apprehending and detaining a child pending disposition is to do good". They go on:

That leads to the assumption that because the intention is good the action taken must be good. Such is not always the case. Sometimes the remedy is worse than the affliction. We do not say that that is always the case, but the manner of applying the remedy can have harmful side effects that are often unnecessary.

Mr. Speaker, the focus on the use of voluntary measures to provide protective services, and at the same time continue parental involvement wherever possible, addresses to a great measure the concerns raised by the Cavanagh Board of Review.

One area I believe is most responsive to basic family rights and child protective services is in this whole area of apprehension. Mr. Speaker, part 3 of the Bill deals with court orders and apprehensions under the new Act. The state must make an application to the court for an apprehension order if a social worker has grounds to believe that a child is in need of protective services. Let us bear in mind that we now have a clear definition of a child in need of protective services, and it's clearly articulated in Bill 35. The judge will now consider the evidence and give authorization for apprehension. Of course, as would be necessary, there must be exceptions to this where immediate action must be undertaken in such cases where a child is abandoned, has run away, or if his life is in imminent danger. So we see a process where the apprehension of a child must be authorized by a court.

In the case where an apprehension has occurred, the child must be retained within 48 hours, and the child director must apply to the court for a supervision custody order or a temporary guardianship order. The Act goes on to ensure that the court must hear this application within 10 days, and that this in fact could be shortened if the guardian serves notice to the department. So we are now not faced with long periods of time before decisions are made. Mr. Speaker, this process of restricting the authority to apprehend a child from his family without a warrant, except in those emergency situations I touched on, upholds again the principle that the family is the basic unit in society, while at the same time protecting our children.

Mr. Speaker, one of the areas where I've had a number of constituency concerns raised to me, really over the past little more than a year, is in this whole area of the protection registry. I must confess to having had some concerns in this whole area, because I think it can open up the potential for malicious reporting by a neighbour. Certainly government must be ever careful that all reports are considered most seriously. I can't help but note that section 5 of part 1 does provide that all reports are investigated unless the child director, obviously in consultation with the worker, is satisfied that the report was made maliciously, there is no reasonable or probable grounds for the report, and a variety of other things. In other words, the Bill provides for the discretion to assess the reports to determine if an investigation is unwarranted, to prevent unnecessary intervention.

In reviewing the Bill, I see absolutely no reference to the protection registry. So while I've had some concerns over the protection registry in the past — particularly if it does not fully describe the outcome of an investigation, it raises the possibility

of unintentional intervention — I'm pleased to see that the whole aspect of the protection registry does not find itself in the new Bill. However, Mr. Speaker, I recognize that the objective of the protection registry is to provide prompt access of accurate data for the protection of the child, and I believe this can continue to happen through means other than the protection registry. Perhaps the most significant information, including all aspects of a case, could be provided to crisis workers in their various units to ensure that no social worker reacts unduly, simply on the basis of a name on a list that had been investigated in the past. So I commend the government with respect to their initiatives in this regard.

Mr. Speaker, I mentioned earlier that it's my pleasure to have the opportunity to make some observations on this very, very important Bill. Over the course of first and second reading as well as in Committee of the Whole, the Minister of Social Services and Community Health and other members have participated at some length as to the overall direction of this important legislation. I would like to conclude by expressing my enthusiasm for this innovative legislation for the welfare of our most important and valuable resource in this province, our children, the preventative measures this Act affords, and the principle of celebrating the family as the basic unit of society while protecting the welfare of our children.

Mr. Speaker, I'm pleased to make those few remarks and recommend that all members support third reading.

[Motion carried; Bill 35 read a third time]

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
	Amendment Act, 1984	(for Hyndman)
43	Alberta Income Tax Amendment Act, 1984	Crawford (for Hyndman)
44	Appropriation Act, 1984	Crawford (for Hyndman)
46	Engineering, Geological and Geophysical Professions Amendment Act, 1984	Chambers
47	Alberta Art Foundation Amendment Act, 1984	McPherson
48	Cultural Foundations Amendment Act, 1984	Cook (for Carter)
50	Law of Property Amendment Act, 1984	Crawford
51	Small Business Equity Corporations Act	Young (for Adair)
52	Real Estate Agents' Licensing Amendment Act, 1984	Crawford (for Osterman)
53	Rural Electrification Statutes Amendment Act, 1984	Kowalski (for Bogle)

MR. CRAWFORD: Mr. Speaker, before calling it 5:30, I just want to address the business for tomorrow. The hon. Member for Edmonton Norwood is in his place and would know that I've discussed with the Leader of the Opposition the possibility of getting unanimous consent for proceeding with government business on Orders of the Day tomorrow afternoon rather than waiting until the evening. I haven't had the same discussion yet with the two Independent members, but I'll try to do so in the meantime. Subject to that, we would be meeting tomorrow afternoon, and I think the schedule would not be a particularly demanding one. The House doesn't need me to indicate what's left, in the sense of three private Bills being in committee and everything else on the Order Paper being for third reading. There would be consideration tomorrow of motions 11, 13, and 14. Those will be on the Order Paper tomorrow. They're on today's Votes and Proceedings.

I move we call it 5:30.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

[At 4:54 p.m., pursuant to Standing Order 4, the House adjourned to Thursday at 2:30 p.m.]

