

**LEGISLATIVE ASSEMBLY OF ALBERTA**

Title: **Wednesday, May 29, 1985 2:30 p.m.**

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

**PRAYERS**

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF BILLS****Bill 79****Employment Pension Plans Act**

MR. YOUNG: Mr. Speaker, I request leave to introduce Bill 79, the Employment Pension Plans Act.

Bill 79 contains a number of principles, Mr. Speaker. The first is that both full-time and part-time employees will be eligible to join an available pension plan maintained for their class of employment if they have completed two years of service and have met a minimum earnings test.

The second, Mr. Speaker, is the provision for vesting and locking in of pensions after five years of service so that individuals who terminate membership in the plan after five years of service will not forfeit their entitlement to the pension accrued under the plan.

Third, it assures portability of pensions. Employees who terminate membership in a plan will be permitted to transfer the value of their accrued pension to a locked-in registered retirement savings plan or to the pension plan of their new employer, if that plan allows.

Fourth, a pension payable to a married member must include a joint survivor option which will provide a pension of at least 60 percent to the surviving spouse. Under certain circumstances the members and spouses will be able to waive that requirement. The statute also provides for post- and pre-retirement pensions for surviving spouses equal to 60 percent of the pension accrued to the member.

Fifth, pension plans will be required to credit a reasonable rate of interest on employee contributions, and sixth, employers will be required to pay at least 50 percent of the employees' accrued pension.

Mr. Speaker, it is not intended to pass the Bill at this session of the Legislature. Rather, this introduction will provide for a form of final consultation. That will be helpful in our efforts to standardize the wording with other statutes proposed by other provinces. However, it is intended to introduce and pass a revised Bill in 1986 which will take effect January 1, 1987. This Bill will replace the existing Pension Benefits Act.

The joint survivor option, Mr. Speaker, the post- and pre-retirement provisions, and the provision for part-time employees to join a pension plan will be of special significance to female employees and female spouses.

[Leave granted; Bill 79 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. BRADLEY: Mr. Speaker, I'd like to table the response to Motion for a Return 140 with the Assembly. I'd also like to file with the Legislature Library copies of a sampling program at the Nisku Industrial Park.

MR. SPARROW: Mr. Speaker, as required by section 83(2) of the Surveys Act, I wish to file with the Legislative Assembly copies of orders and regulations which have been enacted since January 1, '84.

head: **INTRODUCTION OF SPECIAL GUESTS**

MRS. EMBURY: Mr. Speaker, on behalf of my seatmate the hon. Member for Sherwood Park, who is representing Alberta in China this week, as the class is probably aware, I have the privilege of introducing 17 grade 9 students from the Strathcona Christian Academy. They're accompanied by their teacher, Mrs. Lois Westerlund, and parents Mrs. Odishaw, Mrs. Tomkinson, and Mr. Colley. They are seated in the public gallery. I'd like them to rise and receive the warm welcome of the Assembly.

MR. APPLEBY: Mr. Speaker, it's my pleasure and privilege this afternoon to introduce to you and to the other members of the Assembly a group of junior high students from the Fawcett school in the Athabasca constituency. The western boundary of the Athabasca constituency is partly the Pembina River, and a number of these students are from across the river, which is in the Barrhead constituency. So I also welcome them on behalf of the hon. Member for Barrhead, Mr. Ken Kowalski. The group is accompanied this afternoon by two teachers, Dennis Koch and Jim Laughy, and staff member Cheryl Kalie. They're in the members' gallery, and I ask them to stand and be welcomed by the Assembly.

MR. SPARROW: Mr. Speaker, it's my pleasure today to introduce to you, and through you to the Members of the Legislative Assembly, 22 grade 6 students from the Riverview school in Devon, Alberta. They are accompanied by their teachers, Mrs. Margaret Nichols and Mrs. Catherine Nicol, and by parents Mrs. Combs, Mrs. Freeborn, and Mrs. Iverson. They are seated in the members' gallery. I wish they would rise and receive the warm welcome of the House.

MR. PAPROSKI: Mr. Speaker, I too am pleased to introduce to you, and through you to all members in this Assembly, 17 super, interesting, intelligent students attending grades 6 to 8 classes at a unique Christian school in the constituency of Edmonton Kingsway called the Covenant Community Training Centre. They are seated in the public gallery and are accompanied by their teacher Miss Janet Bown and their group supervisor Mr. Jim Maurais. I ask them to please rise and receive a warm welcome from all members in the Assembly.

MRS. FYFE: Mr. Speaker, I would like to introduce 30 grade 6 students from the Leo Nickerson school in the St. Albert constituency. They are accompanied by their teacher, Mr. Mentz. I ask them to stand and be recognized by the Assembly.

head: **MINISTERIAL STATEMENTS****Department of the Environment**

MR. BRADLEY: Mr. Speaker, I am pleased to announce another important step in the implementation of the Alberta special waste management system. Today the province of Alberta has signed an agreement with the Kinetic Ecological

Resource Group (1982) Ltd. to immediately end their Alberta business operations of storing special wastes.

The province will assume the responsibility for the ultimate treatment and disposal and for the continued safe storage of the waste at the Kinetic Nisku facilities upon receipt of final closing documents expected May 31. The Department of the Environment will be contracting with the Alberta Special Waste Management Corporation to discharge this responsibility and to assume the Nisku facility leases.

Kinetic has agreed to post a cash deposit of \$2 million with the province of Alberta, which is equal to the estimated cost of the ultimate treatment and disposal of these wastes. As of April 26, 1985, no further shipments of special waste from outside Alberta have been accepted at the Nisku facility.

I've instructed the Alberta Special Waste Management Corporation to operate the Nisku facilities under 24-hour supervision and, to the extent of their capacity, to continue to accept for storage waste from Alberta generators, where no other storage alternatives exist. The Alberta Special Waste Management Corporation is now working on a plan to implement this and will be providing additional information to generators as soon as possible.

Since last October, the Alberta Special Waste Management Corporation has been negotiating with Kinetic its continuing role within the Alberta system. Basically, the continuing role for Kinetic within the Alberta system would have been limited to the storage of special waste. Kinetic advised us that this was not a viable business opportunity for them and that they therefore would prefer to be out of the business altogether.

Recognizing that this represents a substantial change in the scope of Kinetic's business, recognizing that Kinetic has on previous occasions applied to develop treatment and disposal facilities within the province of Alberta, which applications have been refused within the framework of government policy, and recognizing Alberta's commitment to a single, integrated facility located near Swan Hills, Alberta, the province has agreed to compensate the Kinetic Ecological Resource Group (1982) Ltd. in the amount of \$1,875,000 for the loss of business opportunity, for some costs incurred to date in the preparation and submission of applications, and other associated costs as a result of the denial of their application.

Mr. Speaker, the province of Alberta has also agreed to acquire for \$454,500 certain assets of Kinetic necessary for the continued safe and secure storage of the wastes. The province has also agreed to offset the cost, up to \$70,000, of the termination of some of Kinetic's employees no longer required as a result of this change in their business operation.

This agreement with the Kinetic Ecological Resource Group (1982) Ltd., Mr. Speaker, is also consistent with recommendations contained in the Environment Council of Alberta report made in 1981. In their report they stated that when a method for treatment and disposal is approved, the disposal of the PCBs acquired by Kinetic should be arranged between the Crown and Kinetic. The Crown should offer to acquire the Kinetic storage facilities with appropriate compensation. The execution of this agreement is consistent with the Alberta government policy of protecting small business and, at the same time, implementing to the maximum extent possible the Alberta system through the private sector.

Mr. Speaker, today I filed Motion for a Return 140, the results of sampling by the department in the vicinity of the Kinetic and D & D facility at Nisku. Of 41 samples

taken, three samples at the Kinetic site exceeded the department's cleanup regulations of 50 parts per million for polychlorinated biphenyls. The company was requested by the department to clean up these three small areas, and I have been advised that Kinetic has completed the cleanup of these areas.

As part of this agreement, Kinetic is financially responsible to ensure that the site and facilities are received by the department in a condition which meets the federal guidelines for the safe storage of special wastes.

With the agreement now in place, Mr. Speaker, the Alberta Special Waste Management Corporation will concentrate its efforts on the planning for and the implementation of the comprehensive Alberta special waste management system with an integrated treatment facility located near Swan Hills. We anticipate that we will be able to start to receive some wastes from Alberta waste generators at the Swan Hills facility by late this fall. Evaluation of treatment alternatives for organic material, including PCB, is now under way. It is anticipated that some treatment capability will exist in the spring of 1986 for organic material, including some of the PCB material now in storage. By 1988 treatment processes should be in place to dispose of all waste streams, including organic and inorganic materials which are produced in Alberta.

The Swan Hills facility is being sized to handle Alberta-generated waste only, consistent with proven available economic technology. If surplus treatment capacity exists once the plant is operating, treatment of wastes originating outside Alberta may be considered only under special circumstances based on a need and a specific request from another province under a policy to be developed by the Alberta government which will require an authorization by the Alberta Special Waste Management Corporation.

Mr. Speaker, I would once again like to emphasize that Alberta is leading Canada in the planning for and implementation of an integrated special waste treatment system. With this announcement the development of the Alberta special waste management system has taken a significant step forward to ensure the proper disposal of special wastes to protect the environment and the people of Alberta. [some applause]

MR. MARTIN: I'm not sure that hon. members will want to pound over this announcement, Mr. Speaker. It seems to me we're near the end of a comedy of errors. I would remind this Assembly that my late colleague and I raised this particular issue two years ago in the spring session. At that time it was very clear that Kinetic had severe financial problems. We raised it then; we raised it earlier this spring. We would have saved Alberta taxpayers a lot of money and a lot of concern dealing with PCBs and other hazardous wastes if we'd moved when we should have. At that time we said that we'd be picking up the results of Kinetic's not being able to do the job and, specifically two years later, here we are: precisely what we talked about at that particular time. I ask the minister: knowing all this for two years, why in any name of sanity were we accepting out-of-province wastes during all this time, when we knew that this particular activity was going on?

I notice, Mr. Speaker, that it says in the ministerial statement that "Kinetic has agreed to post a cash deposit of \$2 million." It sounds all very well and dandy. We wondered how they were going to do it, but then a little later on we see that they're getting \$1,875,000 back for the loss of business opportunity. That's really something

else. Loss of business opportunity! What business opportunities, when they're already going bankrupt? It seems to be a neat way for us to cover. I notice that we're paying \$454,500 for their assets — I wonder what that is — and another \$70,000 for termination. So they're getting back almost \$2,399,500, and they have to put up a cash deposit of \$2 million. The minister has driven a shrewd, hard bargain with them, Mr. Speaker.

My point is that at this juncture I'm not sure there was much else the minister could do. But I really say that this minister and this government have to be taken to task for the way they've handled this. I think it's an outrageous proposal, when we mentioned this two years ago and we're now picking up the pieces. This is really free enterprise, Conservative style, Mr. Speaker.

DR. BUCK: Mr. Speaker, on behalf of myself and my colleague, I would like to be just a little more positive than the hon. Leader of the Opposition. The problem has been around longer than the two years the hon. Leader of the Opposition has mentioned. I would like to say to the minister at this time that I think we have to pay a little bit of tribute to the Kinetic special waste management group, because they brought the problem to the attention of the public long before the government seemed to get involved. I think we should make the facts clear on that.

Kinetic were concerned about what was happening to hazardous wastes in this province. I sat in on many meetings in Fort Saskatchewan where the people of that community were concerned about the disposal of hazardous wastes. Kinetic Contaminants brought the issue to the minds and the eyes of the people and the government of this province. I have some concern about some of the payouts, but I think the government had no choice except to take that tack.

In conclusion, Mr. Speaker, I would like to say that it does point out what the parliamentary and democratic processes are all about. It is our responsibility as members of the opposition to bring matters of public concern to the attention of the government. It is our responsibility to provide alternatives. I think that the government has moved, and I'm pleased to see them do that.

#### head: ORAL QUESTION PERIOD

##### Social Allowance

MR. MARTIN: Mr. Speaker, in the absence of some ministers, I'll direct the first question to the Minister of Social Services and Community Health. It flows to his department from a statement made by the Minister of Manpower that economic recovery in Alberta started two years ago. That's on page 1058 in *Hansard*. My question to the minister of social services: how is it that we now have 6,000 more people on social assistance in this province than we had a year ago, if the recovery stage started two years ago?

MR. SPEAKER: I have a little difficulty. This is just outright debate. It's not seeking information. If the answer were to be given in what might be perceived to be the way that you would expect, we could be here for the next half hour listening to a speech by the hon. minister. I can't see this question. The hon. Leader of the Opposition can shake his head as much as he wants, either way and up

and down, but I have to say that I can't see this as a serious seeking for facts.

MR. MARTIN: Mr. Speaker, on a point of order. [interjection] Yes, it is a point of order. It's not for you to determine, hon. minister.

There has been a recent increase of 6,000 more people on social assistance, and my question to the minister was why. I do not see anything wrong with that as a question.

MR. SPEAKER: If there are facts not publicly known that the minister has, in the course of his official duties, which bear on that subject, I have to leave it to the hon. minister whether the question can be answered in that way.

DR. WEBBER: Mr. Speaker, when we went through our estimates, the hon. Leader of the Opposition had ample opportunity to ask a number of questions about why we had caseloads the way they were. However, I noted his absence throughout most of that debate in our estimates, and today he seems exercised with renewed interest.

Certainly, there has been an increase in the social allowance caseload in the last year, as was expected. As I indicated whenever the topic came up, the social allowance caseload as of April 1985 was 52,000 cases, compared to 46,000 cases in April 1984. That's not counting the social allowance recipients who were on for less than one month at a time, and that would add another 5,000 to 6,000 cases. So the increase is primarily in the area of employables, those people who have skills and are on social allowance now.

There are a number of speculations as to why the increase has been the way it is. One real reason is the length of time recipients are on social allowance. That has been lengthening as time goes on. There's not the turnover there had been previously, in spite of the fact that approximately 80 percent of social allowance recipients are off social allowance eight months later. In other words, if they come on social allowance in a given month, eight months later there's an 80 percent chance that they're off. However, more social allowance recipients are staying on for a longer time.

Also, the unemployment insurance benefits for a number of people are coming to an end. I indicated just a week ago in the House that traditionally 5 percent of the unemployment insurance people who come off those benefits end up on social allowance. I suspect there may be more than 5 percent now, and we're looking the situation over to see whether or not that, in fact, is happening.

Mr. Speaker, we could look at a number of possibilities as to why we have the increase. The traditional comparisons between those on social allowance and the unemployment rate — it tracks right along. In fact, there is a very high positive correlation between the unemployment rate and the numbers of people who are on social allowance. However, there's always a lag, and when we see the unemployment rate starting to come down, we wouldn't expect to see the social allowance rate change for a period of time thereafter. And when we have an economic recovery taking place, the last place you'll find the signs of recovery will be those on social allowance. They are always the last coming back into the work force. So what we see here is not a surprise and does not negate whatsoever the fact that there is economic recovery in this province.

MR. MARTIN: A supplementary question. The minister may say it all he likes; that doesn't make it true. Let's go

on specifically. He can be a smart aleck about his estimates. He knows I was there more than he was during estimates. [interjections] A little nervous and excited today are they, Mr. Speaker?

When I get through with the backbenchers, my question to the minister flows from the other minister's comments that he had little evidence to suggest much hidden unemployment in the Alberta labour force. Has the minister undertaken a study to determine if the decline in the numbers in the work force, specifically in Edmonton and Calgary last month, is related to what is known as discouraged workers or the hidden unemployed? I'm talking about those who have dropped out of the labour force because they see no chance of job opportunities there.

DR. WEBBER: Mr. Speaker, we do an ongoing assessment in the department to try to determine the reasons the social allowance caseload behaves as it does, whether it goes up or comes down. One would expect there would be a period after we see the trends occurring that we'd be able to get an analysis of the reasons, and so we certainly are looking at the possible reasons for the increase in the past year, and I've given a number of them. However, it's our expectation, given the studies we have done, that there will be a lag between the time when social allowance caseloads will start to decline after the unemployment rate comes down a bit. I expect we will not see a significant change in the total social allowance caseload in the months ahead. Once again, as I have said, it has absolutely nothing to do with economic recovery.

MR. MARTIN: Mr. Speaker, I guess these people are just cannon fodder, then. That seems to be the attitude. I want to ask the minister specifically, because I can't tell from his answer: could he confirm that his department has no study at this particular time which would indicate the relationship between the unemployment rate in Alberta and the request for social allowances from his department?

DR. WEBBER: Mr. Speaker, the hon. Leader of the Opposition doesn't listen very closely. I indicated just a few minutes ago that there was a high positive correlation between the unemployment rate and the numbers of people who are on social allowance. In fact, I think the  $r^2$  value is equal to about .8 or something like that. However, I would have to check that out to see for sure.

The hon. leader indicated he was wondering if there was a study. We're always monitoring the situation, so I can't say that as of yesterday I initiated a study. I get assessments from the department on an ongoing basis on a number of topics, and this is one of them. In respect to our assessments, Mr. Speaker, we carried out a number of them prior to the new year, specifically to see whether or not social allowance benefits needed to be increased in this province, and the hon. Leader of the Opposition will remember that on December 20 we increased benefits to recipients, particularly for children and larger families, for food and for clothing so that today the benefits are the highest of any province in this country. In terms of trying to provide services to our unemployed, we are doing that. We will continue to assess and monitor the situation to see whether or not there is a need to do anything further down the road.

A few minutes ago I mentioned that the employables were the highest category in terms of those who were coming onto our caseloads. The UIC area was one reason

for that and the length of time people are on social allowance. There may be other reasons, but we are assessing this on an ongoing basis.

MR. MARTIN: Mr. Speaker, just to follow up. I think it was  $r^2 = .8$ . I suggest that maybe that's the government's economic policy, their analysis.

Since there's a growing percentage of single employables that are now coming on, the 6,000, it seems to me that would indicate that these people are the discouraged workers we're talking about. My question simply to the minister: would he give us a rough ballpark figure? Is it 75 percent, 80 percent, or 50 percent, or is some of that families? I'm trying to get a little clearer in my mind basically who that increase of 6,000 was.

DR. WEBBER: I'm having difficulty following the hon. leader, Mr. Speaker. Maybe he could elaborate as to where that 6,000 figure is.

MR. MARTIN: Mr. Speaker, do I have to do all the work for the minister? There was an increase of 6,000 people. We already talked about it. Of the new people that have gone on welfare in the last year, I want to know roughly what percentage was single employables as compared to families.

DR. WEBBER: Mr. Speaker, I thought the hon. leader had indicated something about single employables and an increase of 6,000. We don't keep in our statistics of employables a record as to whether they're single or otherwise, as I recall. The categories are: employables, mentally handicapped, mentally ill, physically ill, single parents, those over age 60, another catchall category "unsuited for employment", and then there is a transient group.

The largest increases have occurred in the employables, as I indicated already. The employables make up approximately 40 percent of the total caseload. That is an increase over the past. The other category that for the last number of years has been a significant part of the social allowance caseload has been the single parent, and that is around the 38, 40 percent level as well. However, because of the increases in the employable category, there have been percentage decreases in some of the other categories, but numberwise there have been increases in all those categories, as we would expect.

MR. MARTIN: A supplementary question to the minister. He says the most rapid increase has been with the employables. Then it's back to what we're talking about, that discouraged workers are going off UIC. Because this is a relatively new phenomenon in the province, what special measures is the government looking at to alleviate this particular problem? I recognize it goes into unemployment, but what specific things is his department doing?

DR. WEBBER: Mr. Speaker, the hon. Leader of the Opposition's memory is very short. In the estimates I spent a great deal of time talking about some initiatives that we were looking at in our department to try to get back into the work force social allowance recipients who have been on social allowance for a considerable time, because, as the hon. leader and all members know, the longer people are on social allowance the more difficult it is for them to get back into the work force and the more discouraged they are to try to get back into the work force.

So we are starting, just as quickly as we can — I hope within a month or two — a trial project in Edmonton, Calgary, and possibly Red Deer, where we will be looking at these longer term employables, providing them with an incentive to get back into the work force with a program based on a model I observed in British Columbia a number of months ago. It's a program where social allowance recipients would be motivated to look for work, motivated to sell themselves in terms of the skills they have to offer. The instructors in the particular program would show these recipients how to fill out resumés, how to apply for jobs, and how to dress for appointments. They would then go through mock sessions whereby they would be on the telephone talking to a potential employer. Once an appointment had been arranged, they would go out.

There has been tremendous success in this particular program. In British Columbia approximately 70 percent of people who come into the program find work within three weeks. So there are significant savings for the public in this particular program through getting them off social allowance in a short period of time, namely three weeks. I'm looking forward to getting this program started, and I think that over the next year we'll see some significant benefits from that.

MR. SPEAKER: We've now spent well over a third of the question period on one question and supplementaries. Might this be the last supplementary on this.

MR. MARTIN: Yes, Mr. Speaker. To follow up, they would have to have jobs to go to. My question deals with the frustration of people with the minister and his department. The Prisoners of Welfare: Survival Handbook is about how to deal with the system and is given as a guide to people on social assistance. My question to the minister is: would the minister indicate if his department expects to publish a similar manual to help meet the needs of growing numbers of Albertans who require social allowance?

DR. WEBBER: Mr. Speaker, we have a number of publications in the department that we provide to those who are in need. I have seen the document the hon. Leader of the Opposition is referring to, and I think there is some excellent information in that document. I believe it was a Calgary group that put it out. However, there are some factual errors that the Calgary regional people are correcting with the people involved in that. In the Edmonton region we've made the commitment that we would provide information to the people who are going to the food banks — and we've talked about that before — in terms of making them aware of the benefits available through social allowance and where to go in order to get social allowance. So I don't think we're lacking in information as to what social allowance benefits there are and where people in need can go to get those benefits.

MR. PAPROSKI: A supplementary to the minister dealing with his comments pertaining to the new programs regarding employables. Mr. Speaker, has the minister communicated and is he working conjointly with the Minister of Manpower to develop these new programs, and could the minister be specific as to when these programs might begin in this province?

DR. WEBBER: Yes, Mr. Speaker, certainly the Minister of Manpower and I have had discussions relative to the

program I described a few minutes ago. We had notices in the daily and weekly newspapers of this province about a month ago, asking interested parties to submit proposals to us. We've received those proposals and interviews are now taking place with regard to those who would be carrying out this particular program.

I might add that all these proposals are coming from the private sector. One interesting aspect of the program in British Columbia was that they had a combined private-sector approach as well as a government approach, where government employees were operating the program separately from the program run by the private sector. Their experience has shown that the private-sector group operates much more efficiently than what has occurred on the government side. So it's our intention to do the trial involving the private sector in the upcoming months. I would hope that within two months we would have the trial in operation.

#### **Soviet Politburo Member's Visit**

MR. MARTIN: Mr. Speaker, in the absence of the Premier and the Minister of Intergovernmental Affairs, I would like to direct the second question to the Minister of International Trade. The question has to do with the visit to Alberta of Mr. Vorotnikov, a key member of the Soviet Politburo. My question is: did the government consult with any local cultural or ethnic groups — I'm thinking particularly of Ukrainian-Canadians — to determine if it would be possible for them to meet with this Soviet official?

MR. SCHMID: Mr. Speaker, the visit of the Premier of the Russian federation is handled by the federal government. As far as we are concerned here in Alberta — today, for instance, we are taking him to look at the farms of Alberta, to familiarize him with the availability of wheat and grain from our farmers for the Soviet Union and tomorrow, of course, regarding purchases by the Soviet Union of equipment for the oil and gas industry.

MR. MARTIN: A supplementary question, Mr. Speaker. Flowing from that, I take it thought wasn't given. Could the minister indicate if to his knowledge the government has received any representation from cultural groups regarding permission for them to meet with Mr. Vorotnikov while he is visiting Alberta, specifically to discuss their concerns with him?

MR. SCHMID: Mr. Speaker, I'm sure any kind of application or, for that matter, request would have been passed on to the federal government.

MR. MARTIN: A supplementary question, Mr. Speaker, flowing from the minister's answer. Is it the position of the government that nothing other than trade matters should be included during normal diplomatic discussions during the first visit of this key Soviet official to Alberta?

MR. SCHMID: Again, Mr. Speaker, diplomatic relations and external affairs are entirely in the hands of the federal government. I'm sure that if they were approached, the appropriate and reflecting answers would have been given.

#### **Hazardous Materials Transportation**

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of the Environment, and it relates to the announcement today. In the announcement the minister indicates that there were no further shipments after April 26 of this year.

My concern to the minister is with regard to carriers that travel through Alberta, say from British Columbia to Saskatchewan, with PCBs on their trucks. Could the minister indicate what type of surveillance is done with regard to those carriers and what type of control is on the highways of Alberta?

MR. BRADLEY: Mr. Speaker, I think it's been discussed in the House previously that legislation is coming forward under the Transportation of Dangerous Goods Act, federally and provincially, which is under the jurisdiction of my colleague the Minister of Transportation. This matter obviously deals with interprovincial trade, an area which is under the jurisdiction, I believe, of the federal government in terms of interprovincial shipments. My colleague the Minister of Transportation may wish to supplement my answer.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Media reports indicate that in the last day a truck in Saskatchewan was going to travel through Alberta to British Columbia. Using that as an example, real or hypothetical, could the minister indicate what type of requirements are on that trucking firm to report to someone in Alberta that there is a carrier going through with PCBs as its load?

MR. BRADLEY: Under new guidelines which the federal government has brought in, Mr. Speaker, there's a requirement that shipments be reported to the federal Department of the Environment. They would advise other provincial governments, in fact, with regard to the shipments, the nature of them and where they would be travelling to.

With regard to the specific shipment I believe the hon. member is referring to, I talked to the Saskatchewan minister yesterday with regard to that matter. He advised me of the circumstances, that transformers were being shipped. It was believed that they were under the federal government guidelines of 50 parts per million. Apparently the PCB material had been removed from these transformers and had been replaced with mineral oil. The mineral oil absorbed some of the existing PCBs which would have been inside the transformer. The sample results that came in exceeded the federal government guideline of 50 parts per million. They were shipped on the basis that they were not PCB-containing material, because it was believed that the transformers were under the guideline.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Minister of the Environment. In terms of the surveillance by the RCMP on the highways, are the officers informed as to what types of things to look for in terms of possible carriers of PCBs or other materials? Has that kind of direction been given to the force so they can assist in the surveillance of any of these materials?

MR. M. MOORE: Mr. Speaker, perhaps I should answer that as minister responsible for the transportation of dangerous goods in Alberta. First of all, the federal legislation and the provincial legislation have been approved by this Legislature, but the regulations with respect to the transportation of dangerous goods generally, which were published in February, have not yet been proclaimed and are not law. However, the federal Minister of Transport did undertake to issue a specific directive with regard to the transportation of PCBs, that I believe the hon. member would be familiar with. It's been described in this House.

I should say that the entire Transportation of Dangerous Goods Act and the regulations that industry will have to follow once they're proclaimed do not require law enforcement officers to be stopping vehicles for inspection or do not require law enforcement officers to necessarily know what is being transported. There are extensive regulations with regard to the manner in which dangerous goods will be transported in terms of how they're carried, how they're placarded, the routes they will use, and so on, but it could be entirely possible that goods would move through Alberta without our necessarily knowing exactly what is in any particular load. However, there would be manifests filed and records would obviously be maintained.

It is not our intention, Mr. Speaker, that we would have the RCMP, Highway Patrol, or other inspectors under the Transportation of Dangerous Goods Act stopping every single truck that might be carrying goods that are listed under the Act.

### Energy Conservation

MR. PAPROSKI: Mr. Speaker, I'd like to direct my question to the hon. Minister of Energy and Natural Resources. It deals with energy conservation in Alberta. I note that his department has recently established a million dollar program relating to research, development, and demonstration projects in the field of waste heat recovery and low-temperature heat utilization. The program is called the Alberta-Canada Energy Resources Research Fund. My question to the minister is: how long is this program to run?

MR. ZAOZIRNY: Mr. Speaker, the initiative the hon. member refers to is one component of the Alberta-Canada Energy Resources Research Fund. Recently an amount in the order of \$1 million was allocated for that purpose, as he mentioned. We have requested proposals from the public. Those proposals have been received. They are currently being assessed. In fact, the proposals submitted would call for an amount in excess of the \$1 million allocation, and it is my understanding that the committee reviewing the proposals and the funding may in fact consider expanding that amount modestly.

MR. PAPROSKI: A supplementary to the minister. Have any of the projects been approved to this date?

MR. ZAOZIRNY: They are in the course of assessment right now, and the time frame for the initiative itself would be dependent upon which proposals were accepted and the time frame for their own completion.

MR. PAPROSKI: A supplementary to the minister. Can the minister indicate whether or not projects funded under this program are required to take place in the province of Alberta?

MR. ZAOZIRNY: Mr. Speaker, there is no absolute requirement that they occur in Alberta, but other initiatives of the resources research fund have all, in fact, involved Alberta-based researchers and companies, and there is the expectation that to the maximum extent possible they will occur in Alberta and the benefits will accrue right here in the province.

MR. PAPROSKI: A supplementary to the minister. The name of the fund would indicate that there is indeed federal

involvement. I wonder if the minister could comment as to the involvement of the federal government with respect to funds.

MR. ZAOZIRNY: Mr. Speaker, the fund itself was established as a result of negotiations back in 1974 between Ottawa and Alberta involving oil pricing. Thereafter, in 1976, \$96 million was allocated to the fund, and they established a six-person committee to oversee the fund and make the investment decisions. So it is a joint operation. It has worked very successfully for a number of years now, and it's a good example of co-operative effort between the two levels of government.

MR. PAPROSKI: A final supplementary, Mr. Speaker. Could the minister indicate to the House when, perhaps, the public would become knowledgeable about the projects and which projects have been approved? Does he have a time line in that area?

MR. ZAOZIRNY: Mr. Speaker, with respect to the queries about waste heat recovery and low-temperature heat utilization, I could only say that that process is being worked through at the present time. I know that it is the wish of the committee to move expeditiously in this fashion to remove any measure of uncertainty that may currently exist.

#### **Police Act**

DR. ELLIOTT: Mr. Speaker, my question is to the Solicitor General, and the topic is the new Police Act. I understand the Solicitor General has had some contact with the Grande Prairie area with respect to the concerns with the new Police Act. My question is: has the Solicitor General contacted other jurisdictions in Alberta, and does he have any feel for the acceptance of the proposed Police Act in the other areas?

DR. REID: Mr. Speaker, I have had correspondence and other communications from the Grande Prairie area regarding the new Police Act and, indeed, from other areas of the province. Some days ago concern was expressed by the police associations. I met with them and indicated that it had never been the intention of the government to deprive the police forces of the normal hearing and appeal processes. Subsequent to that meeting the intention was expressed to them that we would take some of the proposed regulations and put them into the Police Act itself, so that they would have those provisions in the actual legislation.

Mr. Speaker, very recently there have been some other concerns expressed by members of caucus, police groups, commissions, and others. I don't really feel that these concerns are serious, but the difficulty, of course, is that the very nature of policing is such a sensitive matter that rather than proceed with the Bill at the spring sittings, I'm going to hold it so that I can have adequate time to have discussions with these various groups about the problems they perceive in the new legislation before proceeding any further with it.

#### **Accountants Acts**

MR. R. SPEAKER: A supplementary question. Could the minister indicate what will happen to Bill 71 in terms of the same type of presentations that have been made to the minister?

DR. REID: Mr. Speaker, the presentations that have been made on Bill 71 have been a very different type of presentation. We are dealing there with a different type of legislation under the policy of professions and occupations. We have three pieces of legislation, Bills 71, 72, and 76, which, along with a complete survey of the statutes and regulations that require financial reporting, are a package to try to develop the minimum amount of regulation of accounting practice in the province. The hon. member may be aware that the purpose of professions and occupations legislation is the protection of the public, not the professional groups.

To my mind one particular professional group has perhaps overstepped the limit of some professional values that were first expressed, I think, by Hippocrates when he said, "First, do no harm." We'll see what the results of the advertising campaign are that that group has started.

MR. MARTIN: A supplementary question. I'm not sure by the minister's answers; he said they're different Bills. Following along the nature of Bill 59, is Bill 71 going to be brought for second reading in the spring session?

DR. REID: It's still on the Order Paper, Mr. Speaker. We've gone through first reading of these three Bills. Of course, there are discussions going on, triggered by the responses that have resulted. In particular my concern is with the responses from small-business people, volunteer organizations, charitable groups, farmers, who appear to be unwarrantably upset by the advertising campaign I mentioned.

#### **Grain Transportation**

MR. GURNETT: Mr. Speaker, I'd like to direct a question to the Minister of Economic Development. I wonder if the minister is in a position to update the Assembly on the current situation regarding the inclusion of B.C. Railway under the Western Grain Transportation Act. Specifically, to the minister's knowledge is it true that the federal government is just on the verge of acting with regard to this?

MR. PLANCHE: Mr. Speaker, we've consistently supported the inclusion of B.C. Rail under the Western Grain Transportation Act.

MR. GURNETT: A supplementary question, Mr. Speaker. I wonder if the minister has any information at this time about the status of a decision with regard to inclusion of BCR.

MR. PLANCHE: Mr. Speaker, I wouldn't have that. That would come from the Minister of Transport in Ottawa.

MR. GURNETT: A supplementary question to either the Minister of Economic Development or the Minister of Transportation. In connection with B.C. receiving the inclusion under the Western Grain Transportation Act, I wonder if the Alberta government has been involved in making any commitment of support in any way, capital funding or otherwise, for a B.C.-Peace River rail link once of the matter of rate inclusion is settled.

MR. PLANCHE: Mr. Speaker, perhaps I could answer that. We've indicated to the British Columbia government

that we would entertain a proposal that may include us in cost sharing such an activity, but it's well to know that the movement of agricultural products, which is so important to northwestern Alberta, will be enhanced by the inclusion of B.C. Rail in that system, as it becomes distance-related and as compensatory rates for hauling grain become a fact of life.

The difficulty has always been that you couldn't amortize these costs with the very low freight rates that were in existence under the Crow rate. We'll continue to monitor the situation. It's quite an expensive connection that will need to be made. There will be a time when it will make economic sense to do it, and we'll be alert to that.

MR. GURNETT: A supplementary question, Mr. Speaker. I take it from the answer that the fact that BCR is not included now is not the main obstacle to a link in the Peace country. I note that in a recent letter the minister said to me that the costs of a new rail link would be prohibitive at this time. Could the minister outline the studies that have been done to lead to the conclusion that a link is cost prohibitive at this time?

MR. PLANCHE: There have been studies done on the issue. I can't recall precisely what the date was. I do know that until the cost of moving grain is reflected in rail rates, it isn't possible to amortize that kind of activity commercially. It would then become a political decision on timing, and as I said before, when rail rates become compensatory and the distance from the farm gate to tidewater becomes an excessive part of the return that the farmer could expect at the farm gate, then we would move, whether it was politically early or a little bit later on in terms of economics. But the move would have to be made.

MR. GURNETT: A supplementary, Mr. Speaker. Could either minister undertake to make available the studies that have been done with regard to rail links in the Peace?

MR. PLANCHE: Mr. Speaker, I'm not sure I could make that undertaking. I'd rather take that as notice, have a look, and respond at a later date.

MR. GURNETT: A supplementary question. Could the minister indicate in studies that have been done, whether or not to his knowledge there's been a particular waiting or consideration given to whether a link would run from Spirit River to Dawson Creek or from Hines Creek to Fort St. John?

MR. PLANCHE: Again, the issue of river crossings was crucial in the costing. I couldn't be precise at this time. There have been three or four alternatives explored and costed. The discussions we're having with the B.C. government and those who are interested in moving agricultural products are ongoing.

MR. GURNETT: A supplementary question, Mr. Speaker. Could the minister confirm that the inclusion of BCR, if it were to take place under the grain transportation Act, would not result in the Alberta government's encouraging development of a major inland terminal in Grande Prairie, at the expense of the grain transportation by rail for the north Peace area?

MR. PLANCHE: Mr. Speaker, I think you could take as a broad rule that no capital investments would be made in

agriculture unless they were of net benefit to the farmer. We would do that in a comprehensive way, and it would be done in such a way that no farmer would be disadvantaged because of the decision taken.

MR. GURNETT: A supplementary question, Mr. Speaker. I also hope no municipal road systems would be disadvantaged by a decision.

My question, though, is whether the minister is aware if the studies about a rail link have included any kind of consideration of the number of jobs that would be created by completing a link. If so, has the minister any information or any estimate of how many jobs that might be?

MR. PLANCHE: No, I don't have that figure. But I was interested in the comment about the municipal roads thing, Mr. Speaker. I guess it would be important for me to know whether or not the hon. member was in favour of paying the producer.

## ORDERS OF THE DAY

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

#### Bill 42 Charter Omnibus Act

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill 42, the Charter Omnibus Act.

Mr. Speaker, this Bill amends a number of statutes and is a consequence of the enactment some three years ago of the Canadian Charter of Rights and Freedoms. I think all hon. members are familiar with the process, but perhaps it's useful to place on the record the procedure that was followed.

A number of years ago, when the first discussions in respect to the amendment of the Constitution were undertaken by the federal and provincial governments and when, in due course, the Charter was conceived of, all provincial governments and the federal government undertook to examine their respective bodies of legislation in order to be sure there were no provisions that would be offensive to the Canadian Charter of Rights and Freedoms. A date of specific interest and importance, of course, occurred last month, when section 15, the equality section, of the Charter came into force. The proclamation of that section was such that it had not been in force since the new Constitution was enacted and did not reach its fruition and maturity until April 17, 1985.

The process we followed in Alberta was in many respects similar to other jurisdictions. We canvassed all legislation in the provincial statutes and really put quite a significant effort into that project, Mr. Speaker. Some 50 lawyers were engaged for varying lengths of time in reviewing 450 provincial statutes. Where it appeared that there might be some difficulty over whether or not a specific statutory provision might offend against the Charter, a separate legal opinion was obtained in each case. Those legal opinions were done by the constitutional law section of the Attorney General's department. All this led to the work of a task force within government. It then reviewed all the recommendations of the legal counsel and in a summary way,



with the assistance of the Legislative Counsel staff, the legal views that had been expressed.

A philosophy was developed as to the approach the government would recommend to the Assembly in respect to proceeding with Charter amendments. That was that we would certainly proceed to amend legislation in all cases where we thought a conflict with the Charter was evident. We did not go the next step and seek each exotic argument, even though many exotic arguments have been available to us, and take the conclusion that we would amend based on some remote prospect that a judge might some day find a conflict between a specific provision in legislation and the Charter.

To emphasize that, Mr. Speaker, the reasoning is that we believe the public and the courts also have a very significant role to play in the amendment of legislation. Having the Legislative Assembly move to correct obvious anomalies is a crucial and very important first step. Beyond that, there will be further debate. This is not a way of saying that amendments are being unnecessarily deferred or delayed. That is not happening. Instead, it is a way of saying that there is a legitimate discussion to be had on a number of the issues that people have chosen to raise, whether they be litigants, interest groups, or individuals. Certainly, interest groups and individuals have made their views in many respects relative to proposed Charter amendments known to members of the government and, I'm sure, to all Members of the Legislative Assembly.

That leaves us in this situation. There is a continuing process yet to come. In some cases there will be a decision of a court that will result in further amendment to some statute. It is true that if a superior court strikes down the section, it ceases to be operative in any event. But given that situation, the repeal of offensive sections should naturally enough follow as a consequence upon such a judgment. There would also be circumstances where amendments would suffice and where a legitimate legislative objective might be realized in some other way. That would also be a proper area for consideration by the Assembly in cases where that would arise.

I mentioned also the importance of public discussion, Mr. Speaker. We depended upon the fact that the introduction of a Bill in the last session of the Assembly, the fall of 1984, would generate public discussion. The Bill submitted to the Assembly at that time really declared the intention the government had in respect to amendment until that point in time. We believed it would attract further representations from the public, and so it did.

One of the important results of those further representations is that Bill 42, different from the one that had been submitted earlier, does in fact deal with the question of mandatory retirement. By way of amendment to the Individual's Rights Protection Act and a number of consequential other amendments primarily in the public service area, we believe that the requirement that exists under the Canadian Charter of Rights and Freedoms relative to nondiscrimination on account of age is satisfied by the amendments in Bill 42.

There may be some other areas that hon. members would like me to refer to briefly as well in respect to changes which have been made. Primarily we wanted to address areas like freedom of conscience, the right to be presumed innocent in cases where statutes had offences with reverse onus clauses in them, and the importance of protection against the giving of incriminating testimony. It's of interest that the largest number of statutes amended are amended

under the heading of protection against incriminating testimony. The result of those amendments would be that the full guarantee of the right a person has not to testify against himself is really now reflected in all provincial statutes. Because of the power of disciplinary bodies to question members of a profession, there are a number of professional statutes where that person may be required to give evidence.

Upon Royal Assent of the Charter Omnibus Bill, the law will be that only in cases where a charge is to be laid with respect to perjury or the giving of contradictory evidence would a person's evidence be available to be used against them. That is not seen to be a violation of any right. But in all other circumstances the right of a person not to be required to give evidence that would incriminate him is entirely satisfied. I use the word "incriminate" even though the provincial Assemblies have no jurisdiction over criminal law, because there are penal provisions carried, by way of the potential for fine or imprisonment, in all the provincial statutes I've referred to.

There are other areas, of course, Mr. Speaker. The areas of citizenship, sexual discrimination, and language discrimination have also been dealt with in a smaller number of cases in the Bill. I think all those cases are apparent enough to hon. members upon looking at Bill 42. I think I need add nothing further in respect to those details. Of course, they could be looked at further, should hon. members wish to do so, at the time of committee study of the Bill.

I might conclude simply by noting that this is an important challenge which has been met. It is one which has faced all the governments in Canada. They have undertaken the same steps we have in a variety of ways. The Bill which was recently before Parliament, which I believe, as of discussing it now, has not yet received Royal Assent, is similar in nature. Some Legislative Assemblies have not yet introduced legislation but have chosen to go by way of position papers and opportunities for public discussion in respect to Charter amendments. They are also acting in that way in order to achieve what is required because of the Canadian Charter of Rights and Freedoms.

Therefore, Mr. Speaker, I see the entire process as an evolutionary one which will bring consistency and tangible benefits to all citizens in all jurisdictions in Canada with respect to their rights and their protection, I suppose, against the potential for discrimination that might otherwise be there. The challenges will still exist over a period of time as a body of law continues to evolve. I have no doubt that other discussions will have to take place in subsequent sessions of our Assembly. I look forward to continuing to meet the challenge there on account of the need to continue to define and, indeed, refine the rights of Alberta citizens. I will simply conclude by expressing the hope that all members are indeed very interested in this important Bill, will give the Assembly the benefit of their comments in respect to it, and will support it.

MR. LEE: Mr. Speaker, I wish to accept the Attorney General's challenge to offer a few brief comments on this important Bill. I particularly want to acknowledge the Attorney General for the laborious initiative that was taken here. This Bill doesn't reflect the amount of debate, concern, and review that took place behind closed doors and over lengthy evenings of discussion. So I wish to acknowledge the Attorney General for his good work.

Mr. Speaker, I particularly want to refer to section 13 with respect to amending the Individual's Rights Protection Act. The Bill defines "age" as meaning anyone 18 years

of age or older. It's with respect to the opportunity in employment. The present Individual's Rights Protection Act defines age as being between 45 and 65 years. In other words, in the employment area we're unable to discriminate based on age.

Mr. Speaker, I have had a resolution, Motion 228, on the Order Paper for some time now that would have addressed the question of mandatory retirement age. The motion proposed that a select committee of the Legislature review the whole issue of mandatory retirement age. I am absolutely delighted that that motion need not be debated in the future because of this particular legislation and the amendment that's contained herein.

[Mr. Deputy Speaker in the Chair]

Last Friday I attended the Premier's prayer breakfast in Edmonton, and the guest speaker was a tax consultant and lawyer from Ottawa by the name of Peter Manley. He told a story about how his father went for his annual checkup. The doctor said, "You know, Mr. Manley, for a guy of 55 you're in pretty good shape." He said: "Fifty-five? Who said I'm 55? I'm 72." The doctor was a little curious, and he said, "Gosh, how old was your father when he died?" He said: "Died? Who said he's dead? He's 95. In fact, he's out on the golf course right now." The doctor was even more curious, and he said, "Just out of curiosity, how old was your grandfather when he died?" He said: "Died? What makes you think he died? He's 112. In fact, he's getting married next Wednesday." The doctor said: "That's interesting. Why in heaven's name would a man of 112 want to get married?" He replied, "Who said he wanted to get married?"

When it comes to the question of retirement, Mr. Speaker, who says people want to retire when they turn 65? There seems to be some conventional wisdom that that is a magical or 'demagical' age when suddenly one ought to turn their attention to other things. When I was an alderman in Calgary, I had an employee who had retired after 33 years come to see me and say, "Look, I don't want to retire." I recall taking that issue forward to city council, and there was very little response, very little sympathy, because of the legislation that exists today. So nothing happened, despite a resolution being brought forward.

More recently, I had a constituent approach me about a year ago. An employee of one of our larger provincial departments — a department, I might add, Mr. Speaker, where there is significant turnover — she had been with them for over 25 years. She had reached that magical retirement age and she didn't want to stop working. It was a delight to talk to an employee who not only liked her job but loved her job and wanted to carry on. Fortunately, within the government of Alberta there is an opportunity for employees who reach retirement age to enter into a contractual agreement or an arrangement with the department, and she was able to do so. But how many have not been able to do so? How many valuable employees, not just in government but in the private sector, working for larger corporations, have been unable to carry on doing what they want to do?

As an alderman and an MLA, I spend a considerable amount of my time with senior citizen groups. Of course, today there are many exciting opportunities for the elderly to pursue when they approach retirement, and if someone chooses to do that, that is great. But there are a small number of citizens who wish to carry on working, and

they're denied that opportunity. This legislation will change that.

Mr. Speaker, for too long we've had a double standard where those who write the legislation are able to carry on in public life as long as they want. I think of Prime Minister Diefenbaker, one of my personal heroes, who retired at a ripe old age after having been in public life and working for some time. I had the pleasure of visiting with Joey Smallwood a year ago. I said, "Mr. Smallwood, what is the secret of longevity?" He went on for about 20 minutes to tell me how his father died at 103, his grandfather died at 110, and his cousin three times removed and second time over lived to 112. I said: "Mr. Smallwood, if you have a family tree of longevity, that's great. But what if you don't have that? My father died when he was 62." Mr. Smallwood thought for a while. He looked at me and said, "You know, Brian, I work to live." That fine gentleman is 84 today, and with the exception of a recent setback he works 12 hours a day. Certainly, nobody has said to him, "You must stop doing what you're doing." This legislation will say to all, "Regardless of your age, if you wish to carry on and you're making a valuable contribution, you have an opportunity to do so."

Mr. Speaker, I'm proud and excited to see the legislation in this Legislature. I trust it will receive unanimous consent.

MR. GURNETT: Mr. Speaker, I'd like to make a few comments as well on Bill 42 that we have before us, especially in light of the adoption of section 15 of the Charter, as the Attorney General mentioned earlier. Mr. Speaker, I think the Bill is commendable as far as it goes. To my mind, that is not nearly far enough. The Attorney General reviewed the process of developing the Bill. As I understand, the stage prior to the work of the review committee that he detailed for us basically involved an audit of statutes undertaken by a computer looking for and identifying gender-specific words, with the committee then reviewing the results of that scanning. I have a concern that that process has not been adequate and would like to detail for a few moments three areas of concern I have about the process that resulted in the development of Bill 42.

First of all, I have a concern about the audit apparently not having dealt with common law. The one instance in the Bill of alteration of the common law, which occurs in section 42(2), probably occurred as a result of a decision to repeal the Seduction Act, the latter joggling someone's memory with regard to the former. But common law, in which a great deal of our civil law resides, is littered with discriminatory provisions which I think clearly violate the Charter. In fact, to make this point clearly, as one example, it's the intention of the Official Opposition to move an amendment to the Bill at committee, which will have the effect of removing one very discriminatory aspect of common law as it now stands.

Secondly, the Bill, and I assume, therefore, the audit from which it issues, doesn't deal with the question of disproportionate impact. Again, as just one example of disproportionate impact in a discriminatory sense, the laws governing compensation to injured workers don't cover domestics. But the overwhelming majority of domestic workers are women, so this omission has a disproportionate impact on women. I don't see that this is a question addressed by the Bill.

I think this is especially odd in that we have another example of disproportionate impact: last year's court ruling

to the effect that the Individual's Rights Protection Act proscribed discrimination on the basis of sex and so didn't prohibit a woman's being fired because she became pregnant, even though obviously only women are going to become pregnant. When that situation was pointed out, the province did act, through Bill 33 that we have before us this spring, to amend the Individual's Rights Protection Act in order to address that question of disproportionate impact. In view of the proclamation of section 15 of the Charter, I think this whole area of disproportionate impact needs particular attention. It could create some very worrisome situations for us that would create a lot of interesting situations to be looked at.

Thirdly, Mr. Speaker, the Bill doesn't seem to address the matter of apparent discrimination. Again, as an example, our current Domestic Relations Act provides in section 47 that the sole guardian of a child born to parents who are not married is the child's mother. This is apparently — I suspect some would even say clearly — discriminatory against the father of such a child, especially in cases that might fall within the Child Welfare Act and the notice provisions there, which require notification of proceedings to be sent to a child's guardian or guardians.

Again, the omission from Bill 42 of provisions dealing with apparent discrimination seems odd, in that there is again a case where apparent discrimination was dealt with this spring. That occurs in the amendments to the Vital Statistics Act, which had prevented a child from being given its mother's surname. Again, we've recognized that that's an area of concern but have not dealt with it through this omnibus Bill. Even in terms of the statutes audit that was carried out, the terms of reference and the resulting proposals for amendments contained in Bill 42 seem inadequate.

I suggest we compare the results of the statutes audit that resulted in the preparation of this Bill with the review of the statutes of Alberta for compliance with the Canadian Charter of Rights and Freedoms prepared by the Alberta civil liberties research centre and delivered to MLAs last fall. The centre spent over 100 pages in their review looking in some detail at the provincial statutes in light of the new Charter. I think it's too bad that we didn't have that kind of detailed process undertaken here and also that advantage wasn't taken, as far as I can tell, of work by groups like the Alberta civil liberties research centre. They did a commendable job in their study of the statutes. Obviously, it can't be considered to be complete either, Mr. Speaker. As the Attorney General mentioned, it's going to be a long time before there's a last word on this whole area. But I think a very thorough and probably very enthusiastic job was done there, and it should have had some attention paid to it.

Mr. Speaker, I think we have some serious omissions still in place with this Bill. For example, I wonder why our Individual's Rights Protection Act is not going to be amended by the Bill to bring it into harmony with the Charter. Why haven't we sought to amend the relevant sections of the Individual's Rights Protection Act, such as sections 2, 3, and 4, at least as far as including the Charter's clear prohibition against discrimination based on mental or physical disability?

Mr. Speaker, it seems to me that this Bill, although it begins something important, is flawed. The process that resulted in it being developed is flawed in the sense of relying on this survey of statutes just by these gender-specific words, and also it's flawed by its execution, in that it doesn't seem to have taken advantage of the work of groups like the Alberta civil liberties research centre.

Further, I note that there's no evidence of the audit having been done of the various regulations that follow from the provincial statutes. It seems to me that there is certain to be a large number of discriminatory provisions in regulation when we know there are as many as there are within statute.

So I have a real concern, Mr. Speaker. It seems that we're adopting, to a large extent, a "wait for the courts to decide" approach with regard to the Charter. We do a minimum something now, then we wait for cases to appear, and out of those cases we end up refining the laws. I think there is a problem with that approach in that it puts the onus for effecting changes in the law on the adoption of the Charter on individual Canadians.

Let me illustrate the kind of difficulties that could lead to. We could reasonably assume that somewhere amongst the individual citizens of this province there might be a father of a child born [out of] wedlock who may have the determination and also the finances to be able to challenge that particular section of the Domestic Relations Act I mentioned earlier. On the other hand, can we think that it's at all reasonable to assume that somewhere out there there may be a domestic servant earning a living doing housekeeping for people who would have the financial means to challenge something like the province's workers' compensation statutes? It seems to me that we're failing to address adequately our duty as legislators in light of the new Charter, Mr. Speaker, and inviting a situation where equality will be achieved first by those who are able to afford it rather than by our taking the responsibility of giving it as widely as possible as quickly as possible.

Just to conclude, Mr. Speaker, it seems to me that the government had an ideal opportunity to bring Alberta's statutes into line with the new Charter and to extend the individual rights and freedoms available to all Albertans. I fear that we've chosen to pursue an overly cautious approach to the whole thing and that by doing so, we've invited those who can afford to do so to go out and do battle for their rightful equality and freedom. Certainly they deserve it as much as anyone else, but I fear that we're telling those who can't afford it that they're going to have a significantly longer wait before they achieve that same kind of equality or freedom in areas that affect them.

Mr. Speaker, as I said at the beginning, I certainly think we've made a commendable beginning. But I also want to express some real disappointment about the process that's resulted in the Bill taking the fairly cautious and, at least, modest approach to really providing these rights and freedoms that it could have. As I say, that comments only in the light of section 15 of the Charter and not on any of the other areas the Bill relates to.

MR. DEPUTY SPEAKER: May the hon. minister close debate?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, although many matters of detail can be addressed at committee study, perhaps it is appropriate to look at some of the remarks that were made briefly by way of response now. A number of points were raised by the hon. Member for Spirit River-Fairview. I'm always happy when he gives us credit, as he has done, for a job well done, even though he limits it by saying he only means that as far as the Bill goes. I always think of the lady from Kansas City who had gone about as far as

she could go, and we thought that was the case relative to the draft of the Charter Omnibus Act.

The hon. member uses words like "cautious approach" and "modest approach." Surely that is appropriate. I don't know if the word "modest" is exactly the right one, although it's true that we're not producing this particular piece of legislation with trumpets blaring. Many people have various reasons for modesty, but I wouldn't quarrel with the hon. member in saying the approach was cautious. The point is that that is entirely justifiable. When one sets out upon a course of extensive amendment to an ancient body of law, some caution, along with judgment, is surely appropriate.

The few points I want to respond to, perhaps, would be these. The suggestion that regulations have not been included in the statute audit: Mr. Speaker, there are two or three points to be made there. A regulation, of course, that does not accord with the statute that gives rise to it isn't valid in any event. The other point is that we wanted to begin the process in a legislative way and have done so. Regulations that may be offensive, however they come to our attention, will surely be changed. That can be done easily enough by way of amendment to regulations, which does not require the Legislature to be in session. So what is before us now is the necessary legislative initiative. The other initiatives can be taken not as a lower priority but one in respect to which there is much more flexibility as to when to deal with them.

I think the only other point is the reference to bringing the Individual's Rights Protection Act into a greater degree of consistency with the Charter. The issue there is that the Constitution did not intend to deprive provincial Legislative Assemblies of their historic jurisdiction in respect to civil rights matters. We stand by our civil rights legislation in the Alberta Bill of Rights and the Individual's Rights Protection Act as being entirely correct and proper legislative provisions to deal with those matters within provincial jurisdiction.

The Canadian Charter of Rights and Freedoms does not purport to deal with such matters. It is primarily a document which is declared to deal with matters which are legislative in nature and which deal with both the federal and provincial parliaments in respect to the dealings of governments with citizens. The Charter is therefore binding upon the province in its dealings with the citizens of Alberta. I think that's a point that should not be overlooked. I've already made the point but would sum up by reiterating it and coming back to the provincial sphere. The legal consequences of the Individual's Rights Protection Act are an Alberta recipe for the protection of rights between employers and employees and between citizen and citizen. In those important areas one looks to the Individual's Rights Protection Act. In respect to dealings between governments and citizens, one looks to the Charter. I thought that point should be made when an attempt is made to link absolutely, if that's what was proposed, the provisions of the Charter with the provisions of provincial civil rights legislation.

[Motion carried; Bill 42 read a second time]

#### Bill 54

#### Liquor Statutes Amendment Act, 1985

[Adjourned debate May 28: Dr. Reid speaking]

DR. REID: Mr. Speaker, at the time of adjournment I had almost completed my remarks on the liquor control amendment Act. Really all I have to add is that in relation to

the remarks by the hon. Member for Bow Valley concerning the offence of illegal possession of liquor, this is a problem that was addressed in discussions in the task force group that reviewed the liquor statutes and regulations. It was felt to be too difficult a problem to try to define two types of possession, one legal and the other illegal.

The only other item I would like to address some further remarks on before moving second reading, Mr. Speaker, is the subject of impaired driving. Certainly, among the social ills of our current society impaired driving has to rank very high. Nobody knows that better than I, having practised as both a coroner and a physician on a busy highway. The difficulty is that the control of impaired driving is by and large not related to the licensing function and the sale of the alcoholic beverage.

Most of the provisions included in the current amendment Bill are to allow reasonable people — and I would emphasize that — to do reasonable things. The people who are currently liable to be in conflict with the law, doing reasonable things, are not likely to be those who will drink to excess. It is therefore unlikely that the provision, in particular with reference to the consumption of alcoholic beverages with food at a designated picnic site, is going to have any effect, in either a negative or a positive way, upon the problem of impaired driving. The type of person who is currently not consuming because of that current prohibition is not likely to consume to excess. On the other hand, those who do consume to excess are probably those who are currently breaking the statute and who are indulging in excessive drinking in spite of the current prohibitions.

The result is that I feel I can recommend that particular provision to the Assembly, Mr. Speaker, as it does enable the law-abiding citizen, who currently is not having a moderate amount of alcoholic beverage with their picnic or barbecue, to indulge in that practice. For that reason I don't feel at all negative in putting forward this proposal to the Assembly and would like to recommend second reading of the Bill to the Assembly.

[Motion carried; Bill 54 read a second time]

#### Bill 56

#### Consumer Credit Transactions Act

MRS. OSTERMAN: Mr. Speaker, I move second reading of Bill 56, the Consumer Credit Transactions Act.

Mr. Speaker, it's more than just a pleasure for me today to move into second reading with this Bill. It's a piece of legislation that has been worked on for almost a year. It has been discussed in public by both consumers and lending institutions over the course of this past year, and we corresponded with some 150 individuals or firms over that time. We received some 30 written submissions that went into a lot of detail on the proposed legislation. The Bill that was circulated last summer was redrafted and recirculated in January, and what you have before you now is the results of the latest work. Some amendments will be coming in as a result of the legislation as it was ready the first time, and of course we can discuss those in committee.

The Consumer Credit Transactions Act, as I have stated before, Mr. Speaker, will replace the present Credit and Loan Agreements Act and bring leasing into it as well, which hasn't been dealt with before. We believe this is a very important innovation.

Over the course of the last six or seven years federal and provincial officials have been discussing disclosure

requirements by lending institutions. I think we all know and are aware of the present provisions of the Bank Act. Of course, we have duplicated those in many instances. Mr. Speaker, not one other province has moved in this regard. I think that really is a shame, because as we know, many, many of the public across this country are on the move. In fact, I'm told some 25 percent of people are constantly moving. It must be very difficult for people who enter into contractual arrangements with respect to borrowing to continually relearn, if you will, the legislation that's in place and try to understand what disclosure is in place for them. We hope that by being the leading edge of new legislation, the province of Alberta will set a standard that may be emulated by other provinces.

I think several areas are important to note. As we've said before, we believe that borrowers must receive adequate information, and it must be uniform, particularly in the mortgage area. Mortgage disclosure requirements have been in a number of pieces of legislation, and that all comes together now in one Bill.

[Mr. Speaker in the Chair]

As I said, the Bill applies the same rules to provincial institutions as are now contained and required by the charter of banks under the Bank Act. The proposed Bill provides requirements for disclosure with respect to modern lending practices. I might note, Mr. Speaker, that in this province we haven't had an update in legislation for some 15 years. Advertising is also addressed, and I think that's very important.

I believe I've touched on the highlights of the Bill. As I said, there are a few amendments coming in, which we can address when we reach the committee stage, but none of those amendments contain any major principles.

[Motion carried; Bill 56 read a second time]

**Bill 61**  
**Mortgage Brokers Regulation**  
**Amendment Act, 1985**

MRS. OSTERMAN: Mr. Speaker, I move second reading of Bill 61, the Mortgage Brokers Regulation Amendment Act, 1985.

While the amendments are not voluminous, Mr. Speaker, I think there are some very, very important provisions with respect to people in the public who have over the course of the last few years entered into arrangements, especially as investors in mortgage situations. We have spoken time and time again of the types of provisions we want to have in place for consumers in a number of transactions that they enter into over the course of their lifetimes. I have just spoken to that in the previous Bill before the House.

Mr. Speaker, in the case of the Mortgage Brokers Regulation Act there are several areas where, as a result of the experience of the last few years, particularly when real estate was the thing for people to be investing in, we believe this Act could be strengthened significantly and provide much better disclosure to those people who are the would-be lenders, if you will, or investors in this type of situation.

First of all, the brokers will be regulated much more closely, and there will be a tighter description of the definition of a mortgage broker as the person or persons who act between the borrower and the lender. The other

area that is of assistance to that group of people who are doing business — I should note that the mortgage brokers in the province, while there are fewer than there have been over the course of the last few years, have a very active group in terms of looking at their legislation and wanting very much to improve it so that those who are acting in that capacity enjoy a better reputation. Those people who are acting between borrower and lender have tried very hard over time to provide the type of disclosure and relate to the concerns by both of their clients, and believe their legislation could be strengthened so that others who are operating, so to speak, on the fringe of that area would be excluded.

Mr. Speaker, there will be provisions for a fuller disclosure to lenders. As a matter of fact, a mortgage broker will have to provide to the lender or investor a full disclosure of precisely what type of mortgage they're going to be receiving in terms of an investment. Only if the would-be investor signs a waiver agreement would that disclosure not be called for.

One of the areas that is important to the brokers is the cost for them of doing business. Previously brokers were required to have a full audit of their entire business, which is unlike the real estate people, who obviously have a requirement for audit of trust accounts but not of their entire business operation. In this case we will dispense with the audit that is presently required for the entire business operation and make sure that the trust account is audited. The penalty provisions will be enhanced significantly.

The other area is one of maintaining records. The Superintendent of Real Estate, who also looks after this particular piece of legislation, has had some difficulty getting the records of those people who were doing business in the province of Alberta but, in fact, had their headquarters elsewhere.

Mr. Speaker, I think I've spoken to the main provisions of the Bill. I reiterate that I believe the most significant provision relates to the type of disclosure that will now be required and mandated for mortgage brokers to provide to potential investors.

[Motion carried; Bill 61 read a second time]

**Bill 58**  
**Banff Centre Amendment Act, 1985**

MR. JOHNSTON: Mr. Speaker, this Bill, the Banff Centre Amendment Act, 1985, provides for a change in the term or tenure of the chairman of the board of governors of the Banff Centre to allow him to have a term in excess of the two terms spelled out in the current legislation. This allows the Banff Centre to come in line with procedures in the universities. So if there's a situation where for some reason a chairman is working on an extended project, that chairman can extend his term beyond the two periods. As I say, this brings the two Bills into parallel, and because the Banff Centre is very close to the university in its context and operation, I move second reading of the Banff Centre Amendment Act, 1985.

[Motion carried; Bill 58 read a second time]

**Bill 63**  
**Maintenance Enforcement Act**

MRS. KOPER: Mr. Speaker, I wish to move second reading of Bill 63, the Maintenance Enforcement Act.

Mr. Speaker, in February 1984 an interdepartmental committee was formed by the offices of the Attorney General

and the Minister of Social Services and Community Health. This committee was meant to examine and make some recommendations to improve the collection of support orders through the concept of changing the administrative measures presently in place. The committee met throughout the spring of 1984 to examine the issues, visited the automatic enforcement systems in place in other provinces, and met with many concerned citizens in Alberta who have experienced firsthand the frustrations inherent in our present system of collection of support orders.

In Alberta there is presently a provincewide maintenance enforcement procedure, but there is an extremely low rate of collection. Mr. Speaker, this program is meant to decrease the number of defaulted payments to all holders of all enforceable orders and agreements, including those relating to matrimonial support, parental maintenance, custody by agreement, and affiliation and maintenance.

Mr. Speaker, the enforcement provisions contained in the Domestic Relations Act, Reciprocal Enforcement of Maintenance Orders Act, Maintenance Orders Act, Maintenance and Recovery Act, Social Development Act, and Alimony Orders Enforcement Act are now consolidated in this legislation. This program will be implemented in stages over a three-year period. All maintenance orders may be heard in the Court of Queen's Bench.

A key feature of the whole program is that it requires the payer to justify nonpayment rather than requiring the person to whom the debt is owed to initiate the court action. The principle vehicle that will be introduced for this service will be the office of director of maintenance enforcement. For the purpose of enforcing a maintenance order, the director will have access to provincial government information regarding addresses or location of the debtor. The principal means of enforcing the maintenance orders included under this Act will be the issuance of continuing wage attachment, registration of the maintenance order at the Land Titles Office, the requirement to file a financial statement, and the procurement of a summons for a court appearance.

In the case of a default hearing the court may make various orders including the seizure of the debtor's property in support of payment arrears and actual imprisonment of the debtor. It may order specific periodic payments, security deposits, or suspension of enforcement. It could order reduced payments pending a variation application, and there is immanent flexibility in the system. After December 31, 1986, registration on the system will be automatic upon the issuance of a maintenance order or agreement by the court. After that time, a creditor may withdraw an order by filing with the director a notice stating that the creditor does not wish to have the director of maintenance enforce the order. Arrears will be collected only for three years back, and they will have priority over all other unsecured debtors. In the event of multiple claims on assets, only the last three years of arrears will have priority over other unsecured creditors. The creditor can attempt enforcement of payment by other means for up to 10 years, which is what our present statute of limitations provides. The financial function of the program will be centralized in one location and automation extensively used. Operational funding and manpower will likely be available from existing resources.

Mr. Speaker, in order to clarify and ensure that we all understand how this works, perhaps I could explain in very simple terms how it is intended it shall work during the first year. The creditor would file an order which would have a statement as to the arrears, and the whereabouts of the debtor would be traced. The director would then take

collection steps by generating a letter to the debtor and filing an order. The director would ensure that the debtor is informed about three different areas: first of all, how payments can be made and the fact that they should be made through the office of the director; secondly, the legal consequences of failing to make payments; and thirdly, the legal rights of the debtor, such as being able to change the order if circumstances are difficult. For the first year of operation it will be the responsibility of the creditor to apply to have the director enforce these orders. The orders must be clearly in arrears in order for this to happen.

Mr. Speaker, I look forward to any discussion or remarks that hon. members will make on second reading and would like to hear any comments that ensue.

MR. GOGO: Mr. Speaker, I'd like to make some comments relative to Bill 63. I believe it's long overdue and a Bill that all members of this House will support. Many of us are aware of cases within our own constituencies where, for a variety of reasons, a breakdown in a family has resulted in divorce. As a result of that, certain maintenance orders have been ordered by the court and everything looks rosy. It's almost like certain people who, under the small debts Act, get a court order or judgment in their favour to retrieve something, but a year or two later nothing has transpired in the way of funds. There are landlords around here who continue to claim that they, too, obtained judgments, certain damages within their apartment buildings and so on, but you can't get blood out of a stone.

Mr. Speaker, I'm aware of several cases where, as a result of marriage breakdown, the courts have ordered certain maintenance payments and two and three years later, because of the legal process and the appeal process, very wealthy people have continued to resist honouring those maintenance orders. One in particular: a fellow near Lethbridge with six sections — I don't know what that's worth nowadays; this happened two or three years ago — went through a divorce proceeding. He virtually put his spouse out. She ended up in a trailer court on social assistance, receiving some \$400 a month. Married to an obviously wealthy person, the award was great. But he refused to pay it, and it got involved in the legal system. The reason I recall it was that I had a call from her. She had two children. A neighbour of this chap insulted, I guess, or persuaded the husband by saying, "For heaven's sake, can't you provide something by way of Christmas gifts?" He brought by \$500 and gave it to her. That very afternoon a social worker came by and wanted to know if she had received anything by way of any outside income. She, of course, confessed to the \$500, whereupon immediately the guillotine came down, social assistance was stopped, and there was chaos and a very terrible Christmas for that family.

Therefore, Mr. Speaker, I strongly endorse the principles put forward by the Member for Calgary Foothills. In closing debate, if there's anything in this Bill that's contrary to what I believe there is in terms of speeding up the process to see that some social justice is done with regard to the payment of maintenance payments or the enforcement of the maintenance Act, I'd be pleased to hear.

The other comment is that it's long overdue. We, a country some 4,500 miles wide and the fourth largest in the world, for some reason in this day of electronics have in the past had difficulty getting reciprocal agreements. My understanding is that we now have reciprocity with all the Canadian provinces. If that's not accurate, Mr. Speaker,

perhaps the mover of the Bill could indicate that when she closes debate.

Thank you.

MR. SPEAKER: Does the hon. member wish to conclude the debate?

MRS. KOPER: If I may respond to two of the points brought up by the hon. Member for Lethbridge West. I'm pleased with the remarks, Mr. Speaker, and I believe there's ample evidence that such a system will definitely speed up the time lag. Presently the procedure causes such a significant delay, and it happens to those who are least able to handle it. They have to miss work, the loss of income and the possibility of losing a job is presently there, and the longer the delay, the higher the arrears. So the system will definitely speed up the process. It is hoped to introduce a time element that will be around 10 days.

Secondly, the matter of reciprocal agreements. The day before this Bill was introduced into the House, the federal government introduced a new divorce Act and also measures for enforcement of custody and support orders. The member is quite correct. There is reciprocity across Canada in this. It is intended. Thank you very much for bringing this to our attention.

Mr. Speaker, in closing, at present the divorce rate exceeds 40 percent of all marriages and in Alberta may be slightly higher. I feel this Bill is worthy of the support of this Assembly, and I hereby move second reading.

[Motion carried; Bill 63 read a second time]

#### Bill 64

#### Municipal Government Amendment Act, 1985

MR. KOZIAK: Mr. Speaker, I move second reading of Bill 64, the Municipal Government Amendment Act, 1985.

In asking my colleagues in the Legislature to support second reading, I would identify that there are a number of pedestrian items contained in the Bill, many in response to requests we've received from time to time from individual municipalities and from the organizations that represent municipalities — requests leading to amendments to the Municipal Government Act. In addition, there is a provision whereby the Municipal Government Act can be used to remedy certain situations during the course of a year by order in council. When that happens an amendment to the Municipal Government Act must subsequently follow in order to cure the situation, and that happens on occasion as well.

Mr. Speaker, we have provisions in the Bill that address the business revitalization zones. Members in the Legislature are aware, of course, of the interest of municipalities in responding to the needs of their core — not only of municipalities but also of businessmen and women who cater to the needs of citizens within that core. Earlier amendments to the Municipal Government Act provided for the concept of a business revitalization zone. During the course of this very session, my colleague the Member for Red Deer introduced amendments with Bill 44 which provide for grants-in-lieu-of-taxes concepts being addressed by the provincial government to properties that the provincial government owns and occupies in business revitalization zones.

With the amendments in Bill 64 we're going further, to permit municipalities to issue debentures for a maximum of 10 years to provide financing for business revitalization

zones at the request of a business revitalization zone association. These debenture charges would then be recovered by the annual levy in the BRZ. This could be continued on businesses affected until the debenture is retired, even if the association is dissolved. Mr. Speaker, this will have the effect of giving BRZ associations access to financing through the Alberta Municipal Financing Corporation and will strengthen the concept of the BRZ within our legislation and the ability of a BRZ and businesses within such a zone to respond to the need to help oneself when it comes to revitalization of the core of a municipality.

I know that all hon. members are interested in the more exciting aspects of the Municipal Government Act amendments that are being put forward here this afternoon. Those deal specifically with the substantial strengthening of the provisions by which we delegate to municipalities the right and responsibility to regulate the hours of retail businesses within a municipality. Hon. members will, of course, be aware of the provisions that affect penalties. Previously the maximum penalty provided for in the Municipal Government Act for a breach of an early-closing bylaw was \$500. The amendments will authorize the municipality to increase such maximum penalties to \$2,000 on the occasion of conviction for a first offence, a minimum fine of \$2,000 with a maximum fine of \$5,000 for a second offence, and a fine of not less than \$5,000 and up to \$10,000 for a third offence. These provisions, Mr. Speaker, will strengthen considerably the ability of municipal governments to respond to the wishes of their electorate in their own municipalities.

Just as a matter of interest, members would probably appreciate being aware of the fact that there are a number of municipalities who now have bylaws on their books. It's my understanding that five of our 14 cities have early-closing bylaws on their books and that 13 percent of all our towns and 23 percent of villages contacted in a random survey reported having such bylaws. At the same time, we were also informed that only one town and about two cities actively enforced their bylaws. I presume, Mr. Speaker, that the low level of fines previously provided acted as a detriment to enforcement attempts. The provision of the substantially increased fines will permit municipalities to respond in this area on a much stronger basis.

With those brief remarks, Mr. Speaker, I encourage all hon. members to support second reading of Bill 64.

MR. McPHERSON: Mr. Speaker, I want to offer a couple of very brief points in debate on second reading of Bill 64, the Municipal Government Amendment Act, 1985, particularly as they relate coincidentally to Bill 44, the Crown Property Municipal Grants Amendment Act, 1985, which the minister just referred to. I am greatly encouraged by the government's initiative in this regard, because the government has taken what I consider to be a very proper and conservative approach to assisting downtown revitalization — much needed in many locales in this province for the revitalization of the downtown cores.

Mr. Speaker, rather than establishing a provincewide downtown plan to assist municipalities in the area of downtown revitalization, what Bill 44 — originally in 1983 through the amendment to the Municipal Government Act in allowing the establishment of BRZs — and Bill 64 do is allow people to help themselves. The dynamics of establishing a business revitalization zone are not all that easy. Basically, it requires that people be prepared to impose or have the municipality impose upon their particular area a special surtax to beautify and to assist the downtown in its revitalization. Those

dynamics are not all that easy. It's not particularly easy to have that done. But if business people and property owners within an area are prepared to help themselves, we now find the provincial government lockstep with them in assisting downtown revitalization zones to do just precisely that — first, by virtue of contributing on an equal basis on any downtown property that the provincial government owns within the BRZ and contributing on an equal basis to those other property owners within that area, and now, through the amendments the minister has just indicated in Bill 64, by allowing for the BRZ to approach the municipality and have debentures issued for capital projects.

These are the very issues that many, many BRZs have approached the government with over the past number of years. Many, many chambers of commerce have approached the government. I think it's an excellent response to a very important element in our downtowns within the province of Alberta. I'm very, very pleased at this time to strongly urge members to support this Bill and to recommend its passage.

MR. MARTIN: Mr. Speaker, just a few comments. I know the minister would be disappointed in me if I didn't make a few comments about Bill 64. Obviously, I'm just going to go into one part of it, because as the minister indicates, it's wide-ranging and I have no serious problems with most parts of it. The problem I have is not necessarily with this Bill but with what it is referring to. I'd like to go into the specifics.

I recognize — the minister and I had these exchanges in the House — that there have been these rules before, to confirm the authority of municipal councils to regulate by bylaw and control the days and hours or both that retail businesses are required to close. I say to the minister that the new fines he's issued, the stiffer penalties, make much more sense. I believe it was \$500 maximum before. That really wasn't much of a penalty, as we are well aware. The first offence of not more than \$2,000, then up to the possibility of \$5,000 or \$10,000, would have a more significant impact. There's no doubt about that.

I say to the minister, Mr. Speaker, and through the minister to the rest of the members of the government, that following the Supreme Court decision that ruled that the Lord's Day Act is unconstitutional, it seems to me that it would have been better to deal with this at the provincial level rather than, even with stiffer penalties, pushing it off on the municipalities. Whether they can get around the Constitution or not remains to be seen, because ultimately somebody will take one of these jurisdictions to the Supreme Court. We had discussions behind the scenes. I think inevitably that's going to be true.

The reason I pointed out that the best evidence we have is that can be done at the provincial level is the example in Ontario of the Retail Business Holidays Act, that was passed in 1980. Admittedly it's gone through the Ontario Supreme Court and has not stood the challenge of the Canadian Supreme Court; I will give that. But once it's gone through the Ontario Supreme Court, at least the evidence is relatively good that it seems to follow. That's why I presented the private member's Bill, the bulk of it based on the Ontario Act.

The minister is well aware that various municipalities, certainly in the Edmonton area, have some complaints about it. They would rather it be dealt with at the provincial level. It seems to me inevitable that some of it might get struck down, but in the short run we're really going to

lead to checkerboard types of laws, if you like, in this area in the province. I know there's a petition going around in Edmonton right now that is almost inevitably going to force the city of Edmonton to have a plebiscite on it. I'm sure the minister is well aware of it. That's going to be very expensive for them. But the point I make is that there are liable to be different laws on this. Sherwood Park could have one law, Edmonton another, St. Albert another, and Stony Plain another. There are examples of this. We've talked to people in British Columbia. I know the minister is well aware of it. We're told that it's anarchy, and they're trying to get around it, to bring it back to the provincial level if they can.

If the government is unsure about it and if there is a split in the caucus, which I'm told there is on this specific issue — and the minister has said that he believes in plebiscites. It's all right for the municipalities to have it. If we don't want to go the way that other provinces have, which I suggest would be the best way — and I'm not going to go into why I think we need one day to be closed. I think the arguments are well made. The second Bill I brought in: why do we not put a provincewide plebiscite on it? At that particular time it would be uniform, one way or the other. The people would speak on that type of plebiscite. One way or the other, Mr. Speaker, there would then be uniform laws.

As I say, I have no objections to most of the Bill, and I certainly have no objections to increasing the fines. But I think we're just asking for trouble and for anarchy. I really wish the government — I know they're not going to at this particular time — would go back and rethink this issue. I don't know what the problem is. I clearly know my stand on it, and I've talked to other government members whose stand is the same as mine. There must be others who don't feel that way. Frankly, I think it's a recipe for disaster. I think there should clearly be one day that everybody in the province can count on, whether it be for family reasons, small-business reasons, and all sorts that I won't go into.

As I say in just those few comments, Mr. Speaker — it's not necessarily this Bill but it ties into it — I want to make my case in the strongest possible way for the government to rethink this issue, if not in this session perhaps in the fall session or somewhere down the line.

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

HON. MEMBERS: Agreed.

MR. KOZIAK: Mr. Speaker, the points that were raised by the hon. Leader of the Opposition are, of course, matters that in a sense go beyond the Municipal Government Act and Bill 64. At the same time, I guess they also challenge the provisions of Bill 64. I say that because if the provincial government were to embark upon legislation in this field, it would do so over-ruling existing bylaws that may exist in municipal governments across the province.

I wonder about the circumstances that we as a province would face in the Supreme Court of Canada if immediately following a decision by that highest court in the land that the federal Lord's Day Act was unconstitutional or contrary to the new Charter that was adopted for Canada, the provincial government entered into the same field. By its judgment the Supreme Court of Canada indicated that it would look into the purpose of the legislation and would look beyond the face of it if necessary. It may be suspect



if the province were to immediately enter into this field at the same time as a power and responsibility has been left with the municipal governments in the province to deal with matters of early closing.

Would the province embark on an entire early-closing Bill that would say, for example, that all stores above X number of square feet can only remain open between 9 and 6 p.m. six days a week? You see, Mr. Speaker, if we were to pass a law that restricted its application to Sundays, I think that law would last as long as the federal Lord's Day Act. We are talking about more than just Sundays here. We're talking about the authority that a municipality has to regulate the closing hours of businesses. That may be Mondays. It may be Wednesday afternoons. We all remember barbershops closing on Mondays. We all remember Woodward's being closed Wednesday afternoons. Many of us will remember the discussions that took place within communities as to whether or not stores should open evenings. We saw Thursday night shopping, and then it was followed by Friday night shopping. Now it's all-night shopping. These things, of course, are subject to the determination of a local council. It would be almost impossible for a provincial government to be able to respond to the individual sets of circumstances that apply right across this province. Mr. Speaker, recognizing that we have local governments that are close to the wishes of the people in this respect, this is where the power should lie.

The Leader of the Opposition points out the checkerboard concept. We have checkerboard concepts. In my area I can't build a service station. I can't operate a grocery store. There are certain limitations as to what I can do in my home. These are zoning provisions. So we have checkerboard situations all across the municipality, let alone within the province. We're going to have different sets of circumstances at different times in different parts of the province. It may be that buying skis in Edmonton on a Sunday in July is not appropriate, but buying skis in Sunshine in March may well be appropriate for somebody who has broken their skis and is there on a holiday. It may well be that buying a propeller for an outboard motor in Fort McMurray in December is not appropriate, but buying a propeller on Sunday at Pigeon Lake in July may be appropriate. There are many, many examples that we can list and deal with, Mr. Speaker. These are examples that we just can't deal with on a provincial basis. These are examples that have to be looked at and responded to on an individual basis by municipalities across the province, where it's best found.

So I appreciate the remarks of the Leader of the Opposition and agree with him that a day of rest would be something that I would really look forward to. I remember that when I worked for the CNR in 1956, '57, and '58, my days off were Tuesday and Wednesday. I worked the afternoon shift and then the midnight shift. It's been a long time since everybody closed down on Sundays. There are certain services that we can't close our eyes to, that are required and demanded of our citizens, that have to be provided on a seven-day, 24-hour a day basis: medical services, transportation services, and things like that. We respond to those things. That's why it's so difficult to isolate one area for provincial legislation and why it's so important that these matters be left to local governments, as provided for in Bill 64.

Mr. Speaker, I'm pleased with the remarks of the Member for Red Deer. I know of his support for the concept of business revitalization zones and the important work that's taking place within the city of Red Deer in that respect. I appreciate his entry into the debate.

Mr. Speaker, with those brief closing remarks, I would exhort all members to support Bill 64.

[Motion carried; Bill 64 read a second time]

#### **Bill 70 Telecommunication Statutes Amendment Act, 1985**

MR. BOGLE: Mr. Speaker, I move second reading of Bill 70, Telecommunication Statutes Amendment Act, 1985.

The purpose of this statutes amendment Act, Mr. Speaker, is to amend two pieces of legislation, the AGT-Edmonton Telephones Act and the Public Utilities Board Act.

Currently contained in the AGT-Edmonton Telephones Act under section 7, there is a prohibition against Alberta Government Telephones sharing with Edmonton Telephones revenues derived from toll generated in the city. At the same time, Edmonton Telephones has no obligation to assist AGT in financing telephone services which are not self-supporting. The proposed amendments remove that restriction and allow the sharing of toll revenue in Edmonton, based on usage, and at the same time recognize the obligation that Edmonton Telephones has to assist AGT in cross-subsidizing the nonself-supporting parts of the system.

The amendment to the Public Utilities Board Act sees a new section and the creation of the special telecommunication tribunal. This is to be a five-member panel, one member nominated by the city of Edmonton, one member by the Alberta Government Telephones Commission, and the three remaining members coming from the Public Utilities Board, one of whom will act as chairman for the committee. The primary responsibility of this body will be to deal with any and all other disputes that arise between the two telephone companies to ensure that they are resolved. Of course, it's not to become involved in the mandates of the companies, but it is clearly to act as an adjudicator on future intercompany relationships between both AGT and Edmonton Telephones.

[Motion carried; Bill 70 read a second time]

#### **Bill 74 Hazardous Chemicals Amendment Act, 1985**

MR. BRADLEY: Mr. Speaker, I move second reading of Bill 74, the Hazardous Chemicals Amendment Act, 1985.

The purpose of this Bill is to give the ability to make regulations which require the reporting to the director of pollution control of spills or unauthorized releases of hazardous chemicals to the environment. Under the Transportation of Dangerous Goods Act there will be regulations in place which require reporting of spill incidents with regard to transportation of dangerous goods, which include a number of the items considered to be hazardous chemicals or special wastes. Also, there are reporting requirements under the occupational health and safety regulations with regard to exposure of workers to certain chemicals and special wastes. Under the Clean Air Act and Clean Water Act there are also reporting requirements with regard to licensed facilities, in terms of spills to the environment.

There is another area out there which is not covered. This Bill will address those concerns and provide an opportunity for the making of regulations requiring the reporting of spills. I foresee a very extensive consultative process with a number of organizations and groups in the province,

the Hazardous Chemicals Advisory Committee, to define exactly which chemicals and hazardous wastes would be included in this in terms of the quantity and quality of amounts which would have to be reported to us.

Mr. Speaker, this Bill also provides for the increase of fines under the Hazardous Chemicals Act, raising the maximum fine for an offence under this Act from \$1,000 to \$25,000.

MR. GURNETT: Mr. Speaker, just to make a few comments on this Bill we have before us, I guess my first impulse is certainly to be pleased to see that we're taking some action here. It's a subject that's been very close to our attention for a lot of this sitting, and it's certainly good to see that the Bill proposes some action. But immediately following on that, and especially in view of some of the discussion we had earlier this afternoon in connection with the ministerial announcement about Kinetic, my second impulse is to also say that Bill 74 is another example of too little too late in environmental legislation in this province.

Throughout the past few weeks I think it should have been clear to all members in this Legislature that there's increasingly a need to deal seriously with hazardous chemicals in this province. That's something that is being recognized more and more by ordinary people around the province. I'm quite pleased to see the number of people that comment to me that they had never really thought before about the whole issue of hazardous chemicals and toxic wastes. But in view of what they're reading and seeing, not just in this province but throughout North America, they're recognizing that this is a problem that needs to be dealt with in a comprehensive and strong way. Again, it seems to me that in Bill 74 we have a case of the government doing a minimum rather than creating some real security in relation to these things.

Certainly, it's good that there are going to be some changes made, and they're ones that we've been calling for throughout the spring and have asked about and said were necessary. That's good, but I think we heard some comments in relation to another Bill earlier this afternoon about the merits of being too cautious. As we look at Bill 74, it seems to me that we have a somewhat ironical example about caution in relation to legislation in this area. With hazardous chemicals, I suggest that the cautious approach in legislation, the approach of not doing too much, in fact becomes the foolhardy approach at the environmental level. With these chemicals that we often don't know enough about yet and that are, in large part, still to show us their worst side, by being too cautious and too minimalist in legislation, I fear we're leaving ourselves open to far worse results later. With environmental issues like hazardous wastes, I suggest that the cautious approach would be to be as careful as we possibly can at the legislative level, so we don't end up paying the price in environmental damage down the road.

In view of the concerns we've had this spring, Mr. Speaker, I'm very concerned that this Bill doesn't require, in statute, notification of the environment department in the event of a spill. As I understand it, this Bill would still not make it a statutory requirement. What we're told in the Bill as proposed is that the cabinet could make regulations regarding reporting of spills. I think we're just approaching this without taking firm enough action in the whole area. Looking at the kinds of problems that have arisen in some parts of North America and saying that we've made a major step forward with the possibility of regulations possibly

requiring reporting of spills is not satisfactory. Nor do I think this Bill has gone far enough in some other areas that need to be dealt with. I'm disappointed that we don't see any clear statutory requirement through this Bill that the public has a right to know about spills and that that information needs to be quickly and comprehensively made available so the largest number of people are aware of what's happened. Nor do I see that this Bill has dealt at all with a comprehensive statement about what should be done in the event of a spill.

So, Mr. Speaker, I fear we've got another Bill before us that's going to allow in this province continued threats to the environment that will be dealt with in a minimal way when dangers arise but that doesn't take the role of making a clear statement that we're serious about environmental spills of hazardous chemicals and we want some comprehensive statement of just how serious we are so that every potential polluter would be aware of what they were facing, not just a somewhat increased fine, \$1,000 to \$25,000, which is not serious for many of the corporations that are involved in things like this, but instead a clear statement that they would be fully responsible for environmental damage through spills of any kind of hazardous chemical.

Mr. Speaker, I hope it will be made clear that this Bill is only the very tip of an iceberg and that in the very, very near future we'll see some major action that we'll follow up on. I would leave the minister with my willing suggestion that he could take advantage of Bill 269, the Pollutant Spills Act, as a means of going far beyond, in properly addressing this area, what Bill 74 does.

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

HON. MEMBERS: Agreed.

MR. BRADLEY: Thank you, Mr. Speaker. Just a few comments in closing debate. Perhaps I should say that I'm a little bit disappointed in the viewpoints that have been suggested by the hon. Member for Spirit River-Fairview. I think we have a very good record in this province with regard to approaching environmental problems and the solutions which we have put forward in terms of management. Particularly with regard to special wastes and hazardous wastes, we are a leader in this province in putting in and implementing a system which will deal with the ultimate destruction of these wastes. One can always look at a very bureaucratic approach which, in terms of regulation, would force citizens or industry to midnight dump and dispose of wastes in an undesirable manner.

The system we're trying to put in place is to be a simple system which will work and be effective and will encourage people who have to dispose of hazardous wastes or hazardous chemicals to use the system and make it accessible to them so that they feel a part of it and that they will act in an environmentally responsible manner.

We have set up a 24-hour pollution emergency response team number, which is in the phone books throughout Alberta, through which citizens can advise us of incidents or companies can report to us that they've had a specific problem or a spill. Over a period of time we have developed a system in which this information with regard to spills is public. I say that in terms of setting up this special wastes system, we are leaders in Canada. There is no other jurisdiction which has been able to find an approved site and proceed with the implementation of a system to deal

with and destroy these wastes. Other provinces are still struggling with that.

The member mentioned that we should enshrine in legislation specifically which substances should be reported to us and in what quantities and qualities. I can only suggest that events move very rapidly in terms of identification of a new substance which must be put in place. The fast, effective way to do that is to have it by regulation so that you can move quickly and put that specific substance in regulation and require that it be reported. In fact, if a concern came forward when the Legislature was not sitting and you had to amend the Bill and put into legislation that specific substance which had not previously been identified, you may have to wait a period of up to six months to enact legislation. Providing for it by regulation gives us an effective, quick way of dealing with these circumstances. I suggest that the cautious way would be to put it into legislation. We are able to deal with it more effectively and quickly through regulations.

I notice that there are some 3,200 substances which are currently being discussed with regard to what dangerous goods are, and one has to look at it very carefully in terms of the quantities and qualities which one would be putting in with regard to reporting requirements under this Act.

I should also put forward that this Bill currently provides for a number of effective methods with regard to dealing with companies or individuals. We have, under this Act, chemical control orders and stop orders which we can issue to companies to effectively stop violations under this Act of continuing operations.

With that, Mr. Speaker, I'd ask hon. members to support this legislation.

[Motion carried; Bill 74 read a second time]

**Bill 68**  
**Child Welfare**  
**Amendment Act, 1985 (No. 2)**

DR. WEBBER: Mr. Speaker, I'd like to move second reading of Bill 68, the Child Welfare Amendment Act, 1985 (No. 2).

The purpose of this Bill is to make a number of amendments to the Child Welfare Act that was passed in this Legislature last year. Most of the amendments relate to minor changes and oversights that were found after the other Bill had been passed. There is a deletion of requirements for some regulations, specifically in the support services area for children in need of protective services and also in the handicapped children services area. The primary reason for that is that there is a long list of services in both areas that are provided, and those lists keep changing. At the present time, it wasn't thought feasible to have them listed as regulations but have them as policy.

Also, regulation changes with regard to who may represent a child or an appellant at a hearing before the appeal board that's built into the Child Welfare Act — currently, it states that a lawyer and others prescribed in regulations can attend those hearings. It is our view that we should not be restrictive as to who can appear at those appeal hearings. The appellant should be able to bring whoever they wish to those hearings.

There is also a dispensing of personal service on foster parents in their being notified of hearings related to children who are in their homes. This does not mean that service would not be provided. It simply means that personal service would not be provided. The reason for that change is that

it could become a very costly process to inform the foster parents of these hearings, and this has received the approval of the Alberta Foster Parents Association. That's another change.

The most significant change in this piece of legislation, Mr. Speaker, relates to private adoptions. We had proposed in the Child Welfare Act that the private adoption process be changed so that assessments could be done by the private sector and the department would not be involved in court hearings unless there was a child welfare concern. What we are doing here is changing the Act so that we end up proceeding with the system that's in place today. If a couple want to go through a private adoption, they would have to petition for the adoption to the department. The department would do a home assessment. That petition and the assessment would then be presented to the courts to make the decision on the adoption.

MR. SPEAKER: I hesitate to interrupt the hon. minister, but there appears to be a certain amount of whispering going on in the House which is above the level of whispering, and perhaps I should draw attention to hon. members that such audible whispers may be recorded in *Hansard*.

DR. WEBBER: Mr. Speaker, in continuing, there's also provision in the Bill that when a person surrenders a child to another person for the purpose of adoption, they shall notify the director in the department within 30 days, and also any person who receives the custody of a child from another person for the purpose of adoption shall notify the director of the receipt of custody within a 30-day time period. This is as the current Act reads right now. What I want to emphasize is that for those couples in Alberta who wish to go through the process of private adoption, the current process is in place and they would make their petitions to the department, and a home study would be done by the department. We want to assess very carefully the concerns that have been expressed recently by a number of people. These concerns were not expressed at the time we introduced the Child Welfare Act into legislation previously. We had briefs and input from a number of individuals and agencies across the province, and it was not recognized as a concern at that time. Because of the large numbers of people waiting for ward adoptions, many of these couples are becoming frustrated and looking for adoptions through the private adoption route.

The last point I would make, Mr. Speaker, is that in this Bill there is provision for disclosure of identifying information with respect to an adopted child in the case where the child's health is in jeopardy. This is a provision of the current Act. It was an oversight that it didn't get included in the new Child Welfare Act. However, it's very clear that only the minister may disclose this information.

Mr. Speaker, I'm very pleased with the new Act we have in place and the progress that's being made towards developing regulations and policy. I'll be tabling in the Legislature within the next few days a progress report in the child welfare area. I think that our legislation and child welfare programs in this province will be the envy of many jurisdictions in this country, even the proposed new legislation in Manitoba, and of course will also be the envy of the NDP headquarters in Toronto.

Thank you, Mr. Speaker.

MR. MARTIN: The hon. minister doesn't even know — if he's going to make the comments. It's just like the other

day; when he said that I was in his riding, he got the wrong person. He's got the wrong city for NDP headquarters. Barring that, I'll stay with the Bill, Mr. Speaker.

On Bill 68 I would say that I'm glad the government has backed off in terms of private adoptions. I think that's a step that is worth while. As the minister said, we didn't get much about it before, but I think that as a result of publicity, people thought about it perhaps more than they had. So I commend the minister for doing that, because I think a lot more thought and time and effort have to go on in that area.

The only other comments I will make — we'll comment on how good the system is. He knows I have my views, and he has his, from time to time, about what's happening in day care and all the rest of it. But let me just come back and make the plug again. The minister and I have disagreed on this before, but I think that when we're having amendments to the Child Welfare Act, it's still appropriate. From time to time we have been lobbied — I don't know whether or not the minister has — about trying to be more specific and that it would be very helpful if there were, if you like, children's rights, the particular Bill I've talked about before. I know the minister said that basically we do not need a specific children's rights Bill. He said it was handled in the Child Welfare Act. I beg to differ at this particular time, Mr. Speaker, because there are cases where kids within the department are still getting shuffled around from case to case. I don't, like some people, hold the minister personally responsible for every case, but if we could lay out clearly in legislation what the rights of children are — maybe the minister will think about it again. It's been done in other jurisdictions. It works out relatively well. It doesn't have to be a bureaucratic document, just explicit recognition of the rights of children in areas such as the basic necessities of life; parental support, whether that be foster parents or through the department or whatever; education — surely in our society everybody has the right to that; consultation in custody disputes; and representation. I know that's alluded to, but I think if we made it more specific: representation at legal proceedings.

All I'm saying, Mr. Speaker, is that this would lay it out clearly to all people, whether they're with the department or outside the department, that every child has certain inalienable rights, if I can put it that way, borrowing from the people to the south. Again, I know it's not part of the particular amendments, but I suggest to the minister that it

could be. I have to try to make the case wherever I can that I think this would be a very important Bill. I hope that rather than just rejecting it, there is some thought within his department about looking at the possibilities of it. In the past he said it was unnecessary. I think events since we had that debate have indicated to us that there is a necessity, because these things are still going on with children. These basic rights are not in all cases being followed in this province today.

[Motion carried; Bill 68 read a second time]

#### Bill 57

#### Professional and Occupational Associations Registration Act

DR. REID: Mr. Speaker, in rising to move Bill 57, I would like to make a very brief remark. This Bill is approximately equivalent to the Health Disciplines Act. It will allow for the registration of professional and occupational associations. Once registered, they will have the usual provisions for a self-disciplining organization: discipline registration, the setting of educational standards, and continuing education. There are four organizations already interested in putting forward their names for registration under the Act, once it is proclaimed.

[Motion carried; Bill 57 read a second time]

MR. CRAWFORD: Mr. Speaker, before calling it 5:30, I would just indicate to hon. members that no decision has yet been taken as to whether or not to sit tomorrow evening. I'll get information to the hon. Leader of the Opposition as early as possible tomorrow. The next order of business would be a continuation of Bills for second reading, and at any point when there is time, we would call committee study of Bills which are available for that purpose on the Order Paper.

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

MR. SPEAKER: Do the members agree?

HON. MEMBERS: Agreed.

[At 5:27 p.m., pursuant to Standing Order 4, the House adjourned to Thursday at 2:30 p.m.]