

**LEGISLATIVE ASSEMBLY OF ALBERTA**

Title: **Friday, May 31, 1985 10:00 a.m.**

[The House met at 10 a.m.]

**PRAYERS**

[Mr. Speaker in the Chair]

**head: INTRODUCTION OF SPECIAL GUESTS**

MR. PAHL: Mr. Speaker, it's my pleasure to introduce to you, and through you to members of the Assembly, 40 grade 6 students from St. Hilda junior high school in the constituency of Edmonton Mill Woods. They're accompanied by their teacher and my friend Joe Tolvay. I didn't get a chance to meet with them earlier, but I certainly hope they've enjoyed their tour of the Legislative Assembly. I ask them to rise and receive the traditional welcome of the members.

MRS. FYFE: Mr. Speaker, I'm going to try again today. Hopefully, my classes are in the gallery. This morning there are 50 students from the town of Morinville. They are grade 5 students from Notre Dame school and are accompanied by their teachers Mr. Miller and Mr. Parsons. I believe they're in the public gallery. I ask them to stand and be recognized by the Assembly.

DR. ELLIOTT: Mr. Speaker, on behalf of my colleague the Member for Smoky River, it's my privilege this morning to introduce some guests of his. They are 11 grade 9 students from the Eaglesham school and are accompanied by their teacher Mr. Frank Gaboury and parent Mrs. Claudia Gaboury. They are seated in the public gallery. I ask them to be received in the traditional manner.

**head: ORAL QUESTION PERIOD****Sour Gas Industry**

MR. MARTIN: Mr. Speaker, I'd like to direct the first question to the Minister of Energy and Natural Resources. Apparently, two more workers died in a sour gas accident near Innisfail on Wednesday. Of course, this follows another two sour gas deaths near Drayton Valley last November. These sorts of reports have become disturbingly common. My question is: at what stage are government considerations regarding an overall, provincewide inquiry into all aspects of the sour gas industry?

MR. ZAOZIRNY: Mr. Speaker, I will make some comments, and I may invite my colleagues, if they're here . . .

MR. JOHNSTON: I think you're all alone.

MR. MARTIN: Do you see the problem we have?

MR. ZAOZIRNY: I appreciate the problem. Mr. Speaker, I'll do the best I can.

In response to the hon. member's question, earlier in the session there were inquiries by the hon. Leader of the Opposition with respect to some of the recommendations flowing from the Lodgepole blowout. Of course, I think by now he is aware that the concerns he expressed about whether or not tougher drilling rules were going to be in place should have been allayed. It has been made clear that there is no intention on the part of the Energy Resources Conservation Board to move away from those toughened drilling rules and regulations. In fact, those types of measures have been in place for some period of time now.

With respect to aspects beyond that that might pertain to the areas presided over by Workers' Health, Safety and Compensation, I invite the hon. member to address those types of queries to the minister when he is available to respond. In addition, in answer to his query about a broader analysis of concerns with sour gas, I point out that there has been an announcement made of a very major study in the Pincher Creek area, which will be taking an extremely comprehensive look at the concerns that have been raised by some citizens in that area with respect to sour gas. That's an analysis that's going to be undertaken by a world-class group of scientists, and that has been embarked upon. In fact, perhaps my colleague the hon. Minister of Social Services and Community Health, who has some familiarity with that, may or may not wish to supplement my remarks in that respect.

MR. MARTIN: A supplementary question flowing from the minister's remarks. Can I say then that at this particular time there is no thought by the province of an overall, comprehensive study into all aspects of the sour gas industry? Certainly, there is the one aspect of it that the minister of social services is involved in in Pincher Creek, but I'm asking about an overall, provincewide inquiry.

MR. ZAOZIRNY: Mr. Speaker, I'm not sure I know what the hon. member is advocating. Certainly, if there has been a fatality, there should be the appropriate inquiry as to the circumstances of that fatality. If it impacts upon a particular department, such as Workers' Health, Safety and Compensation, there should be a review and assessment of that specific situation. A specific concern has been raised in the Pincher Creek area, and this government is responding to that in an extremely comprehensive way.

Mr. Speaker, I know the hon. member isn't trying to raise any sort of provincewide alarm with respect to the sour gas industry. Based upon certain circumstances, it is our approach to look at the specifics of each case, to assess them, and to take appropriate action where necessary.

MR. MARTIN: A supplementary question to the minister, Mr. Speaker. There are a number of concerns, and there will be as long as we continue to have incidents across the province. I agree with the minister. There will be fatality inquiries regarding the recent deaths, and we have private-sector groups looking at voluntary drilling practices. We've had the Lodgepole inquiry, and we have the health study the minister referred to. Flowing from this, my question is: what is the objection of the government to drawing all these loose ends together in one publicly accessible, comprehensive inquiry which, it seems to me, would prevent some duplication and look at all the issues in context?

MR. ZAOZIRNY: Mr. Speaker, I simply can't agree with the hon. member's thesis that this would prevent duplication

in any manner whatsoever. In the Pincher Creek situation, we're talking about concerns about emissions from a natural gas plant. There has been some considerable assessment of that in the past. In response to the continued concerns of a certain number of citizens, the government has embarked upon a very extensive, comprehensive, and site-specific assessment of that situation.

The circumstance in the Lodgepole blowout had to do with drilling and the way in which drilling was conducted. I think to suggest that the two have some particular relationship just doesn't bear up under any sort of examination. In response to the Lodgepole circumstance, there have been some very stringent additional drilling regulations put into place.

I must say that I'm not familiar with the details of the incident that presumably precipitated his question this morning in the Assembly, but I think that if we really want to examine and get to the heart of each of these situations, each certainly warrants and bears careful individual scrutiny.

MR. MARTIN: A supplementary question to the minister, Mr. Speaker. A precise inquiry is precisely the point. If we want to look at it individually, I just have a question on one aspect. Has the minister done an assessment of the consulting report done for northeast Calgary residents regarding the Canadian Occidental proposal, where they indicate that a blowout could be fatal to up to 300 people? Has any assessment of that matter been done by the department?

MR. ZAOZIRNY: Mr. Speaker, again the hon. member tends to confuse the role of the Department of Energy and Natural Resources with the role of the Energy Resources Conservation Board. I'm sure that in the normal course that submission would receive very careful consideration in terms of any decisions with respect to drilling in that area. Of course, the hon. member would be aware that there are a variety of views with respect to drilling in that area, one of the local community associations having taken a different view than was expressed in that particular report. In any event, those are matters that ought to and will receive, in the normal course, very careful examination by the Energy Resources Conservation Board, which has both the technical capability to assess and the authority and responsibility to make those decisions.

MR. MARTIN: A supplementary question, Mr. Speaker. Understanding that the ERCB is supposed to be arm's length from the government, the point is that the minister is still responsible for the ERCB. My question then, flowing from the minister's answers: can the minister indicate if the government ever makes any representations to the ERCB about any matter at all?

MR. ZAOZIRNY: Mr. Speaker, I believe I'm correct in suggesting first of all that there is obviously communication of one form or another with the departments of government, such as the Department of the Environment, where they have some interface with the Energy Resources Conservation Board. That would occur as circumstances require. And again, we've talked about this on other occasions in the House. Certainly, if the hon. member is suggesting that the Minister of Energy and Natural Resources should somehow begin to interfere and become involved in the technical and quasi-judicial determinations of the Energy Resources Conservation Board, that would be most inappropriate. I certainly

won't embark upon that very perilous and problematic journey.

MR. MARTIN: A supplementary question, then. I'll come back to that matter if I have time. To the acting minister responsible for workers' health and safety, in regard to this matter. Apparently, Mr. Speaker, the Innisfail accident that we're talking about was another example where sour gas workers were operating without their masks. This apparently has happened before, even within the same company. What steps has the minister taken to try to make sure proper masks are worn at these sites?

MR. STEVENS: Mr. Speaker, I would like to supplement the responses that my colleague the Minister of Energy and Natural Resources has provided. The Minister responsible for Workers' Health, Safety and Compensation is unfortunately obliged, because of other duties, to be away from the House today. But I can assure the House and the Leader of the Opposition that in addition to extending the sympathy of the minister and the government of Alberta to the families involved, the incident Wednesday is now under active investigation by Occupational Health and Safety. I know the minister will be advised immediately of the results of that investigation.

MR. MARTIN: A supplementary question, Mr. Speaker, to the minister. I'm sure this is the case, and I appreciate that he has sent out sympathy messages. That's the proper thing to do. My question is simply this, because it has been raised before within this particular company: is the minister aware of what the minister of occupational health and safety is doing at this particular time to try to make sure proper masks are being worn, not only with this but across the province?

MR. STEVENS: Mr. Speaker, I can't add anything further at this time, as the matter is under investigation. I believe the causes need to be examined very carefully. Whatever steps are determined by the employing company and by the department, I know that that will be the minister's first attention when the results of that investigation are brought to his attention.

DR. WEBBER: Mr. Speaker, I'd like to supplement comments made by my colleague the minister of energy with regard to the medical diagnostic review in the Twin Butte-Pincher Creek area of Alberta, in that it is a very intensive effort on the part of a world-class group of scientists to try to determine if the people in that area are any healthier or unhealthier than people in other parts of the province. The reason for the concentrated effort in determining whether or not there are any health effects due to the long-term, low-level emissions that may be emanating from the gas plants is that we want to put that concentrated effort there because it has implications for the entire province, where we have gas plants. We are looking at this in a concentrated way in one portion of the province, but it does have implications for all of us as Albertans. The hon. minister of energy was certainly correct in indicating that we have two different kinds of things here, with the long-term, low-level emissions from being close to plants and then the high-dosage situations that occur with a blowout like Lodgepole, for example, or other industrial accidents.

Our department, Environment, Occupational Health and Safety, and Energy are working together in a number of

ways. There's research being done at the present time at the Vegreville station on the higher level emissions of sulphur dioxide and hydrogen sulphide and the effects of that on animals. The Edmonton Local Board of Health is working in conjunction with the department on a study initiated as a result of the Lodgepole blowout. So there are a number of steps being taken to address the issue, whether it be the long-term or short-term effects of these gases.

MR. MARTIN: A supplementary question, Mr. Speaker.

MR. SPEAKER: I realize that this is a very important topic which is of very serious concern to all members, but we're getting on in the question period, and I know there are other important topics that other members want to ask questions about. I respectfully suggest to the hon. Leader of the Opposition that this might be his last supplementary on this topic.

MR. MARTIN: Yes, Mr. Speaker. Just to follow up, then, to the Minister of Social Services and Community Health. Recognizing that there are different aspects, low emission and high emission, my whole point — not only mine, but many other people's — is a provincewide inquiry. My question is: have there been any recommendations made by any of the people involved in the particular study the minister is talking about that would indicate to the government that perhaps a more comprehensive study into the whole sour gas industry might be of some value, even in terms of his study?

DR. WEBBER: Mr. Speaker, in terms of health effects on people, it is the view of the group doing the work in the Pincher Creek area that a very intensive study of local communities where there have been concerns over many years is the approach to go. It's also the desire of the people in the area that they have involvement in planning, and they've been very involved, and that they be involved in the process right through the summer when this is taking place. Another important aspect is that they do not want government to be directly involved in this kind of study. They were happy that the acid deposition research program, which emanated from the Department of the Environment and industry, is at arm's length from government to give an unbiased study into the effects of sour gas. At no time do I recall having any recommendations for any kind of broad paintbrush approach to any kind of study.

MRS. CRIPPS: A supplementary, Mr. Speaker. In recognition of the serious aspects of sour gas development, one of the terms of reference of the Lodgepole blowout was a review of the effects and the safety measures of sour gas development. Could the minister of energy indicate whether the department has had responses from the industry task force set up as a result of that report and their development in ensuring safe mechanisms are used in sour gas fields?

MR. ZAOZIRNY: Mr. Speaker, as I indicated earlier, this is a process that has been embarked upon through the Energy Resources Conservation Board as a result of that hearing. They have put the measures in place already on an interim basis and are in the process of taking a finalized look at the appropriateness of these measures. My indication is that there is absolutely no intention to look at lessening them.

### Young Offenders Facilities

MR. MARTIN: Mr. Speaker, I'd like to direct the second question to the Solicitor General. Can he confirm that the government intends to use part of Alberta Hospital in northeast Edmonton as a facility to detain young offenders?

DR. REID: Mr. Speaker, it is the intention to have a young offenders facility, what's referred to as a forensic unit, similar to the forensic unit for adult offenders.

MR. MARTIN: I guess that's my second question. There's going to be a forensic unit. Is that forensic unit going to be at Alberta Hospital?

DR. REID: That's correct, Mr. Speaker.

MR. MARTIN: Mr. Speaker, could the Solicitor General advise the Assembly on what basis this decision was made? I'm thinking specifically why in the northeast Edmonton area, where they seem to have already a number of institutions of various kinds?

DR. REID: Mr. Speaker, perhaps the hon. member doesn't understand the nature of a forensic unit. A forensic unit is for the purpose of dealing with what are essentially medical problems, as opposed to criminal problems. The facility at Alberta Hospital has the staff, the facilities, and in view of the adult forensic unit that has now been developing for some time, has indeed developed some expertise in this area. It would appear much more suitable to have it in an already established mental health facility than to have it freestanding.

MR. MARTIN: A supplementary question. Yes, I understand what a forensic unit is, Mr. Speaker. In the public discussions, which I believe were held on May 8 by the deputy minister on developing a young offenders jail in northeast Edmonton at the Belmont site, did the government at that time tell the people there that the forensic unit would be set up at Alberta Hospital?

DR. REID: I was not at the meeting, but I don't think there was any discussion whatsoever about the forensic unit at that public meeting.

MR. MARTIN: A supplementary question, Mr. Speaker. Could the Solicitor General then indicate if the government plans to establish a young offenders jail anywhere else in the Edmonton area?

DR. REID: Mr. Speaker, with the representations that were made by the residents of that area of Edmonton, who feel they have enough facilities, the government is obviously not going to build the young offenders closed custody facility in the immediate area that's being discussed this morning. It's obvious also, in view of our responsibilities under both the federal and the provincial young offenders Acts, that we have to have a closed custody and remand facility for young offenders in the Edmonton area. The exact site has not yet been chosen.

MR. MARTIN: A supplementary question, Mr. Speaker. Is the government then considering, at this particular time, building a facility in the south part of the city?

DR. REID: As I said, Mr. Speaker, the exact site has not yet been chosen. It will have to be within reasonable distance of the court facilities. When one considers that the population of the greater Edmonton area is approximately a quarter of the population of the province, then obviously the facility will have to be within range of the court in downtown Edmonton, that will be used for those people. The facility can't go too far away from that court facility because of the operating costs involved. As I said, the exact site has not yet been chosen. Several sites are being looked at, and the one that is picked will obviously have to be a suitable place in relation to residences.

MR. SPEAKER: Perhaps we could have just a brief supplementary and a brief answer. The hon. Leader of the Opposition has now had about two-thirds of the question period.

MR. MARTIN: One final supplementary question. The minister says there are specific sites being considered. Could he be a little more specific to the Assembly? In which parts of the city are they?

DR. REID: Mr. Speaker, the area is not necessarily within the city limits. That's why I can't go through the whole list. Several possibilities were addressed during the original investigations as to a suitable site. We'll now be looking at some of the backup sites we had considered previously.

MR. PAPROSKI: A supplementary to the Solicitor General, dealing with the new forensic unit for youth at the Alberta Hospital, which, I understand, is long overdue: Could the minister indicate how many patient-beds would be made available at Alberta Hospital for this unit?

DR. REID: The anticipated need is for approximately 20 beds. Of course, in relation to the whole introduction of the Young Offenders Act, Mr. Speaker, there is some uncertainty as to the responses that the judges will make to the introduction of the Act. In relation to the forensic unit in particular, there are studies that have been done elsewhere in the world that indicate that a considerable number of young offenders' problems are related more to a psychiatric or psychological problem than to basic criminality. For that reason, the Young Offenders Act has this complementary function of having forensic facilities. Obviously, the need that is shown will be addressed. Initially we're expecting to have approximately 20 beds.

MR. PAPROSKI: Mr. Speaker, a final supplementary, if I could, to the Solicitor General, the Minister of Hospitals and Medical Care, or the Minister of Social Services and Community Health, and that deals with the staffing for this new forensic unit. Could either of the ministers indicate whether there is adequate staff at the hospital now for this unit, or will additional psychiatrists and other staff have to be hired?

DR. REID: Mr. Speaker, staffing is, of course, always a problem in that there is a worldwide, North American, and Canadian shortage of some of the child psychologists and child psychiatrists who will be involved. We've been having active discussions regarding the staffing with the Alberta Medical Association and with other associations, and it may be that in the long term we will indeed have to develop

some educational programs to ensure that adequate staff is available.

MR. PAPROSKI: I'm sorry, Mr. Speaker. Just the time line, if I could, from the Solicitor General with respect to the opening of this unit.

DR. REID: The unit will be open as soon as we can get it open, Mr. Speaker.

MR. R. SPEAKER: Mr. Speaker, that's a very appropriate government answer.

#### **Petroleum Reserves Projections**

MR. R. SPEAKER: My question is to the Minister of Energy and Natural Resources. Some of the most recent data published by the federal Department of Energy, Mines and Resources, as of January 23, 1985, indicate that Canada's remaining established reserves of crude oil are known to be about 4.6 billion barrels and Alberta's reserves about 3.6 billion barrels. The National Energy Board forecasts nine to 11 years of supply of oil at current consumption and export rates. Could the minister indicate whether those are the current findings of the department and the current ground rules being worked on in terms of policy formation by the government?

MR. ZAOZIRNY: Mr. Speaker, I couldn't answer the hon. member's question with exactitude, in terms of the precise numbers he's offered to the Assembly, but certainly his reference to the number for existing conventional reserves is not generally distant from the number I use in my own public comments. At the same time, what one has to recognize is that we are speaking of existing, established reserves of light and medium crude oil. That wouldn't, of course, take into account the tremendous oil sands resource that we have, where it is generally viewed that we have upwards of 1 trillion barrels of oil in place in the oil sands itself. It's a tremendous resource opportunity for us.

So in terms of our own planning for the future, I offer two observations on his query in that regard. First of all, our planning for the future is predicated both on a continuing healthy conventional industry and very much on development of our oil sands resource. With respect to that conventional reserve position, I was looking at various assessments the other day and took the time to compare the Energy Resources Conservation Board expectation for light and medium crude oil production in Alberta, which they came up with in 1975, and the assessment they provided to us and to the public in 1985. What was so remarkable about that, Mr. Speaker, was that it became very clear that in the intervening years the forecasts of some 10 years ago have proven to be too pessimistic. In other words, despite the forecasts that are carried on on an ongoing basis, we continue to find more conventional oil in Alberta than had been expected when they conducted these various macroeconomic studies.

When you talk about what our policy and planning is based on in this province, it is very much based on the expectation that we are going to continue to outperform the projections that have been put in place from time to time. Our industry has demonstrated its ability to do that. At the same time, we recognize the tremendous potential of our oil sands and the in situ oil sands resource and are looking to the continuing and accelerating development of that resource as well.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. I appreciate the minister's optimism with regard to that. On May 7 the Premier made the statement relative to the United States that western Canada may be able to export 500,000 more barrels of oil a day to the U.S. under the new energy accord. In light of the findings of the minister comparable to the findings of the National Energy Board forecast that we have nine to 11 years known supply, could the minister reconcile the Premier's statement with that somewhat limited supply of crude oil that seems to be on the horizon, or are the optimistic figures of the minister adequate to meet the Premier's policy proposal?

MR. ZAOZIRNY: First of all, Mr. Speaker, it's my understanding that the Premier was not accurately quoted in that news report. In fact what he said, and I believe he clarified it on a subsequent occasion, was that the export of oil could rise to that level, rather than an additional 500,000 barrels per day. Of course, that would depend on the take-up here in Canada. There can certainly be an expectation that Canadian refineries will be dealing with our own producers here in Canada to tie up their own contractual arrangements in the first instance. So what we're really talking about is an additional market opportunity to ensure that we don't have the very serious shut-in oil situation we have had in the past based on an inadequate demand for the product. As the hon. member will recall, that circumstance costs Albertans hundreds of millions of dollars in lost revenues, which naturally impacts on our ability to provide health care services, education, and social services to Albertans. I know the hon. member wouldn't want to see that occur.

At the same time, Mr. Speaker, I should make reference to this notion of an existing life index of oil. I think he used a number in the nine- to 11-year range. I offer the observation that the prediction in 1975 was about the same. At that time, they were saying we only had about 10 years or so remaining of conventional light and medium oil reserves in the country. I suspect very strongly that 10 years from now, in 1995, we are going to see a very similar projection that we've got about 10 or 11 years supply remaining on the conventional side. That is based on the fact that we continue to outperform the prognosticators and forecasters.

#### Grasshopper Control

MR. GURNETT: Mr. Speaker, I'd like to direct a question to the Minister of Agriculture. It's about the reports on the grasshopper problem in southern Alberta, that seems to be growing more serious by the day. I wonder if the minister could indicate whether we're going to deal with that problem by relying on the Treasurer's promises of the right weather conditions or if the minister is developing a comprehensive approach to the problem and a plan for dealing with it.

MR. FJORDBOTTEN: Mr. Speaker, first of all, over the past number of months we've been working with the federal government to monitor the situation and, in fact, put out bulletins. I have one from April in my hand which forecasts the number of chemicals that are available, ways to apply those chemicals, and the safety factors that should be taken into account. In addition to that, we have a weekly update on the grasshopper infestation. Even though weather conditions have been fairly damp, the hatch of grasshoppers has still been relatively significant.

We have been having discussions. There were discussions between the western provinces yesterday in Regina, I believe, talking about problems with grasshoppers. All provinces are looking at actions they can take. Many of them are going to follow the province of Alberta in that we supply funding to the agricultural service boards in this province. In 1983-84 it was some \$4 million, and a number of those agricultural service boards are allocating dollars from those budgets toward grasshopper spraying on roadsides and along rail lines, et cetera. We are looking at the magnitude of the infestation. The options we're considering are what additional assistance may be necessary and how we could move with that.

In addition, Mr. Speaker, I had a discussion this morning with the Minister of Agriculture from Saskatchewan, and we are still planning on meeting as quickly as possible with the Canadian Agricultural Chemicals Association to look at the availability of chemical and the pricing of that chemical. So I think we're taking all actions that are appropriate at this time.

MR. GURNETT: A supplementary question, Mr. Speaker. I appreciate the minister's indication that the plan to meet with chemical companies is still on. I was going to ask whether or not there was any report on the results of that meeting. My question to the minister is whether as part of looking at this problem the minister or his department is considering subsidizing the cost of insecticides in the most seriously affected areas directly to the producers, in addition to the roadside programs he's referred to.

MR. FJORDBOTTEN: Of course, Mr. Speaker, it's one of the options we're looking at. But if we did it, I think it would only be wise to try to do it on a provincewide basis. Of course, that's one of the options we're presently looking at.

MR. GURNETT: A supplementary question then. In looking at the whole issue of the problem of agricultural chemicals, is the minister considering the possibility of the province's acting as a buying agent for insecticides and other agricultural chemicals in order to make it more economical for farmers to use them as they should be used?

MR. FJORDBOTTEN: Mr. Speaker, that's one option that's been considered, but I have some difficulty with that. Even in my own municipality I recall that there was a purchase of a significant amount of insecticide at one time. Considering that pest problems go in cycles, by the time the next cycle comes the cans have rotted out, and you're stuck with a lot of chemical you have to dispose of. It doesn't seem like the proper approach. Even though there has been some consideration given to it, looking at the economics of it, it just didn't seem reasonable, so it's not an option I'm considering at the moment.

MR. GURNETT: A supplementary question, Mr. Speaker. Some of the producers in the southern part of the province who have contacted us have indicated a concern about the fact that one farmer spraying and another farmer not spraying simply results in the situation of grasshoppers jumping over the fence onto the other person's land and as result have an interest in direct involvement in a comprehensive spraying program. Is there any consideration of that approach?

MR. FJORDBOTTEN: No, Mr. Speaker, not at this time.

MR. SPEAKER: Might this be the hon. member's final supplementary.

MR. GURNETT: Mr. Speaker, a final supplementary then. I wonder why that approach isn't being considered, if in fact some people are going to suffer because others are not able to spray. But my question to the minister is whether we can have any kind of indication yet, if his department, in their weekly study, has any idea what the anticipated damage to this year's harvest will be, given the problem as it's now developing.

MR. FJORDBOTTEN: In answer to the first question, we all have neighbours that don't feel they have grasshoppers, and making sure that everyone sprays is always a problem. In order for the infestation to be taken care of, I think everyone really has to work in co-operation. That's one area under the Act we presently have that puts some pressure on everyone to spray. In addition to that, we work with the railroads, in that the service boards will spray along the rail rights-of-way and then submit a bill to the railroad to be paid. So actions are being taken. Would the hon. member please repeat the last part of his question?

MR. GURNETT: I was inquiring of the minister whether they had any indication yet as to what actual effect on this year's harvest the grasshopper problem may have.

MR. FJORDBOTTEN: If we take the proper course of action, of course, the impact should be relatively small. One thing that's been helpful is that the hatch this year seems to be coming all at once, rather than in a number of different phases, so that when you spray, you can get better coverage of it. If weather conditions turn out to be dry, the hatch continues, and proper spraying isn't done, then of course it will be relatively significant. The areas of concern I have, recognizing the drought last year, are the cash flow of our producers, making sure there are enough chemicals, that chemical costs are reasonable, and that we do anything we can to be of assistance to help them to make sure the impact on our crops is not significant.

#### **Emergency Relief for Bangladesh**

MR. LEE: Mr. Speaker, my question is to the Minister of Economic Development. In view of the tragic typhoon that devastated Bangladesh, killing 40,000 and leaving as many as 200,000 homeless, would the minister be willing to consider an application by Alberta's Bangladesh-Canadian community for matching emergency relief funds, over and above the \$295,000 our government has already budgeted for 1984-85?

MR. PLANCHE: Unfortunately, Mr. Speaker, the aid program I'm responsible for is committed for the year, based on the performance last year by the volunteer organizations that are categorized as acceptable. The difficulty is that we have made it a policy that we don't direct the destination of either the in kind or funds to the countries in need, so that if a representation were made by the people of Bangladesh to this government, it would have to be considered as a special warrant.

MR. LEE: A supplementary, Mr. Speaker. In view of the difficulty in terms of budgeting but also the tremendous need here, in looking at the long-term future, would the

minister be willing to possibly consider some form of budget increase, say for '85-86, in view of the number of relief organizations that we work with in this province and the significant need that may be felt in future years?

MR. PLANCHE: Mr. Speaker, foreign aid is really under the purview of the federal government. Because of this government's perspective on the issue, we now, through this grant matching program, contribute more, I believe, to this kind of activity than the total of all other provinces in the country. The people of Alberta have shown in a very outstanding way their generosity and concern about this issue, and it perhaps would be more appropriate for other provinces to step in and fill this gap or perhaps a solicitation to the federal government.

#### **Coal Marketing**

DR. BUCK: Mr. Speaker, I have one or two short questions for the hon. Minister of Energy and Natural Resources. This has to do with the weaker coking coals. Can the minister indicate what discussions the minister has had with the people in the mining industry to see what these two agencies can do to further the sales of the weaker coking coals to offshore markets?

MR. ZAOZIRNY: Mr. Speaker, I had the opportunity earlier in the year to travel to Japan, where the bulk of our discussions were on the subject of coal sales from Canada. I can advise the hon. member that certainly at that time we made very clear our desire to maintain and enhance our overall sales of coal to Japan. The hon. member is correct, as his question suggests that there is an increasing utilization of the weaker coking coals. Our industry is mindful of that. We keep in pretty regular communication with them, and they are looking at both their own capacity to supply the so-called weaker coking coals, which are now better able to be utilized in steel production, and at the market opportunities.

So the process with coal is one where the private sector is taking the lead. We are working with them in terms of our communication with governments, such as the Japanese, and with the Japanese coal buyers for their steel industry. I can report as well that certainly our office of coal research and technology, which was recently established, is looking at a variety of ways in which we can improve the overall marketability of our coal.

DR. BUCK: Mr. Speaker, a supplementary to the minister. In light of the weakened demand in many instances, can the minister indicate if there are going to be major mine layoffs in the coal producing areas this summer?

MR. ZAOZIRNY: Mr. Speaker, I don't have knowledge of that possibly occurring. I would say that in the overall our industry has done a pretty darned good job of being able to maintain their sales and maintain the economic operations. That isn't to suggest there haven't been some instances of mines experiencing some temporary shutdowns or some laying off of workers. But in the overall, given the weakened demand in the world for coal generally, our industry is standing up quite well.

There is the specific McIntyre Mines situation, and we've all been concerned about the prospects for that mine since the conclusion of their contract with the Japanese steel mills. As the hon. member would be aware, they have been able

to achieve some new sales, and the mine continues to be operational. It is my understanding that there is a determination there to try to ensure the continued viability and operation of that mine as well.

#### **Pork Industry**

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Agriculture, and it's an information question relative to the hog industry of the province. Could the minister indicate what seems to be the timetable at this point with regard to decisions in terms of assistance, no assistance, or new legislation that may be of assistance to the industry and some of the producers that are facing some very difficult financial problems?

MR. SPEAKER: That seems to be a question of considerable scope. We are toward the end of the time. Perhaps the hon. minister might be able to contrive a fairly brief answer.

MR. FJORDBOTEN: Mr. Speaker, we certainly have concern about our producers in this province, recognizing that we have the lowest hog prices in North America. That's one of the reasons we've been pushing so hard for a national tripartite red meat stabilization program, which was a topic of discussion when I was in Ottawa as well as with the federal Minister of Agriculture when he was here in Alberta last week. That Bill is moving forward through the House and has now either passed committee or is in committee, and I have the assurance of the federal minister that he will move with all due haste to have it passed prior to the end of June. Then there would be support for our livestock sector in Canada, not only in Alberta. I have made it very clear that if action is not taken by the federal government to live up to their responsibilities, we will look at options within Alberta to make sure our livestock sector is not disadvantaged.

MR. SPEAKER: I should apologize to the hon. Leader of the Opposition. When I said that he had had two-thirds of the question period, I was misreading the clock and my notes. He was closer to one-half.

MR. MARTIN: I accept the apology.

#### **ORDERS OF THE DAY**

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

HON. MEMBERS: Agreed.

#### **head: INTRODUCTION OF SPECIAL GUESTS**

*(reversion)*

MR. SPARROW: Mr. Speaker, it's my pleasure to introduce to you, and through you to members of the Legislative Assembly, 33 students from grade 6 in the Ellerslie school. They are accompanied by their teachers Bill Yuskou and Phyllis Olson. They are seated in the members' gallery. I wish they would rise and receive the warm welcome of the House.

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

##### **Bill 43**

##### **Alberta Corporate Income Tax Amendment Act, 1985**

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill 43, the Alberta Corporate Income Tax Amendment Act, 1985. As with most taxation statutes, on reading this one either generally or in detail, it is complex, but I'll try to reduce the basic policy elements of the Bill to four or five simple principles.

Firstly, the Bill implements the important new tax rate reduction for manufacturing and processing that was announced in the budget, Mr. Speaker. It provides that effective April 1, 1985, and continuing for five years, corporations with manufacturing and processing operations in Alberta will be eligible for a tax reduction. For large corporations that's a reduction from 11 percent to 5 percent on their income from these operations — a significant move — and on small corporations, who now pay a rate of 5 percent, that goes down to zero. There is in effect a five-year tax holiday, which we believe will stimulate manufacturing and processing.

The procedure is relatively simple. There are three steps which we set forth in the Act in terms of any company which would want to use this benefit. The first is to assess whether the company is eligible for manufacturing and processing activity; secondly, to determine the manufacturing and processing profits in Alberta; and thirdly, to make the calculation.

In terms of simplicity for Alberta companies, the definition, of course, is similar to that which has been used in the country for many years in federal legislation and, for example, would include metal fabrication, millwork, food processing, and the like. Other details are contained in the statute.

The second major principle involved in the Bill, Mr. Speaker, is simplification of the Alberta small business deduction. As most businesses in Alberta are small, here again this proposal puts into effect a two-rate system. It reduces the complexity in paperwork for those businesses, and that's applicable to 1985 and later taxation years.

A third proposal provides more equity and fairness to taxpayers, because for the first time it requires the Provincial Treasurer to refund security or, in appropriate cases, to surrender security in a situation where a taxpayer has provided that security, if there's a court decision that's been made in the taxpayer's favour. If a court decision has been made in favour of another taxpayer in a case where the facts have been roughly similar, then the benefit would accrue to similar cases.

As well, there are amendments to provide greater discretion to the courts in line with the general approach of legislation in the province, so that judges, at whatever level, can exercise their full discretion.

Fifthly, there are a number of technical amendments. One allows corporations to file a choice to continue eligibility for the royalty tax credit after the usual deadline, if it's impractical to meet that deadline. That's simply the introduction of a fairness approach. Secondly, there is a proposal to remove a loophole which allows corporations to claim too much Alberta foreign tax credit in deductions.

[Motion carried; Bill 43 read a second time]

**Bill 60**  
**Motor Vehicle Accident Claims**  
**Amendment Act, 1985**

DR. REID: Mr. Speaker, I move second reading of Bill 60, the Motor Vehicle Accident Claims Amendment Act, 1985. The purpose of this Bill is to increase the limits under the fund to the same \$200,000 upper limit that is being introduced in the Insurance Act for ordinary automobile insurance policies.

[Motion carried; Bill 60 read a second time]

**Bill 62**  
**Builders' Lien Amendment Act, 1985**

MR. GOGO: Mr. Speaker, I move second reading of Bill 62, the Builders' Lien Amendment Act, 1985. I think it goes without saying that for one who looks at Bill 62, it's somewhat of a complex Bill. I'll attempt to reduce what is involved to very simple principles.

To begin with, Mr. Speaker, the Builders' Lien Act essentially has two parts. I think that is what's important for members to bear in mind when considering the amendments to the Act. The first part provides a mechanism whereby anyone who has an interest in work done on a construction site, whether or not there's a contract in existence, can in fact put a lien against the land and realize from the land — whether it be the sale of the land or proceeds that an owner was spending for a project — his equity or payment for his efforts. The second part requires the owner of the project to maintain a holdback in making payments to anybody, whether there is a contract involved or not.

Mr. Speaker, following the introduction of Bill 94 last fall, it was allowed to die to give people an opportunity to make representation to the government. There was a group of seven lawyers, people one would normally expect would understand this, to represent the various interests: Mr. Goodfellow, who is well known; Mr. Hurlburt, who is the director of the Institute of Law Research and Reform; Mr. Mirth; Mr. Neilson; Mr. Thrasher; and Richard Larsen, who is a legislative counsel with the Department of the Attorney General. These people considered the various points of view put forward by other people. They weren't unanimous, but they did come to a consensus as to what was in the best interests of proceeding with the builders' lien.

Mr. Speaker, to give you an example of the confusion within the Act, I'll quote from something we're taking out of the Act and replacing with something. For example, I'm sure members will find this interesting. It doesn't matter what section it comes from:

If, in respect of work [done] or materials furnished for an improvement,

- (a) something is improperly done, or
- (b) something that should have been done is not done,

at the time when the thing was done or should have been done and if at a later date the thing

- (c) improperly done is put right, or
- (d) not done is done,

the doing of the thing at the later date shall not be deemed . . .

et cetera, et cetera. To say the least, it becomes somewhat confusing, even to those who are in the business.

The various groups who have made representation — and I think they have great justification in putting forward their views, as long as it's remembered that the two essential elements of the builders' lien are as I stated. It provides a registerable lien; that is, someone who has an interest through this Act has an opportunity to lien something. As members know, only land can be lienable. Buildings are simply improvements. Secondly, it puts an onus upon the owner, through this Act, to retain a holdback.

I want to go through the principles, Mr. Speaker, that members may find helpful in understanding and, hopefully, in supporting the Bill. The first one is the definition of "substantial performance". It had been noted in the past that it really was "substantial completion". It's amended in section 2 on page 2 of the amendment to the Act.

Essentially it consists of two parts, Mr. Speaker. The first one recognizes inflation. Section 2 of the amendment, on page 2, in effect doubles the value to, in the first instance, 3 percent of the \$500,000 of the contract or subcontract. Where the lien would only be applicable on a given percentage at the present time, that percentage has been doubled. I would like to point out to members that what we're talking about in terms of a lien is only the difference between. In other words, in the proposed amendment a lien only applies to 3 percent of the \$500,000; 97 percent must be done. In the next instance, 98 percent must be done and 99 percent must be done. So the lien is really only applicable to the balance; i.e., either 3 percent, 2 percent, or 1 percent. Or 97, 98, or 99 percent must be done.

Secondly, Mr. Speaker, we get to the question of an area that's caused a great deal of confusion and consternation. When somebody is interested in purchasing a property, they do a search at the Land Titles Office. What has happened in the past quite often is that the transaction has been completed, we'll say at 10 o'clock in the morning, and at noon, unbeknownst to the person who purchased the property, somebody put a lien against the property. There is an amendment now, in section 9(1), that in effect says that if a transaction takes place at any time during a given day, then a lien that has not been lodged that day, prior to that time, is simply not effective. I think that's a major concern to those who live in outlying areas, outside the two urban centres.

The third one, Mr. Speaker, introduces a definition that we haven't had in the past; that is, a major and a minor lien. For the benefit of members, if substantial completion or substantial performance has been performed and 35 days have gone by, the owner can at that time pay out funds if he wishes. The proposed amendment is to change that to 45 days. I'll come to that in a moment. In the past what has happened is that for that period of time, if the owner wanted to do something, he could not do it until that time period had expired. So he had to retain these funds. Under the proposed amendment, that would be the major lien referred to under section 15(1). We now introduce a minor lien.

Before proceeding with talking about the major and minor liens, I want to address the question of the time period, which is section 30 in the amendment, on page 10. What this does is allow a time period for putting a lien on from 35 to 45 days. This, quite frankly, has been my primary and probably only interest in the Builders' Lien Act. It's been great if you're in other provinces like Manitoba, Saskatchewan, and British Columbia, because around their provinces they have, although archaic, a land titles system.



They have eight offices under land titles where one could go to either register a lien or do a search on a title. We in Alberta have two, Edmonton and Calgary.

If one were in Lethbridge or Grande Prairie and either did work on a project or supplied materials to a project, they get only 35 days with which to register the lien. Normal terms of commerce in terms of supplying goods is 30 days net. Quite often a person would supply materials, expecting a cheque at the end of 30 or 31 or 32 or 33 days. That did not occur. The next thing, of course, is a phone call, and the favourite response, "My cheque is in the mail." The cheque didn't arrive. An individual then wishes to put a lien on. Of course, 35 days are gone and they can't do it in this province unless they can somehow get to Calgary or Edmonton or to a solicitor with a computer. As you know, Mr. Speaker, many small-time contractors have an aversion to legal help unless they need it. But really, why should they? So that's the primary motivation for increasing the time period from 35 to 45 days. Some provinces have 60 days.

Bearing that in mind, Mr. Speaker, we go back to the major and minor lien fund. By changing it to 45 days you slow the advance of funds to a project. This is where the criticism comes. Well, so be it. But let's protect this guy out here who has put the blood, sweat, and tears and his supplies in it. It would be naive of me to say there was not some negative reaction to extending that time period for establishing a lien to 45 days. However, that's a given. Most members of the committee that I mentioned have agreed that in the interests of all, it's probably a good thing.

Mr. Speaker, to go back to this major lien and minor lien. If, under the proposed amendment, no lien has been registered at the end of 45 days, then the holdback the owner must retain becomes the major lien fund and converts at that time to the minor lien fund.

We put three additional new items in there, Mr. Speaker, that are probably applicable. I would like members to understand that in the present Builders' Lien Act the owner does not have to pay out funds until the owner is satisfied, period. In the past we've seen complaints where somebody has provided work on the project and then demanded payment. The owner has always had the right to retain payment until the owner or the payer is satisfied with the project. And why not? In Bill 94 there was provision made where the owner must pay out. Quite frankly, this committee looked it over very closely and came to the conclusion that it simply would not work. So I'd like members to understand that the owner does not have to pay out the funds until the owner is satisfied with the project or the terms of the contract. In no way does the builders' lien eliminate the contract between a contractor and an owner. In no way does the Builders' Lien affect that. The contract prevails, with the exception of the matters of the builders' lien where he must withhold certain funds.

We've done a couple of other things, Mr. Speaker, that should be mentioned in terms of putting a lien on for wages. The minimum amount of wages was \$20 and is now \$300. I think that accommodates common sense. In the past we've seen, both as a result of the size of the lien or lienable amounts and the 35-day time frame I mentioned, this horrendous number of defensive liens. When you supplied something, you immediately forwarded a copy of a lien to the Land Titles Office. So we had this tremendous [flood] of liens and they simply couldn't accommodate them. With the 45 days, obviously, we're going to reduce —

perhaps some lawyers' incomes a little bit — the deluge of that number of defensive liens on the one hand. By increasing the amount that you can lien — and we're increasing that, in the case of wages, from \$20 to \$300. Unless somebody be concerned that people, in terms of wages, can't put a lien on, I simply point out that in the aggregate, if there are three or four or five people, then surely with their combined wages the aggregate would be over \$300. So that shouldn't be a concern; at least, to the committee it wasn't a concern.

From income, Mr. Speaker, to the matter of taking off liens. This has been a sore point with a lot of people. When an individual purchases a home, he doesn't know what goes on. He goes through the normal transaction of, let's say, new construction. Of course, the builder is happy about his sale. He makes this arrangement orally. The purchaser recognizes that the lawyer is involved to protect his interests. He finds the down payment; he moves in. Lo and behold, six months or a year or two later, for some reason he finds out that he has the welcome opportunity of being transferred to Barrhead. So here is this chap who wants to sell his house in Lethbridge. He suddenly discovers that there are 37 liens against his property. To have 37 liens wouldn't be difficult at all, because anybody can register a lien with the Land Titles Office as long as they can justify to the registrar that they have an interest. So here is this individual with all these liens, through no fault and no knowledge.

How does he get them off? In the past, he had to appear in person and try to convince the registrar, and the registrar said: "I'm sorry. Joe Blow, who is now deceased, or Joe Blow, who is now in the Barbados, put the lien on and you have to get his permission." Members can well imagine the problem of trying to get those liens off and trying to track down those who placed the liens. They must resort to legal help and rely on a solicitor to do that, and it becomes extremely costly. In terms of fairness and equity, why should the owner of that property have to go through that? If you want to talk about irrigation districts, we can get into a whole new topic. But let's talk about the residence of an individual, because that falls under the Builders' Lien Act. That's a construction project. You cannot lien irrigation projects. You cannot lien roads, and obviously, you cannot lien the Crown. That's a given around here. You just cannot lien the Crown.

What can a person do, Mr. Speaker? I want to draw members' attention to section 32, on page 11. I think this is very important. It provides that a lien that has been registered at Land Titles — and at the present time we do things manually in Alberta. We're converting to computers. We know that probably when they come into date, by definition they'll almost be out of date. Section 32(1) provides that after 180 days, unless an action has been started — they use the legal term *lis pendens*, which I have trouble even pronouncing, but it's the commencement of an action. That's another part of the hocus-pocus, where although the layman has to pay the bill, he is not allowed to understand the gist of what's going on.

Unless an action has been started, at the end of 180 days that lien will die. That's six months. This is very important to me. I draw members' attention to section 32(5). The Registrar, without charge, may on his own initiative, and shall on request — there's no option — cancel the registration of a lien where 180 days have expired without an action being taken. I hope members can understand that he may, on his own initiative — there are probably 300,000

or 400,000 liens now in Edmonton Land Titles Offices. It's physically impossible for the registrar to have to take them off without hiring heaven knows how many people. So under 32(5) we've said that he may, on his own initiative. In other words, if there's a search, an inquiry, he will pull the file. They will automatically see the date. If it's more than 180 days after this is dealt with, he will automatically do it. In any event, after 180 days he shall take it off on request. I think that's very significant. Mr. Speaker, I very much appreciate the assistance from members of this House, certainly members of the government caucus, who wanted that done.

The final point I want to comment on, Mr. Speaker, is section 15.1, on page 5, with regard to the question of supervising. There has been a lot of reaction, most of it negative, that under the substantial completion under 94, we required a supervisor. That is, the owner contracts with a contractor to build a building. At some point, they say it's substantially completed. The new definition is "substantially performed". Who decides? In the past, there's been a supervisor hired — paid for by the owner of course — who had to certify, with a document called the certificate of substantial performance, that the requirements under section 2 had in fact been met; i.e., 97 percent of the project had been done.

Two things, Mr. Speaker. Very few projects had a supervisor because of the size of the project. On any large project, the owners invariably had an engineer or an architect. So what happened in the past was that this supervisor, who was hired by and paid for — he was supposed to be a neutral person — inspected the project and issued this certificate, posted it in a public place, and in essence said, "Yes, it's substantially completed; it's substantially performed." Very few large projects operate without an architect or an engineer. In any case, the owner is under no obligation to pay unless he is satisfied. So if there is a contract between the contractor and the owner, whatever the terms are, because this does not over-rule a contract, unless the owner is satisfied that the contract has lived up to those standards, he doesn't have to pay.

The amendment now before the House — and in fairness, it's somewhat controversial. Certain groups have said, "Hey, there should still be a supervisor." In effect the amendment causes the owner, because he wants to be satisfied, to get whoever he wants, to say to him that that is substantially performed. The onus is obviously on the owner.

Section 15.1 says that under this proposal, the contractor or subcontractor will prepare a certificate of substantial performance. Whether the owner accepts it is his business, because the owner doesn't have to pay anyway, except in accordance with the contract. I think that is an area I should bring before the House. In terms of the representation we've had, people have said, "Hey, you should retain the supervisor." I simply point out that the advice to me, the advice to this committee of seven people representing various interests who went through it, was: "It does not work. We don't think it should be there. We think the owner will determine whether or not he's satisfied that substantial performance has been performed."

I draw members' attention to Bill 94, the one that died, where we said that the owner must pay. In the present Act the owner doesn't have to pay. So we're not changing anything. In other words, we introduced Bill 94. We flew a kite; we got the reaction. The consensus of the reaction was what I'm presenting to the House. So on balance, Mr. Speaker, I'm satisfied with that part.

I'm deeply appreciative to the Member for Olds-Didsbury for telling me what *lis pendens* means: litigation pending — i.e., trouble and, to the consumer, cost.

My final comment, Mr. Speaker, is regarding trust funds. A new element now introduced is the holdback. I share with members that it is somewhat confusing. If there are no liens after 45 days, under the proposal the owner can release all the funds except the normal holdback of 15 percent, and that becomes what is known as a minor lien. That amount goes into a trust fund; i.e., it's held in trust. For obvious reasons that's to prevent somebody from skipping out with those funds.

Let me summarize, if I can. The advice I have from the best people available is: will it work? The answer I got to that, I quote: I don't know. The advice I've had is that all the way back to a court case 15 years ago, certain people recommended that we repeal the Builders' Lien Act. Some people said at that time: "Is it really worth while, because it's so complex? Does it really work?" At the present time, people are saying, "Hey, because of you people and the 35 days, I've lost my ability to lien." So we've gone to two extremes.

They've said to me — the advice I have and the advice I have to give to the House — that it's the best they can do with what they have to work with. They've had the best people available representing both sides; i.e. lenders, which is synonymous with owners, and contractors, or people who perform work. They believe this is well worth a try. They're optimistic that it's going to work.

With those suggestions and comments, Mr. Speaker, I recommend to the House that we pass second reading of the Builders' Lien Amendment Act.

MR. McPHERSON: Mr. Speaker, I would like to offer a couple of very brief comments to second reading of Bill 62. I do so because it really is a very, very important Bill. I would like to start off by strongly commending the Member for Lethbridge West for his tenacity in putting this Bill before the Legislature. I know it's been a concern of his for a number of years, particularly in the area with respect to the 45 days on a builder's lien. I think he should be strongly commended for his initiative and for the work he's put forth on this Bill.

It's going to clear up a lot of difficulties. He alluded to the fact that the Builders' Lien Act is a complex Bill. I'm relatively new around here, Mr. Speaker, but I don't know of a Bill anywhere that is more complex than the Builders' Lien Act. It is an enormously complicated area, and I think he's done an awful lot in relation to getting through the chaff and putting forth a Bill that is going to assist people in the public and members of the private sector in operating in a more coherent fashion.

He made comment of his difficulty with the words *lis pendens*. The word around here is that *lis pendens* referred to the girlfriend of one of the members of the committee. I recognize that the sponsor of the Bill, not being a lawyer, has trouble with that word. I have had too, not being a lawyer myself.

Mr. Speaker, I just want to offer some comments. The member has done such a good job in explaining this Bill to members of the public that all the questions I had in my mind were essentially raised, save two. One is that I noticed yesterday that there had been a number of amendments attached. I presume that the member will give us some explanations in Committee of the Whole in relation to the amendments. I don't think it's necessary to do so

today. I presume that those amendments have resulted from a variety of recommendations from people like the Alberta contractors association and the various groups who have had a very sincere interest in this whole area.

The other comment I want to offer is: is there is any possibility that over the course of the next while, perhaps not this session but another one, this Legislature can consider a very exhaustive examination of the Builders' Lien Act, perhaps in conjunction with the Public Works Act? That, too, is an inordinately complex area.

Finally, Mr. Speaker, I would like to make very brief reference to section 32. The Member for Lethbridge West has done a very good job in explaining that. I think that was really an important item to be included in this piece of legislation. A property owner can have a lien removed from that title in an almost automatic way, where that individual with that title, when appearing before a financial institution to arrange financing, is not surprised that his building or his document is so encumbered by liens. I think that's a very positive approach. I would like to compliment the member who I think originally suggested it and the members of the committee and the members of the government caucus who concurred in that, because I think it's an important move.

Mr. Speaker, the comments by the member who sponsored this Bill have been full and complete. I would like to conclude by congratulating him on presenting this Bill to the House.

MR. LEE: Mr. Speaker, a couple of concerns with respect to the Bill. Of course, I want to acknowledge the determination of the hon. Member for Lethbridge West on his work in this area. I know it's a difficult, complex area, and I must confess that I don't fully understand it.

I'd like to bring forward some concerns that have been drawn to my attention by the Calgary Construction Association. I trust the hon. member has the documentation which I have received. I'm going to touch on four or five brief points. I should say that generally speaking the feedback I've had from the private sector has been very positive on this Bill, but there are a couple of concerns. I'm going to touch on them very briefly.

First of all, section 2(a) says specifically: "when the work or a substantial part of it is ready for use or is being used for the purpose intended," et cetera. The concern of the Construction Association lies where a subcontractor, such as in piling for example, completes his work in the initial phase of construction. You will not always find the architects in agreement with signing the certificate of completion, their reasoning being that the project is not complete and not occupied and therefore not ready for its intended use. They have suggested that section 2(a) be amended with the wording "when the work of a contract or subcontract is ready for use or being used for the purpose intended," and that that would help clarify the situation. I would appreciate it if the hon. member could respond accordingly.

Next, I refer to section 9(2). I think there's general support for this, but the Construction Association . . .

MR. SPEAKER: I regret to intervene while the hon. member is speaking, but it seems to me that we're losing sight of the distinction between debate in principle, which is second reading debate, and discussion in committee, which deals with the details of the text. It would seem to me that we're getting very much into the details of the text.

MR. LEE: I think the Speaker's point is well taken. I have difficulty identifying the principle here, as it's not a subject that I consider myself well familiar with. But I do feel that the concerns I'm representing are dealing with principle, and I'd like to serve advance notice, prior to getting into committee, at which point it may be a little too late to respond to the principle. I know there's a fine line here, and I'm going to attempt to keep my remarks to addressing the principle as opposed to a clause-by-clause review.

Having said that, Mr. Speaker, the principle that we're dealing with in 9(2) is whether or not — and I'll just refer to 9(2). The Bill says: a mortgagee authorized by the owner to disburse money secured by a mortgage may retain . . . The association is suggesting that the approach here should be "secured and advanced". I suggest that it's a different principle altogether, and perhaps the hon. member could respond to that.

MR. SPEAKER: On the footing of the hon. member's comment just completed, there would be nothing but principles in the detail of the Bill. I really think that we have to make a little better effort to distinguish between detail and principle. If we're going to discuss the text of this Bill phrase by phrase, we're certainly usurping the function of committee study, where members, including other members of the Assembly, would have the right to speak more than once.

MR. LEE: Mr. Speaker, I think you've established an important principle, which I shall take as guidance during committee.

MR. SPEAKER: Does the hon. Member for Lethbridge West wish to conclude the debate?

MR. GOGO: Thank you, Mr. Speaker. I appreciate the support of the members of the House. As the Member for Red Deer noted, there are amendments before the House. They come as a result of first reading, of course. They've been out there, showing that the government is prepared to listen. We've now heard back, and we have some proposed amendments, which I'll introduce at committee stage.

Thank you, Mr. Speaker.

[Motion carried; Bill 62 read a second time]

#### Bill 67 Nursing Homes Act

MR. RUSSELL: Mr. Speaker, I'd like to move second reading of Bill 67, the Nursing Homes Act.

The purpose of this Bill is to replace legislation, the existing Nursing Homes Act, which has served us well in the past. It has been carefully reviewed over the past four-year period, and the Bill I'm presenting to the Legislature in this new Act is, in my view, a blueprint for the future. In that respect, it's partly for us. I say "us", being the members of the Legislature, because I believe that if we're representative of the general population of Alberta, it's very probable that sometime in our lives one or more members in this Assembly will be spending some portion of their life in a nursing home.

What is a nursing home supposed to be? This has been considered very carefully about five years ago. We became very concerned about signals and things that were starting to happen in our very excellent nursing home system here

in Alberta, and based upon the evidence that was starting to accumulate, we asked a committee of private citizens, headed by Dr. Harry Hyde of Edmonton, if they would take a look at our nursing home system and tell us where we are, where we ought to be going, how we compare with other jurisdictions, et cetera. That committee was appointed in April 1981, and it reported to government in March 1982. For the last three years, almost to the day, we've had the comments and recommendations of that committee in front of a number of bodies, including several departments of government, many outside agencies, and certainly representatives of the nursing home system.

We've come up with what I think is a fairly dramatic change in the direction we're going to take with respect to the care of our citizens who live in nursing homes. The first step in doing that will be to put in place the legislative authority to make the changes we would like to put in place. It has represented about five years of careful and pretty intensive work. It's something I've been personally interested in, and I'm really happy that finally, after all that effort, the Bill is here in front of members for second reading.

I had the fortune or happy coincidence, I guess, roughly two weeks ago, at a federal/provincial meeting of health ministers for Canada, to spend some time talking about the future. We feel that with the Canada Health Act, with financing arrangements that are in place, with the state of our economy, et cetera, the current problems are probably being handled as they should be in most instances but that it now behooves us to look to the future. We had a very interesting discussion about what the future challenges are in health care, what hospitals of the future will look like, and other related questions.

All governments in Canada were unanimous on one item; that is, that the challenge of the future — and the benchmark we're using for the future is the year 2000 — is going to be delivering health care to the aged. The demographics are changing remarkably and very dramatically. By the year 2000, unless there's some very dramatic change to a very incessant trend, we know there are going to be more and more senior citizens. They're going to be living much longer than they have been, and the variety of programs they will expect to be delivered to them will increase dramatically. All of that, we know, will have a big price tag attached to it. Along with that, of course, it means that if you have more in the senior or advanced age group of the population, there are going to be fewer left in the working force part of the population to support the programs.

So a number of us are very interested in trying to look ahead to see what might be there. There are the obvious things which we can all identify, such as the dramatic advancements in technology, pharmacology, techniques, and program delivery. It's that one that I really want to talk about with respect to this Act. We know that we can't just go on endlessly building institutions or filing cabinets for our aged or chronically ill and that there has to be a better answer and more variety of programs that should respond to the needs of that group.

We've been very fortunate here in Alberta, I believe, in that we've developed a very good nursing home system. It brings together three segments: the publicly owned institutions, owned and administered by district hospital boards; it provides a meaningful role for nonprofit voluntary groups, such as service clubs and religious organizations; and it provides a place for the private sector who want to deliver specified programs on a for-profit basis. So we've had a

chance to compare program delivery as delivered by those three groups. I think it's fair to say that of our roughly 7,600 nursing home beds that are in the province at the present time, it would be impossible for most persons to tell which of the three kinds of owner is involved in delivering the services, because there is a range from good to not-so-good in all categories.

More important than the ownership, architecture, or physical structure, I think, is the change in philosophy which Dr. Harry Hyde and his committee came up with. I'm going to quote one or two key sentences from the introduction of the Hyde committee report. To me this was a key thing:

This change should be reflected in continuing care that emphasizes personal dignity and independence and encourages maintenance plus rehabilitation, remotivation, and enrichment of the whole person.

The thrust of that means that we're going to try to make nursing homes a home away from home. The rigidity with respect to regulations that reflect on staffing ratios and program delivery will have to be flexible and imaginative. They'll have to recognize some of the trends I've alluded to with respect to what we believe is going to happen in the future. This Bill is designed to do those things.

If members look at the Bill, they will see that essentially it sets up a basic system of nursing homes for the province. It provides for a system of contract by way of licensing or entering into agreements with the different kinds of operators that I've noted, and it provides for a method of regulation so that all nursing homes, whatever category they're in, can be monitored and can be closed down if they don't meet certain standards. In other words, there is more order and teeth to the organizational part of this Act.

To me, the most important parts of the Act are the two sections dealing with regulations: one, the regulations by order in council, which will establish the more basic and broad principles by which the system will operate on a day-to-day basis, and the other one dealing with ministerial orders, which allow for that flexibility that can be changed on a day-to-day basis as a future minister administers the program.

In conclusion, I want to very quickly summarize the eight major principles or policy changes in the Act, Mr. Speaker. First of all, it's to expand the role of nursing homes to provide institutional care to a class of citizens that probably require a higher and heavier load of nursing home care than they have been getting under the existing system and to allow for that flexibility and remove the rigidity which is now there between the line that separates auxiliary hospitals and nursing homes.

The second major policy change is to upgrade services and programs in nursing homes in areas of nursing care, staff training, rehabilitation and recreation services, and physician's services. To me it's extremely important, Mr. Speaker, that once we get the staff in place in the nursing homes, they do get good basic training, that we continue with in-service training, and that the programs directed at rehabilitation and recreation and occupational therapy are there, just as important in the lives of those people as the medical care programs that are required under the existing Act.

The third thing we'd like to do is upgrade standards. We're talking about simple things, all the way from fire safety — that is, dealing with fire exits and the safety drills of patients — to the handling of trust accounts, the level of food services, and the provision of medications.

The fourth thing we'd like to do is more clearly define inspection standards and set up enforcement and penalty mechanisms that will improve the ability of government to deal with nursing home operators that violate standards. That has been a continuing problem with a very small number of operators. There are a few of them who have been very difficult to deal with, by way of getting them to improve things when we've identified things we think should be improved.

The fifth thing we'd like to do here is, I think, just a very humane thing, recognizing the mobility of our Canadian nation, and that is reduce residency requirements for admission to the nursing home program. We presently have a three-year residency requirement in Alberta, which is much higher than any other province in Canada. I'm convinced by the situations I've dealt with that it has worked not only a financial hardship but an emotional hardship on some families, particularly when we had such large immigration numbers into Alberta during recent years. In many instances people who settled here wanted to bring an aged parent to join them, wanted to put them in an Alberta nursing home, and that three-year residency requirement until they were eligible for the financial assistance worked a real hardship in many cases. So we'd like to reduce that.

The sixth thing we'd like to do is involve home care in the process of assessing persons for admission. This one is going to be harder to do. Some members have heard about the concerns being raised by a variety of hospital boards within their constituencies, so it's our proposal that this will be tried on a trial basis by two volunteer groups. What we're trying to do is set up a one-window approach for senior citizens and their families who may be looking for the best program to respond to their particular needs. Now the senior has to go to several different windows with his family to determine which program might suit them best. If we can get a centralized assessment and placement service, we think it will be a real help for those families.

The seventh thing, Mr. Speaker, that is going to come at us in the future is to allow us to significantly increase charges to the residents to pay for their room and board and also significantly increase government contribution, which will take care of the increased medical and occupational programs, because the future blueprint I'm outlining is one which involves significant improvement to what is there now. Of course, in all cases like that, there is a bill to pay. So the legislation will permit us to do that, to share the cost of that between government and the resident.

The last thing, although it's a minor point, will in a legislative sense limit the use of the words "nursing home" to those properly recognized nursing homes I have just described.

So there it is, Mr. Speaker. It represents five years of pretty careful work. I'm excited about what it means for the future. I think that once our legislative package is in place and we can gradually bring in these objectives I've mentioned, Alberta within a few years is going to have by far the best nursing home system, as an important part of our health care system, of any part of Canada. That's always been our objective in designing these health care programs, and that's as it should be. For many Albertans it will be their last home or residence as they finish out their lives in our province. Most of them have contributed very meaningfully and for a long time to the development of our province, and I think the design and administration of an excellent nursing home system is something we should do and ought to do. The Bill I've got before the members for

their consideration is the legislative framework to do that. So I'm happy to urge all members to give it their strong support.

Thank you.

MRS. FYFE: Mr. Speaker, I would like to commend the minister for Bill 67, that he has introduced into the House, and for the great deal of work that's gone into the preparation of this Bill and the principles that are encompassed.

I would like to comment on a few areas very briefly. One relates to the one-window approach. While I see this as a service, I just exercise a caution to those that are administering this service. I would hate to see the system become too inflexible from the point of view of the senior involved, or the person may not be a senior; it could be someone that is disabled — the person involved, the client, and the families.

I would like to highlight one of the strengths in the nursing home system, and that is the work of volunteers. I represented the minister just a couple of weeks ago at a nursing home in Edmonton, where volunteers that had served 25 years' continuous service in the nursing home were being recognized for their efforts. A very important component of nursing homes is the community support and the volunteers that give unstinting effort and volunteer hours to make the days of the residents much happier. I think it's something that has to be recognized.

I tie that into the concern I have regarding the one-window approach — that we do our best to ensure that placement is close to the families and within the communities as much as possible. That volunteer usually comes about because a person has a member of their family in a particular facility. You're far more inclined to become a volunteer if you are personally involved, and often that volunteer effort extends over many years. So I would like to see as much flexibility as possible in the one-window approach.

I am extremely pleased with the ability to inject more funds into the nursing home service, both from the clients and from public support. I know the Hyde report confirmed what many of us already know, and that is that many seniors would be prepared to pay more for upgraded services such as their own room. I think one of the most difficult circumstances for many people who have been independent all their lives is to suddenly go into a nursing home and have to share a room with a stranger. It becomes a source of continuing concern for those people. Obviously, an increase in fees and assistance to the nursing home program will assist the system to upgrade and provide better services that are so needed to give people in their latter years that degree of dignity to which they are entitled.

Also the in-service training and upgrading of staff across the province will be extremely beneficial in incorporating a very positive approach to our nursing home programs.

Mr. Speaker, I want to conclude by one more caution. It relates to the change of residence. I hope that as the new program is upgraded, we don't go rushing in and threaten seniors who are already in the program. Some have already expressed a concern that a nursing home is their home and is an environment that many are familiar with, and the thought that they may be removed and taken somewhere else is a great source of anxiety for some seniors. So I hope the new approaches will apply to seniors coming into the system rather than those who are already there, unless they would voluntarily prefer to move elsewhere, and I think that would be the exception. There are seniors who feel a certain amount of disorientation by having

to move to another location. So I hope we will exercise a great deal of caution in threatening those who are already in the system. But on the whole I am extremely pleased with this Bill and commend the minister for his efforts.

MRS. CRIPPS: I'd like to rise briefly and support Bill 67. I'm extremely pleased with the implementation of this Bill and with the flexibility in the nursing home system.

When I was researching my Motion 205 on senior citizens' lodges, I was referred to the recommendations in the Hyde report, which tend to preserve the personal dignity and lean towards the overall emotional, physical, and activity needs of a senior citizen resident in a nursing home. I believe the personal dignity, the overall activity, emotional and physical needs of a senior citizen in a nursing home would be essentially the same as in a senior citizens' lodge, although probably not as active. For that reason I certainly concur with the principle of this piece of legislation and with the comments made by the Member for St. Albert.

I commend the minister for a job well done. Even though it's taken five years, it's well worth the effort.

MRS. EMBURY: Mr. Speaker, I'd like to rise in support of Bill 67. I do it with some trepidation at this time, because it seems there's a bit of a trend in that it is the female members of the Legislature who are the ones speaking in support of this Bill. I know there's nothing significant in that comment, as times are certainly changing. Fortunately, we do see more men becoming aware of the concern about their own parents or other elderly people who are in nursing homes, and you also see men visiting in those homes. But I think we have to admit the fact that as far as volunteers go, primarily in the past it has been the women who have carried this major responsibility.

I'm not at all sorry that there has been a long wait since the report regarding nursing homes was first produced. I think it has given an adequate period for very careful evaluation and consideration of what should be done. There's no doubt that we will all have to be alarmed, probably in the future, at the number of dollars that will be going into not only the recommendations that will be forthcoming once this Act is passed, if it is, but also regarding the number of senior citizens we will have in our province as they live much longer. I don't think for a moment there's any doubt at all that everybody would want to see them live not only in dignity and excellent physical care but also have the mental support that is so important.

I'm very pleased to hear the minister state particularly that there will be dollars available for all types of education, not only for an ongoing basis, on-the-job training for staff that are presently working in the nursing homes, but also I hope and pray that there will be staff for either the supervisory, registered nurses, or any level of registered nurses that work in the nursing homes. As we're moving into an area where psychogeriatrics is so important today, there are a lot of considerations. There is a lot of new knowledge available in this field, and I think it behooves all people working in nursing homes to upgrade their education.

I realize the minister has also stated that there will be money available for specific programs which will certainly enhance the residency of the people who are in nursing homes, such as possibly more physiotherapy and occupational therapy. One of my major concerns — and I just don't know how it can possibly be addressed, because when you look at legislation and regulations being passed, it's far

down the line with regard to the major considerations. But I do hope there could be an overall philosophy somehow passed on that would support the idea of the holistic approach to caring for these people or what is generally called meeting the total needs of the patients. It's almost too easy to walk or push people down the corridor to a room that is set up for occupational therapy. The people are left there, and it's too bad if they're not going to knit or crochet or if they're not interested in the jigsaw puzzle. I think there has to be a better assessment of each of the individual people. This is something that could well be done by qualified nursing personnel.

I suspect that one of the costs to look at is that we will hopefully see an increased number of baccalaureate nurses in supervisory positions in nursing homes. They're the ones who have an overall type of education that provides them with the skills and knowledge to make it easy to recognize the needs of these patients.

By this legislation, we are certainly not changing our philosophy at all to indicate that more of our senior citizens should be placed in nursing homes. I think it is worth remembering that, first and foremost, our seniors are much better off in their own homes, if that be their desire. We certainly have an excellent support system in our home care program for those people or for those seniors who are fortunate enough today to be able to reside with their own families. There again we have enough support systems available to them.

In view of the fact that our nursing home program is by far one of the best, whether it be private — I like the combination we have, and I think the minister should be commended for supporting all the various types of nursing homes that we have. I would like to state that I can see this as advantageous for ongoing improvements that are necessary because of our changing times and the new knowledge we have about the aging population. But I certainly would not like it to be said that we cannot be very proud in this province of the system that has shown a lot of changes in the last little while. Sometimes I think we're a little too humble in stating that there has been a terrific change in our nursing homes. In many ways this has been brought about, of course, by the people in the nursing homes in conjunction with the Alberta government.

So I just want to say that I fully endorse Bill 67, the Nursing Homes Act, and I certainly want to urge all members of the Assembly to support this Bill.

[Motion carried; Bill 67 read a second time]

#### Bill 69

#### Dependent Adults Amendment Act, 1985

MRS. KOPER: Mr. Speaker, I wish to move second reading of Bill 69, Dependent Adults Amendment Act, 1985.

Mr. Speaker, this Bill is the culmination of the work of the Department of Social Services and Community Health's in-depth study on the evaluation of guardianship for dependent adults. The Dependent Adults Act was first introduced in 1978 and further amended in 1980. As a result, over the years the process has been carefully monitored. An in-depth study was tabled in this House last year. It studied the process, consulting with about 400 interested parties. That included about 150 private guardians and many of the major stakeholders in the process of guardianship.

It was brought to the department's attention that there seemed to be an increasing number of people applying for

guardianship. The needs and benefits of guardianship had to be studied. The process by which orders were reviewed was questioned. The offset timetabling of the review of orders in trusteeship and guardianship was providing really difficult circumstances to not only the courts but the people who were applying to be guardians in the private sector.

Mr. Speaker, 400 interviews, 150 of them being with private guardians, definite consultation with major institutes such as Alberta Hospital at both Edmonton and Ponoka, Baker Centre in Calgary, Michener Centre in Red Deer, and smaller, community-based care-giving facilities, as well as organizations such as the Canadian Mental Health Association and associations for the mentally handicapped, and extensive consultation with the legal profession and members of the judiciary — I feel that this Bill has gone through an exhaustive and very painstaking process of public consultation and analysis.

With that in mind, Mr. Speaker, I'd like to dwell on the three principles I feel are most important for us to consider today. The first principle we should look at is contained in section 6 of the Bill. It involves the tests or criteria which are to be applied by the court in deciding whether or not to appoint a guardian. It was felt that this needed further clarification. Presently we use rather vague language, such as "in need of guardianship." The question of whether or not a guardianship order should be made should be more clearly defined. If we look at section 6, there are four characteristics that must be considered by anyone who is determining whether a person should have guardianship: they must be repeatedly or continuously unable to care for themselves and to make reasonable judgments, and the order must be in the best interests of and result in substantial benefit to that person. These four characteristics are important and must be considered in every case before a guardianship order is awarded.

The second major principle I think is important, Mr. Speaker, is contained in section 10. The Bill does away with the distinction between the concept of plenary as opposed to partial guardianship. The effect of this amendment will be that guardianship orders will be specific to those areas of a person's life in which actual dependence is demonstrated by all the evidence and reports presented to the court. So if one looks at section 10, you can see that the following matters are subject to the authority of the guardian; for instance, deciding where the dependent adult is to live, whether permanently or temporarily. There are other conditions that may be examined. This will ensure that a person who is subject to the order of guardianship retains the maximum amount of personal control, freedom, and determination over the aspects of their life in which he or she is capable and yet still extends the benefits of guardianship over the areas where the person truly needs the assistance of another to make decisions.

The third major principle I wish to mention, Mr. Speaker, is with regard to the review process. Formerly the review process had to take place within a three-year period. The number of guardianship reviews anticipated in '85-86 is approximately 1,500; that's both private and public. These reviews will take place, and the purpose is to extend the review period at the discretion of the court to up to six years. It is felt that this would result in a reduction of the costs associated with applications to the court and would benefit the guardians and the estates of the dependent adults in this way. To ensure that extending this time period does not operate to the detriment of the dependent adult, the Act will continue to permit any interested or concerned person

to apply for a review of the guardianship order at any time during that period if it appears that a person could derive substantial benefit.

Mr. Speaker, those are the main principles of this Bill. Other amendments contained herein will clarify the procedures for both the court and the people applying for guardianship. There will be further amendments introduced at committee stage.

I wish to encourage all hon. members to support this Bill.

MR. MARTIN: Mr. Speaker, as the hon. member indicated, there are further amendments. Perhaps what I'm going to raise may be looked after at that point, but I think it's important that we go on record. In concluding debate, she can indicate if my concerns have been looked after in terms of the amendments.

Mr. Speaker, very recently I received a copy of a brief prepared by Mr. Kevin Feehan, the lawyer for Alberta Hospital, Edmonton, regarding Bill 69, the Dependent Adults Amendment Act. I know the hon. member has this too. It seems to me that these are the people who deal very directly with this Act on a day-by-day basis, so I take their comments and suggestions very seriously. There are a number of things in there, but I would like to bring up two or three points at this particular time.

According to them, Mr. Speaker, there was no consultation with Alberta Hospital or its lawyer before this Bill was introduced, even though the lawyer, Mr. Feehan, has worked extensively with the Dependent Adults Act in the past. They made the case that there should have been more consultation.

They certainly support the deletion of plenary guardianship, the expansion of grounds for review of guardianship orders, and the expansion of the role of the alternate guardian. As they said, these aspects of the Bill are to be commended. However, in the brief Alberta Hospital expressed concern that the amendment would delete the requirement that before appointing a guardian the court must be satisfied that the person named in an application is "in need of a guardian." It seems to me that this amendment would instead stipulate that the court must be satisfied that the guardianship order would result in substantial benefit to the person. The courts would have to look at that. In other words, if we follow this literally, even where proof is given that a person does not need a guardian, if the guardianship order would be a substantial benefit to the person, then the order would be granted.

The appointment of a guardian when the dependent adult is not in need of a guardian might possibly be contrary to the Charter of Rights and Freedoms. Surely this question should be seriously considered before this Bill is allowed to become law. If the dependent adult does not need a guardian, he would be losing rights which he could actually exercise for himself or herself. There are other concerns, but I think that is a major one. As the hon. member said, there are amendments. In concluding debate, perhaps she could indicate if this is one of the areas they are specifically looking at.

MR. R. SPEAKER: Mr. Speaker, I'd like to make a comment or two on Bill 69. I believe all members of the Legislature have received the same letter and the same concerns. I certainly hope the minister has addressed them. The principles of the Act, as outlined by the Official Leader of the Opposition, are principles that I, too, had listed in

my notes for concern. I'm not going to repeat them at this time.

I only want to make a comment with regard to this consultation process. I find it very alarming when I see the number of Bills brought into the Legislature by the Solicitor General. It becomes a criticism by the general public that they have not had the opportunity for consultation and discussion. It seems like the interest groups of this province hear about the Act last, rather than first. In the government's process of examining new ideas or new legislation before bringing it into the House, I think those interest groups certainly should have the opportunity of discussing it. As a member of the Legislature I would never be, and I don't recall ever being, upset because some interest group that was going to be directly affected had discussed the Act or had lots of consultation before it came into this Legislature. That's part of the public process. I wonder why that has happened.

With regard to this Act, I understand that the amendments and the concerns of the Mental Health Hospital Board, Edmonton, have been discussed this morning with the hon. Member for Calgary Foothills. Discussions have gone on, but this seems to be at a late date rather than at an early date.

I would very highly recommend to the government that in the legislative process there should be a period of time even prior to the opening of Legislature. I wonder why historically we have to wait until Bills are announced through the throne speech, through the budget, by a ministerial statement, or by a member in the House before the public hears about them. Why can't we sit down and discuss these things in January or October or November?

An Act like the Dependent Adults Act certainly didn't come on the floor of the Legislature last week. It wasn't started in the process a month or two months ago. This has been in the works. I well recognize the hon. member's competence and her commitment to her work in the Legislature, and she would not start working on an idea after arriving at the Legislature. This has received many hours of her time. If the system becomes one that prevents that kind of consultation, Mr. Speaker, I think we should look at rules of that type. I don't remember any deterrents that prevent that. I think it's more or less an attitude of government or an attitude of the person that's going to bring the Bill into the House.

As leader of the Representative Party in this province, I certainly recommend to the government that that should be one of the things they talk about in caucus and look at scheduling better, say, in August or September for the fall session of the Legislature. If there are Bills coming in the fall Legislature, open consultation or invitations to these various groups or visitations should take place. I think the government leaves themselves open for me as a member of the opposition to stand up and criticize them because they didn't consult with somebody. That shouldn't happen.

The Bill isn't for us here in the Legislature; it's for those who are going to administer the Bill and fulfill its objectives at the various service levels in the province. It is going to be those professions that have an Act, such as the accountants, the psychologists, and the nurses in this province, that use it for their own purposes. I think that they must be involved in determining what really is in the Act. In terms of our own personal vested interests as legislators, often there's none. I'm certain that some of us got involved in this Act because our constituents have this

responsibility. But on a personal or professional basis, many of us never will.

I recommend and make the statement to the government generally that we should tighten up the process and look at some type of pre-Legislature review of these Bills with the interest groups, before they come before the House. I'm certain and confident, though, that the minister will look at the necessary adjustments that are needed here, and I'm sure we'll be able to discuss the detail in a very healthy atmosphere in committee.

MRS. CRIPPS: Mr. Speaker, I just want to talk about the consultative procedures the hon. Member for Little Bow raised. It has to do with the principle in abstract, I suppose. Representations were made to me in January and February by constituents who had particular concerns about the Dependent Adults Act and the mechanism that this Act addresses in ensuring that the best interests of the dependent adult are kept at the forefront of any discussions in that regard. That has to do with public consultation. I know the Member for Calgary Foothills will want to say this, but I want to re-emphasize it because of the two people who contacted me. Both were informed that there were public meetings being held where representations were being taken with regard to the implementation of a Bill coming up in the spring session. So I know there has been adequate public consultation. Certainly, the interests of the constituents I met have been met by the introduction of this Bill.

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

HON. MEMBERS: Agreed.

MRS. KOPER: Mr. Speaker, I appreciate the concern of the hon. Member for Little Bow regarding this, because I think it's a very important matter. If I may, I'd like to review briefly the kind of consultation that was performed.

As I said before, in 1982 the then minister of social services started the study. The first phase was completed in 1983. The second phase went through. This document was produced in the process. I mentioned that I have a copy here, which I would be glad to share with hon. members, of all of the people with whom the committees consulted regarding these amendments. The first one, of course, was Alberta Hospital, Edmonton. At least four members of their staff provided valuable input to the changes in the Dependent Adults Act. So I see that we have really done our very best to involve the people who are concerned with carrying out this legislation. The public meetings held on this in December and January were extensive, and I know consultation went on since that time in the work done to prepare this Bill and bring it to the Legislature today. As a member, of course, I had not heard from Alberta Hospitals until the other hon. members did. Certainly, the minister is reviewing the suggestions.

I would like to briefly address the concept of "in need". The hon. Member for Edmonton Norwood stated the concern that orders could be made when a person wasn't in need. Mr. Speaker, I find it difficult [to see] how a court could possibly have someone stand up in front of them and make a judgment about whether or not that person would benefit from guardianship without being very sure the person was in need. So I see section 6 as being crucial to the understanding of this Bill. If I may refer the hon. member to section 6(1)(b), the person must be:



- (b) repeatedly or continuously unable
    - (i) to care for himself, and
    - (ii) to make reasonable judgments in respect of matters relating to his person
- the Court may make an order appointing a guardian.

But only if the court is satisfied that it would

- (a) be in the best interests of, and
- (b) result in substantial benefit to

the person in respect of whom the application is made.

Mr. Speaker, this is the former definition of "in need". It was felt that it did not allow for clarity. We're trying to improve the ability of the judge to reduce the number of circumstances where it might be questionable as to whether or not a person needed a guardian by more clearly defining "in need".

I'd like to address another matter, Mr. Speaker. That very definition will be something the courts will have to consider. The plan is that there will be an extensive review of this definition with the people who are implementing it, such as were mentioned in our discussion. Those are the Alberta Hospitals, the hospitals, the care-givers, the courts — anyone who will be working with this Act. We hope to review the major principles with them.

I wish to ask for the support of the Assembly on second reading.

[Motion carried; Bill 69 read a second time]

#### Bill 75

##### Psychology Profession Act

DR. REID: Mr. Speaker, in rising to move second reading of Bill 75, the Psychology Profession Act, I would like to make some brief remarks.

This is right-to-title legislation and does not include any exclusive scope-of-practice provisions. It protects the name "chartered psychologist" as being the sole prerogative of the members of the Psychologists Association of Alberta and gives partial protection to the term "psychologist" with provisions for exemptions by order in council. The discipline procedures in this particular piece of right-to-title legislation through the discipline committee will include a lay member from the general public because of the nature of the practice of psychology, especially when practised in the general public sector. The practice review, registration, and education provisions are fairly standard compared to other right-to-title professional legislation.

Before concluding my introductory remarks, Mr. Speaker, I'd like to address some remarks made by the hon. Member for Little Bow in the discussion of the preceding Bill, the Dependent Adults Amendment Act. The Member for Little Bow seems to be taking exception to the normal procedure of developing legislation. In the case of all legislation, members of the general public who are involved with interested bodies are involved in those discussions. The fact that on occasion the final legislation doesn't agree with the proposals put forward by every interest group is, of course, in the very nature of legislation.

The legislation is designed to protect the public. In the case of professional legislation, that's the prime aim. It is not to protect the profession. The very fact that in a number of cases the public interest outweighs the interests of the members of the profession is in the very nature of such legislation. Therefore, it's not unexpected that on occasion

members of the profession may not be completely content with the legislation that addresses their profession.

With those remarks, I move second reading of Bill 75.

[Motion carried; Bill 75 read a second time]

#### Bill 78

##### Forestry Profession Act

MR. APPLEBY: Mr. Speaker, I'm very pleased to move second reading of Bill 78, the Forestry Profession Act.

The passage of this Act, Mr. Speaker, will have a considerable impact on the forest industry in Alberta. Over the past number of years this government has done a considerable amount of promotion in helping the forest industry develop in a way that will be beneficial for the future of all Albertans. Some of the programs that have been brought into effect — like the development of the pine tree nursery at Smoky Lake in the Redwater-Andrew constituency and also the Maintaining Our Forests program, both under the Heritage Savings Trust Fund capital projects division — have had a real impact on the forest industry in Alberta. The industry itself appreciates and acknowledges the fact that these have been very useful developments as far as the forest industry in Alberta is concerned.

Probably one of the most important things this government has done is to develop a forestry faculty at the University of Alberta. This came about in 1974 and has continued to attract people from all across Canada and from outside Canada as well. Actually, it has advanced so well that in 1978 they went to a graduate program at the master's level and then in 1980 a graduate program at the PhD level. These have been very, very rapid advancements as far as any faculty is concerned. It has been my privilege to speak to the graduating class in forestry at the university for the last several years. In the past year we've had people there from many other countries as well: Kenya, Thailand, Communist China, and the Philippines. That just gives an indication of how important the faculty in Alberta is recognized as.

One thing we have not done, though, Mr. Speaker, is recognize the professional foresters in Alberta on the same level that they are recognized in other major forest industry provinces. New Brunswick, Quebec, Ontario, and British Columbia have registered professional foresters' associations. Registered professional foresters in those associations can move to any other province that has such an association, and that does not include Alberta, unfortunately — or fortunately, it does not. It allows them to have a reciprocal agreement. They move there and they can start to practise right away. If an Alberta forester goes to one of these provinces, they are not registered and they have to seek registration there and perhaps actually meet standards that haven't been provided in their home province. This works on the international level as well. If our foresters want to go to another country, they have to seek registration there as a professional forester. This has made it quite awkward for the several hundred graduate foresters we have practising here in Alberta.

What will the change actually do, Mr. Speaker? Certainly, it will raise the professional performance requirements for the graduates. It will set the necessary standards for the people who are going to be practising forestry under the registered association in Alberta. It will allow development of a code of ethics. It will provide for discipline of the association members. It will provide for some uniformity

in continuing education. Perhaps it will also bring about some public awareness of the importance of the forest industry in Alberta and what the ongoing activities are as far as forestry in Alberta is concerned.

It's also very important that Alberta foresters become a registered association because we have very recently formed a federation of professional foresters in Canada. The first issue they're going to deal with is national accreditation of foresters. By passing this Act, our Alberta foresters will be able to take a very active role in developing those accreditation procedures. It will enhance the opportunity for Alberta foresters to compete on other levels as well. They'll be recognized as professionals of a certain standard in the national and international fields.

I think one thing that is developing these days is the role of the professional forestry consultant. With privatization extending so far in the industry these days, this is going to become more and more important. The need for recognition of our foresters in Alberta is going to become something that we have to accept as a very necessary thing.

If we look at the white paper on science and industrial strategy in Alberta, we'll see that along with energy, agriculture, and tourism, forestry is recognized as one of the major areas where the economy will develop in the future. Tremendous things are on the horizon as far as Alberta forestry is concerned. There will be some important developments, Mr. Speaker. That's why it's so important that we recognize our professional foresters by passing this Act, and I urge all hon. members to support it.

MRS. EMBURY: Mr. Speaker, I also want to urge the members of the Assembly to support this piece of legislation. I've already had comments from my colleagues in the Legislature wondering why, as an urban MLA with a health background, I would possibly show any interest in this legislation. However, there is a personal reason. I've taken a great deal of interest in what the Member for Athabasca has done over the years, working very, very hard in promoting this legislation, not only with our government colleagues but also with the foresters out there in industry and at the university. I would like to commend the professors at the university for their patience, understanding, hard work, and diligence in promoting this legislation. The emphasis on forestry, stated most recently in our white paper on strategies for the future of Alberta, will continue, and forestry will grow to be a very important industry. With our professional foresters having this recognized status, it will only enhance this industry in Alberta in the future.

Thank you very much.

MR. GOGO: Mr. Speaker, I want to join with the Member for Calgary North West in commenting on Bill 78, the Forestry Profession Act. When one realizes that two-thirds of Alberta is timbered — it's not something that's generally very well known; we tend to think only of oil and gas. The fact that it's truly a renewable resource indicates to me one of the reasons why we should recognize with a new statute the importance of forestry. I notice that members in good standing will be able to carry the initials R.P.F. I assume that that's registered forester. They're probably going to have a ring, and perhaps they can put the Lodgepole pine, our official tree, on it. The other point I note is that for checks and balances it comes under the Universities Co-ordinating Council, so that council may grant or withdraw.

A final personal comment, Mr. Speaker. In 1975, when I had the good fortune to meet the Member for Athabasca, I think he had been involved in attempting to get forestry recognized in this province for about three years. Without his continuous efforts, the passage of this Bill would not be realized. I want to personally commend the hon. Member for Athabasca for everything he has done to assist these people in the profession of forestry.

DR. ELLIOTT: Mr. Speaker, I also wish to add my support to this particular piece of legislation and to compliment the sponsor, because he has certainly taken a very sincere understanding of the problem, working with the people and the industry. Very few of us in this Legislature know the forest industry any better than the sponsor of this Bill.

Foresters have been a long time in getting their recognition in Alberta. I think the university made the biggest step by adding forestry and agriculture to the faculty. In my particular line of work, working in agriculture in northern Alberta, I've had to work with foresters on several projects, particularly since coming into this work here, Mr. Speaker. I've had to work with the foresters in northern Alberta on many occasions. They are true professionals, and it's a shame that they've been working this long without having this type of legislation.

The Northern Alberta Development Council, in their work for the northern 60 percent of the land mass of this province — that's where all these trees are that the hon. member made reference to — has to look upon forestry as one of the major industries in the north. We are constantly working with the forest people on things like a recent seminar in Whitecourt on how we can better utilize the hardwood resource in the form of harvested and marketable products.

I fully support the Bill and urge all members to do likewise.

MR. McPHERSON: Mr. Speaker, just very briefly I'd like to also commend the Member for Athabasca on introducing this piece of professional legislation today. As a neophyte member of the forestry caucus committee, I can tell you that before I got into this business, I really thought that a tree was a tree was a tree. But with the chairman of our committee, the Member for Athabasca, we've had an opportunity to look at the efforts being made by foresters in this province in silviculture and many other areas and have found they have played a very, very important role in the excellent management of our forests in the province.

I recall quite well a TV show, some time ago now, which lamented the deplorable results of reforestation throughout the world, and I noticed there was not one comment made of the province of Alberta. Had those people taken the opportunity to come into this province and see the work that's being done in the area of reforestation, they would have quickly realized that Alberta perhaps leads the whole world in the area of reforestation. No forest is cut in this province without a plan for reforestation. It's a complex area with a lot of very dedicated people involved in the forest service in this province in both the government sector and the private sector. I think it's very appropriate that we are providing professional legislation to those people dedicated to that service, and I commend the member for this Bill.

[Motion carried; Bill 78 read a second time]

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

**Bill Pr. 1**  
**Heritage Savings & Trust Company**  
**Amendment Act, 1985**

MR. ALEXANDER: Mr. Speaker, I move second reading of Bill Pr. 1, the Heritage Savings & Trust Company Amendment Act, 1985, which simply seeks to increase the capitalization of the company, and I commend it to members.

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

**Bill Pr. 2**  
**Westerner Exposition Association Act**

MR. McPHERSON: Mr. Speaker, I move second reading of Bill Pr. 2, the Westerner Exposition Association Act.

Mr. Speaker, the principle of this Bill is simply to remedy a circumstance that has arisen as a result of a decision of the Local Authorities Board which denied the Westerner Exposition an application for municipal tax exemption. This Bill will remedy that circumstance now and in the future. It has full concurrence of the city of Red Deer and all parties applicable to it, and I urge members' support.

[Motion carried; Bill Pr. 2 read a second time]

**Bill Pr. 3**  
**David Michael Skakun**  
**Adoption Termination Act**

MR. PURDY: Mr. Speaker, I move second reading of Bill Pr. 3, the David Michael Skakun Adoption Termination Act.

In essence, this Bill changes the name Livermore back to the maiden name, Skakun.

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

**Bill Pr. 5**  
**Les Soeurs de Sainte-Croix,**  
**Province Sainte-Thérèse— Sisters of**  
**Holy Cross, Saint Theresa Province Act**

MR. STILES: Mr. Speaker, on behalf of my colleague the hon. Member for Edmonton Gold Bar, I move second reading of Bill Pr. 5, Les Soeurs de Sainte-Croix, Province Sainte-Thérèse— Sisters of Holy Cross, Saint Theresa Province Act.

Mr. Speaker, this Act essentially consolidates and revises the previous Act and its five subsequent amendments, and I commend it to the Assembly.

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

**Bill Pr. 6**  
**Concordia Lutheran Seminary**  
**Amendment Act, 1985**

MR. SZWENDER: Mr. Speaker, I move second reading of Bill Pr. 6, the Concordia Lutheran Seminary Amendment Act, 1985.

Mr. Speaker, the purpose of this Act is to allow the institution the privilege of granting degrees in divinity.

[Motion carried; Bill Pr. 6 read a second time]

**Bill Pr. 7**  
**The St. Louis Hospital, Bonnyville**  
**Amendment Act, 1985**

MR. DROBOT: Mr. Speaker, I move Bill Pr. 7, The St. Louis Hospital, Bonnyville Amendment Act, 1985.

The purpose of this Bill is a change of name.

[Motion carried; Bill Pr. 7 read a second time]

**Bill Pr. 8**  
**City of Edmonton Authorities**  
**Amendment Act, 1985**

MR. STILES: Mr. Speaker, on behalf of my colleague the hon. Member for Edmonton Gold Bar, I move second reading of Bill Pr. 8, the City of Edmonton Authorities Amendment Act, 1985.

Mr. Speaker, this is an amendment Act that would change the reference to "Commissioners" in the existing Act to "City Manager or other member of the City administration." It also changes the terms of appointment of members of various authorities, and I commend it to the Assembly.

[Motion carried; Bill Pr. 8 read a second time]

**Bill Pr. 9**  
**Le Diocèse de St. Paul**  
**Amendment Act, 1985**

MR. SZWENDER: Mr. Speaker, I move second reading of Bill Pr. 9, Le Diocèse de St. Paul Amendment Act, 1985.

Mr. Speaker, the purpose of this Bill is to provide a municipal tax exemption.

[Motion carried; Bill Pr. 9 read a second time]

**Bill Pr. 10**  
**Westcastle Development Authority Act**

MR. GOGO: Mr. Speaker, I move second reading of Bill Pr. 10, the Westcastle Development Authority Act.

Mr. Speaker, this Bill is brought forward by the town of Pincher Creek, Mayor Teran, the MD of Pincher Creek, and Reeve Hilton Pharis. It will allow an authority to be created whereby development known as the Westcastle Park area could take place. For many years and for a variety of reasons we in southwestern Alberta have found our skiing and certain recreational facilities only in the province of British Columbia or in the states of Montana or Idaho. With the passage of this private Bill we will create an authority by the democratic process whereby the residents of southwest Alberta truly can develop a recreation area for the enjoyment of all Albertans but primarily those in the southwest corner of this province.

MR. GURNETT: Mr. Speaker, I'd like to make a few comments on Bill Pr. 10. I in no way suggest that the people in southwest Alberta shouldn't have good ski facilities available, but I suggest that that might be possible without a Bill that goes quite as far as this. My concern with the Bill centres on the fact that the Bill allows a possible series of problems to arise and, in creating the authority, also

creates the possibility of going far beyond simply the creation of a good ski facility.

Specifically, one of the dangers the Bill doesn't address and that I think should give us some real grounds for concern is that this Bill would open up the possibility that land along the Eastern Slopes, that is now protected Crown land, could eventually end up being sold. I should say that by no means is it encouraged by the Bill. My concern is simply that the potential for these kinds of things is there and is not protected by the Bill as it's now before us. So there's a concern about setting a precedent. I think that's a very serious thing to look at with land in this particular area.

Secondly, I'm concerned about the fact that the Bill doesn't reflect to the greatest extent possible the feelings of the people living in the area. There's a great deal of concern about whether the development of the authority has proceeded and will continue to proceed without the possibility of local people having the kind of input they would like to have.

Finally, the Bill seems to go about things backwards in a sense, Mr. Speaker, by granting permission, fairly broad authority, for the development of the Westcastle Development Authority without thorough environmental studies of what's involved in the area. As I said earlier, I certainly am not opposed to a ski resort. I'm sure it would be valuable for the area and for the economy, but the potential within this Act is something much more extensive than a good ski resort. I have real concern about our approving a Bill that would allow this to happen without thorough investigation of the environmental problems that could arise. Certainly, the Bill doesn't say that that thorough investigation won't take place prior to the development, nor does it say that it will.

This Bill makes possible a great number of things we hope wouldn't happen, but there's no protection to be certain that those directions wouldn't be taken after we approve the Bill.

MR. KOZIAK: Mr. Speaker, I had the opportunity just over a year ago, when I was touring the improvement districts in the province for which I'm responsible, to visit the Westcastle development and note the community spirit in that area of the province as they pursued the further development of their existing ski hill, not only for their own benefit but for the possibility of attracting the tourist dollar. I think it's very important that we realize that although Bill Pr. 10 provides for the authority to purchase, it doesn't seal the deal. There have to be two parties to a transaction, and that includes the vendor and not only a purchaser.

I would be concerned if the people of the province of Alberta were left with the impression that this Legislature would never under any circumstances consider the sale of Crown lands for tourist development. Mr. Speaker, many dollars are fleeing this province and this country, but particularly this province right now, for facilities within the province of British Columbia and the state of Montana, where people can invest in condominiums or other facilities on ski hills. Where those dollars go, also go the people to do their skiing. If we're ever going to attack the deficiency that occurs, the imbalance in the tourist dollar expenditure/income levels, we have to not only attract people from outside this country to our province but provide facilities for Albertans to enjoy their magnificent ski areas, magnificent topography, and beautiful country. The last thing we want to do is leave the impression that the only form of

ownership that's going to be permitted in the Eastern Slopes is a collective form of ownership.

Of course, there needs to be a collective form of ownership in areas where there are environmentally sensitive requirements we must adhere to. But, my Lord, two-thirds of the province is owned by the province or the federal government today. Surely we can't just close our eyes and take the approach that nothing in the Eastern Slopes could ever be considered for private development. Surely anything that's more than a hill can't be an altar for public worship. Surely these facilities, these marvellous, magnificent creations of God, are for the benefit of mankind as well as for the benefit of the wonderful animals that inhabit them.

Mr. Speaker, I think we should support the community efforts of the people in the Westcastle area. Those people have gotten together to develop the Westcastle ski facilities not only for the benefit of their immediate community and the people of southwestern Alberta but for all Albertans and possibly as a great, magnificent tourist development and resort.

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

HON. MEMBERS: Agreed.

MR. GOGO: Mr. Speaker, I've appreciated the comments by hon. members. The Westcastle area has been described by the hon. Member for Pincher Creek-Crowsnest as a heavenly area. I didn't quite foresee the ecclesiastical comments that have been passed this morning with regard to that area.

The Member for Spirit River-Fairview makes a good point. I point out that both the proponents and intervenors had the opportunity of appearing before a committee of this House to state their cases. I have the assurance of both the committee chairman and others that Mr. Friesen, one of the major intervenors, had ample opportunity. I understand that his concerns have been mollified somewhat.

The Member for Spirit River-Fairview raised a very good point about the use of the Eastern Slopes. I don't disagree with that at all. I simply point out that now we have some 60 percent of the land mass, 2.5 million square miles in this province, owned by the Crown. If we're cognizant of how fragile some of that area is and it's dealt with accordingly, I really don't see a problem. I think the important point to be made is that Albertans should be able to enjoy Alberta, and they will determine the way they enjoy Alberta.

The passage of this Bill simply creates an authority whereby certain things may be done. Maybe they won't be done at all, but without the authority, for sure they won't be done. This Bill puts in place the development or creation of an authority that can lease, buy, do this, do that, and so on, but only at the wishes of those members who are appointed to that authority. They are appointed by the proponents; that is, the town of Pincher Creek and its council, and the MD of Pincher Creek and its council.

I'm certainly assured in my mind, Mr. Speaker, that with the passage of this Bill we'll open a whole new era for many Albertans to enjoy the many benefits of this province. Thank you.

[Motion carried; Bill Pr. 10 read a second time]

**Bill Pr. 11**  
**The Calgary Municipal Heritage**  
**Properties Authority Act**

MR. OMAN: Mr. Speaker, I . . .

MR. SPEAKER: I don't think there's time to even go through a formality and vote, unless hon. members wish to stop the clock.

MR. CRAWFORD: Mr. Speaker, I share your observation and was simply going to observe for hon. members that

we don't know if the Assembly will sit Tuesday night of next week. We'll be in a position to judge that on Monday. On Monday it is proposed that Government Motion 18 be debated. As difficult as it is to forecast how long it might take, both the afternoon and evening of Monday are being allotted to that motion. If there is time after that motion on Monday, the business will be committee study of Bills on the Order Paper.

[At 1 p.m., pursuant to Standing Order 4, the House adjourned to Monday at 2:30 p.m.]

