

## LEGISLATIVE ASSEMBLY OF ALBERTA

## head: INTRODUCTION OF BILLS

Title: Monday, June 3, 1985 2:30 p.m.

## Bill 77

## Pharmaceutical Profession Act

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

## PRAYERS

[Mr. Speaker in the Chair]

## head: INTRODUCTION OF VISITORS

MR. PAHL: In view of the business of the day, Mr. Speaker, we have some special visitors in your gallery and perhaps in the members' gallery. I'm at a bit of a disadvantage because of my location, but I would like to introduce to you, sir, and to members of the Assembly, the following people. By their titles it will become apparent why they're here: first, Mr. Joe Courtepatte, president of the Federation of Metis Settlements of Alberta; Mr. Sam Sinclair, president of the Metis Association of Alberta; Mr. Clarence Cunningham, chairman of the Big Prairie Settlement Association; Mr. Ernest Howse, president of the Caslan Settlement Association; Mr. Harry Supernault, president of the East Prairie Settlement Association; Mr. Archie Collins, president of the Elizabeth Lake Metis settlement association; Margaret Fayant, president of the Fishing Lake Settlement Association; St. Germaine Courteoreille, president of the Gift Lake Settlement Association; Mr. William Erasmus, president of the Kikino Metis settlement association; and Mr. Albert Wanuch, president of the Paddle Prairie Metis settlement association.

Mr. Speaker, they are, for the most part, in your gallery. I would ask them all, wherever they might be, to please rise and receive the welcome of the Assembly.

MR. SPEAKER: In view of the special occasion, perhaps there are other members of the House who have constituents, members of the Metis Association, in the Speaker's gallery or in one of the other galleries. Perhaps those other members would like to make those introductions now.

MR. ADAIR: Mr. Speaker, I certainly appreciate the invitation to do that. In the Speaker's gallery is a gentleman from my constituency representing the Paddle Prairie settlement, Richard Poitras, who was the first president of the Federation of Metis Settlements some years ago — Richard, you're getting a little grayer now — and, I understand, Elmer Ghostkeeper, who is now a resident of Edmonton Parkallen and Paddle Prairie in the Peace River constituency as well and the past president of the Federation of Metis Settlements. I'd like them to stand and receive the warm welcome of this Assembly.

MR. WEISS: Mr. Speaker, I too would like to take this opportunity and thank you for extending the courtesy. From the Kikino settlements, I have the Senator, none other than Mr. Adrian Hope, Mr. Reuben Pruden, Mr. Marshall Howse, and Mr. Randy Hardy. Along with them, from the Caslan Settlement, is Miss Dorothy Ladouceur, Mr. Glen Auger, and Mr. Horst Patenaude. I ask that they all rise and receive the cordial welcome of the Assembly.

DR. REID: Mr. Speaker, I request leave to introduce a Bill, being Bill No. 77, the Pharmaceutical Profession Act.

Mr. Speaker, this Bill is only going to be introduced at this spring sitting and will sit over until the fall for any public input. As well as introducing the normal provisions for a council of the profession and public representatives on the practice review and having a discipline committee, it introduces the concept of having a pharmacy which is only a portion of the retail premises, that portion which includes the dispensary and the other areas where non-prescription drugs of a defined list will be sold to the public. There will be a ministerial advisory committee on such nonprescription drugs. The Bill also allows for non-pharmacist ownership of pharmacies but will allow only pharmacists to operate the pharmacy.

[Motion carried; Bill 77 read a second time]

## head: TABLING RETURNS AND REPORTS

MR. BOGLE: Mr. Speaker, I wish to table with the Legislative Assembly the annual report for the Electric Energy Marketing Agency for the year ended March 31, 1985.

## head: INTRODUCTION OF SPECIAL GUESTS

MR. PAHL: Mr. Speaker, it's my pleasure today as well to introduce from the constituency of Edmonton Mill Woods 40 students in grade 6 in Ekota elementary school. They are accompanied by their teachers, Mr. Peter Wyllie, Mr. Lonnie Wilcox, and Mr. Charles Wiese. To show you that the parents in Edmonton Mill Woods are very much involved in their children's learning process, we are fortunate to have five parents accompany the group as well: Mr. and Mrs. Jenkins, Mrs. Lylick, Mrs. Braden, and Mrs. Punch. They're in the members' gallery. I ask them to rise and be welcomed by the Assembly.

MR. SPARROW: Mr. Speaker, I would like to introduce to you and to the Assembly a constituent of mine, Mr. Dan Claypool, and a young visitor to our province from Scotland, Mr. Ken Campbell. Mr. Campbell is touring farms in our province to compare our agriculture industry to theirs. They are seated in the members' gallery. I wish they would stand and receive the warm welcome of the House.

MR. WEISS: Mr. Speaker, I have the double pleasure today as well to introduce to you, and through you to members of the Assembly, 84 grade 8 students. They're from St. Gabriel school, and they're representing as well the Fort McMurray Magical Mystery Tour III group. They're accompanied by their teachers, Ms Charlene Pratt, Mr. Greg Alyward, Mrs. Marlene Cooper, Miss Karen Heighton, and Mr. David Kemp; the lone parent who braved this journey down is Mrs. Audrey Burke. They're seated in both the members' and the public galleries. I ask that they rise and receive the cordial welcome of the Assembly.

MRS. LeMESSURIER: Mr. Speaker, I would like to introduce to you, and through you to Members of the Legislative

Assembly, three members from the Native Friendship Centre in Edmonton Centre: Georgina Donald, the president; Muriel Stanley-Venne; and Archie Laboucane. They are seated in your gallery. I would ask that they rise and receive the warm welcome of this Assembly.

MR. PAYNE: Mr. Speaker, this afternoon I would like to introduce to you and to the other members of the Assembly Mr. Jim West, who is visiting from Toronto today and spending some time with our guide services staff. I would like to point out to you, sir, and to the other members that Mr. West in past years has been extremely helpful to our guide staff in the Alberta pavilion at the CNE in Toronto. I'd like Mr. West to stand now in the members' gallery and be cordially welcomed by the members.

MRS. LeMESSURIER: Mr. Speaker, I'm also pleased to rise today and introduce to you, and through you to members of this Assembly, 14 students from the Alberta Vocational Centre in Edmonton Centre. They are accompanied by their leader Janet Kan and Mr. Richard Sim. They are in the public gallery. I ask now that they rise and receive the warm welcome of this Assembly.

#### head: ORAL QUESTION PERIOD

##### **Kinetic Ecological Resource Group Ltd.**

MR. MARTIN: Mr. Speaker, in Environment Week I'd like to ask some questions of the Minister of the Environment. As a result of the negotiations by this government with Kinetic, I wonder if the minister could advise if, to his knowledge, Kinetic has received payment for the hazardous wastes that are now stored at their site in Nisku.

MR. BRADLEY: Mr. Speaker, that would be a matter of a business contract between Kinetic and whomever it contracted with regard to those wastes.

MR. MARTIN: A supplementary question. By the minister's answer I take it that they were probably paid for it. My question is: does the minister have any information for the Assembly on whether or not Kinetic has ever, to his knowledge, had any capacity at all to destroy the wastes they have been stockpiling?

MR. BRADLEY: Mr. Speaker, on a number of occasions the particular company would come forward to the province with applications to proceed to build destruction facilities. They certainly had the necessary technology available to them. It was a matter of whether or not the province was willing to give them the approvals to proceed. We did not.

MR. MARTIN: A supplementary question following from that. For clarification, is the minister saying that to his knowledge Kinetic has never had the ability to destroy the wastes that they already have at their site?

MR. BRADLEY: Mr. Speaker, the company to which the hon. leader refers has had before the government for some time proposals to construct destruction facilities. They've had technology available to them which would provide for that. By government decision we denied them the opportunity to proceed with those facilities.

MR. MARTIN: Mr. Speaker, in his announcement last Wednesday the minister said that Kinetic is going to be paid \$1.8 million worth of public money for something called lost business opportunities. My question specifically: is the opportunity which was lost, as far as the government is concerned, the opportunity to win the contract which another private company, Chem-Security, won to build the Swan Hills facility?

MR. BRADLEY: Mr. Speaker, I think the ministerial statement of last Wednesday covered the areas and categories for which the government paid to Kinetic certain amounts for lost business opportunity and other reasons.

MR. MARTIN: A supplementary. The ministerial statement was very vague. My question very specifically to the minister: was one of the considerations of this lost business opportunity the fact that they did not build the Swan Hills plant?

MR. BRADLEY: No, Mr. Speaker, not for that specific reason.

MR. MARTIN: A supplementary question. Could the minister be a little more specific and tell us what were the lost business opportunities?

MR. BRADLEY: Mr. Speaker, as I said, the government came forward with exclusive jurisdiction with regard to the responsibility for special waste in the province, extending it to a Crown corporation, being the Alberta Special Waste Management Corporation. In terms of the philosophy of the government, the discussion which had taken place in the province with regard to the storage and treatment of these specific wastes, the advice we received from the Environment Council of Alberta, the impact of our legislation, and the fact that we'd taken over exclusive jurisdiction and on a number of occasions we denied various applications of this company, our philosophy was that in terms of the lost business which this company would have to suffer as a result of our decisions, it would be appropriate to compensate them accordingly. I don't know what the philosophy of the hon. member's party is. Perhaps he would have the government intervene in this manner, come forward with exclusive jurisdiction, and not provide for compensation. That's not the principle which we are following in this case.

MR. MARTIN: I'm not the government. We're asking you the questions, Mr. Minister. My question is: will the Minister of the Environment advise if it is now the policy of this government that those companies which bid on government projects or lose business in other ways, who are unsuccessful winning tenders, should be compensated for their lost business opportunities? Is this the new method of dealing with companies?

MR. BRADLEY: No, Mr. Speaker. In terms of the decisions we made, it was fairly clear that in the public interest the province was going to move in, in a major way, and have exclusive jurisdiction for these specific areas of treatment. In terms of our commitments and our philosophy, we proceeded on the basis that there would be some compensation where we denied this specific application from this company, specifically because our legislation impacted on it. That is why we move forward at this time in this manner.

Perhaps the philosophy the hon. leader would follow would be different, in terms of expropriation without compensation.

MR. MARTIN: Was it expropriation? I thought it was free enterprise. I thought you were the free enterpriser, Mr. Minister. My question is simply this: can the minister assure the Assembly that this is not some sort of settlement which keeps a promise and that there's never been any sort of promise made to Kinetic that they would be granted certain government work which was not later granted to them?

MR. BRADLEY: I believe that is correct, Mr. Speaker.

MR. MARTIN: Mr. Speaker, as a point of clarification. Kinetic established and operated their private waste storage business without any sort of guarantee at all that they would ever be able to enter the waste disposal business. Is that true?

MR. BRADLEY: Mr. Speaker, with regard to the specific applications before us and our denial of those applications, in terms of the law at that time, there was nothing in the law which would have prevented those applications from going forward. With the establishment of our exclusive jurisdiction we had an impact on the business opportunities they would have had prior to our passing those laws.

MR. MARTIN: A supplementary question . . .

MR. SPEAKER: Might this be the final supplementary in this series.

MR. MARTIN: Yes, Mr. Speaker.

My understanding is that the Kinetic group lease their warehouses in Nisku and, at least in 1983, their truck fleet was leased as well. Could the minister indicate what assets we are buying with the \$454,500 of taxpayers' money?

MR. BRADLEY: Mr. Speaker, there are certain furnitures and fixtures at that facility which are required for the ongoing operation of a storage facility. There is some very expensive equipment there which is incidental to the necessity to continue to have that waste safely stored. Those are the types of assets which we have purchased, plus any leasehold improvements which that company has put into place to ensure the safe storage of those wastes.

MR. MARTIN: I'll go into another area another day, Mr. Speaker.

#### **Kinetic Storage Facilities**

MR. MARTIN: My second question to the Minister of the Environment also has to do with the ministerial announcement. In Sessional Paper 140/85, which was tabled last Wednesday, it is shown that on May 27, 1983, samples of sludge and surface water were taken on the Kinetic site which showed levels of PCBs 328 and 90 times, respectively, of the so-called safe levels of 50 parts per million that the minister talks about. Could the minister advise the Assembly what caused such extremely high levels?

MR. BRADLEY: Mr. Speaker, I believe the samples which the hon. member refers to were on the Kinetic site itself, and they were within the storage facilities themselves, specifically, as I recollect.

MR. MARTIN: That is correct, as you recollect. My question was: could the minister indicate why we had such high samples at that site?

MR. BRADLEY: Mr. Speaker, in the storage facility itself I believe there were some concerns with regard to a specific tank which that company had, in terms of its ability to contain the substances which ran off into it. There was some concern there. These investigations took place as a result of that, and that situation had been corrected. As I recollect, the department put in place at that time an extensive groundwater monitoring program to see if, in fact, any of this contamination may have gone off the site or into the groundwater. The results of that investigation, which were part of the return which was filed, indicate that that has not taken place.

MR. MARTIN: A supplementary question. Were these levels brought to the minister's attention by his officials as soon as they were discovered?

MR. BRADLEY: Yes, Mr. Speaker. At the earliest opportunity the department provided me with that information and the follow-up program they'd initiated to correct the situation.

MR. MARTIN: Could the minister be a little more specific? What steps were taken to thoroughly clean up this completely contaminated material?

MR. BRADLEY: Mr. Speaker, an investigation took place. As I recollect, the company was ordered to remove the specific storage tank and put a system in place such that any leakage would not occur in the future.

MR. MARTIN: That's very well. I'm glad the minister has given his assurance. I was asking, though, if he could be a little more specific. What steps were taken at that particular time? These are very frightening levels.

MR. BRADLEY: Mr. Speaker, I think I've explained that the concern was with a specific tank on the site in the storage warehouse. That situation has been corrected and a monitoring program was put in place in the longer term to ensure that there was no migration into the groundwater system. Reports to me have proven that there is no migration into the water systems.

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

MR. SPEAKER: Might this be the final supplementary on this continuation of the first question.

MR. MARTIN: Well, it's slightly different.

The test results, also from the 1985 sampling program, which were released last Wednesday show that PCB levels of 65.7 parts per million were found in sediment at site 29 off-site below a culvert outfall. Given the minister's assurance to the Assembly in the spring of 1983 that ditch clearance and soil removal as well as berm construction had made the site secure, could he advise what investigation he ordered as to why this contaminated sediment was below the culvert this year?

MR. BRADLEY: Mr. Speaker, one can only come up with some hypothetical reason why those levels might be there.

The important thing is that our monitoring program found them, that the company was required to clean them up and they proceeded to do that, and that the site is now cleaned up.

#### Free Trade Initiatives

MR. R. SPEAKER: Mr. Speaker, my question is to the Premier. It's with regard to free trade and the common market statements that have been made by the Premier. Page 1 of the document I have here that the Premier is quite familiar with, Free Trade with the United States: An Alberta Perspective, which was presented at the first ministers' conference in February, states:

The payoff [of free trade] will be in the prospect of substantial new job opportunities for Canadians.

What I'd like to ask the Premier first of all is: did the government do some studies prior to the presentation of this paper that would indicate the kinds of job opportunities and what the prospects would be?

MR. LOUGHEED: Mr. Speaker, we were aware that other groups were doing intensive studies. Ours was a judgmental position. As we got into it, we became even more convinced that it was crucial to the future of not only Alberta but Canada, simply because, to put it bluntly, there is no status quo in our relationship with the United States. We've just seen a multitude of actions taken by the United States, and perhaps that's just the tip of the iceberg. There's no status quo.

One of the options raised by Mr. Kelleher on January 29, of course, as the hon. Member for Little Bow will recall, was to maintain the status quo. Another was a framework arrangement. The third was a comprehensive free trade arrangement. There's a growing body of opinion in this country that's really quite convinced that there isn't such a thing as the status quo any more. We really haven't very many choices, and they're diminishing by the month.

MR. R. SPEAKER: Mr. Speaker, to the Premier. I would also like to relate my remarks to the conference in Grande Prairie where there was a call for a common market. Page 4 of the presentation with regard to free trade states:

Alberta is confident that free trade arrangements between Canada and the United States will not hinder traditional trading relations with other countries.

My question to the Premier is: how can the government of Alberta or the Premier be confident that the establishment of a common market between Canada and the U.S. will not interfere with our trading relations with other countries when it is obvious that a common market would require a harmonization of Canadian and U.S. trade barriers against the rest of the world? Could the Premier clarify that, or is that not the situation as forecast in the plan of the government?

MR. LOUGHEED: Mr. Speaker, first of all, the use of the phrase "common market", which came out of the Grande Prairie conference, in my view is interchangeable in concept with "free trade arrangement". A common market has to do in some aspects with a comparison with the European Economic Community, but common market means assured access for our goods and services into the United States and theirs into Canada. It doesn't mean that the other elements of sovereignty are in any way diminished. We take the phrases "common market" and "free trade" to

mean one and the same thing for the purpose of the North American situation.

With regard to the earlier part of the hon. member's question, it's our view, first of all on a legal basis, under article 24 of the General Agreement on Tariffs and Trade, that it's quite in order to have a bilateral comprehensive free trade arrangement with another country. That is not at odds with GATT. Everything we've been saying on this subject since mid-February has been that we should be pushing aggressively in markets throughout the world as well as in the United States. We have been doing that in a multitude of ways, including our visitor from the Soviet Union last week and a number of other things I could mention.

Mr. Speaker, through to the member, I think the key point is that if the Canadian processor, manufacturer, or supplier were able to have the opportunity to service the North American market of Canada and the United States and could, therefore, have the economies of scale that would come out of the nature of that production, that manufacturer, processor, or supplier is then much more able to compete in the marketplace throughout all the various regions of the world. So in our judgment, having a free trade arrangement between the United States and Canada would make us more competitive in the rest of the world.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier with regard to the definition of "free trade" and "common market". Were the other premiers in agreement with that definition that "free trade" and "common market" were interchangeable? In some academic senses they are not. I'd appreciate that clarification from the Premier.

MR. LOUGHEED: We discussed that. Questions of that nature were placed to us at the closing news conference in Grande Prairie, and in my remarks I gave the same answers I just did here in the Legislature to the effect that as far as I was concerned the concept of a free trade arrangement and a common market were interchangeable, and no objection was taken by the other premiers.

MR. R. SPEAKER: Mr. Speaker, a supplementary question for confirmation. I believe the Premier has already answered it, but for further clarification as well. Two very important items to Alberta and certainly to the government, as I understand it, are trade and diversification, which allow us to market in the Pacific Rim and other countries without intervention from the United States or even other parts of Canada. That's the first thing. Secondly, the government and Premier have made statements that we in Alberta want a made-in-Canada interest rate. I was first of all thinking in terms of common market, but in terms of the Premier's definition of common market and free trade, does the Premier see either one of them affected in any significant way?

MR. LOUGHEED: Mr. Speaker, I don't with regard to the monetary policy and interest rates. Clearly, from that point of view, whether or not we're involved in an assured access for a comprehensive free trade arrangement or not, investors worldwide will still judge the currency of the two countries in the way they judge today. The reality of what might happen is that the value of the Canadian dollar might rise because investors throughout the world will see the obvious growth within Canada that will come from a comprehensive free trade arrangement.

The second part of the question raised by the hon. member, if I understood it, had to do with the question of diversification. In my judgment, two of the most absolutely crucial areas in diversification for Alberta are food processing and petrochemicals. Those areas will be significantly enhanced by being involved with an assured market in the United States for their products. Diversification in this province will be considerably enhanced if the nation is bold enough to move or initiate discussions on a comprehensive free trade arrangement with the United States.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier. I don't disagree with the comments that were made. On a more practical basis, the application of what we have talked about in a more general sense, could the Premier indicate how the government would handle a situation such as the sugar beet industry of southern Alberta that is now meeting with a parliamentary committee in Ottawa with the view in mind of establishing tariffs on sugar cane coming into Canada?

MR. LOUGHEED: Mr. Speaker, I am pleased with that question, because I do think questions of that nature tend to clear up some misunderstanding. We're talking about a comprehensive free trade arrangement with the United States. There's nothing in that situation that in any way precludes us from having tariffs with regard to sugar being imported from countries in the rest of the world, provided they're within the provisions of GATT. This comes about, if I could just move to that particular point, with the discussion on the textile industry. There are people who are raising the fears with regard to a free trade arrangement in the textile industry by presuming that a free trade arrangement with the United States means that there are not the tariff barriers or quotas that we have against other countries in the world. They're not affected. The competition would be with the textile manufacturing in the United States.

On the specific question with regard to the sugar industry, if there is a policy that we should have tariffs with regard to sugar to maintain, as I believe we should, some element of a sugar beet industry, that's a tariff in relation to other countries in the world, not the United States.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier with regard to the strategy that will evolve between now and, say, the fall of 1985. Could the Premier indicate what type of leadership will be taken by the Premier or the members of Executive Council in promoting free trade in Canada and in meeting with federal counterparts or meeting with interest groups in the United States to promote the concept? Has the Premier a strategy in mind and in place, and could the Premier at this time elaborate on more of the details of that strategy?

MR. LOUGHEED: Well, Mr. Speaker, the strategy involved a number of steps, if I could review. It started with profiling the issue at the First Ministers' Conference on the economy in mid-February in Regina, and we certainly did that. The strategy then was to involve this issue as a major matter of public debate. We certainly have done that. It has clearly been the issue of public debate, as it should be, because it's probably the most important economic decision the country will make maybe in the last 50 years, maybe in the coming 30. We've encouraged a number of the larger organizations to canvass their membership as to whether or not they support the idea. We've had, as the hon. member

knows, a series of very significant shifts in opinion from the Federation of Independent Business to even, surprisingly, the Canadian Manufacturers' Association and the Canadian Chamber of Commerce. So we've encouraged that.

In addition, we've had discussions with the C. D. Howe institute about the progress they've made in analyzing what I call the red herrings in the issue. The hon. member would know that the C. D. Howe institute has come out with a very, very "important document analyzing the issue thoroughly. I believe by mid-July we're going to hear from Canada's Royal Commission on Economic Prospects. They're going to deal with this issue, and we'll all await their response with interest.

From an intergovernmental point of view, we tabled in the House my letter to the Prime Minister with regard to the matter. We take the view that the initiative has to come from Canada. That was the report I gave the Prime Minister from my visit to Washington. We have to take the initiative in this country. We've had advice from the federal government that they're in the process of considering this at cabinet committee during the month of July and will make the decision in August.

I'm using every opportunity, including a speaking engagement on Wednesday and on other occasions that I've had, to raise the subject both here and in other parts of the country, and then intend to bring it forward further at the August meeting of the premiers.

#### Accountants Acts

MR. ALEXANDER: Mr. Speaker, I have a question for the hon. Solicitor General. It has to do with the introduction in the House of Bill 71, and to a lesser extent Bills 72 and 76. There's been considerable concern in the community, particularly among small-business men, farmers, and volunteer groups, that Bill 71, if passed, would result in considerably increased costs because of the requirement for audits and reviews. This concern may be partly due to certain advertising that's appeared, but the concern is real. I wonder if the minister could provide any information to these people about the cost effect of Bill 71?

MR. SPEAKER: I have some difficulty with this. It seems to be anticipating debate on the Bill. On the other hand, it may be a means for members to prepare themselves for that debate. Perhaps the hon. minister would like to deal with it briefly.

DR. REID: Perhaps, Mr. Speaker, I can address it without getting into debate on the Bills. The difficulty is that I think some points need to be made very amply clear to people in Alberta other than the accountants; first of all, the assurance that such legislation is for the benefit of the public, as I've said before, not for the accountancy professions. It certainly was not and never will be the intention of the government to add to the bookkeeping/accounting costs of small-business men, farmers, volunteer groups, charitable organizations, and such like. Indeed, it's my hope, and I think that of the rest of the government caucus, that the survey of some 190 statutes and the regulations under those statutes will result in a considerable decrease in the number of audits required and therefore, hopefully, a decrease in cost to those organizations and entities.

MR. ALEXANDER: A supplementary, Mr. Speaker. Undaunted, let me try to clarify further. There is additional

concern that Bill 71, with its new definitions of audit and review, will require more companies and agencies to have such reviews. Has the minister assessed whether this, in fact, is the case? Will there be an increased number required?

DR. REID: I think, Mr. Speaker, the situation is that at the moment, with some 190 statutes and sets of regulations, there's only been a very preliminary survey of those. I expect that audits will continue to be required as they are now for the issuing of public shares and for certain municipal, school, and hospital reports where audits are currently required. There are some others where audits would be required: major financial dealings with certain Crown corporations, the Agricultural Development Corporation, the Alberta Mortgage and Housing Corporation, the Alberta Opportunity Company, and perhaps major loans through the Treasury Branches. But those audits would be such as are already asked for. The anticipation is that in actual fact requirements for financial reporting, with the rationalization that will come out of this survey, will probably in the vast majority of cases be reduced from audits to some other form of financial statement.

MR. ALEXANDER: A final supplementary, Mr. Speaker. There's also concern within the accounting profession itself. Can the minister indicate whether his assessment of Bill 71 would show that there would be a redistribution of market share to the chartered accountants in the commercial and business sector?

DR. REID: Mr. Speaker, it's difficult to give a one hundred percent assurance, but I would certainly anticipate that any effect upon market share would be minimal. For example, in the commercial lending sector those institutions will make their own requests of borrowers, as indeed they have in the past and do at present.

Perhaps, Mr. Speaker, I should take the opportunity — I was going to do it at another time — to indicate to the Assembly that Bills 71, 72, and 76 will not proceed at the spring sitting. The aim is to try to take the package that I mentioned at introduction of the three Bills, including the review of the statutes and regulations, and to complete that survey and have all the amendments to statutes and regulations available to members of the Legislature and the general public at the same time so that the public will not be confused by either a lack of knowledge themselves or by misleading advertisements such as mentioned by the hon. member. The aim of the package will be, as I said before in answering questions, to protect the independent, third-party investor, not to protect the professions. The package will include a definition of audit and review for use in provincial statutes and regulations. It will continue the principle of exclusive scope of practice, in a very limited way, to protect the third party so they can rely to the greatest extent possible upon the information they're using.

In anticipation of a further supplementary, Mr. Speaker, perhaps I can indicate that I can't tell at this time whether the package will be available to be brought back to the Legislature for the fall sitting of 1985, the spring sitting of 1986, or the fall sitting of 1986.

MR. MARTIN: When's the election?

#### **Health Unit Nurses' Strike**

MR. GURNETT: Mr. Speaker, I'd like to address a question to the Minister of Social Services and Community Health with regard to the public health units. My question is whether the minister has any information or any study which

would estimate how many home care patients are now in active treatment hospitals as a result of the nurses' strike.

DR. WEBBER: Mr. Speaker, I receive weekly reports from the health units with regard to the number of health unit nurses that are out on strike, the number of nurses that have reported back to work, and the number of clients that have been hospitalized during the strike. The numbers have not changed at all significantly over the past few weeks. I'm reading the May 28 report, and there is a total of 56 home care patients that are in either hospitals or nursing homes. When I mention that 56, consider the fact that there are eight health units out on strike, so that works out to an average of about seven per health unit. Eight health units out of the 27 are on strike.

MR. GURNETT: A supplementary question then, Mr. Speaker. I wonder if the minister has met with the hospitals minister to determine the additional costs. Specifically, could the minister indicate what information he has about the cost to the province of handling patients who would normally be home care patients under the care of public health unit nurses?

DR. WEBBER: Mr. Speaker, my understanding is that in the cases where patients have been moved to hospitals or nursing home facilities, there have been spaces available, so it's not a matter of replacing anybody or anything like that. The space is available, and these patients are being taken care of in that way.

MR. GURNETT: A supplementary question. Is the minister then indicating that it costs as much to have that space in an active treatment hospital vacant as to have a patient admitted to it?

DR. WEBBER: Mr. Speaker, I would let the hon. Minister of Hospitals and Medical Care get into a debate with regard to what is costly or more costly in that regard. I'm just saying that our home care patients that do need hospital care are being taken care of.

MR. GURNETT: A supplementary question, Mr. Speaker. I understand that the minister was given a report last week from nurses at the Wetaskiwin public health unit about the number of patients in that area alone. I wonder if the minister has had a chance to review that report and whether he can confirm that in that report, which covered the first six weeks of the strike, the additional cost to hospitals in the area served by that health unit alone came to more than \$165,000.

DR. WEBBER: Mr. Speaker, I did receive information through the Member for Wetaskiwin-Leduc a week ago. We haven't had a chance to look at that. However, my responsibilities are with regard to the funding of health units throughout this province. We haven't done any studies with regard to costs of any kind.

MR. GURNETT: A supplementary question, Mr. Speaker. If the funding of health units is the issue, I'm certainly concerned that the amount of money it would cost to pay the nurses parity with hospital nurses is not being seriously addressed. My question to the minister is whether he has any information as to whether parents with new babies who would normally be attending well baby clinics in their own

communities are having these babies seen, as necessary, through alternatives such as appointments with doctors during this period when the nurses are on strike.

DR. WEBBER: Mr. Speaker, there are a variety of ways in which alternative services are being provided. Certainly, the doctors in many instances are involved in things such as immunization, which would previously have been done through the health units. Neighbouring health units are involved in providing those services. There are services that are gradually coming back; they're now offering a prenatal class, for example, in the Minburn-Vermilion Health Unit. As I mentioned earlier, a number of nurses, around 40 out of the 200, I believe, are back at work and providing services as best they can. There's no doubt that services have been disrupted in many of the eight health units. On the other hand, there has been take-up in filling the gap by either doctors, the neighbouring health units, or the families themselves.

MR. GURNETT: A supplementary question. My question specifically was whether the minister had any information as to whether the take-up has been adequate and whether there's any problem of babies not being seen that should be seen with a certain frequency. In the same area, I wonder if the minister has any information about whether or not there's been adequate and satisfactory take-up with regard to the provision of blood pressure clinics for senior citizens, who often have difficulty getting from their smaller communities to centres where a doctor may be available.

DR. WEBBER: Mr. Speaker, I don't have any specific information or any concerns along the line that the hon. member for Spirit River-Fairview has mentioned that have been brought to me. I would just repeat that certainly services have been disrupted in a number of those health units. On the other hand, a number of services are being provided by other health units, doctors, and other sources. But I could take that as notice and follow up.

MR. GURNETT: I'd certainly appreciate the information. A supplementary question, Mr. Speaker. Given the increasing cost, which we don't seem to know exactly, of having patients in active treatment hospitals that would normally be at home and the cost of the admitted disruptions that he's talked about, is the minister prepared to meet with the health unit boards to urge them to settle the dispute by paying nurses at the same rate as nurses who are working in hospitals, as they're requesting?

DR. WEBBER: Mr. Speaker, as Minister of Social Services and Community Health, I have no involvement in the dispute, in the negotiation process. The Health Unit Association of Alberta are negotiating on behalf of the health units, and the United Nurses of Alberta are negotiating for the nurses. They have a process in place, and there is no role for the Minister of Social Services and Community Health in that process.

#### ORDERS OF THE DAY

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

HON. MEMBERS: Agreed.

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

MR. SHABEN: Thank you, Mr. Speaker. I'd like to add to the introductions that were made earlier and introduce three individuals with a very keen interest in Resolution 18 who are here today. Two are from the East Prairie settlement. Maurice L'Hirondelle is here, and Maurice is a past president of the Federation of Metis Settlements. Also here is Richard L'Hirondelle, who is a past chairman of the East Prairie settlement association. With us today in your gallery is Fred Dumont, the mayor of High Prairie. He's here as a keen observer of today's debate, since the town of High Prairie is a close neighbour of the Gift Lake, Big Prairie, and East Prairie settlements. Would those three individuals please stand and receive the welcome of the Assembly.

#### head: GOVERNMENT MOTIONS

##### 18. Moved by Mr. Lougheed:

Whereas section 43 of the Constitution Act, 1982, provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

And whereas the Constitution of Canada includes the Alberta Act;

And whereas Metis settlement lands have been set aside under the provisions of the Metis Betterment Act to better the general welfare of the Metis population of Alberta;

And whereas the Metis people of Alberta, and particularly those members of settlement associations who have developed land on settlements, desire protection of a land base for themselves and for the benefit of future generations for communal use;

And whereas Metis people seek to enlarge their jurisdiction over the management of Metis settlement lands and the governance of their own affairs;

And whereas if enlarged jurisdiction is to be achieved, Metis people have the responsibility to determine distinctive methods and institutions for such management and governance;

And whereas the government of Alberta and representatives from the Metis settlements worked together, under the chairmanship of Dr. J. W. Grant MacEwan, to address the current needs and concerns of Metis people, particularly those who have chosen to live on and develop the settlements; Be it resolved that the Legislative Assembly:

- (1) Endorse the commitment of the government of Alberta to grant existing Metis settlement lands now known as Big Prairie (Peavine), Caslan (Buffalo Lake), East Prairie, Elizabeth, Fishing Lake, Keg River (Paddle Prairie), Kikino, and Utikuma Lake (Gift Lake), to the Metis settlement associations or to such appropriate Metis corporate entities as may be determined, to be held on behalf of the Metis people of Alberta;
- (2) Endorse the grant of existing Metis settlement lands:
  - (a) in fee simple reserving thereout all mines and minerals;
  - (b) without prejudice to existing Metis settlement litigation;
  - (c) without affecting existing interests of third parties or certain specified interests of the province of Alberta; and

- (d) subject to the continuing legislative authority of the province of Alberta;
- (3) Recognize the principle that, as a first step toward the grant of existing Metis settlement lands, it is the responsibility of the Metis to define and propose:
  - (a) fair and democratic criteria for membership in settlement associations and for settlement lands allocation to individual members of settlement associations; and
  - (b) the composition of democratic governing bodies for the management and governance of Metis settlements;
- (4) Endorse the commitment of the government of Alberta to propose a revised Metis Betterment Act to the Legislative Assembly once appropriate criteria have been established for settlement membership, land allocation, and the composition of governing bodies capable of holding land;
- (5) Endorse the commitment of the government of Alberta to introduce, once a revised Metis Betterment Act has been enacted, a resolution to amend the Alberta Act by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada to grant an estate in fee simple in existing Metis settlement lands to the Metis settlement associations or to such appropriate Metis corporate entities as may be determined on behalf of the Metis people of Alberta, in accordance with this resolution.

MR. LOUGHEED: Mr. Speaker, I'm honoured to move Motion 18 standing in my name on the Order Paper. It doesn't overstate the motion to say that it's historic or to say it's unique; but perhaps even more importantly, it's a reflection of our judgment of the views of the majority of the citizens towards fair and equitable action for a minority within this province. It's a day which many have waited for a long time. It was requested for many years. Meeting after meeting and discussion after discussion were sought, and throughout all this I, personally, have hoped we could come to an approach which was pragmatic and fair but still was a step forward for the citizens of our province who live on the Metis settlements.

Mr. Speaker, the objective of the resolution is to provide a legal and an assured land base to those citizens who live on the Metis settlements, to remedy an inequity that's existed for many years, but to do it in a way that they, living on the settlements, want us to do it — their way — and to meet their requests in an appropriate fashion of legal land rights in a communal way. We've concluded that they are unfairly vulnerable without such an action as contained in this resolution.

Through you to the members, Mr. Speaker, the provisions and conditions of the resolution provide to grant the existing Metis settlement lands in fee simple; that is, the surface rights. It is a very important phrase in the resolution. Secondly, to recognize that the history of Alberta involved homesteaders coming here from all parts of the world, and the homesteaders did not receive the mineral rights. They were reserved from the homesteaders, and the equity within Alberta, therefore, was to reserve "thereout all mines and minerals" from the Metis settlements, but again, to do this in a fair and equitable way by being "without prejudice to existing Metis settlement litigation." We recognize in the resolution the existence of that litigation. Of course, as I've said before in this Legislature, if the litigation should be,

in due course, in favour of the settlements, this government will honour that court proceeding.

Mr. Speaker, I also refer hon. members to the provisions in section 2 (c) and (d). This grant in fee simple is

- (c) without affecting existing interests of third parties or certain specified interests of the province of Alberta.

Perhaps one could use, by way of example, existing power lines that go through the settlements. Finally,

- (d) subject to the continuing legislative authority of the province of Alberta.

The concept there, of course, is that the position as this moves forward should be that the surface rights of those living on the settlements equate, aside from the different way in which the process may evolve, with the rights of other Albertans, and that would mean the benefits and with it too, obviously, the responsibilities that go with land ownership.

Section 3 provides what really is the approach that we struggled with for such a long time as to how to do it and how to do it their way. We came to the conclusion that the way to do this was to pass it by way of resolution first, hopefully with the approval of this Assembly, and then we leave it to the Metis people on the settlements to define and propose, first of all,

- (a) fair and democratic criteria for membership in settlement associations and for settlement lands allocation to individual members of settlement associations; and
- (b) the composition of democratic governing bodies for the management and governance of Metis settlements.

In short, Mr. Speaker, to pass the resolution here, hopefully today, and then call upon the settlements and the federation of settlements to consider the situation and to respond to us in as much detail and finality as possible, so that we can respond to provision 3 of this resolution. After that's done, the government of Alberta is committed, with the passage of this resolution, to propose a revised Metis Betterment Act to the Assembly. I might just add a personal word; I have some difficulty with the word "betterment". I would trust that as we frame the resolution, we could come up with a word that doesn't have the concept that I and some others have, but a Metis Settlements Act to the Legislative Assembly

for settlement membership, land allocation, and the composition of governing bodies capable of holding land;

Finally, the resolution

- (5) [Endorses] the commitment of the Government of Alberta to introduce, once a revised Metis Betterment Act has been enacted, a resolution to amend the Alberta Act by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada, to grant an estate in fee simple in existing Metis settlement lands to the Metis settlement associations or to such appropriate Metis corporate entities as may be determined on behalf of the Metis people of Alberta, in accordance with this resolution.

Mr. Speaker, this is quite an approach. With regard to the Metis Betterment Act, there is, of course, a number of recommendations that came out of a document, the Report of the MacEwan Joint Metis-Government Committee to Review the Metis Betterment Act and Regulations. We're working these out in discussion. I note that at the outset



of that report is a statement made by the distinguished Albertan, Grant MacEwan. In submitting the document to the government

We have done our best to ensure that any proposals for a new Act would place the major responsibility for the political, social, economic and cultural development of the Settlements firmly on the shoulders of the Settlements themselves.

That's the concept, and one that we fully endorse.

The significance of what we're doing here with regard to the Alberta Act should be mentioned. I'm not sure if members are aware — I'm not even sure how many Albertans are aware of the Alberta Act per se. The Alberta Act essentially establishes the Constitution related to this province and provides for the transfer of the natural resources in 1930 and not much else. In short, the Alberta Act has not been used before for a purpose that we are debating here in this Assembly. The fact that it hasn't been used before should not in any way dissuade us, members of the Legislative Assembly, from doing so.

Going back to the order in council in 1960 on the Wolf Lake settlement, when it was first brought to me by the leadership of the Metis settlements, they said: "Mr. Premier, how can we be assured of the position we are in, as a minority in this province, if in 1960 in this building an order in council could wipe out a settlement over our objection and force the relocation of a number of families? How can we be assured that simply a new Metis Betterment Act or a new Metis Settlements Act will be enough? Will future Legislatures not be able to change and alter it?" Our precedent in 1960 with the Wolf Lake settlement was there.

I suppose it is part of any concept that develops these days that there is no one individual person you could point to and say it was his idea or their idea. But out of it came the view that maybe there is another way. Why couldn't we amend the Alberta Act, which then requires the federal government to amend it with us, if you like, in conjunction with us. Therefore, any change that might be made in the future would require the approval of both this Legislature and the federal government. That certainly provides very, very important protection. I believe it's right. It's the right time to do it. Mr. Speaker, there may be other times when a similar approach should be considered. But in my view, this is the right time.

In moving this resolution, I think it's appropriate to give some background with regard our government's relationships with the aboriginal peoples of the province. I think we've made a great deal of progress since 1971. We would have hoped for more. We developed the concept with the former government — and I remember being Leader of the Opposition and observing this — of the need to have one minister who didn't have other ministerial responsibilities to be responsible for liaison of native affairs matters. We have had a string of distinguished citizens who served in that capacity. The current minister certainly fits that very well and has worked very hard. I hope he will wrap up this resolution today.

With regard to the treaty Indians in the province, they look at their position of having treaty rights — it's interesting that I'd use the phrase "the government of Canada"; they use the phrase "Her Majesty the Queen in right of Canada". That's the way they perceive their treaty rights. A few years ago our government made a decision, which we stated here in the Legislative Assembly, to shift our approach with regard to the treaty Indian people from the Indian Association of Alberta to the bands and work on a band-to-band basis

to improve the progress with the Indian bands. We have made some considerable progress since that time. Over the years we've also worked with the Metis Association. I'm sure the Minister responsible for Native Affairs will make some observations in his sum-up with regard to the many items of progress we've made. In this case again, I say that much more needs to be done and can be done.

I should mention, though, the land tenure program we brought in in 1975 for the Metis Association. These references are obviously to the Metis people not living within the settlements. The land tenure program, which was established in 1975, enabled individuals in certain isolated communities in northern Alberta to obtain titles to a parcel of land for residential use at a nominal cost, depending on the length of residence. The program has been in effect in eight communities with over 1,100 lots being developed and 468 titles being issued, benefitting approximately 1,700 people. We've had suggestions from the Metis Association for modification. I think it's appropriate that we should respond to their requests and have discussions with them to make this positive program even more effective. In addition to that, we've had community leases. The government has provided 25-year miscellaneous leases to 11 communities in northern Alberta in which native rural subdivisions have been created. Then we had the specific case of the Grande Cache co-operatives, which involved a number of citizens there.

We're involved with the Metis people in a wide variety of situations. They're involved in either an isolated community, a mixed community, or an urban community. We received a recent submission from the Metis Association of Alberta, delivered to me by their president on May 14, responding to my request that arose out of the meeting we held with them on May 4 to discuss how they'd move forward in terms of the conduct of their own affairs. They made a reasonable request to us, which we are considering, for a joint Metis/cabinet committee and appropriate working groups to be established to examine a number of elements, one of which is, and I quote from paragraph 1.2:

the feasibility of and options for establishing a land base for The Metis in the Province of Alberta.

We have that under active consideration.

I want to say a word, too, about the constitutional process we've been undertaking with regard to the aboriginal peoples. I was party to a provision in the Constitution which specifically recognized the Metis under the Constitution of Canada for the first time. I'm pleased we did that. Those of us who were involved, including the Metis leaders who were involved at that time back in 1980-81, all recognized that we were dealing with existing rights and that there would be some difficult discussions ahead. But the recognition that Metis were part of the aboriginal peoples in the sense of existing rights was there as well. We've had a number of conferences that followed up on aboriginal rights in the Constitution. The native groups that appeared in '83, '84, and '85 had very differing views from time to time. Certainly, for the most part the Alberta treaty Indians were not prepared to be part of the process, Mr. Speaker. They wished to work out improvements in their living conditions directly bilaterally with the federal government. We have been supportive of that and have met with them subsequent to the conference in Ottawa.

With regard to self-government, it's apparent to us that one criterion which is not necessarily required but certainly assists self-government is a land base. With regard to the debate we had in Ottawa in early April, there was consid-

erable concern on our part with the definition of the phrase "self-government". Frankly, Mr. Speaker, as I've said on a number of occasions and believe I've answered here in this House, we do question the process. We question whether or not progress will be made in that way. As a result of that, when we concluded the participation in the aboriginal conference in Ottawa in early April, we sat down and said: could we do something in a more concrete, specific way to make progress, not in any symbolic way but in a real way? Out of that came the determination that led to the resolution that's here today.

I want to emphasize that this move is a first move. There are other things we can do. I've mentioned the modification of the land tenure arrangement and the review with the Metis Association not on the settlements with regard to a possible land base, recognizing how difficult that will be, and determining whether there is any feasibility in doing so.

I want to move to the settlement situation for the balance of my remarks. In proposing this resolution, Mr. Speaker, I believe it will be useful to review the history. The Metis colonies, now settlements, were established in the late 1930s in central and northern Alberta pursuant to the Metis Population Betterment Act. These colonies were part of a comprehensive scheme to improve the general welfare of the Metis population of the province. There currently exist eight Metis settlements that represent a very unique form of land tenure in Canada. The Metis people were not allocated reserves as status Indians, nor did they have squatter rights on Crown lands. They were provided with land or money scrip, but this initiative was not successful.

On February 27, 1933, this very Legislature passed a resolution that the government should make an inquiry into and concerning the problems of health, education, and general welfare of the Metis. This resolution resulted in the establishment in 1934 of the Ewing commission, which presented its report to the Legislature on February 15, 1936. This brought into being the Legislative Assembly of Alberta enacting the Metis Population Betterment Act on November 22, 1938, "for the betterment of the general welfare of the metis population of the Province."

The Act provided for the Lieutenant Governor in Council to set aside suitable unoccupied Crown lands for the settlement of the members of the associations. There were 12 possible sites. I mentioned the history with regard to what occurred there. In 1982 we established the joint committee under Dr. Grant MacEwan to make recommendations in an advisory capacity to the Municipal Affairs minister. That was done last year. It reported in July of last year, and it contained a number of recommendations.

Mr. Speaker, the conclusions in the MacEwan report are important to have on the record, because they form a backdrop to the matters involved in this resolution. I want to read from the conclusions:

We believe that in drafting legislation and developing policy related to the Metis, the following principles and assumptions should apply:

- (1) the Metis represent a unique cultural group in Canada, an aboriginal people recognized in the Canadian Constitution, and a group that played a major role in the development of Western Canada;
- (2) because the culture and lifestyle of the Metis settlements is inextricably linked to the land, a Metis settlement land base is the cornerstone on

which to build and maintain the social, cultural and economic strength of the Metis settlers;

(3) given a unique culture and the land base of the Metis Settlement Areas, the Metis can best achieve the mutual goal of self-reliant integration, without homogenization, by a legislative framework enabling the maximum practicable local self-government of the land base;

(4) it would not be practical to include in Metis settlement local government the full scope of powers required to deal with all matters of health, education, social services and economic development, but even in these cases the uniqueness of the culture and its problem solving traditions should be respected by the Government bodies exercising the power.

A very important report, Mr. Speaker. So that is the background for the resolution that's before the House. There are a number of hurdles. I guess the biggest hurdle was the "how". But before getting into the how, I should note that we have had many, many requests to consider the Alberta Act approach from the Alberta Federation of Metis Settlement Associations. Let me quote a letter of November 8, 1984, from the current president, Joseph Courtepatte. He signed it Joseph; I always call him Joe.

On behalf of the Federation's Constitutional Committee, I would like to request a meeting with you to discuss an added dimension to a possible "made-in-Alberta" agreement. This involves an innovative approach.

The Alberta Act could be amended to include a set of principles recognizing the Metis people of Alberta. That was discussed and then fully considered. The issue was how. Like any unique or novel idea, there are always the naysayers. There are always, with due respect, Attorney General, the lawyers. But there's always a way, and a way could be found. The way that can be found is to consider a transfer that can respond to the communal nature of the settlements but do it fairly. But how could government or even this Legislature pass an amendment to the Alberta Act, which was my first choice to be doing today, until we could develop the appropriate framework of democratic institutions and membership and fairness?

So we said: Let's do it a step at a time. Let's pass the resolution now: Let's call on the settlements to respond. Let's take what they respond to, assess its fairness and equity for all involved, present legislation, a new Metis Settlements Act, and having approved that, then pass the Alberta Act amendment and call upon the government of Canada to respond positively to it. I'm sure they will. That was the idea, and I think it's an excellent one. It combines the features of fairness for those who are not on the settlements, equity for those that are, and respect for third party interests but carries forward with this protection in a way that will, with this amendment to the Alberta Act, provide just that, for literally as long as we can foresee.

I conclude with these observations. I believe this move is far more than symbolic: It will have a major positive impact with regard to working together with the people involved. I met with them, together with the minister, just a few days ago and pointed out that there are, like anything in this situation that we work in here, going to be complexities, difficulties, perhaps some frustrations, and maybe even some setbacks. But I believe that the resolution, if it can receive the support of this Assembly, will show our confidence in the people involved, our confidence that they

can in fact, as we believe and as they believe, fully conduct their affairs, that they will be able to do so well with this land base, that we can work it out with them, and that not only will they have the strength that goes with the ownership rights to the land but the strength that will flow from that to being in control of their own destiny.

I realize that there are others involved that look on this and say, "When is our time?" Yes, that's fair. But let's get this one done, and let's get it done well. I haven't any doubt, Mr. Speaker, that in the time I've been in this position, in attempting to read the public about a bold move, whether it's a grain elevator in another province or it's a move with senior citizens or it's this one, Albertans are essentially very fair-minded people. They will say this is the right course. It's at the forefront of action in this nature in Canada, and it should be. We're in the position to do it. We're in the position to take this historic first step. I believe we'll all be very proud that we're party to it. I personally wish the people in the settlements the very best in the future.

Thank you.

MR. SPEAKER: Before recognizing the hon. leader of the Representative Party, might we revert briefly to introduction of some further special guests?

HON. MEMBERS: Agreed.

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

MR. MARTIN: Mr. Speaker, I found out that a couple of people are here from my riding that are involved on the executive of Local 1885 of the Metis Association of Alberta, which I might point out is a new organization set up in the last two years. They're doing excellent work. I'd like Stan Plante and Randy Layton of the Metis Association Local 1885 to stand up and receive the traditional welcome of the House.

#### head: **GOVERNMENT MOTIONS** (*continued*)

MR. R. SPEAKER: Mr. Speaker, I wish to rise and give my support to this resolution before the Legislature. My remarks are brief but supportive. I want to support the resolution on the basis of three items. First of all, as a member of the opposition one of the first things to do when an item comes on the Order Paper is to talk to the people that are directly involved and are going to be directly affected by the resolution. I had my staff do that, and I found a very good response. I certainly want to offer my congratulations to the minister and to the Premier for having open discussion with the association and the various people that have been affected, because the response was that there has been an open door and that adequate discussion has occurred. I certainly am willing to extend my appreciation to the government in that type of action. Mr. Courtepatte's response was that there was consultation at every level and that the federation is very pleased with the resolution as a first step toward Metis self-government. That is certainly a good relationship between government and the people it represents. On that basis I support the resolution.

In terms of the detail, my judgment is that the people who are involved will judge the quality of the resolution — quality as to how it will affect the lives of a number of individuals and what will happen in the next few years.

As I look over the audience in this Legislature, I see a number of very good friends that I made a number of years ago — people with wisdom, concern for their fellow man, concern for the community, and concern for their future. I think of names like Adrian Hope, my good friend and a good friend of many people in this Legislature — unbelievable wisdom about people, understanding about others, concern for others, and compassion that is extended in each and every day of his life. I know there are others in the gallery as well — Poitras, Erasmus, Daniels — who have worked hard to bring about what has happened today. I have confidence that if there is total support from all the individuals in whatever role they play in the settlements, what we have passed in the Legislature today will work, because they'll make it work.

Over the years I've found the residents of the Metis settlements very humble and honest people who want to serve not only their local people but their province as well. When people are honest and humble, they'll make it work. That's my second point today, Mr. Speaker. I have faith in the people who are involved. Whatever we do, if we can pave the way for self-government and self-determination here, good. Let's do it.

The third point I want to make is with regard to the more historic aspect and my involvement over a number of years. I think back in terms of the Metis Settlements Act in the '60s and the early part of 1970, when discussions occurred. One of the very frustrating things I had as a minister and a member of the Legislature was that the Metis Settlements Act kept getting kicked around from one committee to another. The most frustrating feeling I had when I left government in 1971 was that we never dealt with that issue. All we did was set up another committee. I think that was the most unfortunate thing that happened.

I appreciate what Dr. MacEwan said in his report. I certainly urge the government, though, to take that Act seriously, to deal with it and meet the needs of the people in the settlements at this time, not to let it ride like a cork without direction on a sea of the unknown. It is part of the lives of Albertans, and we have a responsibility as legislators.

I started going to the Metis settlements back in 1964, over 20 years ago, and I recall that first experience very much. It was something new for me as a person from southern Alberta. We had the native reserves in the south. All of a sudden I came to Edmonton as a young legislator, and Mr. Manning at that time said, "I'd like you to visit the settlements and see what is happening." I remember going to Kikino on my first visit. The first person I visited was Mr. Hope. I remember going with a bit of fear of the unknown, because I said: what am I really going to see? I really didn't know. I must confess a bit of fear. I remember that after being there for about 15 or 20 minutes and meeting with Mr. Hope and a group from the community, I never felt more at home. I never felt more pleased to be part of the Metis of Alberta.

Ever since then I've had a warm, compassionate feeling for their goals and endeavours. I'd hoped to be able to assist somewhere in my life. I hope that being able to stand in my place and support the resolution today is part of something I can return for the great compassion and under-

standing and learning I received as a young member of the Legislature at that time.

On that basis in terms of an historic involvement, that's my third point of support. I wish the Metis Settlements, all those good people on the settlements who want better things for themselves and for all of us in this province of Alberta, the best of luck. Any way that I as a member of this Legislature or a private citizen in Alberta can assist with the growth and the enhancement of their goals, I'm prepared to do that. I congratulate the Premier and the government in making this major step today. We look forward to good things that will come out of it.

Thank you, Mr. Speaker.

MR. SHABEN: Mr. Speaker, I'm honoured to be able to participate in this debate on Resolution 18 today. This is certainly an historic day in this Assembly. It comes some 52 years after a resolution was passed in this same Assembly, and it's been referred to a step forward. In my view it's a giant step forward. It has resulted from the efforts of individuals who have been involved on the settlements in attempting to ensure a land base for their children and grandchildren. I congratulate those who have been involved over the years. A number of them are constituents of mine, and I'm very pleased that they are here today.

What are we talking about in terms of land? A lot of the urban members of the Assembly may not be able to relate to the amount of land. I think it's important to get a perspective on what we are talking about. It's 1.28 million acres of land. This land was set aside a number of years ago for the benefit of the Metis people. How much land is that? It's pretty close to the size of Prince Edward Island. It's almost the same size as the state of Delaware in the United States. So it is very significant in terms of the land involved. For rural folks land is really important. I'm not saying that it's not important for people from the urban centres, but I think people who are close to the soil have a greater feel for the soil and the importance of the preservation of that land. This resolution today is a giant step toward protecting that land for the Metis people of Alberta.

I'm particularly pleased because over many years I've had the opportunity to have as neighbours members of the settlements of Gift Lake, East Prairie, and Big Prairie. We've had our discussions over the years — sometimes heated, sometimes friendly, but always constructive. This resolution is so very important to the people who live on the settlements, because it assists them in planning for their children, in planning for the various stages toward greater self-government.

Over the years self-government has evolved on the settlements. I know because I've been close to the settlement councils and had many discussions in terms of the moves and the decisions that have been made on behalf of the settlers. This resolution sets the stage for greater self-government and greater autonomy in the affairs of the people who live on the settlements.

There remain the bread and butter items that all of us continue to be interested in and that continue to be areas we work toward improving. Education for our children and basic areas such as roads, utility services, housing, and health care: all of these remain part of the ongoing work that needs to be done. I think this resolution today helps give members of the settlement a greater impetus to increase their efforts.

One of the interests of the people throughout the province is the area of education. By improving the educational opportunities for our children we improve their economic opportunities. I'm pleased that Fred Dumont was here earlier, because he had a keen interest and heavy involvement in the Northland School Division Act revisions that provided for 28 separate school boards throughout northern Alberta. So people not just on the settlements but in isolated northern communities on reserves are now involved in the day-to-day matters of running their own school boards, and that is so very important.

The activities through the Department of Advanced Education are vitally important, whether it's by way of Alberta Vocational Centres at Grouard and Lac La Biche in terms of the greater opportunity for training and retraining settlement members. Recently decisions were made to provide courses that provide a direct leap into meaningful employment, such as the registered nursing aide program, where graduates who have come from the settlements are now actively employed in our hospitals and contributing in their own communities. The apprenticeship program for carpenters — a lot of people said you can't run that kind of program at a vocational centre, that it has to be done at a college. But it's been done effectively in the vocational centres, and as a result members of the settlements have been able to get their apprenticeship training, go out and work in the marketplace and provide for their families and, in fact, help in terms of building their own homes with the support of our housing programs. So all these day-to-day items, along with this key decision of this Assembly today, are part of the ongoing evolution of the people who live on the settlements and those who will come afterward.

There remains a challenge, Mr. Speaker, to the members of the federation. The Premier referred to it under sections 3(a) and (b) of the resolution. I know the leaders of the settlement associations have been wrestling with 3(a) and (b) in order to determine a fair and democratic way of assuring membership for people on the settlements. I understand that you spent three very exciting and interesting days working back and forth through this very problem, and I congratulate you for the work. That is a key element to the success of today's resolution.

Secondly, a fair and equitable method of allocating lands. It puts the onus, Mr. Speaker, on the leadership of the settlements to treat the citizens who live or plan to live on the settlements in a fair and equitable way. Sometimes there is a tendency, not with the settlement associations necessarily but often with other organizations, to have favouritism or special treatment for some people. Knowing the leaders who have been involved in this process over the years, I feel confident that fair treatment and an equitable way of dealing with land allocation and tenure will be achieved and set in motion.

Mr. Speaker, as I indicated when I stood, I'm really pleased to be a member of a government caucus and a government and an Assembly that will make this sort of resolution become a fact in the history of our province. One of the great strengths of this province is the diverse groups that make up the very fabric of this province and this nation, whether they have come from other lands or they are our aboriginal people. This is a part of the very strength of Alberta. Alberta is special in that sense, because we have always recognized that this was a part of our strength. So I'm pleased and would like to congratulate the Premier on introducing Resolution 18. I urge all members to support this resolution with enthusiasm.

Thank you very much.

MR. GURNETT: Mr. Speaker, I'd like to rise in support of Motion 18 this afternoon as well and begin by adding my compliments to the tireless work of the Metis leadership in this province and specifically to the efforts of the Federation of Metis Settlement Associations. I can see from my contact even over the last little while that an incredible amount of work on the part of the Metis leadership has gone into assuring people [of] their rights and security in this province. I think it's something that needs to be saluted, recognized, and admired, and I hope we'll see much more of that in the years ahead.

It seems to me there's no question that we should be encouraged by the motion that's before us, and we should certainly recognize it as a step in the right direction. As the native affairs critic for the Official Opposition, I'm very pleased to be able to indicate our support for what's shown in this motion. Also as an MLA from northern Alberta, it's a pleasure to be able to support it. As I rise and support it, I can't help but think that my predecessor as MLA for Spirit River-Fairview would probably be very pleased to see the motion before us too. I know that Grant Notley's work on behalf of Metis people in this province was something that was widely recognized, and his support was always there. I'm certainly looking forward to being a supportive person and working with the Metis leadership in this province as well in the time ahead as we move forward from this motion, I hope, to more and more positive actions on behalf of this part of our population in the province.

What we have in this motion, Mr. Speaker, is one more small piece of a movement to end a paternalistic kind of legislation with regard to aboriginal people in this country and in this province. I think it's important for us to continue to pursue the full resolution of the key issues of land base and self-determination for aboriginal peoples and specifically for the Metis people we're looking at today. I look forward to hearing more in the near future about where we stand on this issue in general from the Premier and from the minister responsible. I think it's a key issue for our time in this country and something that has been talked about many times here.

There are certainly areas where we recognize ongoing problems. While it's good to compliment what we have before us today, we should also remember some of the concerns we have; for example, the situation at Little Buffalo. I think we need to see legislation continuing to move toward the time when these important issues of land base and self-determination are resolved in a way that's as satisfactory as possible for the greatest number of the aboriginal people in this province.

I certainly have some questions, and as the speakers before me have indicated, there's a lot of detail and a lot of things still to be worked on. I want to add my voice, Mr. Speaker, to those that are saying they look forward to finding out a little bit more about some of the areas that are not specifically addressed by this motion but also need attention. For example, this motion relates to something under 10 percent of the Metis people in the province, those living on the eight settlements that are involved. There is still a large number of people who are landless, in a sense, and I think action that is as strong and definitive on behalf of those people is very important. They're not particularly considered by this motion. Also, I have some question about the fact that the settlement at Wolf Lake isn't included in

the settlements listed here. I wonder, and I certainly hope it's not the case, if there's an implication there that we approach land base actions more hesitantly when an area has significant known mineral and oil possibilities.

Mr. Speaker, the heart of this motion, as the Minister of Housing was saying just before, is certainly section 3. Despite all the very good intentions of the motion, what we really do there is deliver a significant challenge to the Metis people to settle some things. By how they've worked and the results they've produced over the years, they've shown us that they're probably up to that challenge, but I certainly don't envy their having to now go through a process of determining the criteria with regard to the three areas covered in section 3 of the motion. I wonder how we'll determine success with regard to that. I'm sure there will be some fascinating and very difficult discussions ahead with regard to that. I also wonder whether we as a government will be able to look forward to providing some particular support. It seems to me that resolving the issues in section 3, Mr. Speaker, is going to call for some significant resources, and I wonder if there's going to be some assistance available to help with that particular challenge.

With regard to some other areas that aren't touched on by the motion but that I think will be dealt with by the people as they're working their way through the motion and trying to provide some answers, I also wonder what kind of position we're going to be willing to take with regard to groups such as the Metis development branch of Municipal Affairs and the Metis betterment fund and where jurisdiction of that fund is going to end up. As I said earlier, I don't envy the people that are going to have the hard job ahead of working out the concrete details of what this motion is going to mean, but they certainly have my support, as I know they have the support of many others here.

Mr. Speaker, I have certainly appreciated and been impressed with the commitment by the leadership of the Metis people I've seen demonstrated in this province over the years. I'm impressed not only with the commitment but also with the ability that's obviously there. In supporting this motion, I want to compliment their very good work in pursuing their goals and their determination to get results, and also not only to look back and provide those kinds of compliments but, as I look at the challenges that are created by this motion, to look ahead and wish them the very best of luck and, as I said, the support of all of us who think this whole area of a land base and self-determination for our aboriginal peoples is a vital issue for the years ahead.

MR. DROBOT: Mr. Speaker, as MLA for the constituency of St. Paul, it is my pleasure and, I believe, obligation to participate in the debate of this resolution. The Metis culture was firmly entrenched in our northeastern Alberta area even before Alberta became a province. The early pioneer missionary, Father Lacombe, established the original town of St. Paul as a Metis farm colony before the turn of the century, inviting Metis from all over the northwest. The effects of that early settlement are still evident today. After the area was thrown open to homesteaders in 1909, the Metis had to move away, settling at Kikino and the largest group at Fishing Lake, which was at that time a designated forest reserve and Crown land. From the early Red River settlements, the history of the Metis people has been for certain land rights. Although the details of the struggle have changed, the issues are basically the same.

The Metis people may be found in all areas of Alberta: in large cities, small isolated communities, and on the eight

settlements, such as Fishing Lake. But no matter where they are, there remains a strong tie to the land and the natural environment. Today the land bond is closely linked to the identity of the people who have lived off that land for several generations. Mr. Speaker, I have sat at the kitchen table in Metis homes, enjoyed their meal or coffee, and listened to their concerns regarding a land base and their right to be masters of their own destiny, own the land they reside on, and be part of Alberta as Albertans. They have always enjoyed a close, communal lifestyle and should be allowed to do so on the settlements if they so desire.

Let's take Fishing Lake, which is one of the smaller settlements in northeastern Alberta, in the St. Paul constituency. The land on the settlement is submarginal, gray-wooded soil, hilly, rocky, and mainly suited for grazing. But the settlements do not qualify for programs to improve the pasture land as they do not own the land. Until we amended legislation, the Metis farmers did not qualify for farm fuel rebates because they were classed as community, not individual, farmers. This small settlement at Fishing Lake consists of 93,000 acres. The resolution before us would give these people the protection of a land base for their betterment and for their future generations.

Mr. Speaker, anyone who has looked at the history of the Metis people can immediately understand the importance of land to these people. Their history is one of settlements, originally from the Selkirk colony in Manitoba. Then the Hudson's Bay Company moved them and later the Canadian government. Unfortunately, until 1970 Alberta's record is not much better, as they were removed from the Wolf Lake settlement to make way for the Primrose weapons base at Cold Lake. Since 1938 and the Metis Betterment Act, which set aside land for settlements, the Alberta government and the Metis have developed a truly unique relationship compared to other provinces.

When I say this resolution offers us an important first step, I think it's important to acknowledge how far we have come to get to this point. Historically, I believe it is fair to say that the Metis did not always enjoy the same opportunities as other Albertans. However, the Alberta government is working to help correct this by working co-operatively with Metis leaders and Metis associations. I have seen the benefits of government programs at the settlements: at Fishing Lake, a fine school at Sputinow; water and sewer in the hamlet last year; the Transportation department has come through with a network of roads; health and social service programs; special consideration for their aged; and rural home assistance. In 1975 we were the first province to appoint a minister to deal solely with native affairs. We have created a Metis development branch and economic development programs. But the most important point is that the Metis people play a large role in the administration and creation of these programs and must have the opportunity to continue to do so.

Mr. Speaker, the hon. Premier referred to the MacEwan joint commission of 1984, which studied the question of Metis land settlements, and their recommendations which were included in that report. They are very commendable. Two statements from that report need repeating: first, that the Metis are a unique cultural group, an aboriginal group that played an important role in the development of western Canada; secondly, that their culture is limited to the land and that the settlements are the cornerstones of their strength.

I could go on and on, Mr. Speaker, but I know there are other colleagues who wish to address the issue and its worthy principles. This resolution could see an answer to

the questions of land ownership in the settlements and the desire of the Metis people to manage their affairs but would not diminish the province's responsibility to the Metis, and our many provincial programs would remain intact.

Mr. Speaker, we have come a long way, but we have a long way to go. Let's continue to work with the Metis people toward expanding their rights and responsibilities. We must continue to seek solutions to those difficult questions. I urge all members to support this resolution to advance the Metis cause, which is self-reliance on a secure land base. Let's tackle this responsibility with co-operation, enthusiasm, and innovation. It is what these people have been requesting and proves that this government is interested in the concerns of the people of this province. In co-operation with the Metis people and their associations, obstacles can and will be overcome.

Thank you.

MR. ADAIR: Mr. Speaker, I'm honoured, too, and pleased to be able to participate in the debate of Resolution 18. Before getting into that, I'd like to correct the hon. Member for St. Paul, recognizing that my quiet manner may have caused the issue to evade him. I had the honour and privilege to work with the native people of the province of Alberta as the Minister responsible for Native Affairs from 1971 to 1975.

Having said that, Mr. Speaker, I'd like to say that I stand on my feet for a number of reasons, one of which is the fact that the Paddle Prairie-Keg River settlement is in the constituency I represent. It's a settlement that was created on May 9, 1939. That was four days before my 10th birthday, some years ago. It also encompasses a fair number of acres in the province of Alberta, 403,200 acres, and on that particular settlement are 644 residents.

Some of them and all of them are very, very special to me. I'm going to mention some names, and in mentioning names, I risk leaving some out. I think back to 1973 when, during the term I served as minister of northern development and native affairs, we were instrumental in working with the residents of the settlements and a gentleman by the name of Richard Poitras to create the very first settlement association. I've had the privilege as the Member for Peace River to have not only the first president but one of the other presidents, Elmer Ghostkeeper, and then to have a gentleman who is the council chairman, Albert Wanuch. I want that on record so we've got the names there, Albert. In working with these good people, I guess you could say we have had the privilege of working together for a common goal, working in the interests of the members and the citizens of the settlements and all the other people in my constituency.

In my responsibilities at that time as minister for native affairs, I developed what I consider to be many, many good friends. Yes, we had some differences on occasion as to what we might be doing rightly or wrongly. I can remember getting chastised, if that's the right term, in my office by what I'd like to refer to as the senator, Adrian Hope. He set me in my place very vividly, very factually, and very rightfully. We started talking about a number of things, Mr. Speaker, and one of them at that particular time was the case of the action that was commenced in 1974 and which is mentioned in 2(b) of this particular motion, that this resolution is "without prejudice to existing Metis settlement litigation." I would like to spend just a moment on that one. In my mind 1974 is a number of years ago, and we must get on with that. If there are some ways we

collectively can push that a little harder, I'd be really pleased with that too.

It says in point 3, "Recognize the principle that, as a first step . . ." My hon. colleague from Lesser Slave Lake said "a giant step" and took the words right out of my notes. I, too, consider that to be a very giant step on behalf of the settlement residents. I want to say to all of those who have worked for this particular point in time and for this resolution that it is a great day and I'm excited. I'm as excited, I'm sure, as all of you who are sitting in the gallery and those at home who are waiting and watching with interest as to what may come of this particular motion. I hope that as we look back over what has occurred to this point, and we look back with pride and with interest as to what has occurred in the period 1971 to 1985, we recognize a number of things have occurred. They have not occurred without co-operation, work, dedication, and, in some cases, frustration. These things can work if we sit down and talk to each other.

The objective is to provide a legal land base, as the hon. Premier said a little earlier today, to remedy an inequity that's been in place for many, many years. I really want each and every member of this Assembly to recognize that when we get to the point where we're going to be voting on it, it will be a great honour to the Metis people of Alberta if that resolution is voted on in a unanimous fashion. I hope that's exactly what does occur.

I can recall some of the discussions we had when we were working with some of my colleagues in the constituency about how you go about this. I look back to past president Elmer Ghostkeeper, and we had many, many discussions about what could occur. When you look back, I think all of those who were involved as presidents of the association, members of that particular association executive, and the settlement councils themselves, as we have reached this particular point in time where we have point 3 that issues the challenge — it's a heavy one, but it's a heavy one that's been accepted by your president, Joe, and, I'm sure, by all the members of your settlements. You can in fact take the time to look at exactly what may be necessary when we talk about

- (a) fair and democratic criteria for membership in settlement associations and for settlement lands allocation to individual members . . . and
- (b) the composition of democratic governing bodies for the management and governance of Metis settlements.

That is without doubt a heavy responsibility and a challenge that I know you, individually and collectively, are prepared to accept, and for that I'm really pleased.

Mr. Speaker, as I said a moment or two ago, I'm excited about the fact that many dreams and many efforts are about to be realized in this giant step forward — a first step, yes, but not the last step by any means. I urge unanimous support of Motion 18. To the hon. Premier and my colleague the hon. minister of Native Affairs, my personal and sincere congratulations. I should also pay special congratulations to all the previous presidents of the federation and its present president, Joe Courtepatte, for an excellent job well done. Keep up the good work. God bless you.

MR. WEISS: Mr. Speaker, in the capacity of chairman of the Northern Alberta Development Council and as MLA for the constituency of Lac La Biche-McMurray, representing two of Alberta's eight Metis settlements, Kikino and Caslan, I am proud to rise to address this proposed resolution. As

members of the Assembly are aware, the Northern Alberta Development Council has the specific function of providing a forum for public input by northern communities and citizens. Through regular public meetings across the north, the council receives briefs on the whole spectrum of issues. In turn the council acts as a policy adviser to government on topical and evolutionary northern concerns. In the past native groups and communities have presented their briefs and concerns through the Northern Alberta Development Council along with their visions for a better future. I've encouraged them to continue doing so. I would like to note that the issue of land settlement has always been fundamental to native communities and one of the many concerns brought to the council in various briefs.

In this light, the province has responded through a variety of mechanisms. The land tenure program off the settlements, as mentioned earlier, is an example of dealing with land issues and their stabilization in a flexible way. The province has adjusted the nature and pace of land tenure depending upon specific community needs and priorities. Community consultation has been an integral part of this legal and administrative process, and it should be continued in the future.

I can recall, Mr. Speaker, one of my proudest moments as an MLA. I was participating in the sod-turning ceremony of Leonara and Jim Mulawaka in their new home and business in Anzac. This came about as a direct result of the land tenure program and enabled the community of Anzac to grow and meet the needs of its citizens, young and old alike.

Mr. Speaker, let me turn in particular to the Metis settlements and their similar needs. It was interesting and informative to refer back to some of the literature written on the Metis people and the settlements. I'd recommend as reading to all members of the Assembly three books on the Metis people — in particular to the senator, Adrian Hope, thank you for giving me this book many years ago — *The Metis People of Canada: a History*, *The East Prairie Metis*, and *Elizabeth Metis Settlement: a Local History*. I'd like to make reference to the three aims of the Alberta Federation of Metis Settlements as described in *Elizabeth Metis Settlement*. That goes back to the incorporation in 1971. I would like to quote directly, Mr. Speaker. It's referenced on page 8 of *Elizabeth Metis Settlement: a Local History*. It had three objectives:

1. To keep their land.
2. To obtain the benefits of their land's resources, as written in the Metis Betterment Act.
3. To help the Councils get ready for local self-government.

It goes on, Mr. Speaker, and I'd like to continue with one sentence on page 9:

Now that the Settlements speak with one voice we are beginning to see changes that promise a strong and bright future for all of us.

Mr. Speaker, I believe history will show that this day will be known as the beginning of that bright future.

The Metis settlements represent a unique cultural group in Canada, as is identified in the report of the MacEwan Joint Committee to Review the Metis Betterment Act. My compliments, Mr. Speaker, to the committee for the sincerity in addressing the issue, particularly that Metis culture and life-style are inextricably linked to the land. Dr. MacEwan points out perceptively that

a Metis settlement land base is the cornerstone on which to build and maintain the social, cultural and economic strength of the Metis settlers.

All eight Metis settlements lie within the area served by the Northern Alberta Development Council. Council members have a history of close contact with the settlements. I'm proud to say that Mr. Ernest Howse, who was introduced a little earlier and is chairman of the Caslan Metis settlement community association, now sits on the council. Over the past 10 years 45 briefs from the Metis settlements have been presented to the Northern Alberta Development Council. In some cases, briefs were brought forward in the home community, and often settlement members travelled many miles to neighbouring centres to present their concerns. The very first brief was given by Fishing Lake and dealt with housing and medical problems. Since then settlement spokespeople have raised concerns and objectives regarding water and sewer, policing, social problems, environmental standards, road improvements, and economic development, among some of the other important issues.

It is accurate to say that since 1980 Metis settlement concerns have become evidently more complicated and their approaches more sophisticated with the settlements approaching tougher issues and accepting higher challenges. For example, the settlements were vigorously represented at a recent council public meeting in the hamlet of Faust at which the Hon. Larry Shaben was in attendance. There we heard from Metis settlement presenters that raised objectives in education, particularly where Metis people have unique approaches to curriculum, and in communication, where they had progressive proposals for the use of telephones and satellites. These are but two examples of how the settlements are defining a vision of their future and working effectively to achieve their goals.

The Northern Alberta Development Council and the Metis settlements have worked together over the past 10 years. They invited our advice in developing community economic plans. They've asked for our help in approaching public agencies for program extensions or modifications to suit their unique culture. By request, we've been able to assist them in strategy building and co-ordination. The settlements have been active participants in council forums and research projects such as our conference on opportunities in the '80s. In the research piece *Alcoholism: Strategies for Northern Alberta*, the settlement was directly approached and helped to work out a special problem in the community.

The Metis settlements have taken part in various elements under the Alberta North Agreement. They participated in the management development program in which they improved their administrative skills. In economic development, they were able to acquire equipment and facilities for use in the oil industry and for forestry. Today at least four settlements have companies that are active and successful in the oil-related business.

I'd like to relate again, Mr. Speaker, to the idea of a growing sophistication in the Metis settlement population and recall several anecdotes of progress and achievement. As long ago as 1978 the Kikino settlement, a community in the riding of Lac La Biche-McMurray, began pursuing the concept of a full-scale game ranch, particularly for the purpose of local consumption and commercial sale. The Northern Alberta Development Council was asked to do an economic feasibility analysis on this proposal. It was found that game ranching has been successful in other countries and that Kikino would do well to investigate this form of economic development. Kikino has now been active in game ranching for several years after persevering through various legal and regulatory obstacles. Today Kikino is a leader in this field of game ranching.

In each settlement the community associations have established local housing authorities to prioritize and deliver new houses. My Cree is not up to standard, so I won't give you the authorities' names, Mr. Speaker. Yet I do know that they brokered housing programs with fiscal responsibility and an eye to those residents most in need. The settlements have come a long way in improving their housing conditions while at the same time honing their administrative skills along with the new opportunities being provided and upgrading their employment skills through the fully accredited carpentry training program such as through AVC, as was mentioned earlier by the hon. Minister of Housing, a program of which I am especially proud. At this time I would like to thank all those who recognized the need and persevered to have it implemented.

The settlement councils themselves have become a sophisticated order of municipal administration. The eight councils have each developed five-year plans as tools to economic strategy and infrastructure improvements. Many have gone beyond general plans to conduct economic studies, townsites plans, administrative model studies, and trades training courses. The Caslan Metis settlement land use planning inventory document is but one example, particularly very well thought out and very well planned. This is going on in many of the communities as well. I have one from Elizabeth Metis settlement.

No mention of the settlements should go without alluding to accomplishments of their member residents. Overall, young residents are being educated and trained at increased levels in northern educational facilities. While there is much room for improvement, young people are seeking out life skills and business and trades training at unprecedented rates. A good example of this is the course on local administrative training at the Alberta Vocational Centre at Grouard. Students are graduating with the goal of returning to the home community to work in the area of administration and planning. The settlements recognize the importance of school education and are active in local school boards. Several settlement residents now hold positions of influence; for instance, with the new local boards and their staff at Northland School Division. The settlements have come a long way educationally. I believe education is a key and would encourage the leaders to develop facilities as needed.

Mr. Speaker, this brief background on the considerable progress of the Metis settlements as viewed by northern citizens brings light to the issue of these amendments that will affect Metis settlement residents. Clearly, the settlements have improved their lives tangibly and also in human skills at a commendable rate over the past 10 years and obviously to an even greater degree since the original Act was structured in the 1930s.

The proposed legislative amendments are an historic opportunity for the Metis in Alberta and a unique feature in Canada. All of the settlements' achievements are matched with a growing sense of pride in their affairs. The amendments grow out of the need to accommodate the settlements in a mature municipal structure. The settlements have had positive experiences under the current structure and have proven their responsibility, Mr. Speaker.

If passed, the amendments will broaden the opportunity for self-sufficiency in handling their own affairs in the settlements. Granting existing settlement lands to settlement entities is a significant and symbolic step. I'm sure the sense of destiny through owning land will be felt by all Metis settlement presidents and residents. It lends confidence to the community planning initiatives that are presently



under way. It lends optimism to begin making bolder plans for the future.

The process of consultation is under way to have the Metis settlement people define and propose membership criteria and new governing structures for Metis settlements. This is and will continue to be a challenging task. I wish them well in this endeavour. Given their rising political experience, I am confident that they are up to the task. Membership criteria will likely grow out of a tradition, a precedent, of rural life-style choice. Regarding the composition of governing bodies, a great deal of creativity and flexibility will be needed to set the settlement in an existing or possibly unique context. Cultural difference may dictate that settlement entities be different from other local municipal bodies. Consultation is particularly needed as these options are explored.

Mr. Speaker, I personally endorse the commitment of the government of Alberta, once a revised Metis Betterment Act has been enacted, to introduce a resolution to grant existing lands to Metis settlement entities and their people. In concert with this, I plan to stay responsive to settlement needs through my constituency and broader northern responsibilities. I commend the Premier and the minister for the responsibility in bringing Motion 18 here today. There are important questions to address in establishing this historic and unique structure. I am confident that by working together, all challenges can be met.

MR. LYSONS: Mr. Speaker, I too would like to take a few minutes today to speak about this very important resolution. It's one that's very near and dear to my heart. That is the fact that we are giving an opportunity for some very dear people to own their own land. Unless you are a landowner, particularly farmland or wild land, you can't really experience or know what's in a person's heart until they've actually shared the land.

On behalf of my late father and mother, I would like to thank the Metis people and all the other people in this province for helping them, teaching them, and getting them well on their way when they were homesteading. My mother used to talk with a great deal of love and respect about the early days when the Indian and Metis people would come and help them at harvest time and fishing time — all kinds of times. She really felt that the Metis people in particular were missing something in not homesteading. I don't know what the problem was, whether they didn't feel that they could take on that responsibility or what. She often talked about these people, particularly the women, because they couldn't move around quite as much as the men. Apparently they often said they wished they could own some land.

There's that pride of ownership that you can only experience by owning land, that incentive to achieve. I often wondered why my old dad homesteaded the land he did, because it was nothing but rocks and hills. As a matter of fact, there's an interesting little story, Mr. Speaker. He stood on the wrong side of the fence line when he picked his quarter, and instead of getting the nice quarter that he wanted, he picked the rocks and hills. Nevertheless, they carved a living out of that. If it wasn't for the ownership factor, I know they would not have stayed. If people were renting, leasing, or just using that land, there's no way in the world they would want to stay, survive, and suffer it out.

Mr. Speaker, I'd like to close by saying that with authority comes responsibility, and with responsibility comes

desire. I know these people will have the responsibility and the desire.

Thank you very much.

MR. PAPROSKI: Mr. Speaker, I am very pleased to participate in the debate on this government resolution before us today and give my wholehearted support to the resolution as well. The Member for St. Paul and other members have eloquently related their firsthand experience with regard to Metis settlements in their constituencies. My experience as an urban MLA is a different one, so I appreciate the members sharing their perspective.

The constituency of Edmonton Kingsway consists of a large number of Metis people. This includes my good friend Christine Daniels, the mother of Jo-Anne Daniels, the vice-president of the Metis Association of Alberta. Christine's husband, Stan Daniels, passed away two years ago. Stan worked very diligently for many years as the president of the Metis Association. I think that once the full implications of this resolution are realized, Stan would be very pleased with the initiative.

Today we are asked to endorse and reinforce the government's commitment to Metis self-dependency and self-governance within our political system. As a member of the joint cabinet/caucus committee on native affairs, I see this resolution as a positive step toward a review of the Metis Betterment Act, the security of a Metis settlement land base, and Metis self-sufficiency.

In many ways, Mr. Speaker, the history of the Metis reflects the development of western Canada. In a real sense, they represent the marriage between native and European cultures, customs, and traditions. They have faced head-on frustration and alienation from the central political powers, and the Metis have fought tenaciously for what they believe in, developing an admirable history of working within the political system. In this respect, the Metis and the Alberta government can share a common perspective.

The relationship between the Metis and the Alberta government is truly unique in Canada. This came about after a great deal of hardship. The great Depression was felt across Canada but particularly in western Canada. However, no single group was hit harder than our Metis people. Metis leaders organized and prodded the Alberta government of the day to recognize their serious plight. A commission was struck, and the results of this commission's work eventually led to the passage of the Metis Population Betterment Act in 1938, which the Premier alluded to. This Act, Mr. Speaker, set aside over one and a quarter million acres of land for use of the Metis. Metis settlement associations were established under the Act to help administer these lands. To this day, Alberta is the only province with this arrangement for Metis lands.

This land base has been a key to the development of the Metis culture. It has provided them with a chance to make a living. The land settlements have acted as an organizational base from which to work. The settlements have enhanced public service programs, their infrastructure, and the political organization of Metis. The land base has been an important step on the road to self-dependency and self-government.

The resolution before us today, Mr. Speaker, is crucial because it deals with this land base. We have an opportunity to evolve further and recognize greater Metis self-government. This resolution asks us to endorse the principle that Metis settlements should in effect be given the authority to govern themselves as unique and distinct municipal corporate ent-

ities. This marks a great opportunity for some positive resolutions to difficult issues. It is not my intention to gloss over these current issues. The Metis have fought hard for what they have achieved to date, and some very significant questions still need to be answered. I'd like to stress, though, that there is not an easy way to deal with this situation.

I am proud to say that the Alberta government places its emphasis on achievement. On this score we are far ahead of the other provinces. For instance, our government was instrumental in securing the Metis a place at the Canadian Constitution's aboriginal rights deliberations. Secondly, we have also recognized the tendency in the past to treat the Metis paternalistically and have made great strides in correcting this approach. The shift in responsibility for Metis settlements from Social Services and Community Health to Municipal Affairs reflects this change. This has had a significant impact on the development of Metis self-responsibility. It is no longer what we can do for the Metis, Mr. Speaker, but how we can help the Metis to help themselves.

The Minister of Municipal Affairs should be congratulated on his approach to funding Metis settlements. Funding is now largely administered by the local associations themselves. After all, who is better equipped to know the settlements' needs? The department has also co-operated in forestry management, manpower training, and small business ventures on the settlements. These are just a few practical examples of encouraging self-dependency.

Mr. Speaker, the government resolution before us today is an extension of this trend. It reflects a commitment to the Metis by the Alberta government. It is an opportunity to take strides toward achieving the mutual goals of Metis and government alike. It encourages the Metis to decide on issues that are of vital importance to their people. This resolution addresses the issues of self-governance and land title. It endorses a system which would see Metis settlements organized as corporate entities, with title to their own land and the responsibility of governing themselves with regard to matters of local concern. By supporting this motion, members of the Legislature will be endorsing the necessary steps to be taken to lead to the constitutional change of the Alberta Act, revision of the Metis Betterment Act, and general improvement of the welfare of Alberta's Metis population.

We will squarely place responsibility on the Metis to answer some important questions about themselves. First, who will be eligible for participation in a Metis settlement; secondly, how will lands be allotted; and thirdly, how will settlements be governed democratically? It is only after these and other questions are answered that the necessary changes to the Constitution and provincial legislation can be proceeded with. There is not only a political but a moral obligation for us as MLAs and the Metis to take full advantage of this opportunity. Let us approach this challenge with determination and imagination.

Mr. Speaker, there is a gentleman in your gallery that made quite an impression on me when I visited the Kikino settlement in August 1983. This gentleman is Adrian Hope. Besides a half hour lecture on what I as a politician should be doing to work with the Metis, he also gave me a book entitled *Stories in Rhyme*, a collection of poetry by this gentleman. This poetry is from the heart. It's just super. It covers so many different areas of experience of the Metis people. I would like to read to you two stanzas from a poem entitled Our Metis Land. I wish Mr. Hope could read this himself, and I hope I do an adequate job.

I'll sing my song.  
For here I belong.  
On Metis land,  
That's where I stand.  
Here I will stay,  
In our own way.  
Here I feel free.  
Which means a lot to me.

This land was set aside for me;  
Where I could raise my family.  
So schooling now they're sure to get.  
On how to live, now they are set.  
We have a flag, we'll fly it high  
To tell the folks who may go by  
We're happy here with our own kind  
If trouble comes, this we don't mind.

Mr. Speaker, I urge all members to support this resolution.

MR. LEE: Mr. Speaker, it's a privilege to enter this historic debate. With this debate and the adoption of Motion 18, amending the future amendment of the Metis Betterment Act as well as the Alberta Act, I believe, as has been so aptly said, history is alive in our times. The question is: what role could an MLA from urban Alberta, from Calgary in fact, play in this important debate? In some respects, I think the Metis and an urban MLA have many things in common. First, I understand the buffalo played an important role in the well-being and the history of the Metis throughout western Canada. I understand, in fact, the respect for the buffalo was so great and the hunting practices were so important that the Metis had a rule that you couldn't hunt buffalo on Sundays — a civil approach to a day of rest. Also, the history of Calgary and the history of the Metis have been intertwined since Inspector Brisbois crossed the confluence of the Bow and Elbow rivers in 1875. The Metis play an important role in our culture and our economy in Calgary.

More than the name in history, Mr. Speaker, I want to offer a somewhat different perspective to this debate, because in some respects the city of Calgary could be considered the ninth or 10th Metis settlement in Alberta. I understand that in the 1981 census in Calgary there were some 7,000 Metis people residing in our city. A significant number of them reside in the inner downtown core of Calgary, partly in Calgary Millican and a significant number in Calgary Buffalo. While our Metis residents bring so many fine qualities to urban Alberta, their collective status in urban Alberta does not paint a pretty picture. When I was an alderman in Calgary two and a half years ago, we received a report entitled Native Needs Assessment, a demographic profile of the native population in the city of Calgary. This was a rather stuffy title for a saddening tale. While the report described what was entitled "native needs", it should have read "native and Metis needs". It pointed out that the majority of respondents who participated in the survey came to Calgary from reserves and communities and Metis settlements in northern and southern Alberta as well as Saskatchewan. It went on to point out that the primary reason cited by the respondents for coming to Calgary was to seek employment, yet the majority of the respondents indicated that not one person in their household had a job. The sad tale was that the unemployment figures pointed out that they had an unemployment rate three times greater than that of the population in Calgary. Even sadder, it pointed

out that the majority who were unemployed were young men and women between the ages of 20 and 39 with children.

Mr. Speaker, not all was gloom in this report. It went on to note that a significant number did find what they were looking for, did find employment, and were achieving their goals. So if, in fact, Calgary is a ninth settlement, to many it is not a hospitable settlement. I can only conclude from these figures that the complex, demanding, frustrating, stressful urban life-style may not be the answer for everyone. That's why I believe this motion is so important. It gives the Metis a choice to live in urban Alberta or to return in perpetuity to their settlements.

An important element of this motion reads, "for the benefit of future generations." It's important that future generations, not just this generation, will be able to choose whether they wish a life-style in urban Alberta or on a settlement.

Mr. Speaker, I can assure you that as an urban MLA, I'm not seeking to facilitate the loss of any constituents to anywhere. We're proud to have our Metis people in the community, because they play such an important role. But after listening to the debate today, I certainly recognize the important and critical role that settlements play in the economic, social, and cultural life of the Metis. Their permanent preservation must be a priority.

As a Calgary MLA I spend about half my time with new Canadian minorities, so I'm especially proud to see that this government of which I'm a member is giving such important priority to one of our original minorities. In saying that, Mr. Speaker, I particularly want to acknowledge the Premier for his leadership in this important role and the Minister responsible for Native Affairs. I've been particularly impressed by the compassion and strength of argument that I've heard from the MLAs who have Metis settlements in their constituencies. They truly care for the future of their people, and I've been very proud to see that happen.

I guess the final question for an urban MLA is: what relevance is this whole issue to my constituents who don't understand the issue, who've never been to a Metis Settlement, who may not even have heard there's an Alberta Act or that this issue is a problem? My answer to them is: this is an issue of essential human rights and human dignity. Edmund Burke once said: let no man think he fights the battle for others; he fights it for himself. And so do we all. Mr. Speaker, we are all brothers and sisters on this planet earth. This one small step for the Metis of Alberta is a giant step for us all.

MR. SZWENDER: Mr. Speaker, I also rise this afternoon in support of the resolution under consideration today; that is, endorsing the commitment of the government of Alberta to grant existing Metis land settlements to the Metis people of Alberta. Without question, the government has embarked upon an historic move through the introduction and support of this resolution, one which will serve as a leading model for the other provinces of Canada. Indeed, by taking this initiative, the government of Alberta looks with anticipation to similar action by other provinces in providing an acceptable resolution to this historic question.

Mr. Speaker, my contribution this afternoon will deal with the history of the Metis people of Canada and the historical background which has brought us to today's debate. By providing a brief historical overview, I believe all members of the Legislature and their constituents will be

able to appreciate more fully the government's desire to act on behalf of the Metis people. I also add that as an urban member, I learned a great deal about my fellow Albertans while researching the background to this resolution. One of the motivations I had in speaking to this resolution was the urging and lobbying of a most prominent Metis from the constituency of Edmonton Belmont, our own Sergeant-at-Arms, Oscar Lacombe.

To begin with, I believe it would be accurate to describe the Metis as the only true natives of Canada. Indians and Europeans were immigrants, even though a thousand or more years separated their arrival in the new world. The meeting of the Indians and the Europeans produced a mixture which was not from another land but whose sole roots were in the new world. This tough and energetic breed of men evolved into an indigenous race that primarily spread and settled in western Canada.

Let me now look at the origin of the Metis. Historians may be quite correct in identifying the origin of the first Metis as nine months after the first white man set foot in Canada. The term Metis also has a curious background. People of mixed blood have different names throughout the world, but the English language originally described a person of mixed British and Indian heritage as a half-breed. Since the majority of the early settlers in Canada were French, the French term Metis came into popular usage. It is a derivative of the Spanish word mestizo, used to designate people of white and Indian mixed blood. This term can be further traced to the Latin miscere, meaning to mix. Another common term for the Metis is derived from the Ojibwa word wissokoderwinmi — I'm sure the *Hansard* people will check with me on that — which means half-burnt woodmen, describing their lighter complexion in comparison to that of the full-blooded Indians. The French picked up the translation and often used the term bois brulé, or burnt wood, for these people. Actually, Metis was usually reserved for offspring of Indian mothers and French fathers, while half-breed was used for Indian mothers and English and Scottish fathers, but both terms have been used interchangeably.

Mr. Speaker, as the early history of our nation began evolving, meetings and unions between the Europeans and Indians were perfectly natural. Virtually no white women originally journeyed to the new land. As the activities and the conditions of the fur trade were extremely difficult and the men were constantly transient in search of furs to sell, the Indian women were the only females available for marriage, companionship, or most importantly, survival.

The early independent French fur traders were called coureurs de bois or runners-of-the-woods. Because of this life-style in the wilderness, these men made constant contact with the various Indian tribes as they explored or searched for furs to trade or trap. Marriage to an Indian was often undertaken for commercial reasons, as it permitted the trader access to furs through the tribe he had married into and established a relationship with. But more often the reason, as stated previously, was survival. Most work was done by hand and required co-operation between men and women in designated roles. Men did the hunting, trapping, and protecting, while women took the meat from the hunt and dried it or made it into pemmican. As well, they gathered berries, dug for nutritious roots, cared for gardens, dried and smoked fish, tanned hides, made clothes, collected firewood, cooked, and bore children and were largely responsible for their upbringing. It was impossible for men to survive without women. Europeans soon learned this lesson

and, for this reason, as well as for others, eagerly took Indian women as mates.

Although fur companies like the Hudson's Bay set up early rules to restrict relationships between their men and the Indians, these rules largely failed. The number of Metis rapidly multiplied on the prairies, and as such, the Metis men rose quickly in importance to the fur trade as interpreters, guides, and clerks. As early as 1759, a half-breed Moses Norton became governor of the Hudson's Bay fort in Churchill.

As the Metis population continued to increase, mostly in the west, it became easier to find girls who were Metis, and slowly there began to emerge a fledgling people who had a unique and observable social system and culture. A new nation was forming, a nation of people who perceived themselves as neither white nor Indian but something quite distinct. This role of mixed marriages was startling. David Thompson, Canada's great geographer, married a half-breed woman and had 12 children. John Rowan, who ruled at Fort Edmonton for more than 30 years, raised and educated six half-breed children.

These resulting unique people, the Metis, were soon the most important and populous group in western Canada. Blending the features of white and Indian, the Metis developed their own characteristics as a people. They were their own bosses and were never a group to be herded, channelled, or manipulated. They have constantly reaffirmed their independence. In the words of one writer: unlike many other minority groups, the Metis are basically nonconformist. By the 19th century the Metis of western Canada fell into three broad groups: those who worked in the fur trade as post factors, clerks, interpreters, canoe men, and packers; those who led semisettled lives on small farms or plots where they grew grain and raised livestock; and finally, those who were hunters and trappers.

Because the Metis of western Canada played a major role in the fur trade, they had a sense of national consciousness that was strengthened by their concentration in the Red River area. This led them, in the early 19th century, to declare themselves a new nation. By the 1860s the Metis of the Red River area, which belonged to the Hudson's Bay Company, were becoming uneasy about the changes around them. More and more white settlers began arriving in their domain while buffalo herds dwindled at an alarming rate. In 1869 Sir John A. Macdonald, Canada's Prime Minister, was pressuring the Hudson's Bay Company to sell their lands to the new nation of Canada. Sir John understood well the manifest destiny of the United States; that is, to make all North America a part of the American republic.

At this time in the Red River region, which would form the basis of the new province of Manitoba, there were 10,000 people: 1,600 were white settlers, the rest primarily Metis. The Metis knew that changes were coming to the northwest, but they wanted to participate through consultation in any of these changes. The Canadian government did not handle the situation well, alarming the people by actions which threatened their life-styles, possessions, homes, and land.

Out of this tense situation, a leader and inspiration emerged from the Metis people, Louis Riel. Few men have had as great an impact on the history of Canada or the Canadian west as has Louis Riel. Although historians over the last hundred years have judged him in various ways, depending upon their political, religious, or cultural sentiments, none would deny him the title of dynamic, the man of the hour for the Metis. Riel was not about to ignore

the Canadian government's actions and responded strongly with the support of his people, forcing the Canadian government to recognize the existence of Riel's national committee of the Red River, which was a makeshift government to speak for all Metis. This was followed by a request to the new Lieutenant Governor for such basic rights as electing their own legislature, electing their own sheriffs, magistrates, and constables, and for public schools.

The provisional government under Riel held authority for some time, until the unfortunate execution of an Ontario Orangeman, Thomas Scott. With this, the Canadian government was pressured into action by sending 1,200 troops to restore government authority. Riel escaped capture by the troops, but his determination led to positive results. Although the execution of Scott angered the Canadian government, Parliament passed the Manitoba Act in July 1870, creating the fifth province of Canada — Manitoba — and granting many of the Metis requests, as well as asserting their land rights and the continuation of a bilingual school system.

After 1870 the pressure of encroaching white settlers was not acceptable to many Metis, who moved farther west to the Northwest Territories, including modern Alberta and Saskatchewan, to continue their traditional way of life. Though the Metis had been granted 1,400,000 acres of land in 1870 by the Manitoba Act, the distribution was chaotic and irregular, leading many Metis to give up and move farther west.

By 1873, with the construction of the Canadian Pacific railway reaching the west, the Metis once again felt threatened. They petitioned the Canadian government for recognition of their claims, as had been given the Manitoba Metis in 1870. Again, little attention was paid to their concerns until early 1884, when the government began surveying the land in preparation for the influx of settlers to follow the newly completed railway. Another prominent leader of the Metis, Gabriel Dumont, decided to summon Louis Riel to return from the U.S. and once again lead the Metis cause. Riel returned to Saskatchewan and unsuccessfully attempted to make satisfactory agreements with the federal government. On March 19, 1885, Riel again established a provisional government with Gabriel Dumont in charge of military matters. The Metis had nowhere to go, and many chose resistance in preserving their freedom. This time the Canadian government reacted quickly to the rebellion and, with the new railway moving troops to the Batoche area, encountered the Metis in a number of pitched battles, with the main fighting taking place at Batoche. Approximately 100 Metis and Canadians died in the fighting, with the imprisonment of Riel on May 15, 1885. He was executed on November 16 of that year.

Mr. Speaker, in drawing my remarks to a conclusion, this marks the 100th anniversary of the Metis struggle for self-sufficiency and independence at Batoche. Through this resolution the government of Alberta has taken a monumental step in healing this century-old wound. As I conclude, I recognize that this presentation is far from complete in historically addressing the complex issue at hand, but hopefully it has put the resolution before us today in an appropriate historical context.

Mr. Speaker, I would like to close my remarks with a quotation from the Metis Association, made in 1942:

Our true destiny is not bound by the success or failure attendant upon Metis deliberation . . . It is bound up with our continued existence as Canadians who fight

for those liberties to which we are all devoted and the preservation of which is dependent upon our victory. I urge all members of the Assembly to give their full and unanimous approval to this resolution.

MR. GOGO: Mr. Speaker, I welcome the opportunity to make some comments relative to Resolution 18, sponsored by the hon. Premier. I say that first of all because I'm very grateful to my colleagues in this House, where I, as a member of this Assembly for some 10 years, have learned a tremendous amount about the heritage of this province and its people in the past several hours. I'm grateful as well to hear from the members directly affected, who work on a day-to-day basis with many of the Metis people.

I from Lethbridge have not had any experience and have had very limited exposure to the Metis people. In my capacity as chairman of AADAC, I've dealt with various leaders, and I'm dearly indebted to Donna Smith at High Prairie, who lives on the East Prairie settlement. Based on the chronology of the comments today, it's interesting to note that East Prairie was formed in the same year the Second World War began. I'm also grateful to have been associated with the Member for Taber-Warner. In my first and, I believe, his first term in this House he had special responsibilities for the native people, and I'm indebted to him for his sharing over some 10 years what limited knowledge I have acquired with regard to the Metis people.

Mr. Speaker, one begins to get an appreciation of the Metis settlements in this province when you look at the map. Without this resolution coming forward today, I have to say in all honesty and all sincerity that I don't believe I would have taken the time to look at the map. Here I am, a legislator who has responsibility for all people in this province, who quite frankly, until the resolution came forward, hadn't really given it very much thought, and that doesn't make me feel particularly proud.

Mr. Speaker, in reading the Metis Betterment Act, I can't help but understand why there are so many people, citizens of this province, who quite frankly fail to understand why they continue to be viewed and perhaps treated as those who are not pioneers of this province, those who form a great part of the heritage of this province. If they indeed look at the legislation that's in place — I'd simply like to make a couple of comments directly from the statute. If one were to believe that they were part of an organization that began with saying, every scheme formulated and every regulation drafted shall be submitted to the minister, one would tend to think of Canada in the very early days, when the settlers came to try to develop this country without consideration of the inhabitants. I quote the powers of the minister: make regulations prescribing exclusive occupation of land; make regulations pertaining to the erection of buildings on land; make regulations prescribing the demolition of buildings on land. It goes on through about seven subsections of that Act telling people what they can and cannot do on land on which many of them were born.

Just dealing with the East Prairie settlement, which as I mentioned began some 47 years ago, there are many children today who have known no other way of life than having been born on a settlement. I want to draw members' attention to section 9, subsection 6:

In lieu of any liability under such Acts every member of the settlement association who has for the time being the exclusive right of occupation . . .

Almost by implication, Mr. Speaker, we're saying in statute that the Metis people in this province do not have, nor

have they ever had, any right or any claim to any permanency. I simply draw members' attention to the fact that we are very proud in this province of some 80 years — we constantly refer to it; we did just five years ago — of the pioneers, the great people who built this province. Without them we wouldn't have anything today. Yet at the same time, by statute, we do not give recognition to some of the very, very important founders of this province.

That's why I am excited by the resolution before us today. I quite frankly think it's more historic than some people perceive it to be. Not many historic matters have occurred since I came to this Assembly. The Heritage Savings Trust Fund is clearly one; another could well be the result of the passage of this resolution today. If this resolution is passed — and I'm confident it will be — we will see coming into operation such terms as fair and democratic. With its passage, we will see the formation of democratic bodies, totally alien to the present Metis Betterment Act.

Mr. Speaker, I have long believed that each of us has a responsibility as a citizen, as a parent, but above all as a legislator to see that justice and equity prevail in our society. I want to close with a comment I heard the mover open with. That is, by adopting this resolution we will have for all time in this province a group of people experience, through a sense of fairness and equity, a land base they can truly claim to be their own. With that, I certainly endorse the passage of this resolution today.

Thank you.

MR. KING: Mr. Speaker, each time one of us rises to speak in this Assembly we recognize our audience: our colleagues, our neighbours, the media, and our constituents — the people of the province who live here today. This is one of those rare occasions when our audience includes our children and our great-grandchildren, because we are making a commitment to the future of this province and we are also imposing a commitment on the future of this province. We are making commitments for ourselves, and we are making commitments for our grandchildren. We are making commitments for the children of white Anglo-Saxon Protestants, and we are making commitments for the children of Metis. Who are we to do this?

I have often thought, and it is surely true, that in 25 years no one but historians could name the members of this Legislative Assembly. In 25 years no one but historians could name the leadership in 1985 of the Metis Association or of the settlements. Nevertheless, in the leadership of the association, in the leadership of the settlements, and in this Assembly all of the communities of Alberta, and the one community that is all of Alberta, speaks. On the floor of this Assembly and in the galleries, all the community listens. The names change and the voices change and even the understandings change. That's the way it should be. But it is always the community that is listening, and it is always the community that is speaking. And in the final analysis, it is always the community that decides.

One of the reasons I'm very proud to think of myself as an Albertan is that in all my years in this community, and particularly the 14 years in this Legislative Assembly, the decisions we make are invariably decisions to draw people into the life of this community, decisions that respect the diversity of all the people in this province. The decisions we make invariably choose a commitment that benefits our children as much as it benefits ourselves. For the Metis members of our community and every other member of

this community, it is time we should decide to draw together, to respect the diversity that is represented by the Metis people in our province, and to make the same commitment to the grandchild of a Metis elder as we would to the grandchild of a white Anglo-Saxon Protestant.

The life of the Metis since 1885 is an epic of endurance. The battle of Batoche was an epic of heroism. There is one other kind of epic that remains to be enacted. We must still see an epic of imagination. I hope this resolution and the response of the Metis community and of all Albertans to this resolution will mark an epic of imagination for ourselves, for all of us together, and for our grandchildren as much as for ourselves.

Thank you, Mr. Speaker.

DR. REID: Mr. Speaker, before going on with my remarks, I move that we stop the clock.

MR. SPEAKER: Is it agreed?

HON. MEMBERS: Agreed.

MR. SPEAKER: It is so ordered.

DR. REID: Mr. Speaker, my contribution to this debate will be brief and was in large part triggered by the mention of the Grande Cache co-operatives by the hon. Premier in his remarks at the beginning of this debate. I came to Canada some 30 years ago as an immigrant. Before I came here, I thought I knew something about the country, having read voraciously everything I could find out about it. I knew about the Nahanni River and Headless Valley. I knew about the Indians and the Eskimos, as they were then called, now the Inuit. It wasn't until I went to Hinton in 1956 that I realized there was such a thing as a Metis. It may sound incredible to Albertans, but that part of Canada's history is almost unknown in Great Britain. When I went to Hinton, there were Metis working on the construction of the pulp mill, and there were a good number working in the bush cutting timber for the woodlands operation. Indeed, many of those people still live at Marlboro.

There was another group, Mr. Speaker. Those were the people we at that time regarded as Indians, and they lived at a place called Muskeg. Those people derived from a background of having come from eastern Canada with the surveyors, one of whom was Ewan Moberly, and they settled in what was then the Athabasca and Miette valleys in what became Jasper National Park. When they settled there in the mid and latter 19th century, they presumed that those distant valleys and mountains were immune to the influence of the white man immigrant. Of course, we know that in the very early days of this province, Jasper National Park was formed. This small band of people was displaced from what they had accepted as their homeland and were told that if they went somewhere in the middle distance between the Athabasca and the Peace River valleys, nobody would ever bother them. For some 60 years they settled in a beautiful part of our province. They lived there relatively untouched. They hunted, trapped, and traded fur at the Entrance store with Gordon Watt and his predecessors.

Then came the Alberta Resources railroad and the coal mine. Once more those people were almost displaced from what they might have taken as being a homeland. In the late 1970s those small groups were given title to the settlement lands where they had been living, at the co-operatives of Muskeg River, Susa Creek, Victor Lake, and

Wanyandie Flats. That action by this government gave those people — there was a small number of them; some 200 — the stability of having title to their land and having control over it.

There's another group in the constituency I represent; that is, the Metis at Marlboro, that I already mentioned. In the late 1930s, when the Metis Betterment Act was first proposed and enacted, there was an order in council that established the four initial Metis settlements. Of those four, three were abolished for various reasons by order in council. The Marlboro settlement was included; it was regarded as unsuitable for settlement because of its location. That may well have been, Mr. Speaker, but the decision to rescind the Marlboro settlement was made by order in council with little or no input by the Metis of the Marlboro area.

After the provisions of Motion 18 are enacted, that will no longer happen by order in council; it will require an amendment to the Alberta Act. For that reason I strongly recommend Motion 18 to the members of the Assembly.

MR. KOZIAK: Mr. Speaker, on Wednesday morning in this very Assembly, the Public Accounts Committee met to review the accounts of the Department of Municipal Affairs. I well remember being grilled about a certain aspect of the department's expenditures, particularly relative to the report of the Auditor General. In that grilling, questions were asked as to why honoraria paid to settlement councillors were in fact substantially in excess of that provided for in legislation and regulations. At that point I indicated that we had an agreement with the Metis people relative to the Metis Betterment Act and that future amendments would come. In the meantime I asked for the support of all members of that committee in the journey that would soon follow. At the time, of course, my lips were sealed because of oath of office, and I couldn't share with that committee this tremendous historic occasion that we are involved in this afternoon.

Mr. Speaker, I'm pleased that the Premier has led us in this very important direction. I well recall attending the annual banquet and meeting of the all-settlement council in the city of Edmonton on December 8. At that time, I spoke briefly to the assembled members of the associations, councillors, and friends of the association, and I indicated that we must approach the future as friends. I suggested that one of the qualities that friendship brings out is honesty, and honesty demands commitment. Our Premier has been honest with our aboriginal people, the Metis, and he has followed up on that honesty with a commitment. That commitment is today enshrined in the resolution he has brought to the attention of this Legislature for debate and, I trust, unanimous adoption by members of this Assembly.

I could speak, Mr. Speaker, of some of the bread-and-butter issues we are involved with in the Metis development branch of the Department of Municipal Affairs. I would like to point out the presence in the members' gallery of the director of the Metis development branch, a branch that has received the support of members of this Assembly, Mr. Clifford Supernault. Mr. Supernault was born on the Paddle Prairie settlement in the province of Alberta. He occupies the position he does today, a very important one with the Department of Municipal Affairs, not because he's a Metis, although that does help, but because he was the best and most qualified person for the job when it was offered.

Mr. Speaker, we're involved in the bread-and-butter issues, not the sexy issues of constitutional discussion. It's really a pleasure to support the resolution of the Premier

and to pay tribute to the efforts of my colleague the Minister responsible for Native Affairs in this very important process, not only in terms of the development of this resolution with the Premier but also in terms of his very important contribution to the discussions of this issue on a national level. We all know that each of us in this Assembly can be particularly proud of those steps that were taken by our predecessors in office when they recognized the need to set aside lands for our Metis people to provide that land base that is so important to their culture. Not only can we wear that badge of pride today but we can show that we contribute to the creation of that badge by voting in favour of this resolution and enshrining the title, as has been described by the Premier, to that land in the names of the settlement association organizations that are identified as we go through the process that has yet to be completed.

Mr. Speaker, it's an historic occasion that we've stopped the clock for, and I'm sure all hon. members will not only recognize that fact but will support unanimously this very important resolution put forward by the Premier.

MR. THOMPSON: Mr. Speaker, I can assure you that there are seven people, some of them here today, who really feel this is an important occasion. I would like to read their names into the record. The first one is of course Dr. MacEwan himself, who was chairman of the committee. He did a very able job. Then we have Maurice L'Hirondelle, who served part time on the committee; Elmer Ghostkeeper, who served all the time the committee was in session. There is Randy Hardy; I think he was introduced here today. Robin Ford was a representative from the Department of Municipal Affairs, and Myrna Fyfe, the Member for St. Albert, was on the committee originally, and then I took her place. We feel it is an historic occasion, and I think it is appropriate that in 1985 we are debating this resolution today in the Legislature.

Incidentally, the Premier mentioned that he didn't think the Metis Betterment Act was an appropriate name for the Act, and the committee agreed. In fact, the federation suggested, and we concurred, that the name of the Act should be the Metis Settlements Act, so I doubt very much if that won't be the name of the Act when it comes into place.

I'd like to speak just a little about the way the committee worked. We worked on a consensus basis. We had very good input from the federation and the settlements themselves. We worked slowly. We were over two years in process on this document. Some people think we didn't go far enough; some people think we went too far. So we're probably not too far off base if you go on that basis. I think there are many things in this document that people will take a look at; there's some good direction here. I don't say that everything here is going to be implemented in the Act, but we spent a lot of time and effort, and I think the recommendations we made could be brought into the Metis Settlements Act.

Today everybody talked about the first step. And it is the first step. I really appreciate the fact that we have a cross section of MLAs from every part of the province supporting this resolution today, because I think it's necessary. Mr. Speaker, this is really just a beginning, and there are what many people would call problems; other people call them challenges. I think the biggest challenge we have is to not sit back after we take the vote today and put this back on the shelf for another three or four or five years. I think the main challenge we have is to keep

working at it. On that note, I urge all hon. members to support the resolution.

Thank you.

MR. PAHL: Mr. Speaker, I believe Motion 18 reflects in a most important and tangible way the commitment of the government of Alberta and, with the support of the resolution, the Assembly of the province of Alberta, to work co-operatively with the Metis people in this province to meet the particular concerns and aspirations they have for the future.

Mr. Speaker, in a constitutional context, I recall that it was just 24 short months ago to the day that my colleague the Minister of Federal and Intergovernmental Affairs, the Member for Medicine Hat, introduced into this Assembly a resolution authorizing an amendment to the Constitution of Canada relating to the rights of Canada's first inhabitants, the aboriginal peoples. That amendment not only expanded the existing provisions concerning the rights of the aboriginal peoples but also established a process of first ministers' conferences for further discussion on those matters of major importance to the various aboriginal groups. During the intervening two years, Metis representatives at the national level have pressed the governments of Canada for primarily two things, a land base and self-government. In this regard, the province of Alberta is unique within the Canadian federation. Under the provisions of the Metis Betterment Act, approximately 1.28 million acres of land is set aside for the use and benefit of the Metis people of Alberta. Because of those unique circumstances in Alberta, a land base for the Metis is not an aspiration but a reality. Moreover, the Metis Betterment Act provides for a form of self-government at the local level on settlements. Thus, the main objective in Alberta is different from elsewhere in Canada.

The task for the government of Alberta and the Metis is not so much to create new forms; our task is to keep up the work and build on the forms we have now, to improve on them and make changes to that which already exists. It was in part because of this very different situation in Alberta that we were reluctant to support the constitutional amendment proposed by the federal government during the last first ministers' conference. In our view, the agenda for action in Alberta is very different from other provinces which might not have accepted the same responsibility for Metis people in the past. We continue to hold the view that there are legislative, policy, and program changes that can meet the legitimate aspirations of Metis Albertans not living on settlements. Certainly, that view has been reinforced by a response by the Metis Association of Alberta in their letter and proposal of May 14, 1985, regarding how we can meet their aspirations with respect to self-government and a land base within the context of the first ministers' conferences.

At the outset, Mr. Speaker, I would like to speak a little about Metis aspirations. Certainly, I think this motion is significant because of where it takes us; that is, the commitment to working co-operatively with the Metis people of Alberta in developing positive and constructive initiatives to address their special needs and aspirations. I believe that answers the concern of the Member for Spirit River-Fairview that we're going to work with the Metis people: We will certainly provide the assistance and resources required to put meat on the bones of the MacEwan report and the initiatives we've taken today.

On June 3, 1983, I outlined in this Assembly what I perceived to be the general aspirations of the native people in Alberta, and with respect to the Metis people, I would like to restate briefly my understanding of those aspirations as they were reinforced subsequently to me. First, the Metis people have indicated during the constitutional discussions and elsewhere a desire to protect their distinctive culture and heritage within Canada. What is being asked for is recognition of their special role and contribution to the history of Canada and Alberta and the opportunity to continue to practise their unique life-style and traditions with a sense of self-worth and dignity. Second, and perhaps more importantly, the Metis people want to be able to exercise greater control over their own lives and destiny as a people. Through our consultations with the Metis Association of Alberta and the Metis communities throughout the province, it has become clear that there is a strong desire for greater participation in and, in some cases, control over those institutions that affect their lives. In general, the Metis would like to have both the opportunities and the skills, to allow them to exercise a greater degree of self-reliance and self-sufficiency. Thirdly, the Metis people are seeking opportunities for social and economic parity with other Canadians. Again, what they are seeking, in my view, are the opportunities, the resources, and the skills to improve their circumstances through meaningful and productive activity. Finally, the Metis people are requesting some protection to ensure that what they now have will continue to be available for their children and for future generations.

I guess we could talk about this effort as being parallel to a journey, Mr. Speaker. As the first step, this resolution responds positively to all those aspirations. It commits not only the government but, if passed, the Legislative Assembly of this province to embarking as fellow travellers with the native people on a very important journey into the future. Undoubtedly, as many speakers have mentioned, on this journey we'll encounter obstacles and difficulties and perhaps critics, and we'll occasionally be attempted to succumb to some weariness. But I believe in my heart that the goal at the end of this road will be worth the effort, and I think there will be mileposts along the way, both symbolic and concrete, to encourage us to move along and show our mutual progress.

For members of the Assembly, and particularly my colleagues who preceded me in my portfolio responsibilities, I'd like to say that Mr. Adrian Hope is still educating and making friends with ministers responsible for native affairs. He provided a very good lesson for the hon. Member for Peace River when he said, "What you need to do is walk with me; not ahead of me, not behind me, but walk with me." Mr. Speaker, I have tried very hard to walk with the people that I share responsibility and mutual goals with. I walked briefly with Mr. Maurice L'Hirondelle. I've walked along the journey with Mr. Elmer Ghostkeeper in his responsibilities in past times. He's left the journey directly, and I'm now walking with president Mr. Joe Courtepatte. I'm also doing my best to walk, work, and learn with as many of the native leaders as possible who will walk, work, and learn with me.

Mr. Speaker, because we are dealing with a situation unique in Canada, there are few lessons to be learned from past journeys of others. With our Metis people of Alberta, ours is largely a voyage of discovery into uncharted territory. In that uncharted territory, in order to meet the objectives and criteria of this resolution, we have to in effect, as very well stated in our meeting with Mr. Courtepatte and his

leaders, put some meat on the bones. I think that's an apt phrase. I guess putting meat on the bones is mixing metaphors with taking a journey, but in some sense, we've already completed part of the journey. The resolution provides us with a compass and a road map as we proceed ahead. That way we can chart our progress.

There are three main legs of the journey. As article three of the resolution indicates, the first leg of that journey will involve the Metis devising and proposing "fair and democratic criteria for membership in settlement associations" and for the allocation of land to individual members of the associations. Mr. Speaker, this is a very important first step on which work has already begun. As we know, in the late 1930s the settlements were set aside for the use and benefit of all the Metis of Alberta. To ensure that the settlements continue to provide an opportunity for those Metis Albertans who wish to reside on settlements, it is imperative that membership continue to be open and based on fair and equitable criteria. What is equally important is that those criteria, as well as the composition of democratic governing bodies for the management and government of the Metis settlements, be initially developed by the Metis themselves. Having greater control over their lives and destiny as a people begins with their participation in a meaningful way in the design of the governmental structures, which they will continue to use in the future to manage their own affairs.

Once this initial work has been completed, the second leg of the journey will involve the development and introduction of a revised Act as soon as possible. I now learn from my colleague from Cardston that it's the Metis Settlements Act, and I don't think he will find any difficulty from me or from fellow travellers in the gallery. Once this legislation is in place, building on the work of the MacEwan commission, there will be a new start, as was said, a gigantic step, that will also provide a new attitude and a new framework whereby the settlements can plan and manage their future developments. It will overcome the many limitations found in the present Act and will enable the Metis to assume greater responsibility for those matters of importance to them.

Perhaps, Mr. Speaker, the third leg of the journey is of the greatest importance. I'll basically repeat that this resolution is an endorsement of the government's intention to transfer the existing settlement lands to the Metis Settlement Associations or other such Metis corporate [entities] as may be determined to be appropriate, to be held on behalf of the Metis people of Alberta. This transfer would be accomplished by way of an amendment to the Alberta Act, which I point out, and as has been pointed out, is part of the Constitution of Canada.

I would like to make several comments on this leg of the journey, Mr. Speaker. The first concerns the matter of timing. It would have been our preference to have introduced instead, with the concurrence of the federal government, a resolution which would have actually proposed the amendment to the Alberta Act. Although we're clearly committed, a number of matters need to be resolved before this amendment can be proclaimed. Because the settlement associations are not presently within the legislation to possess the legal status to enable them to hold land, new legislative measures will be required to give the associations or their predecessors that capability. As well, a scheme for the holding and management of those lands will need to be developed and given effect through legislation in the new Metis Settlements Act. Boundaries will also need to be defined and a legal



survey undertaken. In certain cases the settlers have indicated that they would like to have their settlements renamed. All of this will require new legislation to be in place prior to the transfer of lands through the amendment to the Alberta Act.

My second comment concerns the granting of land. As I noted earlier, whether a probable event or not, the Metis people are concerned about the ability of the government to rescind the existing settlements through order in council at some point in the future. Throughout the constitutional discussions, representatives of the Federation of Metis Settlements and associations, as their most important priority, have consistently urged us to consider some further protection for the Metis settlement land base. Mr. Speaker, we certainly have a good deal of sympathy for this view. The Metis have occupied their lands on the settlements for almost a half a century. They have improved and developed those lands in the hope of being able to provide for their children's future. Yet their legal interest in these lands at present is not as strong as that of other Albertans, including those who earlier homesteaded in the province.

For the Metis to be assured of a collective land base on which to preserve their culture and way of life for future generations, some safeguard was indeed required. Not only does the amendment offer that safeguard, Mr. Speaker, but the responsibility is being placed with the Metis. Unlike past situations, or as is the case with Indian reserves where a minister of the government holds the land for the use and benefit of the Indian people, the amendment would place that trust responsibility with the Metis people themselves.

Mr. Speaker, I also believe that some comment must be made on the relationship between this resolution and what it proposes in the current natural resource litigation. The motion very clearly states that the amendment and the grant of existing settlement lands would be without prejudice to the court action. The Metis have sought assurances that what is being proposed will not jeopardize their claim, and this assurance is clearly provided in the resolution. While we have different views on this matter, we have agreed to disagree and leave the question open to the courts. My personal view, however, is that some early resolution of this issue would greatly assist in the process of developing the new legislation.

As a final note, Mr. Speaker, I would like to comment on the way in which the amendment is being proposed. First, the resolution draws attention to the fact that a constitutional amendment of significance to an aboriginal group of people is possible within the present framework of the Constitution Act of Canada, 1982, without further amendment as that recently proposed by the federal government. Secondly, as the Premier stated, the fact that what is being proposed is an amendment to the Alberta Act is certainly not without significance. Throughout the constitutional discussions, we've indicated our preference for a practical, made-in-Alberta approach which addresses the real needs and aspirations of the Metis people in our province. Together as Albertans we have sought our own solutions and, in my view, have emerged as leaders within the Canadian Confederation. Mr. Speaker, it is only fitting that the amendment being proposed to the document itself serves as our constitution, the constitution of Alberta.

In conclusion, Mr. Speaker, I would like to thank all members for their support and contributions to the debate. I would also like to acknowledge — and perhaps we don't do it often enough — a very dedicated group of public

servants in the departments of the Attorney General, Municipal Affairs, and FIGA and, of course, the staff of the Native Affairs Secretariat.

In final conclusion, Mr. Speaker, I respectfully request that all members support this important giant first step.

[Mr. Speaker declared the motion carried. Several members rose calling for a division. The division bell was rung]

MR. SPEAKER: Perhaps by way of exception I could explain to our guests that what is happening now is that a recorded vote is being taken. The members have voted by voice vote. Through the procedure we have just now started, there will be a recorded vote. At the end of eight minutes, when the bell has rung again, all the members in the Chamber will be asked to stand, and their names will be recorded as to the way they vote on this resolution. So we have a short recess of about another five or six minutes, and then we will take the recorded vote, in addition to the voice vote which was already taken.

[Eight minutes having elapsed, the House divided]

For the motion:

Adair	Hiebert	Planche
Alexander	Hyland	Reid
Alger	Hyndman	Schmid
Anderson	Isley	Shaben
Batiuk	Johnston	Shrake
Bogle	King	Sparrow
Campbell	Kowalski	Speaker, R.
Carter	Koziak	Stevens
Clark	Lee	Stiles
Cook	Lougheed	Stromberg
Crawford	Lysons	Szwender
Cripps	Martin	Thompson
Diachuk	McPherson	Topolnisky
Drobot	Moore, R.	Trynchy
Elliott	Musgreave	Webber
Fischer	Nelson	Weiss
Fjordbotten	Pahl	Young
Gogo	Paproski	Zaozimy
Gumett	Payne	Zip
Harle		

Total                      Ayes — 58                      Noes — 0

MR. CRAWFORD: Mr. Speaker, I move the Assembly now adjourn until 8 p.m.

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

HON. MEMBERS: Agreed.

[The House recessed at 6:11 p.m. and resumed at 8 p.m.]

head: **PRIVATE BILLS**

(Second Reading)

Bill Pr. 11

**The Calgary Municipal Heritage  
Properties Authority Act**

MR. STILES: Mr. Speaker, on behalf of my colleague for Calgary North Hill, I move second reading of Bill Pr. 11, The Calgary Municipal Heritage Properties Authority Act.

This Bill would create an authority to develop and maintain heritage properties in the city of Calgary.

[Motion carried; Bill Pr. 11 read a second time]

**Bill Pr. 12**  
**Highfield Trust Company Repeal Act**

MR. PAPROSKI: Mr. Speaker, I move second reading of Bill Pr. 12, Highfield Trust Company Repeal Act.

This Bill repeals the Act which incorporated the company. The company never commenced operation as a trust company and has since been dissolved. The Act is therefore redundant, and a petition to repeal it has been presented by the liquidator of the company.

[Motion carried; Bill Pr. 12 read a second time]

**Bill Pr. 13**  
**Society of Management Accountants**  
**of Alberta Amendment Act, 1985**

MR. NELSON: Mr. Speaker, I move second reading of Bill Pr. 13, Society of Management Accountants of Alberta Amendment Act, 1985.

Very briefly, the primary purpose of the Bill is to allow for the name change of Registered Industrial Accountant to Certified Management Accountant or the initials CMA. This will give them the title they requested.

[Motion carried; Bill Pr. 13 read a second time]

**Bill Pr. 14**  
**The Youth Emergency Services**  
**Foundation Act**

MR. ALEXANDER: Mr. Speaker, I move second reading of Bill Pr. 14, The Youth Emergency Services Foundation Act.

This is a request by the Youth Emergency Shelter Society of Edmonton for incorporation to promote the purposes of the foundation. Briefly, I commend it to members because it has among its objects:

- (a) to receive gifts, donations, bequests, grants, and other property . . .
- (b) to act as a charitable foundation;
- (c) to promote services to troubled youth and their families and to help in overcoming crisis and dysfunction of troubled youth and their families;
- (d) to promote community awareness of the problem of troubled youth.

[Motion carried; Bill Pr. 14 read a second time]

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

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

[Mr. Appleby in the Chair]

**Bill 1**  
**Alberta Order of Excellence**  
**Amendment Act, 1985**

MR. LOUGHEED: Mr. Chairman, this Bill really has the one provision only, as I mentioned at second reading; that is, it had a provision restricting the number of consecutive terms a member of the Alberta Order of Excellence could

have before stepping aside. What's happened here is that the Alberta Order of Excellence tends to need a longer term membership to assess the various applications that come forth, and and it's been the view of the members involved that that limitation is not necessary or desirable.

[Title and preamble agreed to]

MR. LOUGHEED: Mr. Chairman, I move that Bill 1 be reported.

[Motion carried]

**Bill 2**  
**Grain Buyers Licensing Repeal Act**

MR. CHAIRMAN: Are there any questions?

MR. BATIUK: Mr. Chairman, in second reading I gave an overview of that Bill. It hasn't been used since 1959, and it refers mostly to track buyers, which are not in existence any more. Sections of the Act are totally covered under the Canada Grain Act, so there is necessity for repeal.

[Title and preamble agreed to]

MR. BATIUK: Mr. Chairman, I move that Bill 2, Grain Buyers Licensing Repeal Act, be reported.

[Motion carried]

**Bill 3**  
**Municipal Capital Expenditure**  
**Loans Repeal Act**

MR. CHAIRMAN: Are there any questions or comments regarding the sections of this Act?

[Title and preamble agreed to]

MR. FISCHER: I move the Municipal Capital Expenditure Loans Repeal Act be reported.

[Motion carried]

**Bill 4**  
**Seed Dealers Repeal Act**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

MR. FISCHER: I move that Bill 4, the Seed Dealers Repeal Act, be reported.

[Motion carried]

**Bill 5**  
**Alcoholism and Drug Abuse**  
**Amendment Act, 1985**

MR. CHAIRMAN: Are there any questions or comments?

[Title and preamble agreed to]

MR. GOGO: Mr. Chairman, I move that Bill 5, the Alcoholism and Drug Abuse Amendment Act, 1985, be reported.

[Motion carried]

# Bill 6

## Beverage Container Amendment Act, 1985

MR. CHAIRMAN: Are there any questions or comments?

[Title and preamble agreed to]

MR. BRADLEY: Mr. Chairman, I move that Bill 6, the Beverage Container Amendment Act, 1985, be reported.

[Motion carried]

# Bill 8

## Radiation Protection Act

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

MR. MARTIN: Mr. Chairman, just a couple of questions here to make sure we're all still alive. I would like to ask about three or four questions on this particular Bill, if I could. First of all, I would ask the hon. member if video display terminals are covered by this Act and if not, why not? I would also ask two or three other questions. Why does this Bill propose that the Radiation Health Advisory Committee no longer requires a diagnostic radiologist, a physicist experienced in radiation physics, or a senior radiation health officer? Why does the Bill propose that the Radiation Health Advisory Committee no longer be responsible for promoting an education program among operators and radiation workers?

MR. R. MOORE: The video display terminals are already regulated, Mr. Chairman. However, it's at the design and manufacture stages of construction, by the federal Radiation Emitting Devices Act, and that's administered by the federal department now. It also sets the Canadian standard for maximum X-ray emission from devices such as this.

I might add, Mr. Chairman, that video display terminals are basically small TV sets. The radiation emitted by these display terminals is so little that it's often hard to determine between radiation being emitted from the machine and radiation emitted from the surrounding environment. The display terminal operator's exposure is literally thousands of times lower than the established exposure limits.

Rumours persist, and I'm sure that's what the hon. Leader of the Opposition was referring to. His concern is based on a lot of these rumours that persist about cataracts, miscarriages — we heard a few years ago — and birth defects. However, I must say, Mr. Chairman, that this has not been substantiated by thousands of studies which have been carried out over the years. There's no shred of evidence that relates to that. The Alberta Occupational Health and Safety Council have monitored video display terminals, the federal radiation protection bureau has continued studies, and private agencies have commissioned numerous studies on that subject. Internationally there have been hundreds of studies. Every one comes up with the same results: that the emissions from these is far below the limits.

I might say that it's strictly a problem of what we call ergonomics; that is, lighting, rest breaks, eye strain, and so on. A person sitting in front of these sets all day long does have physical strain not related to radiation. A lot of these problems attributed to video display terminals have

never been proven, in all the studies that have been taken to date. It is the feeling in this legislation that it's not necessary to cover it provincially when it's adequately covered under the federal statutes.

Mr. Chairman, we have two programs under this Act that come into practice that relate to the other two areas the hon. Leader of the Opposition brought forward; that is, we have now a code of practice in the legislation that addresses this area where — it's section 8 under the Act. Just to clarify that, I'll get the exact wording.

"Code of practice" means a document prepared by an owner or employer to provide information to workers and other persons concerning the safe operation of radiation facilities, radiation equipment or radiation sources, including the following . . .

and it lists "safe working and operating procedures," and "actions to be taken in emergency situations. So it's adequately covered under section 8, the code of practice, and that relates to your workers and persons in and around the area of operation of these sets.

Another section of the Act relates to this area that the hon. Member for Edmonton Norwood was asking about, the quality assurance program that's built in there. That covers proper procedure and maintenance of equipment in relation to the people working in that area. It covers a lot that wasn't adequately covered before and replaces some of the legislation in the previous two Acts that we're combining in this piece of legislation.

MR. NELSON: Mr. Chairman, I have just a couple of questions and comments with regard to Bill 8. We're all interested in protecting the public, and I think that's reasonable. However, there are incidents that happen where, because of a complaint or a potential incident that hasn't yet happened but may, some of the firms that are being investigated are found to have no wrongdoing and they may be exposed or overexposed by the media.

I'm just wondering if there is some provision that we could incorporate into this Act that might allow for any information that has been collected relevant to a complaint on a particular company or companies to flow to that company, so they might protect themselves in case of a complaint being launched. In other words, in protecting the integrity of our environment and our public, should we not also be trying to protect the integrity and good names of corporations or companies that may have been given a raw deal because of an unfounded complaint, should that happen. After all, once the investigation starts to take place of our environment and the protection of the public, many times the protection of the company is forgotten about, and once the deed is done, he has no recourse. I think some of that information should be made available to that particular organization so they might be able to combat that complaint at some future date.

MR. CHAIRMAN: Are you ready for the question?

[Motion on amendment carried]

[Title and preamble agreed to]

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

[Motion carried]

**Bill 9**  
**Social Care Facilities Review Committee**  
**Amendment Act, 1985**

MR. CHAIRMAN: We have an amendment to this Bill as well. Are there any questions or comments on the amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

DR. CARTER: Mr. Chairman, I move that Bill 9, the Social Care Facilities Review Committee Amendment Act, 1985, be reported as amended.

[Motion carried]

**Bill 12**  
**Litter Amendment Act, 1985**

MR. CHAIRMAN: Are there any questions or comments regarding sections of this Bill?

[Title and preamble agreed to]

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

[Motion carried]

**Bill 15**  
**Co-operative Associations**  
**Amendment Act, 1985**

MR. CHAIRMAN: Are there any questions or comments regarding this Bill?

[Title and preamble agreed to]

MR. NELSON: Mr. Chairman, I move that Bill 15 be reported.

[Motion carried]

**Bill 17**  
**Water Resources Commission**  
**Amendment Act, 1985**

MR. GURNETT: Mr. Chairman, there are a few comments I'd briefly like to make and maybe have them responded to later. One of them concerns the Bill's change in that it would now add another assistant deputy minister, specifically an ADM from the Department of Energy and Natural Resources, to the membership that's already on the committee. Certainly, I wonder whether we need to read into that or see in that in any way an indication of an intention to look at water as a natural resource in the same way as things such as oil and coal. I hope that's not the case.

Beyond that, I'm especially concerned that this Bill would allow a nonelected person to chair the water commission. Theoretically, one of the deputy ministers, the ADMs, or a member of the public could now chair the commission. I have a concern about whether that creates a layer and moves the ability to be directly accountable to the Legislature away a little bit. If it's possible for a nonelected person to chair the commission, there's not that same direct access

by MLAs who might want to ask questions or be in contact. I'm interested in the rationale behind those two areas: first of all, why we're adding an ADM from Energy and Natural Resources and, secondly, why we're moving to allow any member of the commission to be able to chair it.

MR. KROEGER: Mr. Chairman, it's important that the Department of Energy and Natural Resources be represented on the commission because many of the things that we discuss and deal with have to do with that department. The direct input of an ADM becoming part of the commission makes it much more realistic and easier for us to deal with those things that impact that department. There are no ulterior motives. The commission will operate the same as it did prior to that. We have four ADMs from four departments represented now, namely Agriculture, Municipal Affairs, Economic Development, and Environment. So there's nothing very complicated about the request for the addition, except simply to speed up the process and have the information from that department available around the table.

The request that the Lieutenant Governor in Council can appoint someone other than an MLA to chair the commission would be at the Lieutenant Governor in Council's choice. It wouldn't be realistic to appoint one of the ADMs to chair that commission, although a nonelected member could very well be qualified.

[Title and preamble agreed to]

MR. KROEGER: Mr. Chairman, I move that Bill 17 be reported.

[Motion carried]

**Bill 14**  
**Foreign Cultural Property Immunity Act**

MR. CHAIRMAN: Next we have Bill 14. There is an amendment.

MR. GURNETT: Mr. Chairman, I made some comments on this Bill at the time of second reading earlier in the spring, but I would like to comment specifically on the amendment and some other concerns about the Bill.

The amendment was obviously one that paid some careful attention to the fact that the wording in the Bill as we first had it certainly would have given native peoples in this province a little more to hold on to, in that it said in section 2 "any cultural property emanating from," and now we have "ordinarily kept in." It seems to me there's quite a big difference between the two wordings. The original home of any object now becomes pretty much irrelevant, and we're looking only at who happens to be in possession of it at this time.

I have a concern about the Bill, Mr. Chairman, because of the whole issue of restitution of cultural properties that's now happening all over the world. There are good mechanisms in place to protect restitution when it's taking place between two different countries, but I think there's a particular problem in cases of objects that belong to or are part of the culture of indigenous peoples. They can't take advantage of the mechanisms that have been set up through UNESCO, for example. The possibility of an indigenous group's being able to regain any of their cultural artifacts and to see any restitution take place depends pretty much on whether political opinion happens to support that or not

and what the mood of the country may be at a particular time. I have a concern that this Bill is supporting its being more difficult rather than supporting the indigenous people's being able to reclaim some of these objects. So I have those worries about this.

Many of these objects that would be involved by a Bill like this were originally lost as the spoils of conquest, war, or something, and in a sense there's an implicit acceptance of that robbery, Mr. Chairman, when we bring in a Bill to protect those objects and allow them to not be able to be recovered. When we look at what's happened to so many nonwestern cultures in this world, I think we should really take that as a sign that we should have a great deal of respect, pay a lot of attention to this whole area, and do our best to protect other people's cultural properties.

I'm afraid that when we approve a Bill like this, Mr. Chairman, what we do, in a sense, is demonstrate our materialism: it's more important to allow a museum or collector to hold on to one of these objects than it is to see that the cultural integrity of a group of people is respected. So I have a lot of worry and wonder how we can justify proceeding with a Bill like this that simply allows us in Alberta the chance to look at these objects with a certain amount of security for the people who claim to own them now but pays no attention to the cultures that they're really a part of. As I say, I have a feeling that it's a statement about our interest in material things over some of the less material aspects of a people's culture and that we're not paying any proper attention to that.

I think if we put it into perspective and thought about how we would feel about some of the cultural artifacts that are important to us being held by another group of people and our being unable to regain them, it might give us a little more ground to respect what's happening here and the kind of feelings some of our native peoples may have about these objects that will come and be put on display but that they will have no right to claim even though they, in fact, are part of their own heritage. We add insult to injury in a sense. It's bad enough that the things were taken from these people originally, but that we now make it legally more difficult for them to have any chance of working through a restitution of these things is something that I think should be troubling us more than it seems to me that it is as we look at this Bill.

MR. ZIP: Mr. Chairman, I'd like to clarify and answer the hon. Member for Spirit River-Fairview on the question that has been raised about cultural, native artifacts held in other countries. It's really sort of a side issue of the whole question. The main artifacts that will be brought into the country will be artifacts like the Egyptian ones that are in Montreal at the present time, artifacts from King Tut's reign that can't come to Alberta at the present time because we don't have an immunity act that guarantees these very significant gems of civilization from being displayed in Alberta and which can be seized, not because they may happen to belong to another cultural group within the country or that they feel they might belong to them. From the standpoint of commercial transactions, in order to collect money owing on something unrelated, there's always the danger of these artifacts being seized for a wide range of excuses. The rarity of these artifacts is such that no country is going to allow them to leave their borders without specific guarantees that they be returned after the display is completed. That is certainly true, as I pointed out in debate on second reading.

The benefit that will be derived by the people of Alberta from passing this Bill is very significant. Firstly, from a cultural standpoint it will give Albertans a unique opportunity to view what are often rare and priceless cultural treasures of other countries, which would not come to this province without the assurance of immunity from seizure provided by this Bill for, as I mentioned, whatever possible motive by whoever may have the money and desire to do so, for whatever reason. It's not just the reason of a native group feeling that it's an artifact that belongs to them.

Mr. Chairman, as I've already said during second reading, significant exhibits have already bypassed Alberta because of the lack of this Act in our statute books. Let us not lose any more. Along with the cultural benefits come the economic benefits. Significant cultural exhibits — and it is these that are most likely to stay away from the province without this Act — bring a lot of visitors to the hosting city, whether it's Edmonton or Calgary, and along with that spending on other attractions and services in the community. With our heavy emphasis on tourism and its promotion, every effort needs to be made to facilitate this industry. Bill 14 does exactly this.

Mr. Chairman, I urge the committee to endorse Bill 14. Thank you.

[Motion on amendment carried]

[Title and preamble agreed to]

MR. ZIP: Mr. Chairman, I move that Bill 14 be reported as amended.

[Motion carried]

#### **Bill 19 Real Property Statutes Amendment Act, 1985**

MR. CHAIRMAN: We have an amendment to this Bill.

MR. GURNETT: Mr. Chairman, I'd like to ask just one question and maybe have some explanation as we look at Bill 19. The provision here for something called "strata space" interests me. I'd like to know a bit more about just what that is. Does it mean, for example, that the owner of a pipeline is able to acquire title to the particular strata the pipeline passes through? I wonder how this strata space provision affects the rights of a property owner, compared to somebody who had some particular strata of space above or below the ground, as I understand it. So maybe the Attorney General, in responding, could tell us all about strata space and just what its implications are for people in Alberta.

MR. CRAWFORD: Mr. Chairman, I welcome the opportunity to give some explanation about something as novel to our system, because it is quite new and hon. members are entitled to hear of the pioneering work they're doing tonight. The Land Titles Office has for some time been registering certain types of documents, probably protected by caveat, which would purport to subdivide "volumetric space," as it's referred to in the proposed Act. The real significance of it is to enable a person, for example, to take title to a floor of a high-rise building, be it above ground or below ground, without taking title to the land upon which the building is situated.

It has been so much a part of our history that if one owned the plot of land, that same person owned everything that was securely affixed to it, and almost all titles, even for large and complex buildings, would be on one or more parcels which would be registered, and then the improvements on that parcel or parcels, being perhaps a very substantial building, would normally have been owned by the same person that owned the ground it's situated upon. Only in recent years have commercial developments been of such a nature that people wanted to have different arrangements. Years ago the type of arrangement might have been by way of lease back, say, of an entire building, where one person owned the site upon which the building was, and another, in effect, would end up owning the building. This was an elementary approach to trying to divide interests up on the same site. What this will do is allow survey plans to be filed in accordance with guidelines established by the legislation and title taken in the manner I've described, the best example being, say, one or two floors of a 40-storey building. You could actually register your title to that.

The question the hon. member had — I don't think it's possible to use this in respect, for example, to pipelines, unless you wanted to subdivide the inside of the pipeline for some reason. Pipelines are registered — and that will continue — as an interest in land in a totally different way, usually by way of easement; in other words, a right to the limited use of the property and to come onto the surface of it by agreement, for purposes such as repair, servicing, maintenance, and so on. But I suppose there are pipelines where the pipeline company, in certain situations — maybe some of the larger ones done long enough ago might indeed own the property that they're actually situated on. But if that happened, that wouldn't be of any importance to the issue we're discussing under the heading of strata space. So in effect, it's a commercial situation we're always looking at in the sense of strata space.

[Motion on amendment carried]

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill 19 be reported as amended.

[Motion carried]

**Bill 11**  
**Crowsnest Pass Municipal Unification**  
**Amendment Act, 1985**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

MR. KOZIAK: Mr. Chairman, I move that Bill II, the Crowsnest Pass Municipal Unification Amendment Act, 1985, be reported.

[Motion carried]

**Bill 20**  
**Fatality Inquiries Amendment Act, 1985**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

DR. ELLIOTT: Mr. Chairman, I move that Bill 20, the Fatality Inquiries Amendment Act, 1985, be reported.

[Motion carried]

**Bill 22**  
**Employment Standards Amendment Act, 1985**

MR. MARTIN: Mr. Chairman, I raised some items on second reading of this particular Bill. Obviously, I know that it's not going to change, but I just want to ask if the hon member can tell me if the government looked at examples in Canada, specifically Ontario and Quebec, where the public service and a number of the Crown employees receive 17 weeks' leave with 93 percent full pay. Did they look at that concept before bringing the Bill in, and if they did, what was the assessment? Is it something that they're looking at in the future that we may be coming back to and this is maybe just a start? Perhaps the hon. member can tell us what research went into this particular Bill.

MR. SZWENDER: I'm glad to respond to the question by the Member for Edmonton Norwood. Certainly I can understand the question as it relates to paid maternity leave as it exists in Ontario and Quebec. I believe that in Ontario provincial government employees receive paid maternity leave that is the difference between the UIC and the negotiated agreement based on their collective agreement. It is not included in legislation. I hope the Member for Edmonton Norwood is paying attention to this. It is not in the legislation; it is part of their collective agreement. So any group is entitled to those benefits if they can receive those benefits in their collective agreements.

I would like to add that Bill 22 addresses the principle of discrimination on the basis of pregnancy and really doesn't address the concept of paid maternity leave. I'm sure that in the future we would be more than pleased to look at that as something that could be considered. However, I think it's more important that this is an added benefit that could be included with negotiated contracts between the parties involved.

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

MR. SZWENDER: Mr. Chairman, I move that Bill 22 be reported.

[Motion carried]

**Bill 23**  
**Industrial Wages Security**  
**Amendment Act, 1985**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

MR. KOWALSKI: Mr. Chairman, I move that Bill 23, the Industrial Wages Security Amendment Act, 1985, be reported.

[Motion carried]

**Bill 25**  
**Local Authorities Election**  
**Amendment Act, 1985**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

MR. PAPROSKI: Mr. Chairman, I move that Bill 25, the Local Authorities Election Amendment Act, 1985, be reported.

[Motion carried]

**Bill 28**  
**Pari Mutuel Tax Act**

MR. CHAIRMAN: There is an amendment to this Bill. Are you ready for the question on the amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

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

[Motion carried]

**Bill 29**  
**Alberta Municipal Financing Corporation**  
**Amendment Act, 1985**

MR. CHAIRMAN: There is also an amendment to this Bill. Are you ready for the question on the amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

MR. CLARK: Mr. Chairman, I move that Bill 29, the Alberta Municipal Financing Corporation Amendment Act, 1985, as amended be reported.

[Motion carried]

**Bill 30**  
**Public Service Employee Relations**  
**Amendment Act, 1985**

MR. MARTIN: Just to follow up from second reading, perhaps we can deal with this in a little more detail at the committee stage, Mr. Chairman. I was saying in second reading, and I'd like the Attorney General to comment on it, that we're told that the purpose of this change is protect confidentiality of information. I want to confirm if that's the case, if that's what the minister sees the necessity of this legislation. If that is so, it seems to me that provisions to that effect are already in place. For example, section 20 of the Public Service Act requires an oath promising not to disclose information without due authorization and, I understand, provides a penalty for contravention.

Mr. Chairman, I'd also like to comment on what I said the other day and perhaps get some more comments dealing with the exclusions in section 21(1)(1). I think it's worth bringing it up again because I know the Alberta Union of Provincial Employees is not happy with this, as I'm sure the Attorney General is well aware. They think that who should be excluded from the bargaining unit should be dealt with at the bargaining table in negotiations between the union and the provincial government. It seems to me that that's not unreasonable when I look at what is happening in the rest of Canada.

We're told that the present exclusion provisions in Alberta are already the most restrictive in all 10 provinces, according to the National Union of Provincial Government Employees. For example, in Saskatchewan all exclusions are negotiable. Most are in B.C. Adding "or for any other reason" to the

grounds for exclusion seems to me to give the public service board unlimited scope to exclude public employees from a union. Mr. Chairman, I say to the Attorney General that I do not know why we have to go this far when other provinces seem to be coping with negotiations, figuring out who should be excluded or not. That legitimately should be at the bargaining place as part of collective bargaining.

Adding "or for any other reason" seems to me to be much too broad, Mr. Chairman. I suggest to the Attorney General that this will not be well received. It certainly isn't in AUPE. As I've said, we've heard from the national union, and they're calling it the most restrictive of all government Acts in Canada. I hope that's not something we want at this particular time. I wonder why we're excluding people in such a broad way. Perhaps the Attorney General could comment on that.

MR. CRAWFORD: Mr. Chairman, I'd be glad to. First of all, I want to indicate to the hon. Leader of the Opposition that the addition of the few words of which he spoke, for whatever reason, are not there because of any question of confidentiality. I agree that the various classifications which appear elsewhere in that section deal with all situations where confidentiality would be a concern.

It was proposed simply to add flexibility to the board's deliberations. The number of subsections in that particular section, of course, leave the board no flexibility as to exclusions, because those exclusions are statutory. If they make a determination that on the facts of a particular situation an employee is in fact within the description of any of the several areas — I don't have the section in front of me now, but it includes employees of the Legislative Assembly, the Auditor General's Office, and many, many others that are not so obviously ones that should be statutorily excluded. But I say to the hon. leader that the addition of these words doesn't preclude bargaining on the issue of whether or not any additional categories should be excluded. Clearly, if the parties come to a conclusion of their own as a result of bargaining, the employee in question is either in or out of the bargaining unit, provided that it isn't one of the statutory exclusions. In other words, the "or for any other reason" one is still open territory for the parties to bargain. It's true they can't use it to circumvent the statutory exclusions, but they can use it if something comes up which is not in the statutory exclusions. Really, what is involved there is that this enables the board, under the subsection where this amendment is proposed, to go beyond the nature of the duties and responsibilities of the position, which is roughly the language of the section as it now stands in that part of it being amended, and enables them to hear argument and hear from the two sides as to the suitability of making an exclusion on some other ground. The Act doesn't give any further guidance as to what those additional grounds could be. It merely says to the board that if a case is made out, they can hear it and grant the application.

I would agree, Mr. Chairman, that to have a provision like that is perhaps unique in labour relations law in Canada, but Alberta has shown leadership before and would want to continue in this area. As I see it, the essence and the really important aspect of it is that the board will act in its proper quasi-judicial capacity. This provision does not statutorily instruct them to do this or do that. They will hear argument from both sides and make a determination. They are indeed entirely free to use precedents from any jurisdiction in coming to a conclusion, if it is an application that relates to the amended portion. I've already noted that

where the exclusion is statutory, of course they're not at liberty. But if it's one made under this new area of jurisdiction that may be granted to them by this amendment, then they can follow any precedent they want and make any determination they wish in respect to that.

I would not want to go on at great length, Mr. Chairman, on the balance of the hon. leader's remarks but will just add this. I think there are jurisdictions in Canada where they dearly wish they had legislation more like ours in the area of public service labour relations. I think the federal government is probably still crying over what they did a number of years ago when they decided that everybody in the federal public service should have a capacity to strike that they never had before in the history of the country. We have not gone that way. Other provinces have done so to varying degrees. I know the argument; the argument is that the public servant should be in much the same employer/employee relations as employees in the private sector and that there's a certain justice involved in conferring that upon them.

We have not yet been persuaded that that outweighs the evil of public sector strikes, and for that reason when this legislation originally came into force in the late 1970s, it was designed to confer much in the way of a labour relation structure that had not existed before in our province but not to confer everything that exists in the private sector in the sense of the capacity to strike and some other factors relative to arbitral items and the makeup of bargaining units and the like, some of which the hon. leader has indeed touched upon in his remarks. That is the rationalization, Mr. Chairman. It has simply been our view that the element of apparent fairness there may be in treating people equally cannot be balanced by the overwhelming public concern that there would be if the public service was in a position in our province legally to undertake strikes, as they do in some other jurisdictions.

MR. MARTIN: It's clear we have a philosophical difference here. I don't believe in government intervention where unnecessary, and I thought Conservative governments believed that too. When Conservative governments say to me, as I think the hon. Attorney General said, that they want more flexibility, I get nervous. The question is flexibility for whom? If we want to say that we're unique across the country in terms of being antilabour, I guess we are. The hon. Attorney General agrees that this is perhaps unique in Canada, as he put it, but frankly, it's not something that I particularly agree with. I wonder what we need the flexibility for, because as the Attorney General said, there are the statutory groups that are already excluded. Can you give me some examples of why we might need this? What did the government perceive when they were looking at this legislation that they need to give this board power like this? They must have had some examples or had some concerns about what was going to happen, because frankly, I don't see the need for it.

If we want to talk about the public service, right now they don't have the final collective bargaining right, the "or else", if you like, the right to strike. They don't have that. We've cut back in some other ways. We have to take in the fiscal responsibility of the Treasurer and all sorts of other things that we've argued about in the past, but I really would like to know why we needed this much flexibility, if I can use the Attorney General's words. What did they see happening? What groups do they think the board would have to move on to exclude and why? If you

take this in the broadest possible way, sure they could still have collective bargaining, but it seems to me, if it comes down to it, when you say as in section 21(1) that they "may" exclude — the hon. Attorney General knows what I'm talking about. It seems to me that that necessarily stops collective bargaining, that that board now has a lot of power. I suppose, theoretically they could exclude the whole union under this Act. I don't imagine they would do that. That would be pretty silly politically, but I expect with that type of power, giving them these exclusions and adding "or for any other reason," theoretically could mean that's it for the whole union.

I guess I'm asking the Attorney General what were his fears? Why did we bring in this particular Act?

MR. CRAWFORD: Mr. Chairman, I really am enjoying discussing the philosophical premises with the hon. leader. I should say that very often when legislation is proposed to be amended, an agency of government — a board, commission, or an organization of that sort — would come forward with ideas based on their experience. For example, we've recently had a number of proposals from the Human Rights Commission. That would be very typical of an organization functioning pursuant to statute within our provincial framework that comes forward with thoughts of amendments.

The Public Service Employee Relations Board didn't happen to make this particular proposal. They made some of the other ones in the very same Bill. It is the government's view that the legislation should provide the board with that additional flexibility. It may well be that that particular amendment would never be used, because the board would have to have an application in front of it which it couldn't consider under any of the other headings. The hon. leader has already noted that the other headings cover a fair amount of territory. This would have to be something that one of the parties would come forward with and say that a careful reading of the other exclusions doesn't allow an application to be made on a particular point. I can't give the hon. leader an example of that right off. But they would be in the position where, if the argument was made, they were persuaded, and they saw the correctness of the argument in their view as a quasi-judicial body, then they could act on it. I say again, it may be that the section would not be used. It is probably fairly plain that it would be little used, if at all, because of the other provisions of the same section.

But I have to add just a very little bit on the hon. leader's comments relative to the overall philosophy on public service labour relations. I think of some of the agonies of populations in various places in Canada, and let us not even think of where they occur elsewhere. But we see that it's been part of our history over many years, for example, that police forces may not strike, and we learn of other places where they have democratized their system, if I can use that word, in real defiance of the interests of the public and those jurisdictions allow police forces to strike. What better example could there be? Then we see the agonies of those other communities. That is something that Alberta has not had to face. It is the wisdom of the years, in my view, and it's something we hope to maintain in a society which wants to retain that balance of the public interest always in the forefront.

The hon. leader could say, if he wished to, that he might agree with me on that but that they are essential and others are not, so why do you have such a broadly applied law? Our answer to that is one of principle as well. The



member of the public doesn't have an alternative to the services his government provides. I have sometimes tried to note it here in this way: if Superstore goes on strike, hopefully Safeway and Woodward's don't, so I can go there, or vice versa. But what if the Land Titles Office goes on strike? Where do you find a private-sector Land Titles Office? The citizen who is paying the way, if we can put it this way, where does he turn for his service then? Who is to say that the public should go through the potentially long and trying experience of a strike in an essential service like the Land Titles Office, the court clerks, the jail guards, or whatever and say at some point: "Well, it won't be too bad. We'll all take the heat for a while. It'll help the bargaining. Then we'll pass a law or some other type of order and make them stop". And do what? "Get them to arbitration, by George; that'll fix them all, and we'll have a settlement." Our system provides at the outset that the bargaining takes place so long as it can and then the movement to the arbitration process, which, I suggest to hon. members, is very fair, because the Public Service Employee Relations Board itself doesn't conduct those arbitrations. Those arbitrations are yet another step away from the ability of government to influence in any way.

So those are a few of the philosophical considerations, and only a few, Mr. Chairman, that underlie, in fact, the framework of this type of legislation.

MR. MARTIN: We are somewhat off the topic, because the government had decided a long time ago that they weren't going to let the provincial employees go on strike. When they were running for election in 1970, taking on the Social Credit, there were nice big pages. I remember they were for it then, because they were trying to get their votes. But that's not the point. They've already taken away the right to strike. It was by arbitration. We don't like how the arbitration goes, so now we have to take into consideration what the Treasurer says. I'm talking specifically now, after all that. I could talk about legal strikes, that countries where they don't want it and where they have fewer strikes are some of the social democratic countries where they have more authority, but I'll keep to the Bill. I think we have to be very careful when we take people's rights away. Certainly, we know that collective bargaining is considered a basic right by the United Nations.

But why this now? All the protections the hon. Attorney General was talking about were already there. Now, as I said, we're giving this quasi-judicial board, as he terms it, grounds for exclusion, "or for any other reason." I ask the Attorney General: is my assessment right, that under this jurisdiction they could virtually wipe out the union, if they decided to do this? I'm talking about the legalities of it. The Attorney General may say: "They won't do that; it'll hardly ever be used" or "It should never be used." If that's the case, I don't know why we're putting something that we don't intend to use into a Bill. Is my assessment right? With this type of power, would it be possible to basically eliminate the union if this quasi-judicial body so decided? I think that's important; we have to look at what Bills can do and what they're meant to do. The reality is that things can heat up in negotiations. People can get mad. The provincial government negotiators can get mad and say: "We've had it. We should knock these jail guards out, because we don't like their attitude." The next time, the social workers: "We don't like their attitude. They should be excluded because they're being too militant."

I may be exaggerating, but I don't think so, because when you say "for any other reason," I get nervous. That's

why I asked for specific examples of why we needed this, but the Attorney General says he couldn't think of any off the top of his head. I would say then, Mr. Attorney General, that we'd better do better than that in the Bill, because we're giving a quasi-judicial body absolute power, and I want to know why. I think that's not an unreasonable thing to know here in the Legislature. I thought there might be some reasons. There may be a small group, but as I read it, when we say "any other reason," it can be for any reason, then. If the quasi-judicial body that we're talking about does not like this or that particular group they can say, "You're excluded." That's the end of the collective bargaining. Is that what we mean to do here? That's precisely what I think we should know when we're passing a Bill like this.

MR. CRAWFORD: Mr. Chairman, I will surely answer the hon. leader, but I thought I should just confess to him that the reason the discussion I was embarked upon dealt with rather broader items was that the hon. leader in his remarks just prior to that had made some remark to the effect that it is the view of some people that our legislation is unfair to labour. We have never believed that, and I don't think many people do. Therefore, I had to make a few remarks directed toward that.

Mr. Chairman, I think there are any number of reasons the hon. leader was probably right when he said he was exaggerating. I realize now we are covering some ground that has in part been covered already this evening, but one must look at the purpose of the entire section and see that for reasons of public policy the Legislative Assembly has declared that certain persons shall not be included in a bargaining unit. That is a matter for determination in a public way, in a parliamentary atmosphere such as this, and those determinations were made.

Then we come down to 21(1)(1) where an addition is made to the numbers of categories where the board could exclude a person. Subsection (1) refers to excluding a person from a bargaining unit "by reason of the duties and responsibilities he has to his employer." Lawyers are pretty neat folk. As soon as they get arguing one of these things, they start defining "duties" and "responsibilities", and with a little assistance from legal precedent they can come up with entirely different descriptions of both of those straightforward words. I would say to the hon. leader that what has really been varied is the apparent limitation that the argument under subsection (1) must be based on duties and responsibilities to the employer. All of the other provisions ahead of subsection (1) touch in some way or other either on duties and responsibilities, and that's why this is meant to be consistent with that, or upon some other well established principle. What has been done here is to look at the potential of, I suppose, the narrowness of definition and say, "If it is not a duty or a responsibility to the employer, then should there not be a discretion which the board can embark upon on its own?" I think it's important to remember that a quasi-judicial board, operating pursuant to statute, is not in any sense an arm of government. It is there in order to resolve the differences between the parties, one of which is the government or a government agency in all of these provincial, public service employee situations.

What the entire section really contemplates is that the board would look at something very specific, and I think this is the point by saying "a person . . . shall not be included." It would perhaps be the job description of a single position at a certain level which might verge upon

management but which might be falling on either side of it, depending on argument. It might then be more than a single person; it might be a group or classification of a certain type of work or employment, certain types of duties perhaps. In that sense it's directed at fine-tuning the organization in probably the only way it can be done, and that is by a quasi-judicial body hearing both sides of the case and making a determination.

It is not and could not be the agent or representative of government for the purpose of implementing government policy with respect to the bargaining units. Government policy is implemented by the legislation, and the only opportunity the government then has as an employer beyond that is the same one the employees have; that is, to appear before the board and make out a case on one side or other. I don't think there should be any thought that a board under any of our statutes is there to act capriciously or without a judicial approach. I think the record over all the years shows that boards and agencies which function pursuant to statute in this way do act in a judicial way. I think I would have to say to the hon. leader that operating from precedent, from a duty not to act capriciously, from a responsibility to provide for a fair hearing, to hear the entire case on both sides, and to give its reasons for its decision: operating from all of those well-established principles, it is unthinkable that this provision would be abused by an independently operating, statutory board.

MR. MARTIN: It may well be. We certainly hope so. What we're looking at right now is the Act and what it could and couldn't do.

Can the Attorney General assure this Assembly that this board would not have the power to strip away, say, a whole group of people who are members of the AUPE right now, for example, social workers or prison guards? Is the Attorney General saying that they do or do not have the authority under this Act to do that? Whether they would act capriciously or not, as the Attorney General says, it seems to me that's the intent of legislation. We should be a little clearer on what we mean, if that's the case. All I'm asking is: would they have the authority, as he sees it in this Bill? The Attorney General is sponsoring it. If it came up again, we'd know in the Legislature precisely, would they have the power to do that?

MR. CRAWFORD: Mr. Chairman, there is certainly a short answer to that, and the answer is no, they would not. This provision is of the same character as all the other provisions of the section, with the one exception, that it creates a further discretion or flexibility as to what a decision might be in a specific case. I would say that it's entirely clear to me, in the sense of how the statute law would be interpreted, that it could never be used to dismantle an entire bargaining unit or anything similar.

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill 30 be reported.

[Motion carried]

#### Bill 24

##### Disaster Services Amendment Act, 1985

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

MR. M. MOORE: Mr. Chairman, I move that Bill 24 be reported.

[Motion carried]

#### Bill 32

##### Alberta Mortgage and Housing Corporation Amendment Act, 1985

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

MR. SHABEN: Mr. Chairman, I move that Bill 32, the Alberta Mortgage and Housing Corporation Amendment Act, 1985, be reported.

[Motion carried]

#### Bill 33

##### Individual's Rights Protection Amendment Act, 1985

MR. MARTIN: This is an important Bill. There are a few comments I would like to make on this, Mr. Chairman. First of all, I have no complaints about what's in there, but I think the Bill is riddled with some omissions. I am curious as to why. For instance, I'm glad that we moved in the direction against the discrimination against age, and the amendment to section 7 is excellent. It states that pregnant women who are discriminated against by sex rather than pregnancy; in other words, the definition of sex includes pregnancy. I think those are positive steps.

I think it's our job here in opposition to try to raise concerns that were brought to us by certain groups and to see why they were not included. Let me just go through four or five of the omissions, Mr. Chairman. First of all, discrimination on the basis of a criminal conviction for which a pardon has been granted: in a proposal by the Elizabeth Fry Society of Calgary a pardon is granted after the RCMP have investigated the applicant and are satisfied that the applicant has been on good behaviour and that the conviction should no longer adversely reflect on the applicant's character. The unreasonable prejudices of society, even where they have the pardon to prove that they have been on good behaviour for years, are often a huge obstacle to rehabilitation. I'm told, and the minister may have new information, that this still is not the case. They specifically want that in that particular case. We're not talking about people who are in jail for a limited period. We're talking about where they have been pardoned.

The other one is discrimination against the mentally handicapped. I understand this was a proposal by the Human Rights Commission and the Canadian Mental Health Association, that mental disabilities should be included as a protected class and the definition should specify that mental disability means previous or existing mental disorder, whether actual or perceived. It's my understanding, Mr. Chairman, that this provision is contained in the federal Charter and, I believe, in some recently enacted legislation in Manitoba, Ontario, and British Columbia, as some examples.

Another proposal by the Human Rights Commission is discrimination on the basis of sexual orientation. I know a number of groups have lobbied the government there. Age: we had that down at one time, but to their credit the government has moved on that. Discrimination on the basis of marital status: apparently this is another proposal by the Human Rights Commission, where marital status should be added to the preamble and protection should also include

applications and advertisements for employment; marital status should be defined to include common-law relationships so that the Act reflects current social practices. Whether we like it or not, people choose the way they want to live. It is my understanding that even under here there isn't the same protection if people are living common-law.

The Human Rights Commission also recommends the inclusion of a definition of reasonable accommodation and that reasonable accommodation be provided for the limitations or special needs of a person with physical disability. I believe they wanted it to be applied to public accommodation, tenancy, and employment practices. Again, not here. Also, the commission wants its powers of investigation to be similar to those outlined in the Employment Standards Act and the Labour Relations Act, Mr. Chairman. Suggestions by the commission as to the powers of boards of inquiry were also ignored.

Those are the specific omissions. Could the minister tell us why? I know there are groups — the Human Rights Commission, under his own department, specifically made some of these recommendations.

Finally, the addition of 11.1, as proposed in the Bill, makes me somewhat nervous, Mr. Chairman. It's extremely vague. I guess we have to look into these words. We've just had this exercise with the Attorney General. What exactly does "reasonable and justifiable in the circumstances" mean? Again, some regulations are called for in order to make the intent of it more specific and clear. Whenever I have these words "reasonable and justifiable in the circumstances", I think that leaves a lot of flexibility and vagueness.

If he could, I would like the minister to comment on why some of these omissions were made after various groups, specifically the Human Rights Commission, were advocating them. As I say, it's not that I could vote against what we have in the Act; it's just that I think it could have been more comprehensive. I think some of the omissions are serious ones, and I hope the government is still rethinking what they're doing in these areas.

MR. YOUNG: Mr. Chairman, to respond to the hon. leader, first of all, I'd address the question of the Elizabeth Fry Society's suggestion of criminal conviction for which a pardon has been received. I can say to hon. members that I had discussions not only with Elizabeth Fry but, on an earlier occasion, with Seventh Step in Calgary — we received some correspondence from Seventh Step — and with the John Howard Society as well. Those were people operating in roughly the same area: the rehabilitation of persons who have had criminal convictions. Obviously, I also had discussions with other people or representative groups who might have a variety of opinions and came to the conclusion that, first of all, if we're talking about rehabilitation, none of the groups with which I spoke held out a great deal of significance for inclusion of that prohibition, if you will, in the statute as being very significant in terms of rehabilitation.

The fact of the matter is that there has to be a very significant time period, usually a minimum of five years after the sentence has been completely served for whatever the conviction was. There must be at least a clear five-year period before an application for pardon can be initiated. If one reflects upon that, that means we are looking at at least six or seven years after the total sentence has been served. Clearly, it is in that period of time that the greatest stress is on the individual from a rehabilitation point of

view. In other words, we're really addressing people who have been completely rehabilitated. If it were not so, then the police check on the record of those people in the community — which is very thorough, I'm advised — wouldn't turn out to be positive.

To begin with then, rehabilitation isn't that significant, in my judgment, and without getting into what society said what, there isn't concurrence among them on that particular point. Secondly, it became apparent from the intense discussions I did have with representatives that the motivation for that inclusion in the statute is in the hope that it will deny information to people so that someone with a criminal conviction who's been pardoned wouldn't have any information on record that could be found out. This is often very important. It was expressed to me by persons who have rehabilitated. They become parents of children who are in their late teens or early 20s who may become inquisitive and start looking through files and whatnot, they may become grandparents, or they may be very advanced in society in whatever circles they're moving.

Their real objective is to have the record removed so there isn't any information there that people could normally get hold of. This statute can't accomplish that. As a matter of fact, it was as a consequence of my discussions that one of those societies has now written to Ottawa and asked the federal government to address the question of the information on files when pardons are given, so that it wouldn't be freely available, if in fact that's a good concept. They raised it, and in their view that would be a much greater achievement than what we could put in this statute, which would simply prohibit the use of the information in a discriminatory manner once information is obtained but would have nothing to do with preventing the transfer of that information. I came to the conclusion that it was not the kind of initiative, on our part, that was really going to achieve most of the objectives that the parties were hoping for when they had advanced the request.

With respect to the inclusion of mental disability, I have had, as you might sense, a rather difficult time with this concept, partly because of the very definition itself. Who is mentally disabled and who is not? It is a challenge at the very best of times to know under statute who is and who isn't. There are very complex procedures.

I was favoured with the opportunity to attend, and address as well, a day-long seminar put on by the Canadian Mental Health Association in Calgary, with a considerable battery of very talented legal advice plus staff from the universities, psychiatrists and psychologists who are very skilled in this area. At the conclusion of that seminar I came to the judgment that my earlier decision had in fact been the correct one. There are many unanswered questions. The same fear and objection or hesitation I have was raised in that seminar by some of the experts in mental competence or mental disability who took quite large swings at the legal profession for being out of date and not up to speed in terms of the definition that ought appropriately to be in legislation generally, not just this legislation, if we were going to use it.

I was also concerned by the large amount of rights legislation which we've had, with section 15 of the Charter and changes we have made, and found the results a little different than we'd expected under physical disability which, presumably, from my point of view, should be a much easier area to administer. When I tried to explore what the effect of the inclusion of mental disability had been in other provinces, frankly I couldn't find that it had much result.

I think the real problem in the mental disability area isn't going to be affected very much, if at all, by any amendment that's suggested in the short run. I've no disagreement about reassessing it after we have digested more of what the Charter means to us or may mean to us and after we've seen the experience in some other provinces that have embarked upon it in other areas.

With respect to sexual orientation, I've had some meetings and many letters on this particular topic. Again, I want to make it clear that people who are of a sexual orientation which is not covered — in the statute we don't deal with sexual orientation, whatever the orientation. I say to all hon. members that if we're going to deal with it, we should be more specific than sexual orientation because, in fact, there are sexual orientations or sexual practices which are very much against the Criminal Code, and we wouldn't want to encompass those. I think we may as well call it what it is. We're really addressing the question of heterosexuality and homosexuality in the normal sense of the terms. Having reviewed that carefully and listened to what I thought were the most sincere expressions I've heard to date from the homosexual community, I do not believe we could deliver the kind of security that is being sought by homosexuals through the Individual's Rights Protection Act. We may be able to go some measure, had we included it. But concerns were expressed to me by individuals about how difficult it was to be well regarded by their parents, and they see inclusion in the statute as assisting them in some manner in that respect.

Also, I had a great fear that with respect to the emphasis on employment — and it's very great with that community — a security of employment that they perceive. In fact, there were not a lot of illustrations given. There were a few this time, because I challenged them very vigorously in 1980 to present to me some illustrations of problems in employment which accrued out of homosexual identification. Five or six illustrations were presented to me, and I didn't challenge them in any respect. I just accepted them at face value. But still, not a great lot.

There is something that's a bit deceptive, and we find it in the administration of the Act in general. We have to realize with this statute and the Employment Standards Act that we cannot put together a healthy relationship in the worksite if that has been destroyed through personality conflict. Whether it should or shouldn't have been is another question, but once the emotions are raised and once there has been a vigorous disagreement between employer and employee, we are unable to provide the kind of security that most people seek in an employment relationship. We can require them to be reinstated on that issue, but it will not be a positive situation. We cannot change attitudes, if you will, in an immediate sense, through our statute.

With respect to marital status, which was recommended by the commission to be included, we have quite a variety of different definitions, if you will, for marital status in various statutes in government. We have put them there directed to specific needs, depending upon what the service was that is to be delivered, whether it's workers' compensation, social services, or whatever. The Institute of Law Research and Reform is doing a very thorough analysis of the marital status question. They are about one year, I believe, into that analysis. We expect a report from the institute maybe late this year, if not, next year. We decided that until we receive that report, we should not venture into paramouncy legislation, which would, whatever definition we used here, take precedence over all other definitions

in statutes wherever they are and could raise a lot of difficulties for which we, frankly, don't really know the answers yet. That's the reason it wasn't proceeded with. It's a very, very complex area, and since the institute is in the process, as I mentioned, of doing a study, and that study is at least a year under way, we decided to await further developments.

With respect to reasonable accommodation, this is a concept which has not any definition in other legislation anywhere. In my discussions what the commission sought to achieve was a recognition on the part of the respondents that they should acknowledge that the commission has the capacity to try to bring the parties together to achieve a consensus. There is a great fear in the community that the commission already has plenty of clout in this respect and that the reasonable accommodation might lead to a position where the commission was exercising more muscle than the community wanted to see. While I don't think that would be the case, the fact is that it's hard to identify what reasonable accommodation is. We will come to it when we get to another point the hon. leader has raised with me.

So we have instead — and I'd refer the hon. member to amendment 9, to section 20. We have tried to reinforce the capacity of the commission to effect a settlement. There already is in section 20 a charge to the commission to endeavour to effect a settlement. We are following through the steps that the commission may proceed with, adding a fifth provision which makes it very clear that the commission may make recommendations. I think that while it may not address all the requests the commission made, it is a considerable step toward what I believe was their objective in advancing the notion of reasonable accommodation.

The power of investigation: hon. members would know that the Charter of Rights is now in effect. There was a recent court case, I believe involving the *Edmonton Journal*, which raised some questions about powers of investigation. That has caused the government to do some assessment of existing statute and existing powers. That internal review is under way, but we concluded that given that we were trying to assess what would be viable with the Constitution, we should not try amending something that has been effective for quite a number of years, tinkering with it to change it slightly when we weren't absolutely sure of the best of way of doing so. That's the reason that wasn't dealt with on this particular occasion.

Mr. Chairman, the last point raised was the question of "reasonable and justifiable" which would be amendment 5. Do you wish, hon. leader, the long explanation or the short explanation?

AN HON. MEMBER: Please.

MR. YOUNG: In essence, our statute is very absolute in the manner in which it is expressed. Most provincial statutes and the Charter have a broader exemption provision which allows for the exercise of discretion. That must be so because rights are not absolute, and the more we put into statute the more conflict we find between rights. What we are doing here is addressing the problem of conflict and saying, "How do we resolve conflicts of rights?" It seemed to us that in a provision of this nature, which has some similarity to the one in the Charter — we do live in a democracy, so I think we can take it as a given that we could omit some of the words that are included in the Charter since this would be existing within that complex — there should be an exercise of discretion available to the

administration of the statute. That means that judgment is going to be exercised, in the first instance, by officers of the commission, by the commission itself, by boards of inquiry, or by the court, depending upon the nature of the case and how far it has proceeded.

We also had the objective of trying to remove an uneasiness in the community about the ability to undertake special projects. By virtue of this provision and the removal of section 11(1)(b) of the existing statute, we believe that special projects should now be able to proceed with relative certainty as to their acceptance under the statute.

MR. NELSON: Mr. Chairman, just a couple of comments and maybe a question on the concerns I have regarding the Act as it has developed. In employment situations it would now read for reasons of "bona fide occupational requirement," rather than "bona fide occupational qualifications." "Physical characteristics" is being renamed "physical disability"; I'm concerned about the term "disability". From an employer point of view, what may be a disability to some may not be to others.

Will we be narrowing the area of "qualification" and "disability" to force employers to hire persons who, for one reason or another, may not be suited for a particular job? If they're not hired for particular reasons, could they be deemed to have discriminated against the person because of the terms that are now going to be used?

MR. YOUNG: Mr. Chairman, to respond to the hon. member's observations. First of all, the two changes are being made at the recommendation of the commission, based upon their administrative experience, and the two changes relate in a way. The commission found that when they looked at the job requirements, which they do, they found that "requirement" was a better description than "qualification," because what someone may list as qualifications may not, in fact, when the job is examined, be requirements of the job. They were tending to make decisions based upon the requirements, not necessarily somebody's stated qualifications, which may not be realistic. They felt it would communicate more effectively by changing the expression to "requirement." That relates to the question of physical characteristics, because characteristics is a very broad term. Disability is a narrower expression, and it becomes even narrower when it's related to requirement, because is it a disability in relation to the requirement? We think it's easier for one to understand that tie between the two.

When we address the final point that I think you're making, I'd have to advise that any complainant can try to get a complaint before the commission. Whether it will be sustained beyond the preliminary investigation is a very different question. The commission tries to screen those out very quickly. I don't think it would be the objective of the commission nor from my experience is it an objective of the physically disabled community to try to undertake jobs for which they are not able. I've just had no experience of that type with that community. As a matter of fact, the experience is that those disabled employees, once they find employment which they can do effectively, are better producers and also better employees in terms of the length and regularity of their employment than are employees in general. I don't think we need have a fear in the direction that you've indicated.

[Title and preamble agreed to]

MR. YOUNG: Mr. Chairman, I move that Bill 33, the Individual's Rights Protection Amendment Act, 1985, be reported.

[Motion carried]

#### Bill 34

##### Student and Temporary Employment Act

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

MR. ISLEY: Mr. Chairman, I move that Bill 34, the Student and Temporary Employment Act, be reported.

[Motion carried]

#### Bill 35

##### Apprenticeship, Training and Certification Act

MR. GURNETT: A few comments, Mr. Chairman, on some of the amendments that were presented to us with regard to Bill 35. Let me start by complimenting one of those amendments, the one that will allow representatives of employees on the boards. They're obviously good people. It will permit representatives of the unions to do their jobs. They're probably the best qualified people. So I certainly want to commend the minister for listening to the Official Opposition and the organizations that represent trades in the province in bringing in that particular amendment, which is very good.

I have some concerns, however, about a couple of the other amendments that we're looking at with Bill 35. The amendment to section 20(3) concerns me, because I just don't know how we're ever going to be able to tell if an employer has "knowingly" permitted unqualified or otherwise prohibited people from working as tradespeople in designated trades. It's a thing that's so difficult and cumbersome to identify that I think it ends up leaving a large number of loopholes that are automatically going to be skewed in favour of the employer. I think that creates an unfair situation, Mr. Chairman, and the onus instead should be on the employer to ensure that his workers are in fact qualified and not on the unions to have to prove that the employer knew he was hiring unqualified people. So responsibility would rest where it really should be rather than where this amendment is going to end up directing it and, as I say, creating an almost impossible situation for the unions to do this anyway.

I'm also concerned about the amendment that's proposed to section 22, Mr. Chairman. Right now this says that no contravention of the Act can have a penalty in excess of \$1,000. That would be the maximum possible for any offence. The Act originally set out that offences after the first offence could be liable for up to \$2,000 fines. I'm concerned that this particular amendment has taken away any encouragement for employers to try to hold their offences down to one. Now there's no greater penalty for successive offences than for a single offence.

I'd also be interested in the minister's giving us some indication about some of the many areas that he received suggestions from some of the trades organizations about further amendments. For example, I have a letter from the Southern Alberta Building and Construction Trades Council

that went into some detail about a large number of suggested amendments that were not dealt with. I'm interested in their suggestions about amendments to section 10(2), for example, and why the minister felt their suggestions there should be ignored, and also their suggestions with regard to section 15. I know there were a lot of other areas that they made suggestions on and that other trades groups suggested amendments that would create a Bill that was a little fairer and wouldn't water down the power of trades to be involved in regulation. Perhaps the minister could comment on that.

When we talked about this Bill in second reading, I referred to the danger of the Bill's creating the possibility of a subjourneyman category. At that time I know the minister reassured us that there was no such intention in Bill 35. I mentioned at that time the fact that the Northern Alberta Institute of Technology seemed to be advertising courses that could be described as falling within a subjourneyman category. I would appreciate the minister specifically explaining to us how this kind of technician course that NAIT is advertising is not made possible by what we have in this Bill in section 20(1)(a)(viii), for example, which says that the executive director can create a place for this kind of subjourneyman category, or in section 20(1)(a)(i), which creates this category of helpers.

It seems to me that quite specifically in section 20, we have the possibility of these subjourneyman type categories being created. As I said when we were looking at this Bill in second reading, my fear is that the result of that possibility of creating these other categories in those two sections is that we'll end up with a watering down of the apprenticeship system in this province. I know there are thousands and thousands of tradespeople in Alberta who are very concerned about that very kind of watering down. I would appreciate some comment on what assurance there is that, in fact, this Bill will not make possible these subjourneyman categories of employees who would then threaten the conventional apprenticeship structure.

MR. ISLEY: Mr. Chairman, just to respond briefly to two or three of the points raised by the Member for Spirit River-Fairview, the amendment regarding the possibility of representatives of employees sitting on the Apprenticeship and Trade Certification Board and the local advisory committees is simply bringing the current Act back to reflect the original Act more. It was never the intent to change it.

Section 22 was actually an amendment made in response to many of the representations we received from the employer/worker groups, in particular. I think the hon. member is misreading it. The new section 22 is a little stiffer than the old one in that we're talking progressive fines as opposed to individual fines; in other words, that minimum fine per day of offence as opposed to one fine and then a successive fine.

The subjourneyman category and the concern with respect to section 20 has been cleared up in the minds of most of the people that expressed concerns, I think. Actually, all that section 20 does is take about three sections of the old Act and pull them into one. There is nothing under section 20 that does not currently exist in the Manpower Development Act. As was explained when this Act was introduced, one of our purposes was to try to pull it together, make it simpler to read, take the things out of it that should be in the Department of Manpower Act, and take other things out of it which should be in regulation and put them in the general regulations.

I think the other area of confusion that came to light in our discussions with both employee and employer groups following the introduction of Bill 35 was that we have the Bill, which is legislation, then we have general regulations which will pick up many of the concerns that have been expressed, and then individual regulations for each trade. I can assure the hon. member and the House that there is no intention under this Act to bring in a subjourneyman category, and there is nothing in this Act that is weaker than the original Manpower Development Act in that regard.

MR. CHAIRMAN: There is an amendment to Bill 35.

[Motion on amendment carried]

[Title and preamble agreed to]

MR. ISLEY: Mr. Chairman, I move that Bill 35 be reported as amended.

[Motion carried]

#### **Bill 36 Rural Utilities Act**

MR. CHAIRMAN: There are amendments to this Bill.

[Motion on amendments carried]

[Title and preamble agreed to]

MR. BOGLE: Mr. Chairman, I move that Bill 36, the Rural Utilities Act, be reported as amended.

[Motion carried]

#### **Bill 37**

#### **Health Disciplines Amendment Act, 1985**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

DR. REID: I move that Bill 37, the Health Disciplines Amendment Act, 1985, be reported.

[Motion carried]

#### **Bill 38**

#### **Vital Statistics Amendment Act, 1985**

MR. CHAIRMAN: There are some amendments.

[Motion on amendments carried]

[Title and preamble agreed to]

DR. WEBBER: Mr. Chairman, on behalf of the Member for Edmonton Sherwood Park, I move that Bill 38, Vital Statistics Amendment Act, 1985, be reported as amended.

[Motion carried]

**Bill 40****Mines and Minerals Amendment Act, 1985**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

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

[Motion carried]

**Bill 41****Pipeline Amendment Act, 1985**

MR. MARTIN: Just a couple of comments. I wasn't here for second reading of this particular Bill. I have some concerns about quasi-judicial bodies, as we put it. I understand this particular Bill takes powers previously available to cabinet and gives approval of pipelines to the ERCB. I know the hon. minister of energy will say it's because they're the best body to deal with it because of the technical end of it. One concern I have, and I want to say it very clearly, is that I'm always a little leery when more power is going outside the Legislature to quasi-judicial bodies. We just had this discussion. It becomes harder and harder for us to question a particular minister under responsible democracy. The minister of energy and I have had this discussion about the ERCB from time to time: basically, it's up to them, and I don't interfere with them. We could take this for almost all aspects of government and keep shifting it out to quasi-judicial bodies, but it would be very difficult for this Legislature to have control over certain areas.

I could foresee a situation, Mr. Chairman, where a pipeline was seen as necessary by the opposition, but we couldn't push the government for it. Or it might be that a particular pipeline is dangerous, expensive, unnecessary, but we couldn't ask about it in the Legislature because the minister would just say that's under the jurisdiction of the ERCB. It seems to me that we have to be somewhat careful when we start shifting more and more power to quasi-judicial bodies. I say that to the minister because we have had this discussion. I know the answers for dealing with the ERCB because of a technical thing, but surely some political questions could come up as the result of a Bill like this. The minister will still have to be responsible for the ERCB so we can ask questions. If all the answers we get are that it's beyond our means, it's over with the ERCB, I think the minister can see the danger of that ultimately. It becomes very difficult to check this in the Legislature. That's why it frightens me somewhat when we take power away, if you like, from Executive Council and push it onto a quasi-judicial body. I hope this wouldn't be the case. I give the example that a pipeline might be a very big political debate, but if we couldn't ask that question because it's under the jurisdiction of the ERCB, I think this would be a dereliction, if I can put it that way, of all our duties here in the Legislature.

MR. ZAOZIRNY: If I might speak to the comment, Mr. Chairman, I think the hon. member makes a fair observation in the broader context in terms of the role of government from a policy standpoint and otherwise. I think, though, I can allay the broader concern he has raised. The particular legislation is of a very highly technical nature in this particular instance. In fact, with the modification to the

legislation we will be bringing this legislation in line with the situation that exists with the Oil and Gas Conservation Act and the Oil Sands Conservation Act. Having said that, I certainly recognize the concern he has raised. I don't think this adjustment will give rise to the sorts of possible problems he has alluded to.

[Title and preamble agreed to]

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

[Motion carried]

**Bill 43****Alberta Corporate Income Tax  
Amendment Act, 1985**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

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

[Motion carried]

**Bill 45****Local Authorities Pension Plan Act**

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

[Motion on amendment carried]

[Title and preamble agreed to]

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

[Motion carried]

**Bill 46****Universities Academic Pension Plan Act**

MR. CHAIRMAN: There are some amendments.

[Motion on amendments carried]

[Title and preamble agreed to]

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

[Motion carried]

**Bill 47****Special Forces Pension Plan Act**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

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

[Motion carried]

**Bill 48**  
**Members of the Legislative Assembly**  
**Pension Plan Act**

MR. CHAIRMAN: We have amendments to this Bill.

[Motion on amendments carried]

[Title and preamble agreed to]

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

[Motion carried]

**Bill 49**  
**Insurance Amendment Act, 1985**

MR. CHAIRMAN: Are there any questions or comments?

[Title and preamble agreed to]

MR. ANDERSON: Mr. Chairman, I move that Bill 49 be reported.

[Motion carried]

**Bill 50**  
**Pension Plan Statutes**  
**Amendment Act, 1985**

MR. CHAIRMAN: Are you ready for the question?

[Title and preamble agreed to]

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

[Motion carried]

**Bill 51**  
**Grain Charges Limitation Repeal Act**

[Title and preamble agreed to]

MR. TOPOLNISKY: Mr. Chairman, I move that Bill 51, the Grain Charges Limitation Repeal Act, be reported.

[Motion carried]

**Bill 52**  
**Appropriation (Alberta Heritage Savings**  
**Trust Fund, Capital Projects Division)**  
**No. 2 Act, 1985-86**

[Title and preamble agreed to]

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

[Motion carried]

**Bill 53**  
**Appropriation (Alberta Heritage Savings**  
**Trust Fund, Capital Projects Division)**  
**Supplementary Act, 1985-86**

[Title and preamble agreed to]

MR. HYNDMAN: I move that Bill 53 be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports the following: Bills 1, 2, 3, 4, 5, 6, 11, 12, 15, 17, 20, 22, 23, 24, 25, 30, 32, 33, 34; 37, 40, 41, 43, 47, 49, 50, 51, 52, 53. Mr. Speaker, the Committee also reports the following Bills with some amendments: 8, 9, 14, 19, 28, 29, 35, 36, 38, 45, 46, and 48.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker tomorrow afternoon in the hour designated for Government Business, committee would be called again to consider Bills on the Order Paper. Depending upon progress, hon. members will become aware at some time tomorrow as to whether or not the Assembly sits tomorrow night.

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