

LEGISLATIVE ASSEMBLY OF ALBERTA

Friday, May 19th, 1972

[The House met at 2:30 pm.]

PRAYERS

[Mr. Speaker in the Chair.]

INTRODUCTION OF BILLS

Bill No. 101 The Senior Citizens Shelter Assistance Act

MR. RUSSELL:

Mr. Speaker, I beg leave to introduce a bill being The Senior Citizens Shelter Assistance Act. The government regards this as a very important bill for the following reasons and purposes. The purpose of the bill is to remove for senior citizens on their residential property the 30 mill foundation levy that is now assessed. There is no means test or upper limit to the amount of relief that will be given under this act other than that which is imposed by the upper limit of assessment that exists on the property. The bill, Mr. Speaker, is meant to function as an extension of the Homeowner Tax Discount Plan and gives the senior citizen taxpayer the option of selecting as a means of financial relief the larger of the existing homeowner tax discount that he now receives or the new relief proposed by this bill -- that is the relief of 30 mills of assessment.

Mr. Speaker, the bill applies to all homes, whether they are single family residences, owned portions of buildings, duplexes, or mobile homes. For farm residences the program has been expanded to cover the home parcel on which the residence sits.

In addition to that, Mr. Speaker, there is a second very important purpose of this bill and that is to recognize the burden paid by senior citizens who are renting accommodation. Under this bill, such senior citizens will be eligible to receive an annual payment of \$50 in order to assist them in the indirect payment of their education property taxes. The government wishes to pass the bill this spring and it is intended that the legislation will be effective for Alberta senior citizens for the current 1972 tax year.

[Leave being granted, Bill No. 101 was introduced and read a first time.]

Bill No. 97: The School Amendment Act, 1972

DR. HOHOL:

Mr. Speaker, on behalf of the hon. Minister of Education, I beg leave to introduce a bill being The School Amendment Act, 1972. Among others the purposes of this bill are:

1. To make mandatory the reduction of the School Foundation Program Fund paid to school boards in the event of a strike or a lockout.
2. To clarify the procedures to be followed regarding:
 - (a) suspension of pupils

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- (b) giving notices of public meetings
- (c) provision of board financial statements to electors
- (d) frequency of plebiscites for debenture borrowings by the school boards, and
- (e) to authorize the boards to purchase, sell, rent instructional materials

[Leave being granted, Bill No. 97 was introduced and read a first time.]

Bill No. 87

The Alberta Gas Trunk Line Company Amendment Act, 1972

MR. DICKIE:

Mr. Speaker, I beg leave to introduce a bill, being The Alberta Gas Trunk Line Company Amendment Act, 1972.

The purpose of the amendments are threefold. The most important amendment involves the Class A common shares. For the first time the Class A common shareholders will be given the right to vote. It is interesting to note, Mr. Speaker, that there are over 20,000 Class A common shareholders; 97 per cent of them are resident in Canada, and over 70 per cent resident in Alberta. The market value at the present time of those shareholdings is some \$250 million, of which some \$50 million is in Alberta. The market price of the shares has ranged from \$5 to a high this year of \$57, and a market analyst has stated that the return has been between 19 and 20 per cent. Mr. Speaker, I think you'd permit me to say that certainly these shareholders have a large stake in the exciting future of Alberta Gas Trunk Line.

The second series of amendments deal with the increasing of the board of directors from 7 to 11. With the present 11, it is proposed that three will come from a group referred to as the gas export companies, the utility companies and the gas producers. Three will come from government; three will come from the shareholders, being the Class A common shareholders; and two from management.

The third amendment gives the company the power to alter its share capital.

[Leave being granted, Bill No. 87 was introduced and read a first time.]

Bill No. 90: The Investment Contracts Amendment Act, 1972

MR. LEITCH:

Mr. Speaker, I beg leave to introduce a bill, being The Investment Contracts Amendment Act, 1972.

Under The Investment Contracts Act, the government administers those companies dealing in investment contracts. The purpose of this amendment is to provide within that act legislation dealing with the situation should one of those companies go into receivership or be wound up.

[Leave being granted, Bill No. 90 was introduced and read a first time.]

Bill No. 86: The Securities Amendment Act, 1972

MR. KOZIAK:

Mr. Speaker, I beg leave to introduce Bill No. 86, being The Securities Amendment Act, 1972.

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Mr. Speaker, the amendments provided for in the bill would, among other things, provide a greater opportunity for Albertans to invest in companies carrying on business in the Province of Alberta. The act would provide that the Alberta Securities Commission would be enabled to recognize stock exchanges outside the Province of Alberta, thereby permitting Albertans to participate in primary distribution of certain shares which are not now available to them. There are cases that come to mind, Mr. Speaker, where presently Alberta companies involved in primary distributions are selling these shares outside the Province of Alberta because of this impediment in the act, and the amendments will remove this statutory impediment.

In addition, Mr. Speaker, amendments in the bill will provide additional protection to Albertans in the area of takeover situations: by giving Alberta shareholders and all shareholders additional information; by providing for rights of rescission; and by permitting individual directors to dissent from a takeover bid which may have been accepted by the board of directors.

The bill would also upgrade the financial reporting requirements of various companies, again giving Albertans more information on the manner in which their particular company is progressing, and enabling Albertans to value their shares in various companies on a more knowledgeable basis. It provides, of course, uniformity with other provinces with securities legislation to eliminate as much as possible some of the confusion that lies in the securities industry when dealing with the various provincial securities commissions and bodies.

Finally, Mr. Speaker, it provides for an appeal from the Calgary Stock Exchange to the Alberta Securities Commission so that a person or company who would be aggrieved by a decision of that stock exchange would have the right to appeal to the Alberta Securities Commission.

[Leave being granted, Bill No. 86 was introduced and read a first time.]

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. minister, Dr. Hohol, that Bill No. 86 be placed on the Order Paper under Government Bills and Orders.

[The motion was carried without debate or dissent]

Bill No. 92: The Clean Water Amendment Act, 1972

MR. COOKSON:

Mr. Speaker, I beg leave to introduce Bill No. 92, being The Clean Water Amendment Act, 1972. This act defines with regard to water pollution, the role of the director of standards and approvals and the director of pollution control. It contains procedures with regard to obtaining a permit to construct a plant, and the subsequent obtaining of a licence to operate that plant. The act further expands the authority of the minister to make regulations in order to more effectively control pollution at the source. This permits the establishment of source standards for all industries in Alberta. It is further strengthened by including a relative section of The Fisheries Act. The act also expands on the regulations which will be made by the Lieutenant Governor in Council, and any other amendments are more minor and of a clarification or corrective nature.

[Leave being granted, Bill No. 92 was introduced and read a first time.]

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MR. YURKO:

Mr. Speaker, I beg leave to move, seconded by the hon. Minister of Health and Social Development, that Bill No. 92, The Clean Water Act Amendment 1972, be placed on the Order Paper under Government Bills and Orders.

[The motion was carried without debate or dissent]

INTRODUCTION OF VISITORS

MR. SPEAKER:

If hon. members will permit, we have a distinguished delegation from the Grand National Assembly of Romania, including the Speaker of that Assembly, and His Excellency, the Romanian Ambassador to Canada. If the hon. members will permit, I would like to greet them and welcome them in their own language for a moment or two.

Exceletna Voastra Domnule Presedinte a Marii adunari nationale, Stimata Doamna Voitec, Exceletna Voastra Domnule ambasador si Stimata Doamna Schiopu, prieteni din Romania. In numele colegilor mei si al meu personal doresc sa va exprim bucuria pe care o avem de a va avea ca musafiri in aceasta adunare.

Cinstea de a fi vizitati de presedintele unei Adunari Nationale, se intimpla foarte rar. Sintem mindri de a avea in Alberta, cetateni de origina romana si urmasi de ai lor care impreuna cu alti cetateni din Estul Europei cum este distinsul ministru, Vasile Yurko, au ajutat la cladirea oraselor, a institutiilor noastre, precum si la dezvoltarea comertului. Din tara de origina au adus cu ei dragostea pentru resursele naturale, dragostea pentru frumusetile naturii, cu care Alberta a fost binecuvintata, si pe care in scurta Dumneavoastra vizita veti avea ocazia sa le cunoasteti. In numele acestei adunari doresc sa va spun Bun Venit, in mijlocul nostru. Speram ca in viitor provincia Alberta va fi vizitata din nou de Dumneavoastra si de alti cetateni romani.

Bine ati venit!

Your Excellency, Speaker of the Grand National Assembly of Romania, and Mrs. Voitec, Your Excellency, Ambassador Schiopu and Mrs. Schiopu, and friends from Romania, Mr. Honey, the Deputy Speaker of the House of Commons in Ottawa, and Mrs. Honey, and the distinguished delegations accompanying you. All of my colleagues and I are glad to receive you, distinguished citizens of Romania, visitors in this Assembly.

We do not often have a visit by a speaker from another Assembly. Here in Alberta, people from Romania and their descendants, such as our distinguished minister, the hon. William Yurko, have together with others from central and eastern Europe, helped to build our cities, our commerce and our institutions. They have brought from their homelands an appreciation for the resources and natural beauty with which Alberta has been blessed, and all of us in this Assembly welcome you and hope for more visits to our province by yourselves and your countrymen.

I would ask you kindly to stand so that you may be recognized by the Assembly.

MR. YOUNG:

Mr. Speaker, it is my pleasure today to introduce to you, and through you to members of this House, on behalf of the hon. Minister of Education, Mr. Lou Hyndman, 45 students from Grade IX, Crestwood School in the constituency of Edmonton Glenora, and their teachers,

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Mr. Paleck and Mr. Kunst. Would they please rise in the members gallery and be recognized.

MR. HO LEM:

Mr. Speaker, I would like to introduce 50 Grade IX students along with their teachers, Mr. Morin and Mr. Stabonia, from the Bishop Kidd Jr. High School which is located in my constituency. I would wish to congratulate them for taking time out to see firsthand the Alberta Legislature at work. In extending a welcome to them this afternoon, Mr. Speaker, I would ask them to rise and be acknowledged by the members of this House.

FILING RETURNS AND TABLING REPORTS

MR. CRAWFORD:

Mr. Speaker, I have for filing Sessional Paper No. 111 as ordered by the House.

MR. DICKIE:

Mr. Speaker, I have a slightly smaller pile, but this is for Return 152 requested by the Assembly.

ORAL QUESTION PERIOD

MR. SPEAKER:

The hon. member for Calgary North Hill, followed by the hon. member for Edmonton Kingsway.

Hospital Bed Shortage

MR. FARRAN:

Mr. Speaker, a question for the hon. Minister of Health and Social Development. Mr. Minister, in the morning newspaper the day before yesterday there was a letter to the editor signed by a prominent Calgary lawyer. It said that a legal secretary had waited for three weeks for an urgent operation due to an alleged lack of either beds or operating room space. Will you carry out an inquiry to determine why the specialist involved did not use courtesy privileges at another hospital, or refer his patient to another doctor? And, if indeed, the three week wait was justified?

MR. CRAWFORD:

Mr. Speaker, I think the key to the question is whether or not the three week waiting period was justified in such a case. I will take under advisement the hon. member's suggestion that some inquiry or investigation -- although not in the formal sense -- might be made. I did receive correspondence from the lawyer in Calgary, who is no doubt the gentleman who also wrote to the newspaper. His letter to me indicated that a copy was being sent to Calgary newspapers. The present situation is that the patient had an operation earlier this week, and the results appear to be that the operation was a success.

MR. FARRAN:

Mr. Speaker, a supplementary question. I am very glad to hear that the hon. minister was able to resolve this problem so quickly, before the letter to the newspaper.

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Will the hon. minister ask the Alberta Hospital Services Commission to report on whether it is true that elective operations not directly connected with health, such as abortions and sexual sterilization operations, are pre-empting facilities otherwise available to emergency cases?

MR. CRAWFORD:

Mr. Speaker, I acknowledge that that is an important and topical question. I think I need not inquire of the commission in this case because the recent interest of other hon. members has been such that I have looked into the question of the availability of beds based on the load of abortion cases being carried by the hospitals in Calgary. The advice I have from the Alberta Hospital Services Commission is that the number of abortion cases being carried by the Calgary system are not such so as to make -- by themselves -- other important operations delayed in any way.

MR. SPEAKER:

The hon. member for Edmonton Kingsway, followed by the hon. member for Calgary Bow.

Edmonton City Police Force

DR. PAPROSKI:

Mr. Speaker, a question to the hon. Attorney General. What are your comments and suggested directions regarding the probable increased threat in crime involving Edmonton citizens as a result of the severe budgetary restrictions or cuts for the very excellent Edmonton police force? I think it's a concern for all members of the Assembly, all citizens but specifically for Edmontonians.

MR. LEITCH:

Mr. Speaker, I must say at the beginning that in answering the hon. member's question I don't want to leave the impression that I acknowledge that there were severe budget cuts in the budget for the Edmonton City Police Force. I don't have any personal knowledge about their budget, or the amount that was asked for and whether any cutting on it could be regarded as a severe budget cut. There is, of course, the argument that the less policemen you have the more likely it is that the crime rate will increase, either because you don't have the appropriate preventative measures or detection methods.

Certainly, while my department has a responsibility for the overall supervision of the police forces within Alberta, and for the administration of justice we leave to the greatest extent possible to the local governments the direction and control over the local police force. That includes the numbers of the police force -- whether they ride in cars or walk on beats -- and so on. It would only be in the case where there appeared to be a falling below of an acceptable standard of police enforcement that my department would take any action to in any way interfere with the local government.

DR. PAPROSKI:

A supplementary question, Mr. Speaker. Then you are suggesting hon. minister, that in fact if a police department is having difficulty they have an open door to come to you?

MR. LEITCH:

Mr. Speaker, I like to believe my door is open to anyone who has an interest in matters which fall within my department so, in that sense, the answer to the hon. member's question is yes.

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MR. SPEAKER:

The hon. member for Calgary Bow followed by the hon. member for Drumheller.

Citizens' Appeals

MR. WILSON:

Mr. Speaker, I would like to address a question to the hon. Attorney General. Is it the intention of the government to introduce legislation allowing citizens an unequivocal right to appeal from boards or tribunals to the courts?

MR. LEITCH:

Mr. Speaker, we do not have today any such legislation, that is for this session, but that is certainly a matter we are looking at and it is something that will be dealt with in the very near future.

MR. WILSON:

Supplementary, Mr. Speaker, would this include all boards and tribunals in the province, including municipal boards?

MR. LEITCH:

Mr. Speaker, when the hon. member refers to municipal boards I'm not sure whether he is talking about a board that has been created by a municipal government. Again, if he is referring to that, it's this government's policy, insofar as is possible, to leave matters of local government to the local authorities.

MR. SPEAKER:

The hon. member for Drumheller followed by --

MR. GHITTER:

Supplementary, Mr. Speaker, to the hon. Attorney General. Was your department considered the fact that the Bill of Rights presently before this House may, in fact, negate the privative clauses contained in much of our legislation, whereby appeals would be allowed because of the fact that these privative clauses restrict the right of opportunity of equality before the law?

MR. SPEAKER:

The hon. member is actually submitting argument in form of a question which, perhaps, could be included in discussion of the bill.

The hon. member for Drumheller followed by the hon. member for Spirit River-Fairview.

Treasury Branch Loans

MR. TAYLOR:

Mr. Speaker, may I direct a question to the hon. the Provincial Treasurer? Will the Treasury Branch entertain applications for loans from government branches and municipalities on the same terms as those granted to AGT?

MR. MINIELY:

Mr. Speaker, in reply to the hon. member's question, it is interesting to note that this arose, I take it, from an article particularly with respect to the comment by a City of Edmonton

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alderman. However, it is interesting to note that at the present time the Treasury Branches are providing lines of credit to public school boards and to municipalities throughout the province.

A good example is the Edmonton Public School Board which has a line of credit of \$11 1/2 million which is provided at 5 3/4 per cent by the Treasury Branches. There is nothing precluding any municipality from borrowing and establishing a line of credit at a very advantageous interest rate which, as you can see, is even better than the loan we arranged with AGT.

MR. TAYLOR:

Supplementary, Mr. Speaker, I didn't hear the statement from the alderman. It arose from your announcement the other day.

The supplementary is, then, will the Treasury Branch be able to continue making loans to small businesses and individuals as per the original intent of the treasury branch loans?

MR. MINIELY:

Yes, Mr. Speaker, this does not change at all. What this really results from -- the particular loan to AGT -- is that at the time a loan commitment is made by the Treasury Branches, they set aside the funds and this is standard practice in all financial institutions that their loan commitments are set aside. This has fluctuated over the past five to eight years from a low of \$25 million to a high of \$70 million. As a result we felt that a minimum of this \$25 million which is set aside to meet loans which are already committed but which will not be exercised for 30, 60, or 90 days, is, in effect, what is being utilized for AGT on the five year debenture basis.

MR. TAYLOR:

One further supplementary, Mr. Speaker. I take it then that the Treasury Branches will have sufficient money in loaning depositors' money as against creating credit as do the banks, in order to look after all of these particular applications?

MR. MINIELY:

Yes. This is not going to restrict the amount of money that is available through the Treasury Branches for normal loaning policy.

MR. SPEAKER:

The hon. member for Spirit River-Fairview followed by the hon. member for Calgary Mountain View.

GCOS Royalties

MR. NOTLEY:

Mr. Speaker, I would like to direct this question to the hon. Minister of Mines and Minerals. Several weeks ago I asked a question with respect to a request for a remission of royalties by Great Canadian Oil Sands. At that time, if my memory serves me right Mr. Minister, you said that the request was under consideration by the Executive Council.

My question to you is, will a decision on this request for a royalty remission be announced shortly, or will it be withheld until the government announces its general policy with respect to tar sands development?

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MR. DICKIE:

Mr. Speaker, we haven't formulated any set time as to when the announcement will be made. I might say to the hon. member we have many problems we are considering at the present time, and we are waiting until the House adjourns before we really delve into the intricate problems involved in that question. So I would anticipate that it would be certainly after the House adjourns.

MR. NOTLEY:

Supplementary question, Mr. Speaker. With respect to the supporting data supplied by Great Canadian Oil Sands to substantiate their request for a royalty remission, does the government propose to treat this data as confidential information, or will it be tabled in the Assembly during the fall session?

MR. DICKIE:

No, Mr. Speaker, I've given the confidential aspect some thought and I think any member of the Legislature could put a motion on the Order Paper and request the document.

MR. NOTLEY:

One final supplementary question, Mr. Speaker, either to the hon. minister or to the hon. Provincial Treasurer. Can either one of you specify what steps are normally taken to ascertain an independent assessment on the merits of a request for a royalty remission, a subsidy, or a grant from the Provincial Treasury. By way of explanation, has the government considered, for example, amending The Financial Administration Act to authorize provincial auditors to conduct an independent audit of any firm making such a request?

MR. MINIELY:

I would say, Mr. Speaker -- as you know in the last case it was the former administration. This is something that my department in particular, and through the provincial auditor, the policy of our government would be to ascertain and, in fact, make an assessment that the forgiveness of royalty remission is financially needed, and this requires that the government is satisfied that, in fact, it is required for the operation to stay economically viable when there is a high stake that the province has, and all the citizens of the province have. I cannot speak for the past, but I can say for the future, that our government will certainly be ensuring that we are satisfied in this respect.

MR. SPEAKER:

The hon. member for Calgary Mountain View followed by the hon. member for Stony Plain.

STEP Program

MR. LUDWIG:

Mr. Speaker, my question deals with the matter of summer employment for students in the national parks in this province, and the issue of a great number of students, university students, and high school students, looking for jobs. I think I should direct my question to the hon. Minister of Federal and Intergovernmental Affairs to determine if any representations or enquiries have been made to ensure that Alberta students will get some opportunity of obtaining jobs, rather than the jobs being filled by students from outside the province and from the east.

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MR. GETTY:

The specific answer to the question, Mr. Speaker, is no I have not made representations that would give Alberta students preference through my department over eastern students or any other students within the national parks. However, the hon. Minister Without Portfolio, Mr. Dowling, has been responsible for the STEP Program which deals with employment of students during the summer, and I would suggest that he may be able to add some additional information in order to give the hon. member asking the question all that he requires.

MR. DOWLING:

Well, Mr. Speaker, just briefly, I have had personal conversations with some of the major employers of students in Jasper National Park in particular, and was verbally guaranteed that adequate consideration would be given to Alberta students and preference would be given to them. The only thing I can add to that is that there are occasions when students are required who don't have to go back to school as early as our Alberta students, so they can stay longer at their jobs. In this instance some other students may receive preference. But the majority of them will be Albertans.

MR. LUDWIG:

Mr. Speaker, supplementary to the hon. minister. Have any enquiries or representations been made to the Canadian National Railway in Ottawa, or any of the ministers, or the members in Ottawa concerning the placement of students in the Banff National Park for summer employment?

MR. DOWLING:

No. The Canadian National Railway runs through Jasper, Mr. Speaker.

MR. LUDWIG:

Mr. Speaker, regardless of what railway runs through where -- what specific representation has the hon. minister made? He can probably tell us who he dealt with, because I had a talk with Ottawa and they haven't heard of any representation --

MR. SPEAKER:

Will the hon. member please come directly to his question.

The hon. member for Stony Plain followed by the hon. member for Camrose.

Gas Co-ops

MR. PURDY:

Mr. Speaker, a question for the hon. Minister of Agriculture. What is the present situation in regard to local gas co-ops presently being set up in various rural centres of Alberta?

DR. HORNER:

Mr. Speaker, we asked through the Co-op Activities Branch that they go ahead with some of the organizational work in relation to setting up a rural gas co-operative, but that they refrain from signing any franchise agreements whatsoever for the time being until such time as the rural gas policy is formulated.

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MR. SPEAKER:

The hon. member for Camrose followed by the hon. member for Edmonton Calder.

Alberta Meat Exports

MR. STROMBERG:

Thank you, Mr. Speaker. A question to the hon. Minister of Agriculture. Due to Grande Prairie Packers having to refuse a contract to Alaska for three loads of dressed beef a week worth \$75,000 a week to the economy of the Peace River area, what steps are being taken to encourage American meat inspectors into Alberta or to different areas of Alberta that might be having the same problem for meat export?

DR. HORNER:

Mr. Speaker, this is a serious problem in relation to expanding our exports of meat into the United States, whether it be Alaska, or the northwestern United States, or California. I have been in direct contact with the American Consul in Calgary in some detail in regard to this matter of attempting to get American inspectors of USDA stationed in Alberta to do the inspections at our plants in Alberta. We had offered to provide the necessary financial backup for such inspections. However, so far the replies that I have received from the American Embassy or through the Consul are to the effect that the policy of the United States government is not to allow any of these inspectors to be stationed outside of the boundaries of the United States.

We are developing that and prior to the present consul leaving, as I think most hon. gentlemen know he is retiring, I had some further discussions and we are now looking at the situation to see if we can have better meat inspection by the American officials at border points, rather than the present situation in which sometimes loads of meat have gone substantial distances, then been rejected by the American inspectors and have had to be returned. This is a continuing problem. I have also taken it up with the federal Minister of Agriculture and asked him to make representations on a higher level through diplomatic channels with the assistance of the Minister of Federal and Intergovernmental Affairs in this area.

Certainly, Mr. Speaker, if we are going to expand the markets that are there in the United States, then this is one of the areas that we have to resolve. I think additionally, Mr. Speaker, I did mention that one of the real problems in expanding into the American market was the so-called non tariff barriers. This is certainly one of them.

MR. BUCKWELL:

A supplementary, Mr. Speaker. Will the meat inspection under the proposed act allow free interprovincial trade, or is this under federal jurisdiction?

DR. HORNER:

If the hon. member refers to the bill that is presently before the House in regard to provincial meat inspection, no. We only have jurisdiction, of course, for meat inspection within the boundaries of Alberta. On the other hand, we intend to dovetail it very closely with the federal inspection that is now going on. We would hope that our plants would, as they develop, also develop their standards so that they could meet federal inspection standards and then have a greater marketing opportunity opened up to them.

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MR. SPEAKER:

The hon. member for Edmonton Calder followed by the hon. member for Lac La Biche-McMurray.

Left-Handed Workers

MR. CHAMBERS:

Mr. Speaker, a question for the hon. Minister of Manpower and Labour. A university student has apparently had considerable difficulty in getting a summer job -- in fact he was, after a physical examination, refused a job at a packing plant. He has also been turned down on construction jobs because he is left-handed. My question is, how extensive is this problem for left-handed people, and would the hon. minister consider any special help for people who suffer from this kind of job discrimination?

DR. HOHOL:

Mr. Speaker, I have some feeling for the question because I can use both hands about equally -- not so well.

It so happens that the parents of the youngster and the youngster himself live in my constituency of Edmonton Belmont, and shortly before coming to this session I had a discussion with the lad's mother. The family is leaving for the weekend. I have an appointment with the parents on Wednesday morning to review their version of what happened in his job applications with construction and other kinds of companies. I will also be in touch with the employers to hear their version, and Mr. Speaker, should there be even the appearance of any discrimination, I will have the matter investigated through the Human Rights Branch and reported to me and I will, in turn, report to the House.

MP. LUDWIG:

Supplementary, Mr. Speaker. Would the hon. member for Calgary Buffalo consider amending his Human Rights Bill to include discrimination against left-handed people?

MR. SPEAKER:

Order, please! The hon. member for Lac La Biche-McMurray, followed by the hon. member for Edmonton Jasper Place.

Active Treatment Hospitals

DR. BOUVIER:

A question from a left-handed surgeon. Mr. Speaker, I'd like to direct my question to the hon. Minister of Health and Social Development. In view of the government's apparent policy of making use of older hospitals by converting them -- where these hospitals are no longer of value as active treatment hospitals -- and in view of the government's announced policy to curtail some of the building of new hospitals, would the government consider the conversion of older active treatment hospitals in some localities where there are no nursing homes or auxiliary hospitals, and approving the building of a new active treatment hospital?

MR. CRAWFORD:

Mr. Speaker, I think implied in the question is the assumption that the active treatment hospital is totally obsolete and that the requirements of the area would call for active treatment beds. I think I was a lot happier with the question up until we reached that point. The simple proposition of whether or not nursing homes and

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auxiliary hospitals might be made out of either hospital buildings, or as the hon. member would perhaps surmise, too, possibly nursing residences in some communities -- if the matter was only asked about to that point I could have said to him that the Hospital Services Commission and I have already been exploring this in several areas and are really quite interested in the prospects of using space which has been an active treatment facility at one point, for the other purposes he has mentioned of extended care and nursing homes.

MR. SPEAKER:

The hon. member for Edmonton Jasper Place, followed by the hon. member for Sedgewick-Coronation.

Cablevision and Airline Franchises

MR. YOUNG:

Mr. Speaker, I believe my question should be directed to the hon. Minister of Federal and Intergovernmental Affairs. The question is, has the Alberta Government expressed any view, and if so what, to the federal authorities concerning the application by QCTV for a change of ownership? As background, I would point out that that particular firm has licence for cablevision in a portion of Edmonton which includes my constituency, and I understand that they are applying for permission to change ownership.

MR. GETTY:

Mr. Speaker, the hon. member's suggestion is correct. The Government of Alberta has expressed concern about a matter presently before the CRTC in Ottawa. This matter has to do with the cable television company which has been granted an exclusive right to handle a portion of the City of Edmonton, under certain conditions. For a variety of reasons, they appear to be in some difficulty, and are seeking a potential change of ownership before the CRTC.

Our concern, Mr. Speaker, is that this franchise may now be owned by a company or individuals outside of the Province of Alberta. We expressed our concern to both the CRTC and the Government of Canada, in order that they would know we would like to discuss the matter with them before any final decision was taken.

I suppose, Mr. Speaker, with the House's consent, I should mention that this is now the second of two events which have happened just recently, which have caused us to assess the situation on matters previously considered totally within the federal jurisdiction in Alberta.

One event is the granting of an airline franchise within the province of Alberta to a company from without the province in preference to an Alberta company. The second is this matter of the cable television company.

Therefore, Mr. Speaker, my department in conjunction with the hon. Minister of Industry and Commerce who is responsible for transport, and the hon. Minister of Telephones and Utilities, will be undertaking and have started a study to determine what more significant role the Province of Alberta may play in these two areas, which up to now have been left totally within the jurisdiction of the federal government.

It is our feeling, Mr. Speaker, that we will no longer accept that these matters will be totally within the jurisdiction of the federal government when the franchises are totally within our province.

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MR. SPEAKER:

The hon. member for Sedgewick-Corcoran, followed by the hon. member for Stony Plain.

Commercial Fishing

MR. SORENSON:

Mr. Speaker, a question to the hon. Minister of Lands and Forests. Could the hon. minister advise whether or not he has now received any representation on the possible review of commercial fishing in Pinehurst, Frenchman, Blackett, Touchwood, Kinnaird and Fork Lakes?

DR. WARRACK:

Yes, Mr. Speaker, I have. I received a petition from the hon. member yesterday. These are all lakes north of the Beaver River, also known locally as Jackfish River. That is in the constituency of the hon. Member for Bonnyville, Mr. Don Hansen. Mr. Hansen did present to me an additional petition earlier this month respecting the closure of lakes in that area, but two different lakes in addition to the ones named, namely Tucker Lake, known as Little Green Jackfish Lake, and Moore Lake, also known as Crane Lake in that area. I have received these two petitions and I am informed by the hon. Member for Bonnyville -- as I have checked further with him since it is in his area -- that there are two further petitions circulating which I will be receiving in the near future.

MR. SORENSON:

Mr. Speaker, a supplementary question to the hon. minister. Would the minister undertake a review of this situation and report back to the Assembly as soon as possible, perhaps at this session or in the fall session?

DR. WARRACK:

Yes, I certainly would, Mr. Speaker. It wouldn't be during this part of this session -- at least I don't expect that it would last that long -- because I have not received all of the petitions that are currently circulating.

I might say though, Mr. Speaker, that I have received strong representation of just the contrary view from the commercial fishermen in that area and other areas of north-central Alberta, so there is a balance factor here between the sport and commercial fishing.

DR. BOUVIER:

Mr. Speaker, is the hon. minister aware of the hon. Member for Bonnyville trying to steal lakes out of the Lac La Biche constituency?

DR. WARRACK:

No. I think we should slap him on the wrist.

MR. SPEAKER:

The hon. Member for Stony Plain, followed by the hon. Member for Calgary Millikan.

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Edmonton-Calgary Mail Service

MR. PURDY:

Mr. Speaker, a question to the hon. Provincial Treasurer. Further to the discussion last night on the estimates in regard to the mail delivery service by Loomis Armoured Car Service between government offices in Edmonton and Calgary, what will be the saving to the province?

MR. MINIELY:

Mr. Speaker, the news release implied a somewhat incorrect impression. The net saving at the time was approximately \$50,000 that we anticipated in measuring it. In other words the cost of the contract with Loomis to deliver the courier service between Edmonton and Calgary as compared with the postage rates, we anticipated a saving of \$50,000 net.

I should advise the House at the present time, though, that as of yesterday the Dominion of Canada Post Office has come to the province and has offered us, in fact, a further deal which appears to be even better than what we arranged earlier. So we are now in the position where, in fact, as a result of instituting the courier service, the federal Post Office is now going to provide the same courier service, which looks as if it is going to be even more economical to the Province of Alberta.

MR. RUSTE:

Mr. Speaker, a supplementary question to the hon. minister. Did you wait until they came to you or did you make representations to them? I am referring to the federal government on the postal service.

MR. MINIELY:

I should say that I thought it was my responsibility to economize on behalf of the province. My Treasury Department --

MR. SPEAKER:

The hon. Member for Calgary Millican, followed by the hon. Member for Edmonton Norwood.

Le Dain Report

MR. DIXON:

Mr. Speaker, I would like to direct a question today to the hon. Premier. It is regarding the recent and final report of the Le Dain Commission on the non-medical use of drugs.

The Province of Ontario has set up a committee to study the Le Dain Report as far as it may affect the residents of Ontario, and I believe even New Brunswick or Nova Scotia have done the same thing, and I just wondered if the hon. Premier and his government were considering setting up such an Alberta committee to go thoroughly into this matter which is of such great importance to a lot of people.

MR. LOUGHFEED:

Mr. Speaker, it is not our present intention to do that. We have noted the developments in other provinces. As the hon. Attorney General said the other day with regard to this matter, it is clear that the Le Dain Commission in itself is not in a unanimous view with regard to action that can be taken if the ball is in the court of the

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federal government. And it is the view of the government in Alberta at the present time that the federal government are going to have to come to a conclusion, come to grips with the matter, and at that time there will be a provincial response.

MR. SPEAKER:

The hon. Member for Edmonton Norwood followed by the hon. Member for Calgary Mountain View.

Homeowners' Rebates

MRS. CHICHAK:

Mr. Speaker, I would like to direct my question to the hon. Minister of Municipal Affairs. I would like the hon. minister to confirm whether the homeowners' rebate would be available for the 1972 year to homeowners who are not senior citizens? I ask this question because there seems to be some confusion in the minds of citizens and I get many calls. They feel that there may be some change in the application this year of homeowners' rebates, and that we are having a different application for senior citizens.

MR. RUSSELL:

Mr. Speaker, this will help clarify the situation. The existing homeowner tax discount plan, as has existed for the past few years, continues. When people see their application forms this year they will note an extra third option on there, which they are entitled to use if they are senior citizens, and that is for the remission of the 30 mills under the Senior Citizens Shelter Assistance Act. But all other citizens are still eligible for the grant in the normal course of events.

MR. SPEAKER:

The hon. Member for Calgary Mountain View followed by the hon. Member for Calgary Buffalo.

Railway Construction Dispute

MR. LUDWIG:

Mr. Speaker, a couple of days ago I brought to the attention of the Minister of Federal and Intergovernmental Affairs the matter of the Burlington Northern Corporation-CPR dispute, dealing with the Kootenay-Elk River Railway. I wonder whether the minister has had time to inform himself to give us an answer as to what position this government is taking on that dispute. As I pointed out it can affect adversely the employment situation in this country.

MR. GETTY:

Mr. Speaker, it is unfortunate that the Minister of Industry and Commerce who is responsible for matters of transport is not in the House today. He was unable to be here. I discussed the matter with him. He had it completely in hand and was going to advise the House because of the interest that had been expressed by the hon. member. What I would say then is that I will make sure that at the earliest possible convenient time he discusses it with the member and advises the House.

MR. SPEAKER:

The hon. Member for -- yes, a supplementary?

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MR. LUDWIG:

Yes, Mr. Speaker. Would the hon. minister arrange that the minister make his reply to the Legislature rather than personally to me? I would appreciate it.

MR. GETTY:

Certainly.

MR. SPEAKER:

The hon. Member for Calgary Buffalo followed by the hon. Member for Edmonton Ottewell.

Confederate Klans of Alberta

MR. GHITTER:

Mr. Speaker, my question is to the hon. Attorney General and it arises out of a question directed to him yesterday in the Question Period relating to the incorporation of the Society for the Ku Klux Klan. My question is whether or not the Attorney General has had the opportunity to look into this matter, and if so, what were his findings?

MR. LEITCH:

Yes, Mr. Speaker. Since yesterday I have had the opportunity of checking into the matter, and I found that on the 6th day of April, 1972, a Certificate of Incorporation was issued by the provincial companies branch to the Confederate Klans of Alberta. I may say that when that application came in the Registrar of Companies requested the RCMP to gather some information for him about it. The Registrar then asked the personnel in my department for a legal opinion on whether this organization was entitled to become incorporated. They were given the legal opinion to the effect that the organization, under the laws that exist at this time, were entitled to be incorporated, and Mr. Speaker, no matter how one may regret it or how repugnant one may find the objectives of such an organization, as the law stands today in Alberta they are legally entitled to become incorporated.

MR. LUDWIG:

Mr. Speaker, a supplementary question. Would the government give consideration to checking its Human Rights and Bill of Rights legislation to see that this kind of an organization does not get full protection under the legislation as it stands now? I believe that you can't touch them, and that there's --

MR. SPEAKER:

The hon. member may raise that point in the debate on the bill. The hon. Member for Edmonton Ottewell, followed by the hon. Member for Calgary McCall.

Vacation Alberta

MR. ASHTON:

I have a question for the hon. Minister Without Portfolio Responsible for Tourism. I would like to ask the hon. minister if he is aware of the contents of a recent letter from the Canadian Government Travel Bureau to the Edmonton Tourist Bureau which stated in part -- in reference to your "Vacation Alberta Magazine" -- "it certainly is impressive even if it doesn't feature Edmonton very prominently."

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MR. DOWLING:

Yes, Mr. Speaker, I am aware, thanks to the hon. Minister of Federal and Intergovernmental Affairs. I assume, by the fact that you have a copy, that Mr. Walls to whom the letter was directed, felt it necessary to send copies to all Edmonton MLA's. However, I think it's rather complimentary. It says, "a very impressive production," and I can't help but agree. The other thing he says is that it doesn't publicize Edmonton too well. That's the purpose of the production; it is not to publicize Edmonton or any other place too well, but it's to do a job on Alberta and publicize Alberta as a vacation destination.

MR. SPEAKER:

The hon. member --

Confederate Klans of Alberta (cont'd)

MR. LEITCH:

Mr. Speaker, I wonder if I may have the leave of the House to respond to the hon. Member for Calgary Mountain View's question?

MR. LUDWIG:

What took you so long?

MR. LEITCH:

I was interrupted.

MR. SPEAKER:

I take it the hon. minister has leave?

HON. MEMBERS:

Agreed.

MR. LEITCH:

I ought to have stressed, Mr. Speaker, in my earlier answer and in response to the hon. member's question, that Bills Nos. 1 and 2 now before the House -- The Bill of Rights, and The Human Rights Protection Act -- are, of course, not law and were not considered in that opinion. The matter he has raised will very probably be a matter for debate during third reading of those acts.

MR. SPEAKER:

The hon. Member for Calgary McCall, followed by the hon. Member for Vermilion-Viking.

Provincial Oil Royalties

MR. PO LEM:

Mr. Speaker, I have a question for the hon. Premier. As a result of a question asked me by one of our visiting students, and I think it is only right that I pass it on to you, sir. What percentage of the provincial oil royalties go toward paying educational costs in the province? If this is not the policy, will the government give consideration to such a proposition?

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MR. LOUGHEED:

Mr. Speaker, the matter raises the larger question of the concept of government taking a source of revenue and allocating it specifically for an expenditure item. The previous administration at one time determined that in terms of municipal assistance one-third of the royalty revenue should be specifically allocated to municipal government assistance. It's my view and the view of the government that that is not a sound course for government action, that the revenue sources should not be tied to expenditure sources except in certain exceptional cases. As a general view, it is our feeling that it should not work out that way, and for that reason I am not able to respond directly to the hon. member's question.

MR. SPEAKER:

The hon. Member for Vermilion-Viking, followed by the hon. Member for Calgary McKnight.

Interest-Free Building Loans

MR. COOPER:

Mr. Speaker, my question is for the hon. Minister of Culture, Youth, and Recreation. Is it the intention of your department to make interest-free loans for the purpose of building municipal recreation facilities? As background, the grants to agricultural societies for multi-purpose buildings this winter were very favourably received and this has created a demand for similar interest-free grants in at least two villages in my constituency. These villages claim that this was an election campaign promise.

MR. SCHMID:

Mr. Speaker, in reply to the hon. member's question I would like to state again that we are presently reviewing Regulation 198-68, which indicates the grants to the municipalities. Under this review, of course, we are also considering whether there should be some more change in granting loans to municipalities. On the other hand, may I assure the hon. member that it is not only the building of these facilities which takes money, I would suggest to you that it takes money to operate them. This is a very serious consideration that we have to consider.

MR. SPEAKER:

The hon. Member for Calgary McKnight, followed by the hon. Member for Sedgwick-Coronation.

STEP Program (cont.)

MR. LEE:

Mr. Speaker, a question for the hon. minister in charge of the Student Temporary Employment Program. Does your department have any tentative idea as to the extent of individual applications for the STEP program at this time? I am thinking especially of the Calgary area, but perhaps the province at large.

MR. DOWLING:

Yes, I have some idea Mr. Speaker. We have 4,100 positions open and applications have been received and positions confirmed for 4,100 young people. I just received a finalized statement to date of the Culture, Youth and Recreation program and 526 young people have been employed by that department. The STEP people are in the process of evaluating the program today and we should have an assessment of it available by late this afternoon.

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I know that Calgary in the Culture, Youth and Recreation program, has received its fair share. I would suggest that from Red Deer south that 50 per cent of the jobs are located in that area.

MR. LEE:

A supplementary question. Due to the difficulty that a number of students in the southern part of the province and in Calgary have had in making application under this program, would your department consider the establishment of a STEP office next year in Calgary, if the program continues?

MR. DOWLING:

Yes, Mr. Speaker, we are aware of this problem and the young gentleman in charge of the STEP office in Edmonton visited the Calgary office in the Bowlen Building and we received considerable help from that office in arranging interviews and allocating jobs for particular people in the south. However, we are looking very carefully at the possibility of establishing another office down there next year. The big problem is that all the departments of government are located in Edmonton and it is so very easy for young people to travel from door to door visiting the various departments here to find their jobs.

MR. SPEAKER:

The hon. Member for Sedgewick-Coronation.

Manitou Meteorite

MR. SORRENSEN:

Mr. Speaker, a question to the hon. Minister of Culture, Youth, and Recreation. Do you have anything to report on the Manitou meteorite, third largest in the world and recovered in our province? And does the hon. minister agree that it should be on display in our Alberta Museum and Archives and not somewhere in Ontario.

MR. SCHMID:

Mr. Speaker, some of the hon. members may have a smirk on their faces about this third largest meteorite in the world, but other people travel hundreds and thousands of miles to see a meteorite of this sort.

I am very happy to report that Victoria College is considering the return of that stone to Alberta where it belongs. They are considering that on the 30th of this month or immediately after they will inform us of their decision.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Hon. Dr. Horner proposed the following motion to the Assembly, seconded by Hon. Dr. Warrack.

Be it resolved that the government appoint a Crop Insurance and Weather Modification Committee consisting of the following:

Gordon Stromberg, M.L.A., Camrose	-- Chairman
John W. Cookson, P.L.A., Lacombe	-- Member
Marvin E. Moore, M.L.A., Smoky River	-- Member
Donald A. Hansen, M.L.A., Bonnyville	-- Member
Robert C. Clark, M.L.A., Olds-Didstury	-- Member
Fred Mandeville, M.L.A., Bow Valley	-- Member
John Ianqlier, Falher	-- Member

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Robin Wallace, Manola	-- Member
James P. Christie, Trochu	-- Member
Richard Page, Unifarm, Didsbury	-- Member
Gordon R. Sterling, Civil Servant Edmonton	-- Member and Secretary

for the purpose of studying and receiving representations and recommendations on the following:

1. Federal and provincial legislation and regulations pertaining to all-risk crop insurance and hail insurance.
2. The operation of the Alberta Hail and Crop Insurance Corporation and line companies also dealing in such insurance.
3. Organizations and research institutions operating in the field of weather modification.

The Committee shall meet at the call of the Chair and be empowered to:

1. Hold hearings throughout Alberta.
2. Advertise for written submissions.
3. Incur such expenses as are necessary to the work of the Committee subject to such expenditures being invoiced to and approved by the secretary of the Committee.
4. Pay to those members of the Committee not authorized to receive expenses by the Legislative Assembly Act and the Public Service Act, expenses at the rate of \$40.00 per day for each day upon which such member attends meetings or is otherwise engaged in authorized business of the Committee, and travel and subsistence expenses at a rate equal to the rates applicable to employees of the Public Service.
5. Charge or be reimbursed for all such expenses listed above from Appropriation 2708 -- Surveys and Commissions.

The Committee shall submit its Report and Recommendations with all convenient speed to this Assembly and not later than the next regular session of the Assembly.

DR. HORNER:

This is a motion to set up a joint committee of MLA's and farmers to study the entire matter of crop insurance and weather modification.

The intent of setting up the committee is to bring forward for Alberta a better system of crop insurance and one that would be more applicable to all areas of the province; one that the farmers would have confidence in and would be universally acceptable. We're not going to get to the root problems of agriculture unless we can have a universally accepted crop insurance program.

In addition to that, we would like the committee to have a look at the question of weather modification and the government's role in weather modification. It's my personal view that weather modification is a science that has come of age, and with the amount of research that has gone on in Alberta we are now ready to take the next step to see what continuing program can be put into effect for weather modification.

Insofar as the crop insurance scheme is concerned, this has intergovernmental ramifications in that the crop insurance scheme is

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under The Federal Crop Insurance Act and any scheme we bring into play in Alberta must fit into the guidelines of that act. Therefore, there is a great deal of work to be done, Mr. Speaker, in resolving some of the problems that are facing our farmers in relation to an adequate and universally accepted crop insurance scheme.

I recommend this resolution to the House.

[The motion was carried without dissent.]

4. Hon. Mr. Russell proposed the following motion to the Assembly, seconded by hon. Mr. Werry.

Be it resolved that,

1. A Select Committee of this Assembly be established consisting of the following members:

Chairman	Hon. R. Dowling
Members	Hon. Dr. W. Backus
	Mr. L. Buckwell
	Mr. J. Cookson
	Mr. W. Diachuk
	Mr. K. French
	Mr. G. Harle
	Mr. E.W. Hinman
	Mr. D. King

with instructions:

- (a) to investigate the effects of the communal use of land on the economic and social climate of Alberta; and
 - (b) to recommend such changes in policy and legislation, relative to the communal use of land, as may be deemed appropriate; and
 - (c) to meet at the call of the Chairman and to hold such meetings for the purpose of receiving submissions and representations at such times and places deemed necessary, and to submit its report and recommendations to the Legislative Assembly by October 20, 1972, or if the Legislature is not in session on that date, to the Speaker.
2. Members of the Committee shall receive remuneration in accordance with Section 59 of the Legislative Assembly Act.
3. Reasonable disbursement by the Committee, made for clerical assistance, equipment and supplies, advertising, rent and other facilities required for the effective conduct of its responsibilities, shall be paid, subject to the approval of the Chairman, out of Appropriation 2708.

MR. RUSSELL:

This, of course, refers to the Select Committee that was mentioned in the Throne Speech, Mr. Speaker. It deals at this time, of course, with the specific problem of Hutterite communities as they exist in Alberta, and as they may exist in the future. I don't need to repeat to members the moratorium that the existing legislation is now involved in, and I don't believe any member of the House is really entirely happy with the present situation.

I believe the terms of reference are fairly specific and they have been kept as simple as possible. They deal primarily, and rather specifically, with the communal use of land; because all indications are that the communal use of land by various sects or groups or income levels of people will probably increase between now and the turn of the century, Mr. Speaker. So we are really dealing

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with a broader issue than now exists in the field of the communal use of land today in Alberta.

Only one last thing, Mr. Speaker. We are asking the Legislature to tell this committee to report back to the members by October 20th, because we feel it is rather important that the Legislature is able to deal with the report of the committee at its fall session this year. It's a very sensitive and humane assignment which we are asking the nominated members of the committee to carry out on behalf of the Legislature. I commend the members who have agreed to serve on the committee for their interest in the matter, and I'd ask all members to support this resolution.

MR. LUDWIG:

Mr. Speaker, just a couple of questions. I'm still very disturbed about the present situation of the legislation in that, to all intents and purposes, it was rendered inoperative by the decision of the hon. minister, and it has to be the responsibility of the government.

I believe there is little purpose in talking about human rights, etc. when without real authority -- without any authority -- you can stop whatever rights the Hutterites, particularly, have under this legislation. There has to be a good and sincere intent behind this kind of legislation of the two human rights, The Bill of Rights and The Human Rights, and there is no point in giving with one hand and taking away with another. I'm seriously disturbed, and I think a lot of people are concerned that this kind of thing had to happen. I think that I'd like to repeat in the strongest terms possible that this is undemocratic, and it's illegal. It's no use the hon. minister saying, well, you didn't make it compulsory so I'm going to take advantage of a loophole, because not too long ago I raised the same issue on another bill proposed by the Conservatives, by the hon. Minister of Industry and Tourism, and he said, well, it's traditional. It's also traditional that governments and ministers discharge their responsibilities.

This is absolutely intolerable as far as the people are concerned. This is a precedent that -- well they ought to tie a can to somebody's tail on an issue like this. You can't do this thing, and still it's being done. This government has hardly got its feet wet in government and they have violated one of the cardinal principles of democracy by knocking out, by suspending legislation.

Now, I'm not taking a stand on whether that bill was good or not, it had problems. But the minister still, and I think the hon. Premier has to stand up and be counted on this, and take a stand and tell the people, "sure -- we suspended an act." I suppose they'll suspend the Human Rights Act if it suits their purpose, if they don't want somebody to get into the House. Why not? The precedent is there -- I think it's one of the most flagrant violations of the principles of democracy in Canada, and I'm just sorry that they haven't got the courage to stand up and say, "we're doing it whether you like it or not." Because they are doing it -- they're just not saying it.

I think that this issue ought to be stressed and it will be one of the matters they have to contend with. It is unfair, it is illegal, and in my opinion it is politically unacceptable. I think the hon. minister has had time to reconsider the remarks I made before and if he thinks it is the right thing to do, they are laughing at it, they are breaking the law, and they are laughing. I suppose if I called them arrogant or political they would start jumping up and down. But at the same time, Mr. Speaker, I would like to hear a good pronouncement from the Premier particularly, whether this is an indication of things to come. I don't think that I should be faulted at all for taking a stand on this. It would be

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interesting to know what they would do if the previous government had done something like this. It is absolutely intolerable and I think it is dishonest. These people -- I know they're Hutterites and they're not going to vote, maybe not come here and holler. But under authority can a government suspend the legislation except that the previous government was remiss in not letting them know that they must have a board?

MR. GETTY:

Mr. Speaker, on a point of order. Did the hon. member say that the hon. Minister of Municipal Affairs is dishonest?

MR. SPEAKER:

My understanding was that the hon. member said that it is dishonest, meaning, no doubt, the fact that the board was not reappointed. I would ask the hon. member to refrain from that sort of term. It is possible to deal with the merits of the question without examining the personal motives of anybody who may be involved.

MR. LUDWIG:

Mr. Speaker, if the hon. members across read that I implied the hon. minister was dishonest, I will take it back. But I don't wish to withdraw the fact that the whole thing to me appears to be dishonest. It never happened before that one man or one government can suspend legislation. They're telling us after a short term in office -- and I have to laugh when they talk about human rights and human dignity and all this kind of nice sounding phrase, when they say, "Well, we'll do it and when it suits our purpose we'll suspend everything." I know that they will say "No, we won't do it", but I don't trust them that much anymore because this is an example of what they would do if it suits their purpose.

You can't blame the people or you can't blame a member in the opposition for saying, "What more can we expect from them?" It suits their purpose and it is a little bit embarrassing and they are learning the facts of life, that now when you are in government you might have to make a decision that isn't popular.

All I can say is that I agree with you that we need an investigation. But I'm convinced that you show Premier Lougheed a problem and he'll show you a committee. They haven't got the courage to stand up and decide. They want to please everybody and they are not going to. This problem has been ongoing for many years. They may as well face facts. I think that somebody there ought to have enough courage to stand up and state, "We will put this thing in." We are not going to leave the Hutterites on the hook for another six months. I'm aware of the fact that their particular situation has created some problems. On the other hand, we have no right to discriminate against them -- and I think I can't stress this too strongly, Mr. Speaker.

MR. TAYLOR:

Mr. Speaker, I would just like to say a word or two on the resolution, and I support this resolution. I support it for a number of reasons. Number one, the people of my own constituency where we have had considerable difficulty -- or considerable experience perhaps I should say -- with the Hutterian Brethren. I feel that it is time for another full investigation of the Hutterian situation. Many people feel that there should be more control than what was contained in The Communal Properties Act. A very small portion feel that there should be absolutely no control. The school boards and the county counsellors are concerned about what will

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happen to public education, should there be more colonies established in the MD of Starland or the County of Wheatland.

As a matter of fact -- I don't think I mentioned this before, but as I have said elsewhere -- the people of my constituency in pre-session public meetings all the way in the deep south from Cluny in the Blackfoot Reserve, right up to Rumsey in the north, who attended the meetings; 81 per cent of the people of all political parties and all stripes and creeds, felt that there was more control -- or, pardon me, that some control -- was required in the sale of land to Hutterian Brethren. By the same token, I think every one of them feel that the Hutterian Brethren have to have fair treatment and have to have a chance to practise their religion and their communal way of life, whether we agree with that particular thing or not. Only 3 per cent of the people wanted absolutely no control.

I think this indicates that there is some need for pretty careful analysis of how the people feel. After all, we are living in a democracy. I don't think it's ever wrong to try to get more and more detailed information from the people themselves, including the Hutterian Brethren. I don't think an investigation is going to solve it. I think it will pinpoint the problems in the '70's, which may or may not be the same problems of the last investigating committee, which I think was in the late '40's or the early '50's. But, I do support this resolution, in having a committee carry out a detailed investigation.

While I realize that the hon. members on the committee do not have an easy job, and will likely have difficulty reaching decisions that are fair to everybody, I think this is the fairest possible way to deal with this particular situation at this time. Consequently, I'm supporting the resolution fully at this time.

MR. DIXON:

Mr. Speaker, in all the years in my political career in the Legislature, I've always been opposed to The Communal Property Act. I think today, we should give consideration -- and maybe Clause D in the resolution may someday, in effect, grant my wish -- that we do away with this type of legislation altogether. I hope that the committee comes in with that type of a report. Of course, I too would like to congratulate the committee, because they have a difficult job. They have a difficult job for the simple reason that we're trying to treat some people in Alberta differently than others. In our democracy we are going to run into situations where the way some people live may be repugnant to some other people. The way they live may be repugnant even to me, but we are still under a democracy, and we have to put up with it if we're really going to be a true democracy.

No matter what recommendations the committee brings in, if special treatment is going to be given to some group it's a bad situation. I think we should all be treated equally, and I think the hon. minister, when he introduced the resolution, touched on a point which I think emphasizes the fact that communal property and a communal way of living is going to increase. It is going to become part of our democracy. We have looked upon it as being strange, because only the Hutterites really, in Alberta, were practising it. But now, as a changing style of life is coming about, I think we're going to be faced not only with Hutterites, but with other people. I believe in a democracy we should not attempt to govern the lives of other people, unless they are adversely affecting, personally, somebody else's life.

Today, with farming in Alberta the way it is, we're going to larger and larger farms, to corporation farms, and I think we also have to face the fact that it's going to be harder to get hired help to work on these farms so they are going to get larger -- they're

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going to be worked in a communal way. I will have much more to say on this matter when the committee brings in its report. I'm going to vote for it, although I'm still opposed to the fact that we are trying to single out communal living, in particular with the Hutterites, but I'm certainly going to vote for the resolution. But I do hope the committee -- my own personal hope at least -- is that they will recommend that we have no such thing as a Communal Property Act in Alberta. Thank you, Mr. Speaker.

MR. COOKSON:

On a point of order, or a point of clarification, Mr. Speaker, I am sorry. I don't think it refers specifically to Hutterites in the sections. It refers to the communal use of land.

MR. DIXON:

On a point of order, Mr. Speaker. The hon. minister, when he introduced the bill, indicated to the House that the group the House seems to be most interested in is the Hutterites -- because I don't think there would be too many other people who are presently practising communal living in Alberta who are interested in going before the Committee.

MR. NOTLEY:

Mr. Speaker, I wanted to make a few comments on this resolution. First of all, I agree with the comments from the hon. Member for Calgary Millican, that The Communal Properties Act should be repealed. I believe that an act such as The Communal Properties Act is clearly inconsistent with the spirit and the aims of both Bills Nos. 1 and 2.

While I will vote for this resolution to establish a committee, I would hope that in their determination of this problem, that the members of the committee will be guided by Bills Nos. 1 and 2, and will not try to find a political answer to a matter which is really a question that -- in my view anyway -- deals with basic human rights.

It seems to me, Mr. Speaker, if we mean what we say, that all people are going to be treated equally before the law; if we are going to set up legislation which will treat some people differently simply because they choose to farm communally, then we are getting into a very, very dangerous area indeed. There may be some argument -- somewhere down the road -- to impose a restriction on the amount of land that any one individual may own. But surely, Mr. Speaker, such restrictions should apply to everyone, whether they farm on the basis of an individual operation, or whether they farm collectively with a group of other people, communally, or whatever the case may be. But it is an incorrect principle, an unsound principle, to distinguish between individual operators on one hand, and those people who choose to operate communally on the other.

Moreover, Mr. Speaker, when we recognize that the practical application of this act -- regardless of the point of order raised by the hon. Member for Lacombe -- the practical application of this act strikes at the Hutterian Brethren. Then it seems to me that we must be extremely careful. We must recognize the basic human rights of all people to be our primary goal and our primary objective. While I intend to vote for this committee to investigate the whole matter of The Communal Properties Act, I would hope that in doing so they will be guided by the spirit of the acts which we will be giving final reading to the week after next.

MR. SPEAKER:

May the hon. minister close the debate?

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HON. MEMBERS:

Agreed.

MR. RUSSELL:

Mr. Speaker, I am encouraged by the understanding remarks as enunciated by the hon. Member for Drumheller, the hon. Member for Calgary Millican and the hon. Member for Spirit River-Fairview. I am sure if the members of the Legislature can proceed on the basis of what they have said, and what we are trying to do, that the work of this committee will be successful. I can only emphasize, of course, that the government is proceeding with full knowledge of its intentions of Bills Nos. 1 and 2 and when those will be implemented. We have been very careful to suggest to the committee when they should report. I think we have been fairly straightforward in our announcement, and in giving the reasons why we don't want the board to operate during the interim. There is another way, of course, in which we could have achieved the same purpose, and that is to allow the board to operate, but have the Executive Council not act on their recommendations. That has been done in the past, but I think the method being used now is by far the most straightforward.

I am pleased that I sense that a majority of members are in accord with what we are trying to do with respect to the communal use of land in the future, Mr. Speaker. I thank the other members for their contributions.

[The motion was carried without dissent.]

GOVERNMENT BILLS AND ORDERS
(Committee of the Whole)

MR. HYNDMAN:

Mr. Speaker, I move that you now leave the Chair and the House go into Committee of the Whole to study bills.

[The motion was carried without dissent.]

[Mr. Speaker left the Chair.]

* * * * *

COMMITTEE OF THE WHOLE

[Mr. Diachuk took the Chair.]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order.

Bill No. 60: The Highway Traffic Amendment Act, 1972

[Clauses 1 through 3 were agreed to without debate.]

Section 4

MR. TAYLOR:

Mr. Chairman, I wonder if the hon. minister will advise us if it is the intention of having everyone take a medical examination. Is there some thought of requiring everyone every five years, or every three years, or some specific period?

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MR. COPITHORNE:

At this time, Mr. Chairman, there is no intention to ask everyone to take a medical. However, there is some indication that it may not be too bad an idea even at that.

[Sections 4 through 18 were agreed to without debate.]

Section 19

MR. KOZIAK:

On Section 19 which would provide a new Section 209.1 in the act -- I find some problem with that particular section -- the way it is presently worded it would indicate to me that where a notice of appeal was filed by a person who had been convicted, he could then suspend the operation of the license suspension. According to the section as it presently reads, that 'suspension' would operate until such time as the conviction is sustained on appeal. Now it may be, Mr. Chairman, that the appeal is never proceeded with and, in fact, may be abandoned by the person who has been convicted of an offence. Under those circumstances there is some suggestion that if the person who was convicted abandoned his appeal, he might thereby be able to avoid the suspension of his licence.

I would move, Mr. Chairman, that the Section 209.1, as it is presently stated in the bill, be amended by adding after the word 'appeal' on its final line, the words, 'or the appeal is abandoned.' Those five words, Mr. Chairman, would correct the possible problem that might arise, which I alluded to earlier. I think that perhaps the amendment should be subject to the matter being referred to the Legislative counsel for drafting if necessary. But I think that those words in themselves will be complete.

MR. FARRAN:

Mr. Chairman, does that really help? He might not abandon the appeal until maybe a year after it had been launched. I wonder how long an appeal normally takes?

MR. COPITHORNE:

I think this is a good amendment, Mr. Chairman. Some of these appeals can last for indefinite terms, and consequently this would be a good amendment and I would recommend that it be referred to the Attorney General's Department for inclusion of this act.

MR. FARRAN:

Mr. Chairman, I don't know if the hon. minister got the point there. But if the amendment was placed in there it says, "the suspension does not apply until the conviction is sustained on appeal, or the appeal is abandoned." Somebody who wanted to avoid suspension of his license might launch an appeal and abandon it at a very late date. I don't think it really closes the door.

MR. HENDERSON:

The appeal would stop him.

MR. FARRAN:

No, it wouldn't stop him. I don't think it really closes the door.

MR. HENDERSON:

[Comments inaudible]

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MR. FARRAN:

The suspension does not apply until the conviction is sustained on appeal or the appeal is abandoned.

MR. HENDERSON:

[Comments inaudible.]

MR. KOZIAK:

Perhaps I can clarify that point, so that there is just no misunderstanding. What happens on these appeals, Mr. Chairman, is that the convicted individual files a notice of appeal within the given time permitted by the governing statute, and here I think it would be 60 days. Once he files his notice of appeal, then his suspension would stop and he would be entitled to the return of his driver's license. Now it may be that his appeal is not heard for a year after that. During that one year period he has full driving privileges; however, the moment that the appeal is finally heard and the conviction is upheld, from that moment on the suspension begins to run again. Although there may be a delay, it is a delay of the inevitable -- the suspension will take place at the expiration of the appeal, unless the conviction is overturned.

However, there are circumstances in which, Mr. Chairman, the appeal is placed before the courts and notice of appeal is filed, perhaps it is put over once or twice -- or what have you -- but it's never prosecuted. The person who is appealing never proceeds with the appeal, and at that particular point the presiding judge might strike it out as not having been spoken to, or the person may personally voluntarily abandon the appeal. That is the particular problem that this amendment is designed to correct -- the situation where a person does not prosecute the appeal and/or abandons the appeal, and then finds himself in the position where suspension is no longer operative. He's been able to accomplish the removal of the suspension without proceeding with his action, and that is what this is directed to correct.

It won't prevent the situation, Mr. Chairman, where the appeal is made and the prosecution of the appeal is delayed but ultimately proceeded with. The delay period won't be affected, this will be up to the courts. However, it will remedy the situation where a person refuses to proceed with the appeal; it's either struck out or he abandons it.

MR. TAYLOR:

Mr. Chairman, the amendment makes sense to me and, actually, it is the policy that has been followed by the Department of Highways for a number of years. I think it does make sense and it is better to get it into the act and follow it through practice. Once a person abandons an appeal, that means the first conviction holds and he consequently should undergo the punishment of that first conviction. But when he does appeal, he is convinced that he was not guilty and, consequently, he should not be punished until the court does rule. I think the section and the proposed amendment does make good sense.

MR. FARRAN:

Mr. Chairman, it doesn't help a little bit, but I can understand the principle. A fellow should not be punished until he is finally and ultimately found guilty by the courts. If he appeals, he is still innocent until the appeal is heard. I think there will be a vested interest in everybody to appeal if his licence is suspended. I would appeal, and I probably would not abandon the appeal, maybe until the last possible moment. I don't know if there is anything you can do about it.

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MR. TAYLOR:

Mr. Chairman, the only difficulty is, if you do that, once you get to the point where the case is heard then the punishment starts, if the conviction is upheld. So, really, you're just shoving the punishment into the future if you are doing it deliberately without a case.

MR. LEITCH:

Just one point, Mr. Chairman. I'm in agreement with the principle. I have a little concern about the words "or abandon" and perhaps the hon. member who proposed the amendment can clear up that concern.

My memory is that the procedure for getting rid of an appeal that isn't proceeded with is a little unclear. There are provisions in the rules of court that if you don't proceed with them at a certain time the appeal is deemed to be struck out.

I would ask the hon. member if it might not be worthwhile to say "abandoned or struck out".

MR. KOZIAK:

Mr. Chairman, I think those two words would probably add to the section and make the thing airtight.

MR. LUDWIG:

I would just like to comment that I support both amendments as they are now and, generally, on an appeal of even a traffic conviction the Crown counsel is immediately involved. They may even cross appeal, but there isn't really as much flexibility in stalling an appeal of a criminal conviction as the hon. Member for Calgary North Hill would think. They might get off on an adjournment for some good excuse, but these delays are not tolerated. Once they're on the list for appeal they are heard, and there isn't too much room for stalling this indefinitely. It has to be proceeded with; the Crown counsel have also the right to insist that the case be heard.

I think the way it is now remedies the problem that existed before.

MR. COPITHORNE:

I'm in agreement with this amendment, Mr. Chairman, and certainly subject to the Attorney General's department --

MR. CHAIRMAN:

Do you wish to hold the bill until the amendment is prepared?

MR. COPITHORNE:

No, it is all right if it is all right with the Assembly to accept the amendment.

MR. HENDERSON:

Mr. Chairman, I think we should obviously make the amendment and then get it agreed upon and if it's acceptable, fine. If it isn't the hon. minister can always bring it back in committee.

MR. KOZIAK:

Mr. Chairman, the amendment that I made was that it would be subject to the amendment being referred to the Legislative Council

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from the point of view of legislative drafting, and I think that is the correct procedure. So that if we are agreed in the principle of the amendment, then the only matter that is left for concern, is that the Legislative Counsel approves it, to see that it in no way conflicts with the rest of the act, which we may not have before us. And so, my motion, Mr. Chairman, is that we amend the Section 109.1 by adding after the word 'appeal' on the last line, the words, 'or the appeal is abandoned, or struck out', and that this motion be subject, if it is approved by this committee, that it be subject to the matter being referred to the Legislative Counsel, and his approval being obtained.

MR. HENDERSON:

Well, Mr. Chairman, my only concern is that I think we should have a specific wording for a motion and vote on it, because I don't think it's sound in principle to go at it that way, and if the Legislative Counsel changes the wording of the amendment, it's got to come back to the House again to receive the approval of the Assembly. So I suggest there should be a motion of amendment. We'll leave it to the hon. minister. If the Legislative Counsel is of the opinion that the wording should be changed, then the bill will have to go back into committee again, and we'll have to revise the amendment. But the procedure of agreeing on a principle, and leaving it to the Legislative Counsel to put the wording in the act, I just don't think it's sound.

MR. KOZIAK:

Mr. Chairman, I think that my words have been misinterpreted. I think that the only approval that would be required from the Legislative Clerk is that the drafting of the additional seven words is correct. Now if he says they are not correct, then I agree, it would have to come back to this committee. But all he would do is check the correctness of the words, if the words are correct -- fine -- the matter proceeds with as is. If there is anything that is wrong, or that would cause conflict with the rest of the act, the whole matter would be brought back to this committee. But at this particular point we would have to approve these words as is, subject to the possibility that the Legislative Counsel --

MR. HENDERSON:

No -- not so. Mr. Chairman, I think, the hon. member, if he'd just state the words that are proposed and we can vote on them, and then the minister can always bring it back. What are words? What are the amendments? Let's have the amendments and vote on them.

MR. CHAIRMAN:

Yes, Mr. Koziak, make the motion with your amendment.

MR. KOZIAK:

My motion is that Section 19, of Bill 60 be amended by adding immediately after the word 'appeal' in the last line, the words, "or the appeal is abandoned, or struck out."

HON. MEMBERS:

Agreed.

CLERK:

If I might help the House, the simple procedure is this: as you know, the hon. minister is the sponsor of the bill, the minister having agreed with the amendments, then goes with it to a member of the Legislative Counsel. What the committee must do now, is hold

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that section of the bill, proceed with the rest of the bill and report progress, and then bring the bill back in when the amendment has been drafted for the committee.

MR. CHAIRMAN:

Is that agreed, Mr. Minister.

MR. COPITHORNE:

Agreed.

[Sections 20 through 23 were agreed to without debate.]

Section 24

MR. TAYLOR:

Mr. Chairman, this is the section that eliminates the minimum fine for persons and corporations not carrying the public liability and property damage insurance, and the accident package. I think it's a mistake in removing the minimum fine. The act removes the minimum and retains the maximum fines and thus permitting to the discretion of the court to fine anything from \$1 to the maximum fine.

In many pieces of legislation, I think the maximum fine serves a very excellent purpose. It gives more scope to the court. But in this particular legislation I think it is a mistake to eliminate the minimum fines.

The object of the section 2551 in the bill now is to endeavour to persuade everyone who has a vehicle to put public liability and property damage on that vehicle, as per the requirements of law. The last check, I believe, indicated that 95 per cent to 98 per cent of the vehicle owners had PL and PD on their vehicle. So we are talking about from 2 to 5 per cent, or probably from 14,000 to 30,000 vehicles. The idea with compulsory insurance, was to substantially reduce this number of vehicles. Because under the green card, which tried to induce people to take out PL and PD, we found that there were 14,000 to 21,000 vehicles on the road without public liability and property damage. After using every possible endeavour to induce these people to take out PL and PD, a legislative committee decided, and it was later adopted by the Legislature, that it would have to be compulsory by law.

Consequently, if it is going to be compulsory, there have to be some teeth in the act to persuade the groups that have not got PL and PD on their vehicles, to put it on their vehicles. There should not be any leniency in regard to encouraging people to drive their vehicles now without PL and PD. Otherwise we should eliminate the compulsory package.

I would point out to the hon. members that in The Wildlife Amendment Act, the minimums were retained and the maximums were increased. The minimums were retained in those three sections which we dealt with some time ago. I had no objections to this. I think the minimum in that one would serve a good purpose.

But if it was acceptable in The Wildlife Amendment Act, how much more acceptable should it be in an act that is pertaining to the life and limb of human beings? Because we have to admit that a percentage of those 14,000 to 30,000 vehicles that are not insured, are a potential danger. I know that the victims will be covered by the Motor Vehicle Accident Claims Fund, but that was so before too. It was not acceptable, generally, to the people of Alberta. They felt that they should be covered by insurance, public liability and property damage insurance. Consequently the Legislature agreed that there should be compulsory insurance in the province.

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Now I think if we remove the minimums, we are undoing much of the good that would result from the compulsory insurance in an endeavour to secure as close to 100 per cent of the vehicles on our highways and streets being covered with public liability and property damage insurance. I think that surely is the objective. I realize we may never get 100 per cent, but Saskatchewan's government was able to get 99.6 or 7 per cent under their compulsory government scheme. Under a compulsory scheme here we should be able to equal that too -- get 99 per cent some per cent of the vehicles covered.

But if we remove the real teeth, the real incentive to take out PL and PD, then we are weakening the act and I think we are encouraging this group that has not taken out PL and PD on their vehicles from doing so. Let's be practical about it. A good number of these people have not taken out PL and PD because of the cost, because of their accident record. Their costs are high and I feel for these people. I think we can all understand this.

But at the same time, when they drive their vehicle that is not insured, they are affecting the lives and the property of others. If we're not going to make the penalties meaningful, we would have been better to have retained the system of inducement, rather than compulsion in connection with PL and PD.

Mr. Chairman, I would move, seconded by the hon Member for Hanna-Oyen, that the entire new Section 24 of the bill which amends 255(1) and (2) be struck out.

DR. BOUVIER:

Mr. Chairman, with all due consideration to the member who just spoke, I absolutely cannot agree with this amendment. First of all, I think the maximum fine indicates to the court how serious we think this is as an offence, and that should be sufficient, without telling the court exactly what we want them to do. I think we have to have some consideration that a judge will be able to judge a case on its merits.

Most boys are riding motorcycles, and in wintertime they don't ride motorcycles. They have the habit of cancelling their insurance in the fall. Of course, when the first snow goes in the spring, they have a tendency to get on those motorcycles without even thinking that they have to put the insurance back on. I can vouch for the fact, as this happened to my own boy this spring. Had the RCMP not just told him to leave his bike there and go and get insurance before he rode it any more, he could have been slapped for \$250, just for an oversight. I don't think he was a criminal, and I don't think he falls into the category of those people that are driving without insurance to save the amount of the insurance.

Therefore, I honestly feel that we have indicated to the court, by retaining the maximum, that we feel that this is serious, that they should levy a big fine if the occasion warrants it; but we've got to give them the leeway to where a fine of \$1 is all they should be levying, that this is what they should be doing.

MR. LEITCH:

Thank you, Mr. Chairman. Because I support the amendment to the bill and not the amendment to the amendment, I welcome the comments of the last hon. member who spoke. I should say to the hon. Member for Drumheller, that there is no disagreement between him and me on what this legislation is designed to accomplish. Our disagreement is solely over the best method of doing it.

I don't have the slightest reservation or the slightest hesitation in saying that now that we've got compulsory insurance, we've got to make the system work. All reasonable steps toward that

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end have to be taken. His argument is that the reasonable, and indeed the only step, towards that end is these minimum fines. In my view there are alternate methods that can be more effective, without carrying with them the harshness and the unfairness that these minimum fines will bring.

What I'm really concerned about, in supporting the bill the hon. Minister of Highways has introduced, is not the person who deliberately says, I'm not going to buy insurance because it costs too much. With that person, I have no sympathy. He's deliberately disobeying the law and in these circumstances, a fine of \$250 may be perfectly reasonable. What I am concerned with is the person who, inadvertently, and innocently, runs afoul of this legislation. I think it's then grossly unfair to fix him with a penalty of \$250.

I'm going to run through a few examples, because if one studies this legislation very closely, you'll find a number of cases where people can, through no fault of their own at all, end up uninsured. I just want to run through a few examples of where that can occur -- examples in everyday life.

For example, it's not at all uncommon, in domestic matters, when the parties have parted company, for the husband to say to the wife that she can use the family car and pay all of the expenses. As a result of such a loose arrangement, the wife thinks that the husband is looking after insurance -- that isn't one of the expenses. He thinks she is and they wind up without any insurance. One of them will get picked up and be subject to the fine, for the wholly careless, if you like -- but innocent breach of the act.

I mentioned once earlier in the House the case of a regular customer of an insurance agent, who over the years has always gotten his insurance because the agent has simply sent out the renewal policy on the anniversary date. But mistakes will happen. Something occurs and the agent thinks that in this occasion his customer is going to buy insurance from another agent, and the customer doesn't think that at all. He winds up without insurance. That, incidentally, is the kind of thing that could easily have happened to me on a move from Calgary to Edmonton, where I speak to my insurance agent and tell him that some of the insurance I am going to place in Edmonton when I get here; the rest he is to handle from Calgary.

We have several hundred thousand policies in the Province of Alberta. This kind of mistake is going to occur. I don't think there is a lawyer who has practised in this area for any length of time who hasn't had these kind of cases within his office.

I will give you an example of a case I handled not long ago. It involved a family whose son went off with the family car into the north country for a winter job. He drove the car up to the north country, and had no use for it up there. He was in an isolated area and he merely used it as transportation to get from his home to the north country. He then put it up on blocks for the six months he was there.

These people were quite conscious of the cost of insurance. The arrangement was that when the car was put up on blocks the insurance would be cancelled and the premium saved. The boy phoned his dad on a Friday and said, "I'm finished with the job. I will be back home on Sunday. Put the insurance on the car." There was some confusion between the boy, the father, and the insurance agent with whom the father spoke, as to when the insurance was to come on. It came in effect on Sunday at 12:00. The boy had wanted it in effect on Saturday at 12:00, because he started his trip Saturday afternoon. There was an accident in the evening, and he was without insurance.

That kind of thing -- how can anyone blame those people -- that kind of mistake is simply going to happen. And then to say to

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someone who has made that kind of mistake that he must pay a \$250 fine -- he has to feel this is an unjust and unfair law.

Two officers of a small company -- confusion between them. They each think the other is getting insurance, but they wind up without any. In those cases they are liable for \$1,000 minimum penalty. Again this is just a case of being not as careful as they might have been. But remember, those kinds of things can happen when you think you are being as careful as you can be. You talk to your partner, you say, "Joe, you are going to get the insurance." And he says, "Yes, I will." But he forgets about it. Or he misunderstands and he thinks it is insurance on something else, and you are always the fellow who has looked after the car insurance.

You can't find people who are not guilty of that kind of conduct. If you examine this section too, you will find that an operator can be wholly innocent, completely innocent, and still be liable to anything, even carelessness, and still be liable for this \$250 fine. There is a provision, that if you are driving, as an operator, a car that is being kept for sale, and they are using plates issued under Section 39 of The Highway Traffic Act -- if you are the operator of that car, and you are in an accident, and stopped by the police and asked to produce a pink card for a valid insurance policy, and you produce one for a policy that isn't valid, you are liable for the penalty. The policy can be invalid because it has expired or been cancelled. That is for an owner's car that you have had nothing to do with, except you went into his place and said, "I would like to try it for sale."

The mechanic who works on your car, the mechanic is liable under that section under the act if he is unable to produce to the police a pink card for a valid motor vehicle policy. Every time an owner takes his car into the garage, the mechanic, before he can drive it, has to satisfy himself that there is a valid insurance policy on it, or run the risk of being liable for the \$250 fine.

This applies to every operator. If I borrow your car I must satisfy myself that you have insurance on it before I take it on the highway, and that it is valid insurance. Now that is just an impractical obligation.

MR. HENDERSON:

What is wrong with it?

MR. LEITCH:

If you are asking me to borrow my car now to run down to the store, do you examine my pink card before you take it? Nobody does that, and that's what that act imposes the obligation to do, if you want to be sure it is insured. Now people just borrow their friend's car to go to the store, the garage, any place, any time, and assume that it is insured. They don't direct their minds to the examination of his pink card, which isn't enough either. You have to examine the policy that is behind the pink card to make sure the policy is in force, satisfy yourself that he hasn't cancelled it. These things are going to happen, there is no doubt about it, and we are going to get a fair number of them.

There are other provisions in here. There is an obligation to keep it insured, and frankly, I haven't had the time to study that, because it is not particularly relevant to the issue we are now debating, but I can't understand the obligation in the act to keep it insured.

Is there the slightest reason at all why I can't buy a car, buy the licence plates, buy the insurance policy, and then decide I'm not

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going to drive it the rest of the year, and cancel the insurance? But the act says you must keep it insured.

I haven't even touched on the class of case the last member spoke on. I'm talking about those breaches where you can't avoid -- they just happen, without any mental intention at all to do something wrong. And there is the kind of case that we are going to get a substantial number of, the kind of case that I think is just an unfair application of what is, in effect, a criminal law.

SOME HON. MEMBERS:

Agreed.

MR. LEITCH:

We then come to the class of case the last hon. member spoke on, and that is the one where the kids take the motor scooter out -- it doesn't have insurance on it. There are all kinds of examples that I can think of and some of which have occurred, where the boy didn't plan to operate it that year, he was going to sell it. He and his friend were fixing it up, they decide to run down the street or down the road to garage to get some part. They are caught because they have no licence and no insurance.

And incidentally, the police in my view, in those circumstances should charge them. I don't think we should have legislation on the books where the police can say, this is so serious -- this isn't the kind of thing that he should be subjected to that penalty, and I won't charge -- because you don't want the policeman in that position where he is making up his mind, when all of the evidence is clear, that an offence has been committed. I don't know anyone can say to the policeman, how he can answer when anyone says, "why didn't you charge?"

Now, in those circumstances, if the boys are picked up and charged and subjected to a \$250 fine, they have to compare that fine to their friends', who have been picked up for using drugs, stealing, assaulting a policeman perhaps; all of those offences for a first time will bring a fine in the order of \$200 or \$300. Now, how can those people feel, that what their boy did, and how can he feel, that the thing he did, was just as dangerous and damaging to society as the fellow who was using drugs or assaulting policemen, or stealing from a store? How can you feel that he is being treated equitably by the government in those circumstances?

Now, you can go on and on with these cases, particularly with the people with motorcycles. I should say too, that impaired driving, is one that bothers me. A fine for impaired driving runs in a first instance, \$200 or \$300. You must remember that there, it is clear that when a person goes on the highway impaired, he increases the danger to life and limb. He increases the risk of the accident occurring. The person who drives without insurance doesn't increase the risk of an accident. The fact that your car isn't insured doesn't make you more of a danger on the highway. It means that you were less able to pay for the damages that may occur as a result of you being there.

Now, I'm not for a moment suggesting that the fund should be a substitute for compulsory insurance, because I opened my remarks by saying compulsory insurance must work. Our objective with this compulsory insurance legislation is to get 100 per cent of the vehicles insured, but when you are talking about penalties, you have to weigh the harm from the conduct you are trying to prevent by fines, with the size of the fine.

Today, if a person in Alberta is hit by an uninsured vehicle he gets -- for practical purposes -- the exact same compensation from

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the funds he would get if they had the minimum compulsory insurance requirements. So the procedure may be a little bit different, but the compensation is there. He isn't cut the compensation, it comes from a different source, and in, for practical purposes, identical amounts.

The only argument that I have heard advanced for the maintaining of the minimum fine is that we really can't leave this to the discretion of the court. I must say that the evidence I have heard in support of that argument has been very, very skimpy indeed. I think what has happened is that people harken back to the green card days, and the penalties that the court imposed for people who weren't carrying green cards. I must say that the situation of the green card, and the situation under The Compulsory Insurance Act legislation today is entirely different. Under the green card what were you being penalized for? What conduct were they fining you for? They were fining you for not paying \$20 to the government, because you didn't carry a green card. You disagree?

MR. TAYLOR:

You didn't have insurance.

MR. LEITCH:

But they could buy a green card and were not guilty of anything. So the court was fining them for not having a green card, and that green card you could get for \$20. Now if you are a judge and someone comes in front of you and hasn't got something that he should have that he could have gotten for \$20, what are you going to fine him? So you are going to get small fines there by the courts. You are in front of them because you didn't pay \$20 to get a green card. Remember had you paid \$20 and gotten the green card you didn't provide protection to anybody, because you were not insured. So that situation coming before a court was entirely different from the situation coming before a court where the legislation has accordance to deal with it and disposes the case on, and says you must have insurance -- which costs a good deal more than the \$20, and you are liable to a fine of up to \$1,000 if you don't have it.

Now the legislation is there, indicating to the court how serious they regard the offence by indicating the maximum fine. That's coupled with the fact that the cost of thing you haven't gotten is substantial and also, had you gotten it, you would have provided protection to the public. Entirely different things from the green card cases, which are the only ones I've heard cited as any evidence at all that this matter couldn't be left to the courts.

Now we handle a couple of hundred thousand cases a year through the provincial courts. There are very few cases -- The Wilderness Act is one of them -- in which there is a reference to minimum fines. But that's an entirely different situation, in my view, than what we are dealing with here. Among other things, in nearly all those cases there is going to be conscious element of wrong doing, a mental element. It is rare you can be caught there by accident, inadvertance, and be fined.

Mr. Chairman, by leaving this with the courts, I'm satisfied that in those cases where the court concludes -- and the courts have a lot of experience in sorting out these excuses -- that the person does not have insurance because he was willfully endeavouring to avoid the compulsory insurance provisions of this act, I expect they will impose substantial penalties -- by substantial I'm thinking in the hundreds of dollars of fines.

In those areas where the court concludes that a fine couldn't prevent the kind of conduct that occurred, they are going to impose a much smaller fine. It seems to me that people are perfectly happy to

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say, "Well, I didn't obey the law, it was an accident, I was a little careless," and pay a fine for that. Those who have willfully disobeyed the law, they will accept the fact that they have to be punished in a substantial degree.

I don't want to close this without pointing out to the hon. members that we are going to get people going to jail, who have inadvertently run afoul of this act, if you have that minimum fine. You go back to cases I have outlined to you, where you can run afoul of this legislation inadvertently. You're going to have people who because of their financial circumstances will prefer going to jail rather than pay the \$250 fine. Now it seems to me that it doesn't accomplish any useful purpose, either, to have people going to jail for that kind of inadvertent breach.

I want to close by, again, saying that the hon. Member for Drumheller and I do not disagree on what we have accomplished. I think we have to accomplish the goal of getting 100 per cent of the cars insured, or as close to that as we can. I think we do it not by imposing high minimum fines in those areas where you may lack insurance through inadvertence and so on. In my view, a much more effective way to ensure that we will get the maximum number of vehicles insured is, simply, to do the maximum number of spot, or highway, or traffic control checks. I think it's the certainty of detection; the certainty that you're going to be found to be without insurance, that will cut down and reduce and ultimately eliminate those people who will deliberately say, "I'll take the chance." I think that is a much more effective way of doing it than imposing a high minimum fine. Thank you, Mr. Chairman.

MR. LUDWIG:

Mr. Chairman, I really think there is much to be said on both sides. I appreciate the remarks made by the hon. Member for Drumheller and also by the hon. Member for Lac La Piche-McMurray and the Attorney General. I'm wondering whether the difference is all that important. I believe that if the fears expressed by the hon. Member for Drumheller are well founded, then you can look back in a year to see if we have had a very high rate of insurance. I appreciate the fact this is sometimes a matter of opinion and preference. It isn't all that neatly cut and dried; it isn't all black and white; there is a lot of grey area.

I would like to go along with the bill as it is, with all due respect to the other remarks made, and see what happens. If there are too many violators, if the people are treating the whole thing lightly, if the courts have been too lenient, then there is time to toughen up the whole thing. Legislature has the authority to do it. Rather than prolong the debate at length -- as I say I'm not taking issue with either side, I can live with either decision, but it's really a matter of opinion and preference. I would state that we should proceed with the bill.

MR. TAYLOR:

Mr. Chairman, I just want to make one or two comments. I can follow much of the logic outlined by the hon. the Attorney General, and I can see his point of view for those who do something innocent. But one of the difficulties that arises is -- or the danger that arises, is -- that everybody is going to be in that category. A few years ago it was left to the discretion of the court in regard to the suspension of a driver's licence for driving while impaired. A very large percentage were not suspended and, consequently, the discretion of the court was actually encouraging people not to cease drinking when they were driving, but really just the reverse. So the law came where the discretion of the court was removed.

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The law today in The Highway Traffic Act in this province -- which an hon. minister the other day cited was not severe enough -- is that if you are convicted of driving while drinking, your licence is suspended. There is no two ways about it. I know innocent people who have suffered there. I know a man who drove 25 years with a safety record, and then went to a party one night and got inebriated and got picked up on the way home and his licence was suspended for the six month period for the first offence. This is bad but what if he had killed somebody while he was impaired? He would have been just as dead as if he had been drinking every night.

Then there is the other thing about the discretion of the court, and I have every confidence in our courts, but I have to say that the discretion of each court varies. Even many lawyers prefer to wait until they can get before a certain judge in order to get their client a good deal. So the discretion of the court varies quite a bit, because all the judges are human beings.

But one of the things that bothers me the most in this is the fact that I'm afraid a very large percentage of the people will have good excuses, and they'll be levied a very easy fine, and therefore defeat the purpose of the act. The same thing happened when we had the discretion for impaired driving.

The other argument that the hon. Attorney General advanced in connection with the innocence of some people, and I recognize there are some in this category. But would that happen twice? Would this innocence happen a second time, or a subsequent time? But we're removing the minimum for the second and the subsequent offences also. And if the motion that I'm making now does not carry the judgment of the Legislature, I'm then going to make another motion dealing with second and subsequent offences because surely on the second, third or fourth time the person shouldn't be permitted to get away with the cry of innocence. He simply is not, for some reason or other carrying out the intent of the law.

The other point I wish to make, almost every law we have convicts some people who are innocent. We have a law saying that if I lend my car to John Doe, and John Doe gets involved in an accident, the suing can be against John Doe and against the owner of the vehicle. I might be a thousand miles away, and I might happen to be the best driver in the world, but that doesn't bar me from the court levying a judgment against me because it was my vehicle. Now that was felt to be so unfair that there is a discretionary section put in the act, and as a matter of fact, I have a case now before the hon. minister. I haven't yet been successful in carrying his judgment on it, but I am convinced that this man should be not penalized because he loaned his car to his friend, and his friend was careless and dangerous, when that lad wasn't -- he had nothing to do with the accident. But he is the one who is suffering just as much as the man who drove badly at this particular time. Surely some discretion can be given to deal with innocent cases without encouraging people to drive without public liability and property damage insurance.

I'm not going to delay or take the matter any further. A great number of cases can be shown, and many, many laws, where the innocent have suffered even where there is discretion of the court. As long as we're human beings I suppose we can't end that, but I think we should try to make our legislation as tight as possible with the necessary teeth to try to ensure the objective that we have in passing that legislation in the first place.

MR. YOUNG:

Mr. Chairman, if I may just ask a question for clarification.

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MR. CHAIRMAN:

Well, I think the mover has completed the debate now. We should have a vote on this motion. Fine, Mr. Ycung, go ahead.

MR. YOUNG:

It's a question --

MR. CHAIRMAN:

Oh, it's just a question -- go ahead.

MR. YOUNG:

Yes. Is it my understanding from the remarks of the hon. Attorney General that once this legislation is passed he intends to do more spot checking? I just wanted to know.

MR. LEITCH:

Yes, Mr. Chairman, I indicated that was my intention in my remarks. We haven't done it at the moment because the bill was introduced about the time that compulsory insurance came into force so we are waiting until that legislation goes through. But as I indicated in my earlier remarks, my view about it is that the effective way to ensure that the maximum number of vehicles are covered is to make detection certain, make discovery certain, and we can do that by highway checks, street checks, and things of that nature. And that is what I propose to do should this become law.

MR. BUCKWELL:

Mr. Chairman, another question to the hon. Attorney General. If a person, in the cases that you have mentioned, inadvertently missed their insurance due date, and were apprehended or in a spot check and then were fined because they didn't have any insurance, what assurance would the court have? Or would they have any at all that this person will get insurance? I mean -- say he paid a \$20 fine and six weeks later he has an accident and kills somebody or something and he still has no insurance. What happens in that case?

MR. LEITCH:

Mr. Chairman, I think there are a number of ways, a number of things we can do to ensure full coverage. But that involves a number of changes in the legislation. My feeling about it is and my discussions with the hon. Minister of Highways are that if we can let it operate for a year until we get some experience with these defects, we get some experience with the number of breaches and the type. We will learn more about the most effective legislation to see that it doesn't happen again.

Under the current legislation I know of no provisions in the Vehicles and Highway Traffic Act if he is caught the first time, where he has to go out and get insurance. But that exists even with the minimum fine provision, so that hasn't changed it at all. As I say, there is not much doubt in my mind that in those cases where the court thinks he is wilfully failing to carry insurance there are going to be substantial fines. But it is my feeling that after we have had the year's experience with this we will be able to develop much more effective techniques of ensuring that everybody has coverage. That, after all, is our goal. The scheme just isn't going to work unless we can get everybody insured.

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MR. BUCKWELL:

Just one more question. Are there any provisions in the act, or regulations, whereby if the insured cancels his insurance by his own wish or the insurance company cancels or suspends his insurance, that it is passed on to the Department of Highways?

MR. LEITCH:

No, I have discussed that with the hon. Minister of Highways also. That is one possible thing. What we are concerned about there everytime you do something like that -- require the insurance companies to give notification of cancellation to the government -- again you are dealing with several hundreds of thousands of policies. There are a multitude of cancellations over the year. The paperwork is immense. On the insurance side of that paperwork, the cost of it is ultimately going to be passed on to the policyholders with some increase in premiums.

Then the question is how effective can we be when we get that cancellation in? There are cancellations -- a multitude of them -- for all kinds of reasons that have nothing to do with driving without insurance. What do we do then? Even if we had a rule that they had to send in their plates, there is the question of enforcing it. You have to send people out to get them. Without that kind of a rule a cancellation comes in and we must do something. We have to send a fellow out to find out whether he has sold the car to someone in B.C., whether it has been in a wreck, or whether the thing has just collapsed and he had to quit driving it, or whether he says "well, I only drive it in the summer time and I lay it up in the winter time." So there are no simple administrative problems in those questions. If there were, they would have been solved a long time ago.

MR. COPITHORNE:

Mr. Chairman, in support of this section, I think that the hon. members have brought some very good points. There is one thing that has got to be brought before the Legislature clearly, that compulsory insurance is compulsory insurance in Alberta. Just because there is no minimum on the insurance, on the penalty, doesn't mean to say that it is still not law to have your vehicle insured, and that it is a very serious offence to be operating it without insurance. I think that the maximum fines indicate that. I have faith in the judiciary system. I would repeat the words of a man that brought law and order to this country at one time, about 100 years ago, Colonel Macleod, who said; "It is not more law that we need, it is justice." I think that fits this clause. We are in an experimental stage at this stage of the administration of this act. It leaves us in a strong position to be able to manoeuvre to give justice to the people of Alberta, rather than more laws.

Mr. Chairman, I urge that the hon. members in this Legislature support this section.

MR. TAYLOR:

Mr. Chairman, the hon. minister says this is not more law that we want. That's why I want to strike this out.

MR. LEITCH:

Mr. Chairman, I think if we go first on the amendment moved by the hon. Member for Drumsbeller --

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MR. CHAIRMAN:

The motion as moved by the hon. Member for Drumheller and seconded by the hon. Member for Hanna-Cyen, that Clause 24 of the bill be struck out. All those in favour, would you please rise?

MR. TAYLOR:

Take a voice vote.

MR. CHAIRMAN:

Fine, just on a voice. OK, all those in favour, please say aye. Those against, please say no. I declare the motion defeated.

MR. TAYLOR:

Mr. Chairman, surely the hon. members will not have any argument about keeping a minimum fine for second and subsequent offences. Without going through all of the other arguments, I would move that clause (b), in Section 24, 255(1), be struck out, and that clause (b) in subsection (2) be struck out. This will have the effect of leaving the same maximums, but it will put a minimum for a second or subsequent offence.

SOME HON. MEMBERS:

Agreed. Question.

MR. CHAIRMAN:

Any debate on this?

MR. LEITCH:

Mr. Chairman, I'm not sure I followed the actual wording of the motion. The principle I am in agreement with. I think the minimums could very properly be left in for second and subsequent offences, because they don't deal with the kind of thing I was talking about.

MR. COPITHORNE:

I think that would be agreeable, Mr. Chairman. It's subject to the Legislative Counsel's approval.

MR. CHAIRMAN:

Do you wish to have this section held until --

MR. COPITHORNE:

I would like this section held.

MR. TAYLOR:

Mr. Chairman, if we're going to do this in every one of our acts -- hold every section that we want to make an amendment to until the Legislative Counsel looks at it -- we're going to hold up an awful lot of bills. If the member of the Legislature is in favour of striking out a section, whether the Legislative Counsel agrees with it or not, I'm just not concerned. In the other case, it was the wording that the hon. member wanted to make sure was going to be in accordance with the rest of the law. I can follow that. But this is striking out a section.

MR. CHAIRMAN:

Mr. Taylor, I was going to get a vote on this anyway, and then have the hon. minister have the right to bring this back.

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DR. BOUVIER:

Mr. Chairman --

DR. HORNER:

On a point of order, Mr. Chairman -- on a point of order.

DR. BOUVIER:

I was speaking on a point of order, too.

MR. CHAIRMAN:

Dr. Bouvier.

DR. BOUVIER:

As I read this section, if we just strike these out we won't be accomplishing what we want, because the amendment already says you are substituting a completely new section. Therefore, I think you'll need more wording than just striking out part of that new section, because then you'll have nothing at all.

MR. TAYLOR:

Oh, yes you will.

DR. BOUVIER:

No, you won't.

MR. TAYLOR:

Yes, you'll have what's in the act right now. If you read over what's in the act right now, that (b) will remain in the act.

DR. BOUVIER:

No. You said strike out Subsections (1) and (2), and that's part of it.

MR. CHAIRMAN:

It could be, even clause (a) has the wording of first offence in it.

MR. TAYLOR:

Yes, but Section 24 was being struck out, and 255(1)(b). Then that leaves the section with a maximum for a first offence and a minimum and maximum for a second offence.

DR. HOHOL:

No, not the way this amendment reads.

MR. COPITHORNE:

Mr. Chairman, if the hon. member would allow me to bring this section back, I think I can bring it back in such a way that it will be acceptable to the hon. member.

MR. CHAIRMAN:

Then, we'll hold this Section 24?

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MR. TAYLOR:

Are we going to vote on it?

MR. CHAIRMAN:

Yes, actually, the motion is, moved by the hon. Member for Drumheller, that (b) in both (1) and (2) -- both (b)'s -- would be struck out. Am I right?

MR. TAYLOR:

And the rest will be the same.

MR. CHAIRMAN:

Are you ready for the question? All those in favour say aye; those opposed say no. The ayes have it.

[Section 25 was agreed to without debate.]

Title and Preamble

MR. LUDWIG:

Mr. Chairman, on the preamble, I want to make a few remarks. They won't be too lengthy. One deals with passing on divided highways. The situation, as it is now, is unsatisfactory. A lot of people are not too concerned. They'll drive at a slower rate of speed than the speed limit in the passing lane and they will tie up traffic. This is very prevalent between Calgary and Banff. The other night I was driving from Edmonton to Calgary on the three-lane road here. They were flying three abreast. When they got ready to move ahead one ahead of another I was able to pass.

I think this matter should be brought to the attention of the public, that it isn't in the best interests of the people to drive in any lane you want and take your time, if you feel like it. I have just as much right to pass and keep going if I want to, or even to go faster than the speed limit. I think that matter ought to be looked at.

The second problem that I am concerned about is the matter of aircraft patrol of speed. I think that although it may have served a purpose and it has quite a psychological effect, I don't think that that is a major means of patrolling speed on highways. I think that anything that will distract a driver, under any circumstances, is not a good way to control speed. It is easy for even the most attentive driver to look up, if he sees an aircraft, and be distracted. It takes only a split second and I don't think that it has been that overwhelming a success. I think the experiment was worthwhile and I am not going to go into the past to see how many speeding tickets they got. I think that by and large, drivers and traffic are very heavy on our roads in the summer, and getting heavier all the time. It takes only one distraction to cause a fatal accident -- whether it has or not, nobody will know. So I would like to see the hon. minister consider in the future, getting rid of highway patrol of speeds by aircraft.

I am sure my recommendation will not be accepted by everybody as a popular move, but that is a position I take.

The third one I am concerned about is the speed limit. I know that everyone is concerned about safety. No one has any particular claim to any righteous stand in that regard. We are all concerned about safety. Whether they have a highway in Montana where the sky is the limit, and they may have a high accident rate, is really not a factor. I am dealing particularly with the divided highway, any

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divided highway in the province, like the 4-lane or 2-lane divided. The safety record of the highway between Edmonton and Calgary -- I am taking that one because that is the one I travel -- is not based on the speed limit posted; it is based on what the people actually travel. Maybe my experience is different from other people's, but I travel the speed limit or a little over. But if you are close to the speed limit, everybody passes you by, including the odd mountie.

I am of the opinion that people are travelling 75 mph, more or less, on the road. It is very hard for me to accept the principle that on the highway between Calgary and Red Deer, 65 mph has to be the speed limit on a divided good highway which is constantly being upgraded. Then you have an undivided 2-lane highway, or a single lane highway, and the speed limit is 60 or 65 mph. I think that from the safety point of view, when you are not having any oncoming traffic there is a tremendous safety factor just in that fact alone.

I would like the hon. minister to consider raising the speed limit on divided highways, not to what the posted speed is, but what can be assessed as the accepted speed limit by the public. I know it is a matter of opinion, but I am expressing a preference that people between Red Deer and Edmonton do not travel at 70 miles an hour. They may if they wish to, but by and large they are ahead of that speed limit and they have been for years. That is the safety factor to be considered -- what speed has the public accepted as a safe speed, because notwithstanding that the limit is 70, I am saying they are pushing more than 75, quite safely.

The same applies between Calgary and Red Deer. You seldom have -- unless a man is dallying -- people travelling the speed limit or below. I would urge the hon. minister to take a good look at this. If it is not the right decision, it can be reversed. But I believe that the road condition and the type of automobiles on the road today merit the consideration of an increase in the speed limit, between the two cities particularly.

[The title and the preamble were agreed to without further debate.]

MR. CHAIRMAN:

Is it the wish of the committee now that progress be reported on this bill?

MR. COPITHORNE:

Mr. Chairman, I move that progress be reported on this bill.

[The motion was carried without debate.]

Bill No. 13

The Alberta Environmental Research Trust Amendment Act, 1972

[All the clauses of this bill, the title, and the preamble were agreed to without debate.]

MR. STROMBERG:

Mr. Chairman, I move that Bill No. 13, The Alberta Environmental Research Trust Amendment Act, 1972, be reported.

[The motion was carried without debate.]

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Bill No. 26: The Beverage Container Amendment Act, 1972

[Sections 1 through 3 were agreed to without debate.]

Section 4

MR. TAYLOR:

Mr. Chairman, I wonder if the hon. minister could tell us the intent of the amendment. I haven't had a chance to read it yet, it just came around a very short time ago.

MR. ASHTON:

Well, the amendment is fairly simple. It just clarifies the wording at the end of Section 2.1. You will notice that down in paragraph (4) (d) at the bottom, it says: "to pay an additional sum of not less than one cent for each container" Now the additional amendment that you have before you today clarifies this just by saying "to pay an additional sum of one cent" In other words, it takes out the word 'minimum', and it makes it clear by adding Subsection 5, to say that nothing in the previous subsection prevents the manufacturer from agreeing to pay more.

MR. YURKO:

Mr. Chairman, the word 'shall' which makes it mandatory for a manufacturer to attend the universal depot, in item 3, under 2.1, it has been changed to 'make' so that the manufacturer doesn't have to attend. It is up to him if he wants to.

MR. TAYLOR:

Well, Mr. Chairman, in connection with this, I believe the amendment looks after the points about which I was very concerned, because it appeared that there was going to be considerable cost put upon the shoulders of the people, without too much benefit, in regard to gathering up the litter. And, as a matter of fact, I had an amendment to (d) to put not more than one cent; the wording put in by the amendment is satisfactory, making it one cent.

And then I understand that (5) is that a manufacturer may agree with the depot operator. I hope that the section and maybe the sponsor of the bill, the hon. minister, would tell us whether there is going to be any compulsion on the part of the manufacturer to pay more, if the depot refuses to accept the bottles at one cent. Because the part that concerns me in connection with the depots, is that the depot is a very splendid thing in some areas of the province, but it may also become a very costly thing. It may well put an additional bill on the shoulders of the people of \$2 to \$3 millions in the soft drink industry alone. I don't want to start increasing the cost of a very much used product, largely by the younger people of the province, to that extent.

By the same token we want to clean up the litter and I do think that there is some argument in grocery stores -- particularly large grocery stores -- not wanting hundreds of rusty tins brought back into the store. I can't see too much objection to the bottles going into retail stores, when they buy them there. In many of our centres in the province it's going to be almost impossible to get depots. We are going to depend upon the stores and the confectionaries and the garages to act as depots and take back the bottles -- some of which they sold, and some of which they probably didn't sell -- and cans also, if they are dealing in those. I think this is very important.

Where we can have depots in a city where they are required to take back every bottle and every container, then I think this is good, but it will not accomplish the litter problem. If people have

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to go a long distance in order to return their bottles and their containers, people will then do exactly what they were doing before -- throw them by the wayside or throw them into the garbage can -- and it becomes an additional cost on the taxpayer, rather than on the manufacturer of the product.

So I think the fact that there is going to be not more than one cent now I think is a big improvement in the bill. I would also try to emphasize that depots and the retailers should be used to the greatest possible degree, to make it as convenient as possible for people to get their cans and bottles back so that the bottles can be used more than once. If it isn't convenient, I'm afraid the primary objective of the legislation, to reduce litter in our parks, on our highways, etc., etc., will not be accomplished.

So in conclusion again I say, I hope the objective will be to make it as convenient as possible to return these containers, and at the very lowest possible price in order that there is not going to be an increase in the product to the consumers in the province.

MR. HENDERSON:

Just a few comments on what the hon. Member for Drumheller has just said. Subsection 5 says -- as I read it -- nothing in Subsection 4 prevents a manufacturer from agreeing with the depot operator to pay more than the amount required when paid under Subsection 4. What does this mean relevant to your comments? Is it more than one cent?

MR. ASHTON:

I would just like to comment. I agree entirely with the hon. Member for Drumheller, that is, the objective of this general section is to make it convenient for the consumers to return empty containers. Of course the minister, by regulation and by improving the depots, has the power to make sure that that is what is happening. I am sure he may wish to comment, but I'm sure that that will be his objective.

MR. WYSE:

Mr. Chairman, I realize that many of the manufacturers are very concerned about this extra cost. I was wondering if there had been any delegations requesting to meet with the hon. minister in this regard in the last while?

MR. YURKO:

Yes, Mr. Chairman, I have met with the Alberta Soft Drink Association just today. I have met with the Brewers' Retail Association. I have met with the Independent Soft Drink Bottlers. I have met with the representatives from the Glass Association. I haven't only met with them on one or two occasions, I have met with them on many occasions.

As a matter of fact I would suggest that this particular act, and this particular problem has been occupying something like 15 to 20 per cent of my time during the last six or seven months. Everyone has had an ample opportunity to make their point of view known to me and my officials. I agreed to establish an advisory committee to the minister which would present all the various associations in this area, as well as several consumer associations. The intent here is, of course, to advise the minister and the department of the manner in which this type of amendment can best be implemented. The type of implementation or the manner of implementation and, also, the timing of the course of implementation, is extremely important. We have different situations in the country as we have in the cities, as the hon. Member for Drumheller has indicated.

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In the country the Coke people and the Pepsi people have some 2,000 depots -- and I call every retailer a depot -- and there is no attempt to reduce these in any way, shape, or form. We have been running into some major problems in connection with the fact that Boy Scout groups, and Girl Guide groups, and all sorts of groups, are going around collecting cans and bottles, and they have found it very difficult to get rid of these bottles. One person told me that he had to travel 26 miles to get rid of 75 cents worth of containers, because the industry didn't co-operate in the least, when this legislation was first proclaimed.

We felt that the industry would get together and, in fact, set up the necessary depots and the depots would handle the cans and the bottles and so forth. But the industry splintered into at least three different sections, and each one pulled in different directions and ended up causing no end of chaos. I'm using this new section to bring the industry together.

I want to suggest that the Brewers' Retailers Association, for example, has set up a model of recycling depots by having approximately 110 or 120 in the province. They are recycling between 93 per cent and 96 per cent of their containers, without fuss or bother. The industry accepts any foreign can or any foreign bottle that comes into the province. They don't differentiate. They now have a universal depot for all their containers which works remarkably well. They have done this of their own volition. They have done this without any kind of legislation and without any particular pressure. They recognized that they were creating problems in this society and they recognized that they had to solve these problems and they, in fact, have. They have gone as far as standardizing a bottle.

The soft drink industry is entirely different. Their desires and their pressures are somewhat different and, as a result, constantly jockey for advantage in connection with marketing. It has been extremely difficult to get them to co-operate and what we're doing is trying to get them to co-operate to obtain the desired objectives of controlling litter, recycling, and providing convenience to the public in all aspects of this type of legislation.

DR. HORNER:

Mr. Chairman, I move that the committee rise and report progress and ask leave to sit again.

[The motion was carried without dissent.]

[Mr. Chairman left the Chair.]

* * * * *

[Mr. Speaker resumed the Chair at 5:25 p.m.]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following bills, Bill No. 60 and Bill No. 26, and begs to report progress on same and asks leave to sit again.

MR. SPEAKER:

Having heard the report and the request for leave to sit again do you all agree?

HON. MEMBERS:

Agreed.

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CLERK:

The Assembly will attend upon His Honour the Lieutenant Governor.

MR. SPEAKER:

While we're waiting for His Honour the Lieutenant Governor, perhaps I could say on behalf of the hon. Member for Ponoka, that there are further submissions received with respect to next week's hearings, and would all hon. members please check their mailboxes before leaving this evening.

ROYAL ASSENT

[His Honour the Lieutenant Governor entered the Chamber and took his place upon the Throne.]

MR. SPEAKER:

May it please your Honour, the Legislative Assembly of the Province of Alberta has at its present sitting thereof passed a bill, to which, and on behalf of the said Legislative Assembly, I respectfully request your Honour's assent.

CLERK:

The following is the bill to which your Honour's assent is prayed. Bill No. 4 being The Appropriation Act, 1972.

[The Lieutenant Governor signified his assent.]

In Her Majesty's name, His Honour the Honourable the Lieutenant Governor does assent to this bill.

[The Lieutenant Governor left the Chamber.]

MR. SPEAKER:

This being Friday the 19th, the House, pursuant to an order previously made, stands adjourned until the Standing Committee on Public Affairs, Agriculture and Education has concluded its hearings.

The House stands adjourned.

[The House rose at 5:31 pm.]

