

LEGISLATIVE ASSEMBLY OF ALBERTA

Wednesday, May 31st, 1972

[The House met at 2:30 pm.]

PRAYERS

[Mr. Speaker in the Chair.]

PRESENTING REPORTS BY STANDING AND SELECT COMMITTEES

MR. ASHTON:

Mr. Speaker, I beg leave of the House to amend the report which I submitted on Monday, the 29th of May on behalf of the Standing Committee on Private Bills, Standing Orders, and Printing. The report contains a typographical error under the first section which describes those bills which the committee recommended be proceeded with. The report as presented describes Bill No. 2 as being an Act to Incorporate the Historic Society of Alberta. That should read "being an Act to Amend an Act to Incorporate the Historical Society of Alberta."

MR. SPEAKER:

Is there a seconder for the motion to amend the report as explained by the hon. Member for Edmonton Ottewell? Having heard the motion for the amendment of the report by the hon. Member for Edmonton Ottewell, seconded by the hon. Member for Stony Plain, do you all agree?

HON. MEMBERS:

Agreed.

MR. PURDY:

Mr. Speaker, I beg leave to present the report of the special committee established to review The Election Act. The committee has had under consideration The Election Act and reports progress but is unable to bring recommendations to the Legislature before the adjournment of the present spring session as instructed.

Therefore, the committee asks leave of the House to continue its deliberations in order to present a further report before prorogation of the current session.

MR. ZANDER:

Mr. Speaker, I beg leave to present the following report on the Standing Committee on Law and Law Amendments and Regulations. The committee, following written and oral submissions from the parties concerned with Bill No. 64, recommends that the bill be proceeded with, however, with certain recommendations: that if possible removal of the inequities of power transmission lines over lands be considered and that the committee has not had sufficient time to consider the following sections and subsections thoroughly as referred to in the written and oral presentation to the committee.

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As the hon. members have the subsections before them;; "the Committee further recommends to the Legislature and the Minister that while the House is in recess the committee meet to review the above mentioned sections and subsections and the operations of the bill in general, and to bring in the recommendations of the Legislature in the fall sitting for possible amendments."

NOTICES OF MOTION

DR. WARRACK:

Mr. Speaker, I hereby give notice that tomorrow, Thursday, I will beg leave to introduce a bill for an act being The Public Lands Amendment Act No. 2.

MR. HYNDMAN:

Mr. Speaker, I hereby give notice that under government motions tomorrow, Thursday, I will move, seconded by the hon. Provincial Treasurer, that the report of the special committee established to review The Election Act, the report which was just given by the hon. Member for Stony Plain, Mr. Purdy, be received and concurred in.

INTRODUCTION OF BILLS

Bill No. 106
The Alberta Insurance Amendment Act, 1972

MR. LEITCH:

Mr. Speaker, I beg leave to introduce a bill being The Alberta Insurance Amendment Act, 1972. One of the purposes of this bill is to provide for the publication of the terms of the owners' policy in the Alberta Gazette and then to provide for the issuing of a certificate to the insureds rather than the entire policy. That, Mr. Speaker, will reduce the cost of issuing the policies which will, of course, be passed on to the insureds. The policy in its entire wording will be available to an insured, either through the Alberta Gazette or alternatively through the offices of the insurer as the act requires the insurer to keep on hand in its offices copies of the policies to be delivered to the insured upon request.

A further purpose of the bill is to provide for a different rate for accident benefits between different classes of vehicles.

The last purpose of the bill, Mr. Speaker, is to provide for a reduction in the accident benefits rate to an insured who has more than one vehicle insured under the same policy.

I would also like to advise the House that I anticipate that during committee stage there will be some amendments introduced to clarify and add to certain administration matters which would cover the type of situation where the government has appointed an administrator or manager of a life insurance company's affairs.

[Leave being granted, Bill No. 106 was introduced and read a first time.]

INTRODUCTION OF VISITORS

MR. COPITHORNE:

Mr. Speaker, today is rather a unique occasion. We have a citizen sitting in the gallery who has served the province for 36 years -- my deputy, Les McManus. He was born in Lamont, Alberta, attended the University of Alberta and graduated with a Bachelor of Science in Civil Engineering in 1934. He started work with the

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Department of Public Works, which at that time included the Department of Highways, in 1935, as a chairman, at \$80 per month. He served summers with the department until permanent appointment on December 1, 1938, and during the winter attended sessions at the University of Alberta in 1936, 1937 and 1938. His title, as of December 1, 1938, was Assistant Bridge Engineer, although his prime function was in the testing of materials for asphalt pavement. He was appointed Testing Engineer in 1941, and served in that capacity until 1951. It was during this time that the testing lab developed and grew to serve a very important purpose.

In 1951 the Department of Public Works split into two departments, and at this time, Les McManus became Assistant Chief Construction Engineer. He served in this position until January 1, 1954, when he was appointed Chief Bridge Engineer. He served as Chief Bridge Engineer until July 1, 1959, and then was appointed Deputy Minister, the position from which he is now retiring.

The Minister of Public Works, on September 3, 1935, to May, 1948, was Mr. William Allan Fallow, and he was succeeded by Duncan Bruce McMillan, who served until the Highways Branch split from the Department of Public Works upon the creation of the Department of Highways. At that time he served under Gordon Taylor, who was the minister at that time, and since last fall under me.

I'm sure that every man and every person in Alberta that Mr. McManus has worked for will feel he is a citizen who has done a great deal for Alberta in 36 years of dedicated service. Mr. Speaker, through you, I'm going to ask Mr. McManus to stand and be recognized by the House for his long service to the Province of Alberta.

MR. TAYLOR:

Mr. Speaker, I would like to join with the hon. minister, the hon. members, and you, in paying tribute to Mr. Les McManus. Mr. McManus is not only a man of high integrity, a man of high principles, an outstanding engineer specializing in soils, but he is also a tremendous Canadian. He has served the people well. He has endeavoured to serve the people in his various capacities in the Department of Public Works and in the Department of Highways. It is my hope that Mr. McManus, along with Mrs. McManus, will be with us for many years and will enjoy good health, that they may enjoy the many good things they helped to build in this province.

MR. DIACHUK:

Mr. Speaker, during the time of introduction of visitors I wonder if I could beg the leave of the House to make an introduction. A colleague in our Assembly has been honoured recently. I would like to have recorded in Hansard and have the Assembly acknowledge this honour that was placed on a fellow MLA, the MLA for Lethbridge, Dick Gruenwald, who has been given a life membership in the Canadian Trustees' Association. It looks as if Dick will not be able to leave the Trustees at all. Mr. Gruenwald?

FILING RETURNS AND TABLING REPORTS

MR. MINIELY:

Mr. Speaker, I have two returns which I wish to table today. The first is in reply to originally written question No. 193, which I had asked to be made a Motion for a Return. The second arose during the course of examination of the estimates. The hon. members had requested some information regarding the expenditure on various projects of public works. I am tabling that as well.

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DR. HOHOL:

Mr. Speaker, I wish to report twice also, and table the following reports. I wish to table the annual report of the supervisor of Consumer Credit to December 31, 1971, as required by the Credit and Loans Agreement Act, 1967. Secondly, I should like to table the reply from the hon. Premier of the province to the Prime Minister of Canada on the matter of manpower. You will recall, sir, that some weeks ago the hon. the Premier tabled a letter from the Prime Minister of the nation on this subject. Today I am tabling the reply from the hon. Premier to the Prime Minister.

ORAL QUESTION PERIOD

MR. SPEAKER:

The hon. Member for Drumheller, followed by the hon. Member for Edmonton Kingsway.

Motorcycle Passenger Insurance

MR. TAYLOR:

Thank you, Mr. Speaker. I would like to address a question to the hon. the Attorney General. The Insurance Bureau of Canada issued bulletins Nos. 16 and 17 in which they indicate that the hon. Attorney General has recommended that passenger hazard be eliminated for motorcycles where no passengers are permitted. But it goes on to say that the hon. Attorney General wants passenger hazard eliminated for general use on motorcycle risks. My question to the hon. Attorney General is, do you not agree that it is a hazardous thing to encourage no passenger hazard on motorcycles that may legally carry passengers?

MR. LEITCH:

Mr. Speaker, the question of passenger hazard coverage on motorcycles has given us a great deal of difficulty in the past few months with the introduction of the compulsory liability insurance, which incidentally doesn't include the passenger hazard coverage. There was a very substantial increase in the cost of insurance for motorcycles.

We had the further problem of some motorcyclists not by law being entitled to carry passengers because they are between the ages of 14 and 16. It was obviously improper to require that they purchase passenger hazard insurance. It would have been a simple matter to have simply excluded the passenger hazard coverage for those people who, by law, are not entitled to carry passengers.

We ran into the further problem of those people who are by law entitled to carry passengers because they are old enough, but their motor bikes are not built to carry passengers. That posed a further difficulty. The added difficulty was that the new Automobile Insurance Board has not yet held the hearings that it will be holding during the summer on all of these rate structures. Consequently, we haven't yet an opinion from them on the validity of these various rates.

There was the further difficulty with motorcycle insurance that the companies were issuing a non-cancellable form of policy. This created a problem because the owners only operated them for six or seven months. There was a great dispute as to whether that was the proper thing to do because the insurance companies said they were aware of the risk period and merely calculated the premium over a yearly basis to prevent issuing a policy which would be for a six-month period but carry the full premium, because that was the risk period. So there were a great number of problems, and the better

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solution, it seemed to me, for the short-term period at least, was to approve an endorsement, which is really what has happened, to the policy endorsing out the passenger hazard coverage in those cases where the applicant requests that is to be endorsed out.

And so to come around to the remarks of the hon. member as to whether it is encouraging, certainly I for one would not encourage anyone not to carry passenger hazard coverage. I think it is an absolutely essential part of the public liability coverage, but one of the things that wasn't made compulsory at the time the other insurance was made compulsory, and I think this whole area needs to be again considered. We are doing that and I hope to have some assistance from the Automobile Insurance Board. But what has now been done I regard as more of an interim measure until perhaps a better solution is found.

MR. TAYLOR:

Supplementary Mr. Speaker. Would the hon. Attorney General then have any objection to me advising the Insurance Bureau of Canada that the Attorney General of Alberta has not recommended that no passenger hazard policies be issued where passengers are being carried?

MR. LEITCH:

That's right. Certainly, Mr. Speaker, I do not recommend to anyone that they do not carry passenger hazard coverage.

MR. WILSON:

Supplementary, Mr. Speaker to the hon. Attorney General. Inasmuch as we do have compulsory insurance now for motorcycles, do you have any indication as to whether a majority of the insurance companies operating in Alberta will write six-month policies for motorcycles? It seems to me that there is some advantage in having motorcycles off the roads under icy conditions and so on. And is there any indication that the insurance companies would write six-month policies?

MR. LEITCH:

Well, Mr. Speaker, I do not think that through the insurance industry we should control the period of time when motorcycles are on the roads. If there is some question of when they should be there and when they shouldn't be there, that may be a matter for traffic legislation, but certainly it doesn't seem to me it should be controlled through the insurance legislation.

The question of whether the companies would write six-month policies or year policies, really is a business practice. And what was happening in this area -- some of the companies would issue the policy for the year but make it non-cancellable. And when they were confronted with that -- which is a very valid argument, saying "well, why can't I cancel my policy at the end of six months?" -- their argument was, because it is only a six month operational period, that the premium, although charged for a full 12-month period, took into account the fact that they were only on the risk for the six months.

Some of the companies -- I am speaking from memory -- but my memory is that some of the companies have issued in the past, and I believe there may be some still issuing six-month policies. But that is a matter of business practice which isn't covered under the act.

MR. SPEAKER:

The hon. Member for Edmonton Kingsway followed by the hon. Member for Wainwright.

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The Workmen's Compensation Act

DR. PAPROSKI:

Yes, Mr. Speaker. I have a question for the hon. Minister of Manpower and Labour. Just for clarification, the select committee that this Assembly will be establishing to receive representations and recommendation as to the operations of the Workmen's Compensation Act is to report to the Assembly 'the next ensuing session'. Would you clarify that? Do you mean the spring session or the fall session?

DR. HOHOL:

Yes, Mr. Speaker. The intention of the government, subject to this resolution on the Order Paper today being approved by the Legislature, would be to report to the House in the regular session, which would be the spring of 1973.

MR. SPEAKER:

The hon. Member for Wainwright followed by the hon. Member for Hanna-Oyen.

Bertha Army Worm

MR. RUSTE:

Mr. Speaker, a question to the Minister of Agriculture. Due to a recent report of the anticipated heavy infestation of the Bertha army worm this year, has the minister reviewed earlier consideration as to: (1) the supplies of chemical available; (2) the supply of aircraft and the availability of operators, and (3) financial assistance?

DR. HORNER:

Mr. Speaker, as I was asked by the press yesterday, we have made a review of all of these matters and in addition have observation posts throughout the province keeping check on the status and condition of the Bertha army worm in its numerous stages as it grows and proceeds through life. Unfortunately the present situation is that there is the likelihood of an additional outbreak of Bertha army worm this year depending on the weather. If we get some wet, cooler weather it is not as likely to occur as if it stays warm and dry.

We have lined up the aircraft and have alerted the procedures for spraying if necessary. There is some supply of lannate on hand and additional supplies are available quickly if they are required. So we are taking all the measures that we can not only to keep an eye on the situation, but to take any action that should be required.

MR. RUSTE:

A supplementary question to the hon. minister. I believe you missed the point of financial assistance, and another supplementary deals with arrangements made for border crossing in the case that we need aircraft from the States. Have any specific steps been taken there?

DR. HORNER:

Steps have been taken to make aircraft available much more readily than last year, when the thing was done on a bit of a crash program, so we expect that enough aircraft will be available. In addition to that, some of the farmers, after the experience last year, may be spraying using conventional type sprayers on land rather than using aircraft spraying. Our people are in the field now, and

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are keeping an eye on the situation. Our financial help will be restricted, as of the moment, to the provision of the chemical at cost to the counties for distribution to their farmers.

MR. COOKSON:

A supplementary question, Mr. Speaker. I would like to ask the hon. minister if there is provision for protection under the Crop Insurance Plan and whether the people are aware of this?

DR. HORNER:

I'll have to check on that directly with the chairman of the Crop Insurance Commission. In my view all risk-crop insurance certainly should cover this type of situation, and I will check with Mr. McKay just to make sure.

MR. RUSTE:

Just to follow-up the matter of financial assistance -- in other words then, you are not proposing to share in the cost of the lannate as was done last year?

DR. HORNER:

Not at this time, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Hanna-Oyen, followed by the hon. Member for Medicine Hat-Redcliff.

Fluoridation

MR. FRENCH:

Mr. Speaker, I have a question for the hon. Minister of Health and Social Development. Could the hon. minister advise if a decision has been made to discontinue the supplying of fluoride supplement to the various health units in the province?

MR. CRAWFORD:

Mr. Speaker, this is a question raised the other day in the House, and I indicated that I would review the situation and give an answer. I'm having a meeting with officials this evening which will serve the necessary purpose, and I will be able to advise the House tomorrow or Friday.

MR. SPEAKER:

The hon. Member for Medicine Hat-Redcliff, followed by the hon. Member for Lac La Biche-McMurray.

Medicine Hat Bridge

MR. WYSE:

Mr. Speaker, I would like to direct a question to the hon. Minister of Highways and Transportation. On May 18th I questioned the hon. minister regarding the proposed Maple Avenue bridge in Medicine Hat, and he indicated to the House at that time that there would be some dollars available for the bridge. I wonder if the hon. minister could inform the House today how many dollars are available?

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MR. COPITHORNE:

Mr. Speaker, I have reviewed the Maple Avenue bridge and at this time there will be no decision made on it being proceeded with this year.

MR. WYSE:

A supplementary question -- does this mean that there aren't any dollars available, or you just haven't come to a conclusion as to how many dollars would be available?

MR. COPITHORNE:

Mr. Speaker, as I said, the bridge will not be proceeded with this year.

MR. WYSE:

A supplementary question, Mr. Speaker. According to Hansard -- as I said on May 18th -- you indicated there would be some dollars available for the bridge, and I might say you also indicated this to me outside the House. Does this mean the hon. minister is back-tracking?

MR. COPITHORNE:

Mr. Speaker, this doesn't mean the minister was back-tracking at all. The hon. member has quite often tried to put words in my mouth and to make me say things that he thought were expedient to his wishes. However, the area of whether the bridge is proceeded with this year or not has been explored fully, and it will not be given the go-ahead in this particular year.

MR. WYSE:

One more supplementary question, Mr. Speaker. The people of Medicine Hat are going to be very disappointed at your decision. It's nothing less than discrimination. Could the hon. minister give us a breakdown of the \$2 million that are available, outside of Edmonton and Calgary, for these programs?

MR. HYNDMAN:

Put that on the Order Paper.

MR. COPITHORNE:

Mr. Speaker, I don't think it's discriminatory at all in the decision of not proceeding with the bridge in Medicine Hat this year. There are some other 13 to 16 bridge sites in the province at this time that might feel the same way in view of the construction program that is based this year.

MR. SPEAKER:

The hon. Member for Lac La Biche-McMurray, followed by the hon. Member for Spirit River-Fairview.

Air Conditioning in Legislative Chamber

DR. BOUVIER:

Mr. Speaker, I would like to direct my question to the hon. Minister of Public Works and I would like to give a small preamble if it's possible.

In view of the fact that the Legislature has not sat this late in the year before, especially into the summer time, and due to the

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fact that it is so hot in the House now, has the hon. minister given any consideration to installing air conditioning in the Chamber?

DR. BACKUS:

Yes, we did give some thought to improving the general air conditioning of the whole Legislature. However, it was felt that this year the budget was such that we were worried more about the comfort of our citizens than our individual comforts, and so we've postponed that for this year; maybe this will come next year. We have it on the books, and are ready, as soon as the money is available, to proceed with this.

DR. BOUVIER:

Supplementary, Mr. Speaker, in view of the fact that it is well known that you can't do good work if you're uncomfortable, don't you think that, indirectly, it would be of benefit to the citizens if their MLA's were more comfortable?

DR. BACKUS:

Mr. Speaker, I always thought machines worked better if they were warmed up a bit.

MR. RUSTE:

Mr. Speaker, a supplementary question to the hon. minister. Could you give us an indication of the approximate cost of such a conversion or application?

DR. BACKUS:

I haven't the exact figures here but to improve generally, as you can imagine, the general ducting and air circulation facilities in this building, which are fairly old, the cost to improve the air conditioning throughout the Legislative Building would be in the hundreds of thousands to completely fix it up.

MR. DIXON:

Supplementary; with all the hot air, Mr. Minister, that is generated in this House, is there a machine on the market capable of cooling things down?

MR. SPEAKER:

The hon. Member for Spirit River-Fairview followed by the hon. Member for Olds-Didsbury.

North American Integrated Food Processing

MR. NOTLEY:

Mr. Speaker, I would like to direct this question to the hon. Minister of Agriculture. Are you in a position today to advise the Assembly as to the current status of the North American Integrated Food Processing project in southern Alberta?

DR. HORNER:

As a matter of fact, no, Mr. Speaker. I haven't heard from the gentleman for some time and, as I understand it, he is in the process of trying to put together an application to DREE.

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MR. NOTLEY:

Supplementary question. It is my understanding that the promoter of this particular venture is going to be in the city for the next several days. Does the hon. minister plan to meet with him during his visit to Edmonton?

DR. HORNER:

No, Mr. Speaker.

MR. NOTLEY:

If I may, Mr. Speaker. During the discussion of the estimates the hon. minister advised us that a certain number of specific steps were being taken to ascertain the financial standing of the principals of this particular concern. I wonder if he is in a position to advise the Assembly as to whether or not those discussions have taken place and whether you have a report on it?

DR. HORNER:

Those steps are continuing to take place, Mr. Speaker, and as I have mentioned before, we accepted the suggestions of the hon. member and that of the Leader of the Opposition to, in fact, send somebody to the Philippines to ascertain first-hand. I haven't had a report on that as yet, Mr. Speaker, but the other investigations are continuing.

MR. SPEAKER:

The hon. Member for Olds-Didsbury followed by the hon. Member for Little Bow.

The Senior Citizens' Shelter Assistance Act

MR. CLARK:

Mr. Speaker, I would like to direct a question to the hon. Minister of Municipal Affairs, and say that the question is the result of a telephone call I received this morning from a senior citizen who happens to be a school trustee. He interprets The Senior Citizens' Shelter Assistance Act to make individuals, such as himself, who are senior citizens, ineligible to be school trustees in the future. Is this an accurate assessment?

MR. RUSSELL:

Well that's a complete surprise to me, Mr. Speaker. I'd have to take that under advisement and report back.

MR. SPEAKER:

The hon. Member for Little Bow followed by the hon. Member for Sedgewick-Coronation.

Blair Report

MR. R. SPEAKER:

Mr. Speaker, a question to the hon. Minister of Health and Social Development. During our estimates I requested a progress report on the Blair Mental Health study. I was wondering if the hon. minister has that report prepared at this time? If not, when could I receive it?

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MR. CRAWFORD:

Mr. Speaker, I want to compliment the hon. member on his skills in the area of mental telepathy, because I was just thinking that before he asks that question here I must get in touch with him and tell him the present status.

It is simply this. I had expected the House to last a bit longer than the forecast now appears to be, and thought I would have it to you about the 5th to the 10th of June -- and I really expected the House to be sitting at that time. I do expect to have it available then, and if I and other hon. members don't talk too long it may well be the House won't still be sitting. For that part of it I would apologize, but the information itself will be forthcoming at about that time.

MR. R. SPEAKER:

Mr. Speaker, a further question to the hon. minister. If we're not in session, would the minister forward it to us at our home address?

MR. CRAWFORD:

I had in mind that I would deal, Mr. Speaker, with the hon. Member for Little Bow, and certainly any additional copies will be forwarded to any member expressing interest.

MR. SPEAKER:

The hon. Member for Sedgewick-Coronation followed by the hon. Member for Wainwright.

Control of Rabies

MR. SORENSON:

Mr. Speaker, I'm not sure just who this question should be directed to -- perhaps the Minister of Agriculture. What is the rabies situation in the province, and would you be able to give us just a general rundown on the infected animals?

DR. HORNER:

I haven't had a report for the last couple of weeks, Mr. Speaker, but up until that time things were in relatively good control. The Vector Control Program and the elimination of the skunk population has done a good job in controlling rabies in Alberta. I can get the hon. member an up-to-date report, but certainly there's been nothing serious in the last two weeks, and up until that time the program was in good control.

MR. SPEAKER:

The hon. Member for Wainwright, followed by the hon. Member for Lethbridge West.

Grain Freight

MR. RUSTE:

Mr. Speaker, a question to the hon. Minister of Agriculture. In a recent statement attributed to the chairman of the Alberta Grains Commission, it was indicated that agricultural producers could save substantial amounts of money by loading grain cars themselves and by-passing elevators. Can the minister confirm these savings?

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DR. HORNER:

Mr. Speaker, that was the indication that we -- the chairman of the Grains Commission and I -- received from the Wheat Board. However, subsequently the Wheat Board have reversed their decision and are now saying that the saving is not there because they'll be charged Thunder Bay, regardless of whether it goes to Thunder Bay or Vancouver.

This is part and parcel of the continuing discussions that we have to have with the Canadian Wheat Board and the federal government in relation to the freight charges on Alberta barley, particularly. It should be priced according to the port of departure rather than all of it being priced on the basis of Thunder Bay.

MR. SPEAKER:

The hon. Member for Lethbridge West, followed by the hon. Member for Calgary Millican.

Presentation of Bills

MR. GRUENWALD:

Mr. Speaker, I'd like to direct my question either to the hon. Premier or to the Deputy Premier, and if they choose to go into a huddle, it's okay with me. How many more bills do you intend to present to this Legislature before adjournment?

MR. HYNDMAN:

Mr. Speaker, all those bills which will be introduced have been introduced or have been given notice today.

MR. SPEAKER:

The hon. Member for Calgary Millican.

Village Lake Louise

MR. DIXON:

Mr. Speaker, I'd like to direct my question either to the Premier or to the hon. Minister of Intergovernmental Affairs. I'd like to ask the hon. Premier, owing to the fact that reports have it that the office of the Lake Louise project has closed in Calgary, and the recent government announcement, I wonder if the Premier has had any indication from Lake Louise Lifts Limited or Imperial Oil that they do not intend to go forward with the project?

MR. GETTY:

Mr. Speaker, we have not had any indication to that effect. In one brief discussion with the representative of Imperial Oil Limited it was my feeling that they were getting the same type of reading as we have received and expressed from the hearings which were held in Calgary, and that they could see some changes which they should have anticipated and now are thinking of making in their proposal which might make it far more acceptable to the national parks and to Alberta. However, I can't be definitive on that, but I, at this point, could not say that in any way they are thinking of doing away with the project.

Banff Highway

MR. DIXON:

Mr. Speaker, supplementary, but I'd like to direct this to the hon. Minister of Highways. I was wondering if the minister could tell me if the federal government is still contemplating improving

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the highway from the end of the provincial highway at the Banff Park gates to Banff. Are they going to go ahead with the project this year?

MR. COPITHORNE:

Mr. Speaker, as far as I know at this moment there have been great announcements that it would be proceeded with, but as I've stated to this Legislature before, the proof of the pudding will be when the contracts are signed.

MR. DIXON:

Supplementary, Mr. Speaker. Is the minister trying to indicate to the House that the federal government does not even get in touch with the Department of Highways when they're going to connect to that particular highway?

MR. COPITHORNE:

Mr. Speaker, I have looked over other federal-provincial government correspondence in this regard and it appears that the federal government in the past has assumed that the parks area was their area, and the decisions thereto. I have always urged, and the former minister before me has urged, that the twinning of the No. 1 Highway at the park gates should not terminate there. It should continue further in order to spread the heavy traffic that is on that road into the many areas of the park before it singles off into a single lane. As far as I understood from the press releases that came from Ottawa, they were anticipating starting this year on the twinning of the road as far as somewhere west into the Lake Louise area.

Banff Airstrip

MR. DIXON:

A supplementary question then, along the same line, Mr. Speaker, as far as the national parks are concerned. It is my understanding that the federal government plans to abandon the Banff airstrip. Are there any negotiations going on now between the province and the federal government area for an airstrip outside the national parks?

MR. COPITHORNE:

There again, Mr. Speaker, the airstrips come under the Department of Transport. The hon. Member for Rocky Mountain House, I understand, had made some overtures to Canmore and there have been submissions before by some of the people who are interested in flying and in keeping an airport in Banff open to the people in Canmore. But at this time I don't think that there is any final decision as to whether there would be an airport located in that area or not. The airport at Banff is about 65 miles from the Springbank airport and some 70 miles from the municipal airport in Calgary.

ORDERS OF THE DAY

POINT OF PRIVILEGE

MR. LUDWIG:

Mr. Speaker, I rise on a point of privilege to bring to the attention of the House a matter that I consider very serious, not only to the hon. members of the Assembly, but to the people of this province. I would like to preface my remarks by reading Section 3 of the Department of the Environment Act, Chapter 24, 1971. It says here:

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"There shall be a department of the public service of the province called the Department of the Environment over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the province as Minister of the Environment."

This bill, as all members know, was assented to March 31, 1971. Section 20 states "this Act comes into force on April 1, 1971."

The reason I bring this to your attention, Mr. Speaker, is that our hon. Premier has made either by way of a press release or a public statement, the allegation that as soon as they got into office they established formally the Department of the Environment. I'm stating here that that statement is entirely wrong -- it is untrue. I know that under the rule in Beauchesne, I believe, 154(5), I could not say it is knowingly untrue. I could not say whether the Premier knowingly misled the people or this House by making that statement. Only he can explain it. But I think that if it were not for a case of parliamentary procedure the type of condemnation that that kind of attitude deserves would deserve language a little bit stronger than I am using today.

DR. HORNER:

Order, order.

MR. LUDWIG:

But I am saying that the Premier misled the people --

MR. SPEAKER:

The hon. member has already made the point of an alleged misrepresentation. It would seem to me, subject to what the hon. Premier might wish to say on the point, that to establish even a prima facie case of privilege, the hon. member would have to identify the occasion on which the alleged statement was made.

MR. LUDWIG:

I wanted to do that, Mr. Speaker. It is an article which appeared, I believe, in the Calgary Herald under the name: "By hon. Premier Lougheed, Premier of Alberta, under the title "People, Environment, Keys to New Industrial Philosophy" and I must quote now:

"The Government of Alberta subscribes to this philosophy. We believed in it when we were in the opposition and we formally established a Department of the Environment immediately upon taking office last fall."

MR. LOUGHEED:

Mr. Speaker, throughout the session, of course, the hon. Member for Calgary Mountain View has been most sensitive about some of these matters. I think it's apparent that what I probably intended to say, if such a remark was accurate, was that the initial impetus, with regard to the formation of the Department of the Environment, came from a bill which was presented in this Legislature in 1969 by the hon. member Mr. William Yurko. For that reason the impetus for the formation of the department developed from that source. But the hon. Member for Calgary Mountain View is quite correct, and if there is an inaccuracy in a document I'd like to clear it up. The actual formal development of a Department of the Environment did, in fact, come from the previous administration.

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MR. LUDWIG:

Mr. Speaker, I believe that the article is by way of a press release by the hon. Premier.

SOME HON. MEMBERS:

No.

MR. LUDWIG:

Well, what is it then? It's over his name.

MR. HYNDMAN:

Mr. Speaker, I submit there is basically not a prima facie case of privilege and you should so hold.

DR. HORNER:

You didn't bring it up at the earliest opportunity.

MR. SPEAKER:

It would appear that there is not a prima facie case of privilege in this instance. I should say to the hon. member it has not been established, and perhaps it should have been established, even as to whether or not the hon. Premier might have been misquoted.

MR. LUDWIG:

Mr. Speaker, with deference to the Chair, there may not be a bona fide case of privilege, there is a concrete case of lying to the people.

SOME HON. MEMBERS:

Order, order!

Outstanding Returns

MR. TAYLOR:

Mr. Speaker, I wonder if I could address a question to the hon. Government House Leader. In connection with the nine Motions for a Return, has the hon. Leader been able to ascertain if these will be tabled before the House adjourns?

MR. HYNDMAN:

Mr. Speaker, I would ask the hon. Minister of Municipal Affairs who has been looking into those matters, to report on them.

MR. RUSSELL:

Mr. Speaker, the first two on the list, and the ones which date back to March 14th, by Mr. Henderson, dealing with international sales of sulphur, Sessional Papers 107 and 109 -- we cannot at this time give any indication when those will be tabled. Sessional Paper No. 158, vehicles owned by the Alberta government, is extremely complex. They are working on it and we expect to have it ready for this fall. Sessional Paper 185 by Mr. Strom regarding the termination of contracts will be tabled tomorrow, as probably will Mr. Barton's request, No. 190, re the special areas be tabled tomorrow. The same applies to Sessional Paper 192 by Mr. Dixon, regarding contracts with individuals. Sessional Paper 193, requested by Mr. Taylor, was tabled by the Provincial Treasurer today. Sessional Paper No. 195, requested by Mr. Henderson, regarding water levels in various lakes will be tabled at the fall session. And the last two, 196, regarding identity cards and 203, by Mr. Cooper, with

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respect to vacant classrooms -- they are nearly finished and they can be tabled on Friday.

GOVERNMENT MOTIONS

DR. HOHOL:

Mr. Speaker, I propose the following motion to this Assembly, seconded by the hon. Attorney General:

Be it resolved that,

- (1) A Select Committee of this Assembly be established consisting of the following members:

Hon. Len Werry
Mr. Graham Harle
Mr. Bill Diachuk
Mr. Dave King
Dr. Ken Paproski
Mr. A.H. Cooper
Mr. Charles Drain
Mr. J.V. Anderson
Chairman -- Hon. Dr. A.E. Hohol

with instructions:

(a) to receive representations and recommendations as to the operations of the Workmen's Compensation Act; and

(b) that the Committee so appointed do meet for the purposes aforesaid at the call of the Chairman at such times and places as may from time to time be designated by him; and

(c) that the said Committee do report to this Assembly at the next ensuing Session of this Assembly the substance of the representations and recommendations made to the Committee together with such recommendations relating to the administration of the said Act as to the said Committee seems proper.

- (2) Members of the committee shall receive remuneration in accordance with Section 59 of The Legislative Assembly Act.

- (3) Reasonable disbursements 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 No. 2708.

[The motion was carried without debate.]

DR. HORNER:

Mr. Speaker, I propose the following motion to this Assembly, seconded by Mr. Cookson.

Be it resolved that, The Legislative Assembly of Alberta request the Executive Council to appoint a Committee of three Alberta citizens, namely

- (a) Mr. Justice Michael O'Byrne - Chairman
(b) Mr. Dudley E. Batchelor
(c) Mr. Arnold Platt

with instructions to:

1. assess the adequacy or otherwise of

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(a) existing (1968) indemnities and expense allowances (including per diem living allowances) of MLA's taking into consideration present circumstances as well as an anticipated Fall sitting of approximately four weeks;

(b) existing (1968) salaries of the Speaker, Deputy Speaker, Premier, Leader of the Opposition, and members of the Executive Council;

2. to make recommendations to the Legislative Assembly as to changes (if any) in the said indemnities, expense allowances, and salaries as may be fair and appropriate to present and anticipated circumstances;
3. to complete and publish its report on or before the 15th day of September, 1972, and deliver a copy of said report to the Speaker, the Premier, and the Leader of the Opposition.

[The motion was carried without debate.]

MR. HYNDMAN:

Mr. Speaker, on a point of order, and at this time in order to expedite the proceedings of the House, I would beg leave in respect of two matters requiring notice to move two motions, in order that we can move the private bills reported by the hon. member, Mr. Ashton, on Monday into Committee of the Whole House for consideration, and secondly to move the report of the Committee on Law and Law Amendments made today regarding The Surface Rights Act into committee either later today or tomorrow.

The reports were made by the chairman in each case, Mr. Speaker. What we now need are motions to receive and concur in the reports, so they can then be moved into Committee of the Whole, at which time they can be dealt with like any other bill.

Firstly, in respect of the report of the chairman of the Private Bills Committee, Mr. Ashton, the Member for Edmonton Ottewell, made on Monday, and that is on the Votes and Proceedings of Monday, in which there were the following bills reported to be proceeded with: 1,2,3,5,6,7, and 9. Number 4 to be proceeded with, with amendments, and Numbers 8 and 10 recommended not be proceeded with.

I would therefore, Mr. Speaker, ask leave of the House at this time to proceed to move a motion of receipt and concurrence of Mr. Ashton's report without the usual notice.

MR. SPEAKER:

Has the hon. Government House Leader the leave of the House to move the motion as mentioned?

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Accordingly, Mr. Speaker, I move, seconded by the hon. Provincial Treasurer, receipt and concurrence of the report of the chairman of the Private Bills Committee on Votes and Proceedings on Monday, May 29th.

[The motion was carried.]

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MR. HYNDMAN:

Secondly, Mr. Speaker, in respect of the report today of Mr. Zander, the hon. Member for Drayton Valley, reporting The Surface Rights Act from Law and Law Amendments Committee, I would again ask the leave of the House to proceed to move receipt and concurrence of that report, notwithstanding the fact that one day's clear notice has not been given.

MR. SPEAKER:

Has the hon. Government House Leader the leave just requested?

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Mr. Speaker, I move, seconded by the hon. Provincial Treasurer, that this House do receive and concur in the report of the chairman of the Committee on Law and Law Amendments regarding The Surface Rights Act made today.

[The motion was carried without dissent.]

GOVERNMENT BILLS AND ORDERS

SECOND READING

Bill No. 2

The Individual's Rights Protection Act

MR. TAYLOR:

Mr. Speaker, I would like to say a few words in connection with Bill No. 2, The Individual's Rights Protection Act. As a matter of fact, I just want to make about four or five quick points. I think everything I have to say is based on the first 'whereas recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world.'

Were every individual and every nation to follow out the intent of that 'whereas' we would have a very wonderful world, perhaps a utopia. But I think it is an objective towards which we should strive.

I want to deal with five points that have been discussed in The Individual's Rights Protection Act. The first is that this is a positive piece of legislation. There is too much negativism in the world today and I think our laws should be of a positive nature. The approach to many things is the reason why things can't be done, and I like the positive approach of this bill, setting out the rights of individuals and setting them out as the basis for freedom, justice and peace in the world, and that includes our own communities, our own towns and areas and our own province and country.

The second point that I would like to comment on was that the bill is a compilation of individual rights in one act. And I commend the government on this approach. Too many times individuals or persons must look in various statutes in order to find out all of their rights. Consequently it means a very large percentage of the population is unable to, at any one time, find out what their rights really are. They must go to people who are learned in the law and people who are acquainted with the statutes of a province or of a nation. To the degree that we are able to compile the various pieces of legislation dealing with one aspect of our lives into one statute, I think is excellent and a very splendid approach.

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The third point with which I want to deal is the statement that was made by someone, and I forget who, 'that after all, laws do not influence people very much.' We often hear people say that you can't legislate morals. But I have to disagree with the statement that 'laws do not influence human beings.' I look upon the basic laws -- the Ten Commandments -- and who is there among us who will deny that these laws have not had a tremendous influence on the lives of thousands and millions of people? The very fact that there are laws set out in scripture has tended to have millions of people try to order their life in accordance with those laws. And I think generally in our country our people try to live up to the laws that are set out by our parliaments, our legislatures and our councils. So I believe that laws do influence our daily lives, and consequently that is another reason why I'm glad to see the positive approach to these particular rights, the dignity of the individual and the compilation of those rights in one act.

The fourth item about which I would like to make one comment is the enforcement section of the bill. There is provision made for an appeal to the Supreme Court, and if that was not in the bill, I would have been very disappointed, because that is a right. To take the matter of charges or innuendos, whatever it happens to be, to the highest court in the land if you wish to do so, and the person wants to defend himself, he can go to the highest court in our entire country. I think that is a typical example of the dignity of the individual and the rights of the individual, and I'm glad to see that section in the act.

Lastly, I would like to deal for just a few moments with this matter of prejudice. Too many of us are inclined to think of people as being in different categories. Sometimes people think they are better than others because their skin is white, even though they had nothing to do with the colour of their own skin. Sometimes people feel they are better than other people because they have a better education, or because they belong to a certain church, or because they drive a particular type of car, or because they may wear better clothes than other people. I think this is a negative approach, and prejudices can destroy the most promising life if those prejudices are allowed to grow. Consequently I think our laws should discourage prejudices and discrimination.

There are many examples of prejudices in our own country which we all loathe. I was walking down 9th Avenue in Calgary a few years ago with a very prominent citizen and he said; "Let's cross the street, I can't stand those dirty Indians who are up in the other corner." This is the type of thing that leads to and breeds, not only discrimination but dissatisfaction, and breeds discontent in a country. Whether it's an individual or a group of people or a nation, if this cancer is permitted to grow we weaken ourselves to the extent that we allow prejudices and discrimination to come into our own lives.

I think an excellent example of what I am trying to say now, dealing with prejudices and discrimination, happened to me at one time when I was in the United States. I don't think we should take the word 'discriminate' to mean something bad at all times. Some of the hon. members pointed out why we should want to discriminate in certain things. That is one of the beauties of the English language where one word has multiple definitions, and definite meanings. But when I use the word discriminate, I'm referring to it as being prejudicial, where you are showing prejudice against someone. In that respect I think that discrimination should be wiped out to the greatest degree. I have no objections at all to individuals discriminating in regard to the type of car they buy, or the type of woman they marry, or the type of man they marry, or the type of clothes they wear. These are certainly rights of an individual. But when we discriminate because a person happens to have red skin, or black skin, or yellow skin, or white skin, then we are showing

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prejudices, which is the meaning I think which should be associated with discrimination, where it's used in that sense in this bill.

When I returned from overseas I decided to pick up a car in Windsor and drive back to Drumheller. I was driving through the United States and one very hot afternoon I picked up two boys who were 15 or 16 years of age who were walking on the hot pavement in their bare feet. When they jumped into the car, they jumped in fast because they said the pavement was actually burning their feet. I noticed that one of them was a white boy -- definitely white -- he had blond hair. The other boy looked like he had a really excellent tan -- the type of tan most of us try to get in the summer time -- but his woolly hair indicated that he was of negro extraction. I enjoyed the company of the two boys, they were splendid lads, they were two lads that any man or any woman in this Legislature would be glad to call son. They were lads of high principle and lads who had high ambition -- one wanted to be a doctor, the other wanted to be an engineer -- and they were working towards that objective.

They told me they were going to a swimming pool that was just open and as we approached the swimming pool the Negro lad said to me: "Why don't you come in and have a swim with us?" It was a burning hot day and I said; "I think I will." So we parked the car and went in. I saw 25 cents per person on the gate, so I put three quarters out to the attendant and I said; "Three please." He pushed back one quarter and he said; "You and your friend (pointing to the white boy) can come in, but niggers don't swim in this pool." The blood curdled in my own veins. Here was a lad who was just as clean as I, if not cleaner, who had the highest of principles. But because God had given him woolly hair and a dark skin the attendant was saying he couldn't swim in that pool.

I took the three quarters and I said; "In that case I won't swim either." As we went away the Negro lad said to me: "I'm ashamed, I'm ashamed I've spoilt your fun." I said; "Never be ashamed of the fact that you have Negro blood in your veins, be proud of it. If anybody should be ashamed, it should be the man showing the prejudice at the gate."

Mr. Speaker, I hope that in Canada we can develop a people, a people who will respect people for what they are, for what they are able to do, and not because of the colour of their skin, not because of the race into which they were born. None of us had any choice in those particular items.

Mr. Speaker, it is my view that Bill No. 2 will act as a guide and an inspiration to the people of this province to endeavour to eliminate prejudice and discrimination from our lives and, consequently, make our own selves better, our province better, and make a stronger nation that we call the nation of Canada.

MR. NOTLEY:

Mr. Speaker, I'm very pleased to rise in my place and support the principle of Bill No. 2 as has been pointed out. As I look over the preamble it is a very excellent one that sets out some of the inalienable human rights that I think we all support. As I go through the bill I'm impressed with the code of conduct; I'm impressed with the recognition that public organizations must clearly and emphatically, in their constitution and their practices, eliminate discrimination on the basis of race, creed, or colour.

I concur, then, with the spirit of Bill No. 2, but where I part company with it is in the enforcement section of the bill. It's not going to stop me, Mr. Speaker, from voting for Bill No. 2 but I do want to say that I believe that the present enforcement procedures are not really adequate.

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The mover of the bill when making his presentation several weeks ago, suggested that perhaps an overly activist approach would create a backlash of hostility and would set back the cause of human rights in the Province of Alberta. That is an argument which has to be evaluated carefully, Mr. Speaker, and cannot just be set aside or rejected with convenience.

But looking at the situation in other countries, especially in the United States, it seems to me that a more positive approach to eradicating discrimination is required. I think it should be noted that in the great republic to the south they've had the Bill of Rights in that country, an excellent Bill of Rights which has prompted men and women all over the world to look to the United States for leadership in this important field. But the excellent Bill of Rights did not stop years and decades of the worst kind of discrimination, the kind of discrimination that the hon. Member for Drumheller was talking about a moment ago. It was only, Mr. Speaker, after the important decision of the Supreme Court of the United States in 1954, and a decision which was augmented by massive legislative activity by the American Congress in the early '60's, and then augmented by enormous expenditures on the administration of the civil rights legislation, that slowly but surely the United States began to cope with this enormous problem.

I'm the first to acknowledge that there has been an unfortunate backlash in the United States, but I don't think it's possible to do this in any other way -- I wish it were. It seems to me that we can pass the best kinds of high-sounding acts, but unless we're prepared to back up the legislation with sufficient administrative muscle, we're not really going to cope with the real problem of discrimination of a problem which, quite frankly, we must acknowledge exists in our own province.

Therefore I'm a little disappointed that the Human Rights Commission this year is not going to be as well funded as I believe necessary; it will not be staffed with as many people as, in my judgment anyway, are required to do the job. But, of course, that is a personal observation and is not going to stop me from supporting the very excellent principle contained in Bill No. 2.

Another feature of this bill that, in my view, is important, is the point that I raised earlier, that no public organization, no professional organization or trade union movement should be allowed to discriminate on the basis of race, creed, or colour. I've had a number of discussions with some of my friends in the trade union movement on occasion, but I've never agreed with those who argue that because of some constitutional clause in their constitution that they have any right at all to discriminate on the basis of race, creed, or colour.

We have not only the right, Mr. Speaker, but quite clearly the obligation in this Legislature to say that all public organizations such as trade unions, professional organizations, or what have you, will not, and shall not, discriminate on the basis of race, creed, or colour. I agree with the feature contained in this legislation setting out that provision, and I think all hon. members should support it. The same is true of the fair accommodation legislation and the legislation with respect to employment practices.

Now I want to deal with a rather vexing problem, which I think haunts many of us who are concerned about civil liberties. On one hand, you have the basic right of association in a free society. That right must be protected as much as possible if we are going to have a genuinely free and democratic society. On the other hand, what do you do with an organization which is based on the preaching of a set of values which are completely contradictory to the irreducible minimum standards that we've set out in the Bill of Rights? What do you do in a situation like that?

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Well, Mr. Speaker, I suggest that perhaps when we're dealing with an organization of that nature it would not be correct for this Legislature to pass a bill or pass legislation saying, for example, that the Ku Klux Klan or some other organization of that sort would be illegal. I think that, perhaps, would be a mistake, and I've given this some considerable thought over the last two weeks.

But it seems to me that there is a distinction, Mr. Speaker, between passing legislation which would declare an organization illegal on the one hand, and on the other hand providing some level of support, however indirect, by certifying it under The Societies Act. I would submit that if we are going to bring any organization under the umbrella of The Societies Act, then that organization must meet the test of the Bill of Rights.

Now it may very well be that the Ku Klux Klan would meet the test of the Bill of Rights, but I'm suggesting that before an organization is granted certification under The Societies Act, that test should be applied.

As most of the hon. members know, in dealing with groups in their own constituencies, we set out some fairly stringent conditions before an organization can come under The Societies Act. I have an organization from a community in my constituency which is composed of a group of local organizations. Their only objective is to work together to develop their community -- not to develop it in a commercial sense, but to develop it in a community sense. They are hosting a ploughing match where the hon. Minister of Agriculture in a couple of weeks time is going to get out on a tractor and do some ploughing, I hope. It's an excellent organization, but unfortunately because they had the word "co-operating" in their constitution, they were rejected when they made application under The Societies Act.

It seems to me, Mr. Speaker, that if we can reject that type of organization it is clearly consistent to say to an organization which has in its constitution provisions which are clearly inconsistent with the Bill of Rights -- we can say to them that you will not be certified under The Societies Act until such time as you make your constitution consistent with the Bill of Rights.

But I would not, Mr. Speaker, suggest that we spend our time in this Legislature passing legislation making groups illegal. Quite frankly, organizations don't have to exist under The Societies Act. I would doubt that any of the three political parties as such represented in this Legislature are, in fact, under The Societies Act. That doesn't stop them from existing. A number of Albertans might like to see them cease to exist collectively -- maybe even some politicians at this stage of the session.

But at the same time, Mr. Speaker, I don't believe that it was a correct decision on the part of the Registrar of The Societies Act, and I feel that there is a distinction between legislating out of existence an organization on one hand, and yet on the other certifying unless they meet the conditions set out in the Bill of Rights.

May I just conclude my remarks by touching on something that the hon. Member for Drumheller raised. He talked about the prejudice and discrimination that exists in our society. I think that we have to strive to develop tolerance in this country, a recognition that people from whatever their background, from whatever their religious background or their racial background or what have you, that they should be judged on their own merits and that they can make a contribution as free men and women to a free society. Any move that we can make to ferret out the evils of discrimination, I believe that we must make those moves if at all possible.

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Let me conclude by saying that we are not going to be too successful in this endeavour unless we are prepared to make the economic sacrifices necessary to eliminate the evils of discrimination. As long as the poverty and the unequal opportunity that presently exists in our society is allowed to persist, we are going to have the evils of discrimination. So I submit with the greatest respect that the problem is perhaps much larger than is envisaged by Bill No. 2.

But nevertheless, Bill No. 2 and Bill No. 1 represent a start and because they represent a start, Mr. Speaker, they deserve the support and the goodwill of all members and all Albertans.

MR. DOAN:

Mr. Speaker, I hadn't intended to speak on this bill but what I have to say in the next two minutes is just right off the top of my head and it is something that I would like to get off my chest. I certainly support this bill, I think it is along the good lines that we ought to recognize. I think that sometimes there are very thin lines in defining, though, between certain standards. I was listening very closely to the hon. Member for Drumheller when he spoke about picking the boys up on the highway. Maybe I discriminate against people right there because, Mr. Taylor, I don't pick anybody up on the highway anymore because I really believe it isn't safe anymore. For that reason I think I am discriminating against some people.

I also believe, ladies and gentlemen, that you are judged by the company that you keep. So therefore, I say at some time you must discriminate against certain people. You know a person's character isn't the very best, it might be the very worst and naturally you hesitate to associate with him. So I maintain that you are discriminating against him. I think this is a free country and saying that, I can't see anything against certain service clubs having certain regulations. Maybe they are not discriminatory regulations but they certainly draw the line as to who can be members. Some service clubs you have to have certain qualifications to belong to. I think this is only right.

The thing that bothered me most, Mr. Speaker, was something I saw in the paper just yesterday and it was a conversation that went on between my worthy colleague, Mr. Ghitler, and our Premier, regarding certain fraternal organizations and lodges. I might stand to be corrected but I have been a member of the Masonic Lodge now for over 30 years and I maintain that there is nothing in the Masonic Lodge that discriminates against any person, colour, creed, or religion. You may challenge me on this on religion, but the only thing that you have to believe in is the almighty God and take the oath of secrecy. I believe the only thing that stops a Catholic from belonging to the Masonic Lodge is that they don't care to take the oath of secrecy. I know, ladies and gentlemen, that there is nothing in the obligation of a Mason that discriminates against any religion whatever or any person. I have 32 degrees in the Masonic Lodge and I am a Shriner and proud of it.

There again, the Shriners in our part of the country even have social get-togethers with the Knights of Columbus, which you would say was the absolute opposite of what we stand for. This is our purpose in doing this. We're trying to break down that old belief and that old personal feeling between Catholics and Protestants. I think this is a very good thing. I really believe that they are gaining their purpose, and mine. I just wanted to get that off my chest.

One other thing, too. One of my best friends is an 18 degree Mason, and he's a Lebanese. Now I don't know if this is considered to be a Jew, but I know he's right from Lebanon. He's a very highly

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qualified man. He's a doctor, and his name is Mr. Ousta. He's the superintendant of our school -- a very intelligent, wonderful character of a man. And he's an 18 degree Mason. So I don't think that the Masons discriminate against anybody and I just wanted to get that straight. I think they indicated this in the paper.

MR. STROMBERG:

Mr. Speaker, as one being reasonably interested in western Canadian history, I really believe that the history of western Canada has been a history of discrimination. As each ethnical group has emigrated to Alberta, each one in turn has had to take quite a bit of discrimination. I know in my own community, at one time the Scandinavian races were joked about, were looked down upon, their children suffered; in later years, during the first world war, the German community; later the Ukrainian community. But each, in turn, have overcome this.

As we look back at the past and at these conditions at that time where the Canadian government guaranteed these people from all parts of the world that if they would come to western Canada and to the freedom that they were to find here, they came here to get away from the discrimination that they suffered in Europe and found the same thing here. It wasn't easy. So many times we refuse so many of our people accommodation and lodging. What is happening? You refuse a man good lodging, a reasonable lodging, and you are forcing him into the poorer parts of the city or into the ghettos. In many instances, our society will accept that man's money, but we won't accept that man's employment.

The sad thing that we're talking about this afternoon is the man. But we forget what happens to a girl, whether of her colour or her religion. Now, take a girl that breaks away from the reserve, gets her Grade XII education with the promise that she has a chance in the city, comes up here with an education, and is refused because of her nationality. I think that with the discrimination that is practised in our centres, that we have done more than anything else, by refusing lodging and jobs, to turn our native people back to the reserves. I think Bill No. 2 is a tremendous step forward.

MR. COOKSON:

Mr. Speaker, I'd just like to contribute a few words to the discussion because of the importance of both bills, The Individual Rights and Human Rights. Some of the problems I have no solution to. Some of the problems are created perhaps by formulating legislation, perhaps because of the fact that the fact is there. I'm not sure.

I've asked a number of times the definition of religion, and I've never really received a clear answer. I suppose if it was asked of the group in the Assembly, it would be a very difficult thing to define. Most religions are drawn on facts from the Bible; some have developed over history, because of historical events. Therefore, when you use the term religion in the bill, then you run into these contradictions and difficulties.

In my particular area we have the Seventh Day Adventists. Their Sabbath is on the Saturday. There is a federal act, The Lord's Day Act, which assumes the Sabbath is on a Sunday. This contradiction creates a real problem with regard to these people. In fact, if the law were enforced they could readily be fined for certain actions on Sunday.

When I was campaigning someone asked me this question: "What was their position if they hunted, for example, on Sunday?" At this point I couldn't clarify it -- if The Lord's Day Act were enforced, they were violating the law.

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When I was teaching, I ran into young people who were of the Jehovah Witness belief. We were giving instruction on the importance of blood transfusion, which is contrary to their beliefs. Fortunately there is provision for children to opt out of a class or classes where there is some violation of their religious belief. These are the sorts of practical problems you run into when you discuss the problems of religion.

We have Hutterite Brethren in our particular constituency. Their belief is the establishment of communes. I am wondering, since I am on this committee to review this subject, how we will handle this problem politically. I can foresee some contradictions or conflict between the human and individual rights and what we may wish to recommend to the Assembly. Consider Separate Schools, both Protestant and Roman Catholic, and the conflict that sometimes occurs. I am wondering whether The Bill of Rights will change the present picture; whether, in fact, Catholic Separate Schools will continue to employ primarily those with a Catholic background; and if a Protestant makes application for a position in this school and is turned down, whether this could conceivably be a violation of the Bill of Rights. And conversely -- the belief in the declaration of poverty, which is a part of certain religions, and the opportunity to opt out of income tax and other forms of tax.

What I am saying, Mr. Speaker, is that perhaps somewhere there may be some way of clarifying and defining essentially what religion is. It is interesting to note that the Hutterian Brethren recently went to the Supreme Court of Canada with a request that they should not pay income tax. The ruling came down in the form of several biblical quotations. The Supreme Court Judge ruled that they must pay income tax.

I am concerned a little bit about the 'notwithstanding' clause, which is actually in Bill No. 1 and possibly somewhere in Bill No. 2, in relation to association rights. When we were involved in negotiation some time ago with our teachers, within 24 hours of the deadline for strike, I had a number of teachers come to me. They were in turmoil, because of their belief -- they didn't believe in strikes. We have a private school in our area that does not believe in any form of striking.

I think if you are going to talk about human rights and individual rights, then I think you are going to have to accept the premise that these people also have rights. Therefore, they should have the right, I think, to opt in or out of an association.

Now, this opens up a whole new area both for professions and for union organizations, but I think it is important and I think the Assembly has to face this problem and attempt to solve it.

At the present time in Quebec -- there is a very interesting article here -- which poses the problems with regard to professions. I would just like to quote a short part of this, if I may, Mr. Speaker, because it has to do with my concern about the problems of professions, and we are faced with this here.

"The proliferation of new professions, and para-professions, their quest for equal standing with long-established groups and real or apparent abuse of the delegates powers are prompting the following to be asked with increasing frequency: Are professional groups still governing themselves in the best interests of the public, and if so, how are they held accountable?"

I think this is a question that the Committee on Professions must face up to. We are largely members of the professions in this Assembly, the committee to study professions is largely made up of professionals, professions within the term. I am wondering, Mr.

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Speaker, whether this is a problem in itself. Professions make up a very small part of the people of Alberta, and exert tremendous power and influence. The question is whether they should be able to opt in or out and to get into the area again of the teaching profession, whether a profession should have the right to write regulations and be given this power which actually is contrary to the intent of individual rights in the Bill of Rights. I think we have to assess very carefully, all the regulations that are written outside of this Legislature.

Bill 2, Section 3 covers an area with regard to denying people services. It was very interesting when we had this practical situation with the Hutterian Brethern. We were charged with violating the federal Bill of Rights because we would not provide them with a private school. So when I checked the Federal Bill of Rights on this, it states quite clearly, that no public body may exempt anyone from participation or attendance in a public place. Now the question is posed then, who was violating the Bill of Rights? We had openly welcomed this group into our public areas, and this had been rejected. And so the question again is asked whether, in fact, the Hutterian Brethren had themselves violated the Bill of Rights, by refusing to participate in the public place and thereby actually jeopardizing its very existence. So these are questions that I think we have to accept and face up to.

What is a public place, and what is a club? Now, you can establish a club under certain legalities as the Member for Olds-Didsbury has stated. Is the particular property on which this is located used exclusively for that club or is it used intermittently for admittance by the public, and the question is, if it is, has it the right to define certain constrictions within that club, either with regard to religion, or with regard to ethnic groups? Maybe there has to be some clarification.

I was fortunate, and I think most members of the Assembly were fortunate, in growing up in a situation that was relatively free from prejudice. In my experience I never really saw the sort of things that have been described by the hon. Member for Drumheller until I attended one of our higher institutions and was invited to a frat house, and there I saw complete open discrimination against ethnic groups. This disturbs me greatly whether we, as public servants, should restrict discussions to essentially public places or whether the bill invade the areas of private clubs and areas.

In conclusion, Mr. Speaker, I support the intent. I have pointed out that it is very difficult to legislate these sorts of things because when you do this you draw very sharp lines which are readily contested. I think that the most important thing with regard to basic rights is first of all a tolerant home, and secondly a tolerant school and tolerant teachers.

MR. PURDY:

Mr. Speaker, just a few general remarks on The Individual's Rights Protection Act. I would first of all like to compliment the hon. Member for Calgary Buffalo for his presentation of the bill the other day in the Legislature. I think that by his presentation and what the bill stands for that we, as legislators, and the people of Alberta have a clear understanding of exactly what this bill will do against discriminatory practices to the citizen.

I will make a few general comments in regard to the native problems that we have in the province today. The one I'm going to single out is the liquor problem. In 1967 the Alberta Indian was allowed to have liquor rights, something that should have been done a long time ago. But some of our reserves have not had the satisfaction of having the native people bring liquor onto the reserve. These people go to the vendors or to a hotel, buy their

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liquor and then they have no place to consume it. There are many, many court cases -- needless court cases -- because of the banning of liquor from reserves.

But I must set the record straight in one regard, it is not the Alberta government, or the federal government that is hindering the native people from taking liquor onto the reserves. It is the Indian band for the particular Indian reservation that sets up this body and they have the say as to whether liquor goes on the reserve or not.

Mr. Speaker, there is one more aspect that I would like to speak on and that is our senior citizen. One out of every fourteen people in the world is over 60 years of age. In the USSR the portion is one out of every eleven, in North America and Europe one out of every seven. While these advantages in health care, nutrition and other relative fields not only lengthen the span of life, but vastly improve the quality of life in the later years, there is evidence that older people are facing major difficulties because of their age.

On the labour market the age at which the term 'older worker' is applied to a man or woman is getting lower instead of higher, as the increasing vigour and better health of today's older population would lead one to expect. A report was written in 1962 -- The Report of the Director General of Older People and Retirement -- which states that as people grow older their range of choice of work narrows and they often have to take jobs which young people will not take -- jobs relatively poorly paid, jobs held in little social regard. Many of the employment difficulties of older people grow out of generalization of subjects and false impressions about older workers and their capabilities of work. These trend to breed prejudices for no good reason and for no good objective base, prejudices that could easily be re-allocated, no matter how illogical it is.

The duration of employment among older workers has grown relatively worse in recent years. Also the problem area is increasing significantly because of the absolute number of older people and, therefore, the number of persons who must be victims of the age discrimination and unemployment is growing rapidly. Certainly, early retirement and improved pension plans have a bearing on the increase in the older worker participation in the labour force, and studies indicate that most people who are willing to adjust have made financial provisions, looking forward to a retirement age of 65 years or younger. But there is no way of knowing how many older workers are forced to leave by compulsory retirement policies. Even though they may be able and willing to continue to work, their chances for finding alternative employment are slim.

The term 'older worker' has been coming down to include the 40-year-old and the number of top-flight people out of jobs because of their ages is high. I know of many men with brain power and proven records in their careers who are sitting waiting for jobs because they are in their 50's.

There is also increasing evidence that there is a lack of general education because the habit of learning was last used 30 or 40 years ago, which presents a most serious handicap to the older workers in relation to retraining. Therefore, need seems to exist to encourage workers, young and old, to improve their level of basic education. Such upgrading projects have been carried out by various individuals in Canada for the last while and now we are starting in Alberta.

Programs are open in some places in Canada and I will single one out which is in Toronto. It is open to all workers of all ages on a voluntary basis and those taking part can attend classes from 4:00 p.m. to 6:00 p.m., five days a week. They are paid full wages for the time they miss work in order to get to class. Although the course

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was not designed for any age group in mind, it is a matter of concern that at present most of those taking advantage are the younger workers in the early 20's and they have found fewer workers enrolled.

"We believe the reason why workers in their 40's and 50's are reluctant to take advantage of this course is a lack of confidence and fear of failure," says one of the teachers. Many of them may not have studied for upwards of 30 years and they are timid of trying to get back into the learning habits. This is a pity and I am sure this could be of benefit to the older people.

They have found that most workers who go through this course develop a thirst for further learning. They want to go on studying; they want to broaden their interests; they develop a liking for reading. This is just the sort of stimulus that would help older workers in preparation for retirement. They are now thinking of ways to encourage older workers to take part in the course.

I would like to dwell on the senior citizens in the City of Edmonton for a minute and some of the living accommodations these people have to reside in. The hon. member, Mr. Gitter, did cover this the other day. He did not single out any particular living accommodations, but we have in our city what you might call our skid row districts, some very, very poor housekeeping units. We read about these in the paper and looking at them I do not know why the City of Edmonton does not close them down.

I would say, Mr. Speaker, that this type of unit and the people renting them to senior citizens in the age group between 40 and 60 should not be allowed. This is a very, very deep form of discrimination and until our city fathers step in -- that is the people that are running this city -- and clamp down on this, and also help the provincial government, this is going to prevail and is going to get more prevalent as each day we advance. Thank you, Mr. Speaker.

MR. LOUGHREED:

Mr. Speaker, I wanted to rise and make a few comments with regard to the progress of this bill through the House. Before doing so, there are two points that I did want to reiterate at second reading which were made by the hon. Member for Calgary Buffalo, with regard to The Individual's Rights Protection Act.

As an aside, though, and I believe my notes are accurate, the hon. Member for Hanna-Oyen raised the question of the name of the bill in the terms of The Individual's Rights Protection Act. What was considered there in terms of the conclusion was that it was very, very important that the public understand the distinction between The Alberta Bill of Rights, Bill No. 1, and what was to be accomplished by Bill No. 2.

It was recognized that coming out with the name The Individual's Rights Protection Act would have some difficulty, relative to the history in the province on a human rights bill, or a human rights commission, as was effectively pointed out by the hon. Member for Hanna-Oyen. But weighing the two, there was the feeling that it was important that the public understood the distinction between Bill No. 2, which dealt with rights by way of discrimination between individuals, and hence the phrase Individual's Rights Protection Act, and the Alberta Bill of Rights. Whether that is satisfactory to the member or not, I did want to make an explanation as to why the hon. mover and myself felt that that was the direction that we wanted to move.

The other item I wish to raise -- I thought the contribution from the hon. members has been very good in this debate -- and I'm

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particularly interested in some of the difficult questions posed by the hon. Member for Lacombe.

One of the matters that really is involved with this bill is the primacy section as set forth by the member for Calgary Buffalo. To evaluate fairly the former Human Rights Bill and compare it with Bill No. 2 -- that is the real critical difference. That is, if The Individual's Rights Protection Act is in fact approved in the fall by this Legislature, it cannot be raised as a matter of defence, or explanation, or excuse, by any person who is alleged to have caused discrimination, that he was doing it pursuant to another piece of legislation, another law of the Province of Alberta. I think there are very important distinctions involved here in assuring that that is kept clearly in the minds of the members through the course of the summer.

The "notwithstanding" clause (Section 1) has some very significant implications for all of the bills that we have presented to this session of the Legislature that we propose in the future, and that exist to date. One of the hopes, as I mentioned, with regard to Bill 1 is that we would be able to do the same thing with regard to Bill 2 and make some assessments.

I would like to make an appeal to members on both sides of the House to follow through with the sort of questions that have been raised by the hon. Member for Lacombe. Some of the difficulties and problems that the members, through their experience, can foresee, by having the primacy, or "notwithstanding" section -- he has raised the one, of course, that involved the freedom of association relative to The Teaching Profession Act. There are many other questions that need to be considered over the course of the summer. And that primacy section is therefore important for members to consider.

Before concluding, there is one other item that I frankly do not feel has been emphasized enough in the debate on second reading and I would like to mention it to all hon. members. It comes about in my personal experience over the past five years, that there are a number of cases of discrimination -- the hon. Member for Drumheller spoke about some of them and so did other hon. members -- but one area of discrimination that I seem to have encountered in a very significant degree is the discrimination towards citizens who reach that age level -- and for want of better judgment and better definiteness, we have picked the age of 45 -- who find themselves, through circumstances entirely beyond their control, very capable, competent citizens of this province, seeking employment at the age of 50, 55, 48, and we all know of these cases. We must have. I'm sure every member in this Assembly must have talked to citizens who have faced this difficult problem, and it's a very difficult problem. We felt -- and I return to the comments made by the hon. Member for Drumheller -- we felt that if we had in a bill, in an act of this Legislature, the declaration that no citizen should be prejudiced in an employment situation if they're over the age of 45 -- that that message would come from this Legislative Assembly to the employers of Alberta.

I grant something that the hon. Member for Calgary Buffalo and myself have discussed on a number of occasions, and it concerns the hon. Minister of Manpower and Labour, the enforcement of that section is going to be very difficult. But I would like to assure members that there are other ways of moral suasion that I think governments and legislatures can bring to the fore in terms of trying to overcome in our society today a very difficult problem.

It is my intention after this bill is passed, if it is passed in its present form, to call together all of the major employers of this province in a conference, and the request that we are going to put to them is simply this. What are now the roadblocks, what are now the obstacles that you, as employers, face in hiring people in this general age group? And what can we, as a government, or we as a

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Legislature do to overcome some of those hurdles and some of those obstacles?

Maybe the answer is that they fall beyond the ambit of responsibility within this Legislature, that they are federal or municipal matters. But I think that sort of feedback will be valuable. We might just be able to come to grips with the problem. But is it the complicated pension plans that, with all good intention, have been developed? The complicated employment plans that we have got throughout our province have created the difficulty so that the personnel manager of X company reaches a conclusion and states: "we will choose between the man who is 30 and the man who is 48, and we will choose the man that is 30 even though they are equal, simply because he is 30." Yet clearly the man who is 30 is much more able to adjust, to roll with the punches, and to overcome them.

So I ask all members to think about that problem. I have run into it a number of times. I find it among the saddest cases that I find, a family man seeking employment, in good health, with a skill, but a merged company has thrown him out into the street. He goes from employment office to personnel managers. He answers all the ads. He has only one problem -- he is 51 years old. Well I just think that is basically wrong in our society and I think that we, as government, have a responsibility. When our environment and our society make so much of youth, so much of young people, it contributes to that. I think we have a special responsibility to think about the people who are involved in that situation.

I grant that Bill No. 2 won't solve the problem, but I fully concur with the views that have been expressed, that if we say this is a primacy bill of the Alberta Legislature, and it is definitive about that problem, perhaps we can make some progress.

In closing, I hope that over the course of the summer adjournment any members on either side of the House who have any suggestions with regard to possible amendments to either Bill No. 1 or Bill No. 2, or have received submissions they would like to pass on, that they will. These bills are no panacea for any society, but I think they are important steps forward. Thank you.

MR. DIXON:

Mr. Chairman, just before the hon. member who sponsored the bill closes the debate, there were two questions I would like to pose to him. Maybe he could touch on them while he is answering. I was wondering if under the principle of the joining or exclusion from labour unions -- that principle -- I wondered if that principle will cover a number of people who are anxious to disassociate themselves with a union as far as membership is concerned, but are willing to contribute to some other cause because of their religious beliefs as far as joining a union is concerned? I think Ontario has recently passed an act that gives them the opting out privileges providing that the union dues are used for some other charitable purpose.

The other question that bothered me for some time, and it seems to get publicity once in a while, is the reading of an accused person's record in court prior to sentence. This has come to the fore quite a number of times with the argument that the accused has served his time for his previous conviction, and it should have nothing to do with the present case that is before the courts. I just wondered if the hon. member had given any thought, or his committee had given any thought to this particular aspect of what some of the public are turning up every once in a while as objecting to. I just brought those two questions forward.

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MR. FRENCH:

Mr. Speaker, before we close I would just like to ask a question of the hon. Premier. In view of the invitation of the Premier to make submissions during the summer, with respect to Bill No. 1 and Bill No. 2, my question is this. Should they be made to the sponsor of the bill or to your office, in view of the fact that Bill No. 2 is being sponsored by the hon. Member for Calgary Buffalo?

MR. LOUGHEED:

Mr. Speaker, if I might answer on a point of order. The direction can come to either of us, either to the office of the Premier, or to the hon. member Mr. Ghitter, care of my office. It doesn't matter either way.

MR. SPEAKER:

May the hon. member close the debate?

HON. MEMBERS:

Agreed.

MR. GHITTER:

Mr. Speaker and hon. members, if I might briefly have the pleasure of closing the debate, I want firstly to thank the hon. members who have participated in the debate at the present time for their very useful suggestions and, of course, many of the hon. members who have discussed this bill privately with me. I think it's been very useful.

I would like to thank the hon. Member for Hanna-Oyen for what I thought were some very penetrating viewpoints with respect to the bill. The name of the bill, the hon. Premier has already alluded to, and the reason why we have suggested the distinction between The Individual's Rights Protection Act and The Bill of Rights, and I think there is nothing I can add to the hon. Premier's statement in that area. I think also the hon. Member for Hanna-Oyen was somewhat concerned over the fact that we had deleted the section pertaining to the domestic help. I appreciate his viewpoints in that area. It's a matter of approach. I can see the difficulties that are involved in that area, but my personal viewpoint, at least, is that I prefer to see it the way it is in our present legislation. But I hope we will get more submissions over the summer. We can discuss that further at third reading.

I'd like to thank the hon. Member for Drumheller for his generous comments with respect to the bill, and his deep understanding, I think, of what the bill is intending to do. I think his comments were certainly very well taken.

With respect to the viewpoints of the hon. Member for Spirit River-Fairview, of course, I don't agree with them, and I think my point of view is very well known in that area, as to what approach should be taken from the point of view of enforcement of the provisions of this act. I would only say to the hon. member that we need not look back too far in the history of Canada to see what happens and what develops when governments endeavour to use enforcement matters in dealing with groups. I can only refer to October of 1970 when the federal government, in their lack of wisdom, decided to utilize The War Measures Act to outlaw the FLQ. I think there is an analogy here. It wasn't, of course, the kidnappers of LaPorte or Cross who were put into jail. The 400 people who were suspected of some type of relationship with the FLQ and were penalized and put into jail without any rights of bail and were suppressed, were the victims of a deep misunderstanding and a deep abuse of a process which seemed to say you can change people's opinion by heavy enforcement. I would suggest to the hon. Member for

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Spirit River-Fairview that the approach to legislation of this nature has been proven time and time again not to be successful, if you use a heavy-handed 'ferret it out' approach. It will only be successful through an educational process. History has proven this time and time again. I can only suggest that he refer to October of 1970, a very black day in Canadian history, for the evidence of this situation.

I also thank the hon. Members for Lacombe and Stony Plain for their viewpoints. To the hon. Member for Innisfail, I really don't know to what you refer, quite frankly, sir, with respect to the article. I know very well that the Masons do not discriminate. My father was one of them. If there is a quote somewhere in this area, I'd be very happy to find it and see that it is corrected, because that is certainly a statement I have never made and I refute that statement entirely. I'd be happy if you would show me this material so that I can have that matter rectified.

With respect to the hon. Member for Calgary Millican, and the inquiries -- firstly pertaining to the reading of the record of the accused in court. Of course, the record is only read out on two bases -- one for the setting of bail, for obvious reasons, so that the judge can determine whether or not he has a reliable individual that he can trust, from the point of view of him returning to court the next time around. But more particularly, I think that it is the only way that a judge, upon levying a sentence upon an accused, can determine whether or not the nature of the sentence should be imprisonment or a fine, or what approach to take. It is true that the individual has already served his sentence, but it is also true that if he has a record of crime, the judge must be more severe with him the next time around, because the prior penalty obviously had no success. I think the only way that a judge can make this decision is purely on the basis of knowing more about the individual who is before him. The only way that that can be is if his record is read so that the judge, within the wide discretions that are allowed our judiciary, can make a valid decision in the hopes that he can rehabilitate this person. So I'm not really disturbed over the fact that the record of accused are read in court after the finding of guilt, but certainly not during the course of the trial.

With respect to your point pertaining to the labour union principle and the right to disassociate from unions and still have the same right I'd like to think about that one. I don't have firm views on that at the present time. Maybe over the summer we will think on that and discuss that when we get to third reading of this bill, because you have raised a very interesting point.

In conclusion, Mr. Speaker, I would like to thank the hon. members for their participation in this debate. I am happy to close debate on second reading of this bill.

MR. SPEAKER:

Having heard the motion by the hon. Member for Calgary Buffalo, seconded by the hon. Member for Edmonton Kingsway, that Bill No. 2 be read a second time, would all those in favour say 'aye'. Those opposed please say 'no'.

[The motion was carried without dissent, and Bill No. 2 was read a second time.]

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Bill No. 34
The Sexual Sterilization Repeal Act, 1972

MR. KING:

Mr. Speaker, I beg leave to move, seconded by the hon. Member for Calgary McKnight, that Bill No. 34, The Sexual Sterilization Repeal Act be now read a second time.

Mr. Speaker, in support of this motion I would like to make a detailed statement, although not as detailed as I had originally planned that it would be, about the history of the act being proposed for repeal. Then I would like to discuss the act in terms of human rights, medicine, and law, having regard to current knowledge and opinion. My remarks are going to be fairly extensive because I believe on all three grounds -- that is, on the grounds of human rights, medicine, and law -- this is a significant bill for the province.

Secondly, I have received, as have other members of the Legislature, a number of communications from people to whom the question of sterilization, the sterilization of relatives or children, is both important and emotional. This communication, at least insofar as it has been directed to me, has been critical. And in my view this criticism is without exception badly founded on incorrect information. But in order to be fair to the people who have made these criticisms and in order to make my position very clear, I wish to deal with each and every one of the criticisms which have been levelled.

The Sexual Sterilization Act was originally passed in 1928. Most other jurisdictions had at that time, or were considering, similar legislation. The rationalization of the act at that time had three aspects. The first was that the development of science, and particularly the science of genetics, held out the hope of selective breeding, of which the sterilization of some people would be the first step.

The second aspect of the argument in 1928 was that affected adults were unable to care for children and should not be bringing them into the world.

The third aspect, relating to the first, was that mental deficiency or illness was transmitted genetically, and that sterilization would eventually reduce the number of people with mental problems who would be necessarily dependent on the province.

I think that these rationalizations in themselves should cause careful reflection by all members. But even more disturbing was the public anticipation of the broad segments of society that might conceivably come under the authority of the act. In this regard I would like to read first from the Edmonton Bulletin of February 25, 1928; and secondly, from a memorandum prepared within the government in 1929.

A news story from the Edmonton Bulletin:

"The Premier said that he had not intended to speak on the subject, but felt that the occasion was such that a few observations were in order.

Segregation of the mentally unfit, presumably under state control, or submission by patients to the proposals in the Bill under consideration were the only two alternatives in dealing with the problem.

Of the two courses, the Honourable Mr. Brownlee said that he would prefer the latter. When the bill was first drawn to his

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attention in Executive Council, he had received it with anything but enthusiasm, but after careful study and considerable reading he had altered his views. He was now of the opinion that the world would soon see as great a progress in the treatment of mental diseases as it had in the development of physical and surgical treatment of other ills. He frankly admitted that there was no use denying that scientific opinion was at variance on the subject, but that the trend was towards crystalization in favour of the action advocated in this bill.

Alberta, in common with other provinces, faced a tremendous problem in the treatment of mental cases, and it had to be met fairly and squarely.

Regarding suggestions that there ought to be an inquiry before the House in Committee as a whole for the adducing of more evidence on the question, the Premier said that all available information had been placed before the members in debate, and that the bringing here of outstanding men would only substantiate the opinion they had expressed in written articles quoted in debate."

Reading from a memo prepared by the government in 1929:

"There are several reasons that we consider the mentally deficient should not be allowed to procreate. Chief among these is the danger of transmitting the mental deficiency to the offspring. All writers are not agreed upon the results to be expected from mental defective stock, but nearly all are agreed that if the mental defect be a primary defect there is a grave danger of transmitting this defect to the offspring. This danger becomes much greater, of course, if both parents arise from bad stock. Unfortunately, the fertility of these people is in no way decreased, and you all no doubt can at once think of very large families that have been born to low-grade parents. These families become an even greater burden in times of economic stress. In good times the defective of fairly high-grade can make a living for themselves and their families, but when the competition becomes too great, they are unable to continue, and they should not be expected to compete with normal people with the handicap that they are given when they start life. There is a very grave danger of transmitting the defect, and this is a point that I would like to emphasize."

Going down two paragraphs to read again:

"Our second largest group of cases sterilized came from those mentally diseased persons whom we say develop mental diseases because of some psychological cause. In this group we include the people who seem poorly adapted to meet their difficulties in life, and because of financial worries, domestic difficulties, love affairs, a death in the family, religious or political excitement, develop a mental disorder that incapacitates them for months, years, or even life."

The embodiment of the attitude, some of which I have expressed to you here, and more of which is contained in these documents, was The Sexual Sterilization Act itself, and the subsequent amendments.

In addition to the attitude reflected above, two things contained in the act concern me greatly. The first is section 6, in which the act purports to give to a provincial board the power to order, without the consent of the person involved or of a relative, the sexual sterilization of a "mental defective."

The second section in the act, section 9, purports to exempt from civil or criminal liability all parties to an operation for sterilization even if professional negligence is at issue.

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On the basis of the arguments that were made at the time of adoption, and on the basis of the two sections just specifically mentioned, the government has three general objections to the philosophy and to the specific provisions of the act. The first objection is medical or genetic. I would like to read brief excerpts from an article by Dr. K.G. McWhirter and Dr. J. Weijer. Both men were, at the time of writing, with the Department of Genetics at the University of Alberta. Dr. McWhirter is now head of the Department of Genetics. The article, entitled 'The Alberta Sterilization Act, A Genetic Critique' was published in the University of Toronto Law Review in 1969.

"Early progress in Mendelian genetics provided a plausible background for the realization of attempts at the improvement of the human race by selective breeding and sexual sterilization of genetically defective individuals. Although these eugenic concepts as formulated by Galton received early attention, as Penrose points out, much of the enthusiasm for eugenics was unjustified. Dr. Margaret Thompson, a geneticist, and a former member of the Eugenics Board in the Province of Alberta, writes in her book, 'Genetics in Medicine', that 'though theoretically the idea was laudible, the practical difficulties were very great' because the approach of 'early eugenicists' reflected their personal biases as to which characteristics were desirable and which undesirable. This was true of many European and American eugenicists and reached its culmination in the 'racial health' movement in Germany during the 1930s.

The Alberta Sexual Sterilization Act is reminiscent of the sterilization laws of National Socialist Germany in that it reflects legislated biases towards certain medical syndromes which, according to the legislators in 1928, and later in 1942, seem to qualify for sexual sterilization".

Now without reading any additional excerpts from the article I would like to say that it makes a very strong case for the rapid and revolutionary change in the science of genetics that has taken place since the adoption of the act.

In addition to the advances in knowledge which throw in to question the entire medical justification of the act, deficiencies in the expertise and the resources available to the board make any justification of sterilization on the basis of medical or socio-medical determinance ludicrous. If I could read selected excerpts from the Blair report, which was produced for the government of the Province of Alberta, page 268.

"The investigators found that Board members 'try to be aware' of the type of genetic causation of the defect in each case, but they have no facilities for making cytological diagnosis. They recommend "inclusion of a human geneticist" on the board. The investigators were not equipped to consider the constitutional legality, but McWhirter points out that the slipshod drafting of The Alberta Sexual Sterilization Act renders any action by the board on the genetic clauses illegal."

"Case histories, psychometric and psychiatric reports were not available to the board; the investigators saw considerable difficulties in dealing with borderline candidates, and with reversible sociological factors."

"Sterilization of a borderline or dull normal retarded youth based in part on cursory psychological data provided by unregistered psychological staff is questionable."

"Neurological and laboratory evidence is often incomplete."

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"Further, the sterilization of individuals with depressed IQ ratings attributable to emotional, delinquency, or sub-cultural factors, which are capable of some degree of amelioration, is open to debate."

"Causal evidence available to the board is limited."

"The board has difficulty in deciding, in some cases, between genetic and non-genetic causes, and between conditions unlikely to remit and those which are capable of developmental compensation or change as a function of treatment or training."

In this connection the recommendation, at the time of the Blair report, was that the act might continue to be suitable with some amendments. I would then like to read and to table in the Legislature a letter from Dr. W. R. N. Blair, professor and head of the Department of Psychology at the University of Calgary and the author of the Blair report.

"This letter follows our recent conversation regarding mental health and will refer specifically to sexual sterilization."

Since the submission of the 'Blair Report' I have discussed The Sexual Sterilization Act with a number of other behavioural scientists. I have come to the conclusion that the act should be repealed and that other ways should be sought to achieve its socially desirable objectives.

I respectfully submit those conclusions to you now as recommendations."

MR. BENOIT:

Mr. Speaker, may I ask the date of that letter?

MR. KING:

Yes, the date is March 22, 1972. I have tabled it for the information of members.

MR. DIXON:

Mr. Speaker, I just want to make a point. You were quoting from page 268 was it?

MR. KING:

Page 268 of the Blair Report.

MR. DIXON:

I've got that page and I can't find where you are reading from, maybe it's back on page 267, is it? Is it on 268?

MR. KING:

I took excerpts from it, so I would have to check back with the entire Blair Report.

MR. DIXON:

That's fine, I'm sure it's included in the report, but I was looking at this page.

MR. KING:

The last objection to the act, Mr. Speaker, is legal. While the act purports to consider sterilization on the basis of actions alone,

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the words used and some of the definitions associated with them have absolutely no relationship to current medical knowledge, and are in consequence so ambiguous as to allow considerable latitude in interpretation. I need only repeat the expressed belief of earlier legislators that it could be construed to apply to people not currently ill, but sufficiently unstable that the act of procreation might make them ill. Please note that instability justifying sterilization might result from venereal disease, love, hate or other violent emotions, dependency on drugs or alcohol. I think, Mr. Speaker, that that cuts a pretty wide swath in society -- they didn't even mention politics and the problems of definitions as they relate to possible subjects.

This same kind of legal ambiguity means that none of the participants have any of the protection from civil or criminal action which the act purports to give them. Indeed, it's a question whether or not they should have this arbitrary kind of protection, but in our view they do not.

In this regard I would like to read from a letter written by Dr. McWhirter, who, in addition to being a geneticist, has degrees in international and constitutional law.

"As arranged, I now forward photocopies of relevant published statements concerning The Alberta Sexual Sterilization Act.

Last week I completed my researches into cases which throw light on the current workings of the act. They support my contention already made public that the act does not protect those operating from civil actions. Furthermore, all cases of sterilization under the act involve several persons in criminal liability under the Criminal Code and no common law defence appears to be available to them."

Now, Mr. Speaker, having dealt briefly with two of our general objections to the act, I come finally to the last one which, for me personally, is the most compelling. That is, simply, that the act violates fundamental human rights. We are provided with an act, the basis of which is a presumption that society, or at least the government, knows what kinds of people can be allowed children and what kinds of people cannot.

In support of this position the act provides the opportunity -- which, admittedly, has not recently been used but which exists in the act -- for the government to order the sterilization of certain people without consent. It is our view that this is a reprehensible and intolerable philosophy and program for this province and this government.

Alternately, we hold to the view that voluntary sterilization is completely feasible. In our view, for necessary cases involving adults consent can be obtained voluntarily. As Dr. Williams has pointed out, in cases where this is not possible, the person will invariably be institutionalized, in which case other non-permanent contraception methods can be used easily and effectively.

Finally, for people who are institutionalized, the opportunity continues to exist, legally, in terms of the Criminal Code, for their sterilization with the written informed consent of their parent or their guardian.

It has been the experience of other jurisdictions -- and particularly in this regard we have contacted Ontario -- that repeal of the act will not prevent the sterilization of minors, provided the parents or guardians give written informed consent exactly as is done now with respect to any other kind or type of surgery.

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Some physicians might conceivably be unhappy about repeal of the act because it will end the protection that they believe they have been offered by Section 9. But two comments should be made in that regard.

The first is that Section 9, as mentioned earlier, is of dubious legal effect. It has never been tested in the courts. It flies in the face of both federal law and civil law. It is our belief that Section 9 is legally indefensible.

Secondly, it is our position that Section 9 is morally indefensible. Reputable surgeons have operated for years on the basis of (a) making a thorough and knowledgeable assessment of a problem, (b) informing the patient or the guardian of the patient of the nature and the implication of any operation that is necessary, and (c) performing a skilled operation and overseeing adequate post-operative care. Reputable surgeons are performing sterilization in this and in other jurisdictions, including on children, using those criteria. I do not believe that surgeons in Alberta demand absolute freedom from any kind of liability for their medical practice.

Mr. Speaker, the results of this bill will be:

1. The removal of the government from any part in deciding who will or who will not have children, and
2. The acceptance of normal social and medical criteria for determining what should be done or the implication of what has been done to a person who happens to have, or who is said to have, a mental illness or deficiency.

Repeal of this act will not prevent or discourage sterilization of adults or children which, however, will now be done on the basis of positive informed consent, rather than on the basis of the negative intervention of the government. Repeal will not result in unwanted pregnancies, it will not result in children being brought into the world by parents who cannot care for them. Finally, speaking to my predecessors in this Assembly of 1928, I think it can fairly be said on the basis of our knowledge today that repeal will not result in a rapid increase in the numbers of mentally ill or deficient people in the Province of Alberta requiring the care and the cost of the government. Thank you, Mr. Speaker.

MR. HENDERSON:

Mr. Speaker, I just will speak very briefly to the principle of the bill. I think I informed the members of the House some time previously at the time the statute was discussed that it had the repeal of a number of other bills in it. This particular statute has not been used for I think five, or six, or seven years in the province, I just don't recall the exact time.

Certainly, I personally favour the repeal of the act. Amongst all the other arguments, it is simply out of keeping with the times. There have, of course, been tremendous changes in public attitudes on this question and one hears more complaints today about the inability to be sterilized than complaints of the other type, -- your arguments in favour of forcible sterilization. I think basically the statute has served its time and purpose. What was achieved by the bill at its outset some 40 years ago, basically is achieved as a matter of education today. All the work that has been done since approximately 1965 by doctors who have been working in the government institutions has been done with the consent of the patient or his guardian. Certainly, therefore, it seems that there is no particular purpose in having the legislation on the books.

I was particularly pleased to hear the letter read out by the hon. member from Dr. Blair. Certainly one of the anomalies in the

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Blair Report on Mental Health seemed to be the fact that the report did not recommend the repeal of the statute which, when standing that up against the fact that the bill was not being used, it was very definitely in my view an anomaly. I think the introduction of this particular piece of legislation to repeal the statute is indeed a step in the right direction.

DR. PAPROSKI:

Mr. Speaker, after that extensive coverage by the hon. Member for Edmonton Highlands, I feel that I can only underline, and possibly reinforce, some of the points that have been mentioned. I certainly support the repeal of The Sexual Sterilization Act on a number of grounds. The usual grounds, as has been stated in the act, is the issuing of a sterilization order because, according to the laws of heredity, the person is a probable potential parent of a socially inadequate offspring, likewise afflicted. And they carry on and say this would result in the transmission of mental disease. It appears quite obvious now that this is not accurately predictable based upon the scientific knowledge that we have to date, although in some cases it is fairly accurately predictable.

It goes on to state that it involves a risk of mental injury to the person. Well I feel this is totally unpredictable and I reject that item completely. It goes on to say it involves a risk of mental injury to the progeny and we know now, as has been stated and I have checked this out myself, that geneticists around the country have indicated quite definitely that only in a few cases is there a 50 per cent possibility of quite definitely knowing that there is going to be the transmission of some mental problem. For example in the female mongoloid that gets pregnant there is a 50 per cent chance of mongolism in the offspring, and this also holds for other entities such as tuberous sclerosis and so forth.

It has been argued in the past that the public attention has to be focused on this, that this should be an instrument of social policy to eliminate the unfit and reduce the welfare roles. Well the argument against this is quite definite in that the number of offspring from such people, from mentally unfit people, is not large in number and essentially insignificant in this country and, in fact, in this province. It has been argued that there are surgical techniques that are dangerous. I feel this is not a reason in itself that merits any attention.

Therefore, the opposition to involuntary permanent sterilization is on a number of grounds. I just reinforce them again. The tests are not perfect -- the tests regarding mental disease and who will have children that will be mentally defective. There is lack of knowledge as to whether cultural deprivation, in fact, will result in mental problems, and so does it really matter whether it is the person per se, or is it the culture, and the unpredictability of passing on the defect, resulting in mental illness, as I have stated. It certainly is doubtful that anyone is qualified, even the top experts, to judge whether anyone is going to be psychotic permanently. There are many instances in this province where a person has been judged psychotic and has, in fact, returned to normal. I suggest that even one case like this where a person is permanently sterilized is difficult to resolve in one's mind.

There is the belief by some that involuntary sterilization is immoral. Well, in either case, whether we think it's immoral or not, it's certainly a regressive thing and it interferes with human rights. I feel, as the hon. Member for Edmonton Highlands has stated, that this is no place for the state or the province to meddle in.

The legal opponents -- and this is one time that I certainly have to agree with them, in addition to the various factors the

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member has stated -- he's mentioned the fact that they maintain quite definitely that the premises upon which the statutes rest are erroneous and therefore compulsory sterilization is an arbitrary and unreasonably severe deprivation of individual rights. It's interfering with fundamental liberties, and this is unequivocal.

Just to give you two examples. British Columbia, we know, is the only other province that has this type of statute. All the other provinces seem to be managing very well. In 1968 some 23 states of the United States had this type of eugenic sterilization and the other states also seem to be managing very well. In fact, those states that have these statutes are questioning whether they are necessary at all.

So finally, the decision to sterilize involuntarily and permanently can still be made by the individual and his physician. There are alternative techniques, by birth control, intra-uterine device, and what have you. Pregnancy, in the final allowances, can be interrupted by a therapeutic abortion if the need calls for this.

In conclusion, I urge unanimous support to repeal this act, for I think this act, the old act, is unnecessary in Alberta. I urge repealing of this act because it interferes with the individual rights and liberties, and I urge repeal of the old act because I feel that it's based on ill-conceived, out-dated rationale, dealing with one item that is not as great as it is made out to be. Society has much more important things to do like dealing with preventive measures and mental health and so forth.

MR. SPEAKER:

May the hon. member close the debate?

MR. KING:

I had meant, in moving second reading, to reply to the comment of the hon. Member for Leduc, because I was aware that he had raised it earlier in the session. It may or may not be a matter of semantics. The Eugenics Board in 1971 had presented to it and passed 77 cases affirming the desirability of sterilization. On the basis of the action of the board, in 1971 there were 55 operations of sterilization performed in the province. The reason that I would hasten to add that this may or may not be a matter of semantics is that it is a fact that none of these were done under that section which provides for what you might call involuntary sterilization. There were all voluntary sterilizations. The reason though that they were passed through the Eugenics Board was because of something I mentioned earlier in my remarks -- that is the belief that by passing them through the Eugenics Board all participants to the decision and to the operation were absolved from any responsibility whatsoever for the consequences of their acts.

So I just wanted to conclude by saying that the mere fact that a certain number of voluntary types of operation are passed and approved by a board which continues to exist in 1971 confirms the presence of a vestige of something which, under different circumstances and with a different administration, could become a much more significant factor in the life of the province than it is presently. I think that conceding the obsolescence of the philosophical and the medical foundations of this act, that the best thing we can do at this time is do away with the last vestige of the program from which might ever rise in the future some new and undesirable kind of program.

To conclude, I had wanted to read a letter into the record, because talking about human rights I don't think can make this as personal as it should be for each of the members.

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With the permission of the House I would like to read a letter which was received from a doctor. I will not read it though unless I have the consent of the House to delete the names, because I don't want them to be made public. If I could have that consent, I would like to read this letter.

HON. MEMBERS:

Agreed.

MR. KING:

It is addressed to the hon. Premier.

"I am sending this letter as I have been aware that there has been some recent discussion in Alberta about the continuation of sterilization procedures from your Eugenics Board in the Province of Alberta.

I am presently seeing a Mrs. A., formerly of Alberta, who was a ward of the Child Welfare Department in Alberta. Her mental level was gauged at being a moron level and was presented to the Eugenics Board of the Province of Alberta September 11, 1958, who recommended an operation for sterilization be carried out due to a limited intelligence, danger of transmission of her defect, as well as being incapable of intelligent parenthood."

With respect to my earlier comments I might say that this is the kind of thing which is defined by the Eugenics Board as a voluntary sterilization.

"In 1959 a bilateral salpingectomy was carried out. She has a psychological assessment in Kelowna and she is functioning currently. This girl is enjoying life, is happily married, is functioning well and indeed, looking after other children, and is anxious to have children of her own, even asking for the possibility of a tuboplasty.

The point of my letter is that I feel that if sterilization procedures must continue from your Eugenics Board, I feel they should have much more stringent controls and standards. I feel this unfortunate girl should not have had this operation, and I would not like to see cases such as this arising in the future."
(Signed by the doctor.)

In concluding, the only observation I would make is on the basis of the research that I did. I don't think it is possible to achieve the end which he would desire to achieve, even given the possibility of more stringent controls and standards. I think this is a fine illustration of what we mean by the violation of fundamental human rights, and a prime illustration of the necessity of the urgent consideration of the repeal of the act.

[The motion was carried, and Bill No. 34 was read a second time.]

Bill No. 71

The Workmen's Compensation Amendment Act, 1972

DR. HOHOL:

Mr. Speaker, I beg leave to move second reading, seconded by the hon. Attorney General, Bill No. 71, being The Workmen's Compensation Amendment Act, 1972.

(1) The chief principle of the bill is to increase certain benefits in this session to take effect immediately upon the date on which assent is given the bill. This means that these particular benefits

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will apply now instead of waiting for the final recommendations of the Legislative Committee on The Workmen's Compensation Act and their disposition by government.

(2) The principle of increased benefits is reflected in the following:

(a) The maximum earnings on which benefits will be assessed will be raised, on approval by the Legislature, from \$6,600 to \$7,600.

(b) Persons committed or admitted to an institution, this meaning a correctional institution under The Corrections Act, and a hospital designated as such by the Lieutenant Governor in Council under The Mental Health Act, shall be deemed to be a workman employed by the government, for the purposes of this act, and accordingly, subject to the benefits of this act.

(c) The amount of compensation to which an injured person is entitled for temporary total disability, under the provisions of this act, shall not be less than \$50 per week, replacing the prior \$40 per week.

(d) A person receiving compensation for permanent total, or permanent partial disability, assessed at more than 15 per cent, shall be granted an additional payment of compensation to bring the monthly payment to him up to \$225 for total disability in place of the prior \$175, and a proportionate amount for partial disability.

(e) The benefits provided by this act to workmen and their dependants begin with the passage of this act.

MR. FARRAN:

Mr. Chairman, although time may be running out I want to say a few things in support of this bill, as far as it goes, and the initiative taken by the minister to set up a study of the whole field of workmen's compensation which will hopefully lead to more extensive revisions next year.

Much of my time as an MLA seems to be taken up with Workmen's Compensation cases. So was my time as an alderman, and I confess that only rarely have I been able to persuade the board to make an adjustment to cases of severe hardship I have encountered. I understand that it has ever been thus. The Workmen's Compensation Board is extremely wealthy and with power to requisition from employers so that their source of funds is never really threatened. It acts as its own judge, jury and appeal court under rules very different from those practised in the courts outside. In fact it is removed from the authority of the court. For this reason, if for no other, I believe it should lean towards more generous settlements to the injured workmen rather than in the other direction.

It appears to me that most cases are handled in a reasonably satisfactory manner where 75 per cent of the maximum wage is paid during the period of temporary compensation and treatment.

The difficulties arise after a percentage of permanent compensation is established, and there is subsequent deterioration after that date. The board takes the position that only its own medical review board will establish compensation. And after internal appeals have been held once, as allowed under the act, no further review will be held unless the injured workman can produce medical evidence at his own expense which they may or may not recognize, before he submits again to another review. The workman has no advocate, he cannot introduce witnesses or cross-examine the employees of the board. He does not have access to the evidence that the board made its judgment on. I give you three very quick examples.

In my area I have a case. It began in Pincher Creek, in the area of the hon. Member for Pincher Creek-Crowsnest, several years ago. He had seven industrial accidents as a former coal miner. He

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has extensive injuries to back, neck and leg. The board doesn't look at the present condition of this man in the light of the total chain of events. They looked at his applications for increased benefit as related to one or the other of the accidents in isolation. He has a plate in his leg, a broken back and neck, suffers blinding headaches and he cannot work. His compensation is \$13.99 a month. The late Dr. Kovacs, the former MLA, tried to get a special session of the House to review this case and unfortunately he died before he could consummate his plan.

I have another case who was twice on the receiving end of heavy objects dropped from a great height on construction sites. He hasn't worked a single day since his last accident in 1966. He was a regular worker before. In 1969 the board awarded 10% compensation which amounts to \$35.00 a month. He incidentally is the individual who picketed the Social Credit Conventions during the election.

I have another, a surveyor, injured very recently in leg and spine in a truck accident. His leg is better after treatment by the board, but there is now a conflict on his file between two outside doctors and two in-house doctors as to whether his back injuries were related to last year's accident. He was cut off compensation in the beginning of April; he is 43, cannot work. He has to go into hospital for another operation which most people would say, common sense says it arises out of the accident.

I compliment the minister. He is just as much aware of the problems as I am with many, many, other cases. At least the Workmen's Compensation Board now reports to him instead of direct to the former Premier in the former government. And I think this is a big improvement in more ways than one.

I would like to plead for next year that consideration be given to increasing compensation for those assessed at less than 15 per cent disability. The way the thing works at the moment, you get about 25 per cent for each limb. If you lose all four limbs and your head then you are a 100 per cent disability. These people with less than 15 per cent compensation are not covered under the present bill nor were they covered by the amendments in 1969. I believe that justice says that somebody should have a look at those cases. I am confident that this is only a first step towards workmen's compensation reform and under the hon. minister, justice will eventually prevail at the Workmen's Compensation Board.

MR. DIXON:

Mr. Speaker, I would like to speak a moment or two on this bill and I know the time is short but I think the hon. Member for Calgary North Hill is a little unfair to the present Workmen's Compensation Board because there is no way that the board can hold a payment back if medical evidence is there to prove that this man or this lady is injured. The board has to pay based on medical evidence.

Another point I would like to bring out from the many times I have sat on the Workmen's Compensation Committee, is that the working man himself does not want to appeal to the courts, and I think that you will find this when the next committee meets. They are afraid of an appeal to the courts because the case is never closed, providing further medical evidence can be given.

And I think, as the hon. members on the committee will find out, that the workers will come again, asking that there be no appeal to the courts, because their great fear is the cost. They say, "Well, why should we go to courts? The companies we are fighting have a lot more money than I have as an individual, and I do not want to go to the courts to appeal my case."

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I am very pleased this bill is before the House. The hon. member said he has worked for a number of years as an alderman, as an MLA, with people complaining about the Workmen's Compensation Board. I think I can say the same thing.

He mentioned Pincher Creek. I think one of the saddest cases we have in Alberta happened in Pincher Creek when this 19-year old boy dropped down the elevator shaft while they were constructing the Pincher Creek Hospital in 1953 or 1954, resulting in the loss of both his legs at the hip. He cannot sit up. You can visit him in the Bethany Hospital where you will see him today, he is lying on his stomach.

This same man, who I am glad to say will benefit by this increase that the hon. minister is proposing today, is most anxious to have this passed, because it will mean extra money to him. His problem was that he was just hired as a young boy as a labourer, and he ran into the problem of the fact that he was making such a low wage that he wasn't able to qualify for the higher benefits, and it will help him. I think we are doing the right thing.

I don't want the House to get the idea that the workmen are anxious to go to the courts, and the Workmen's Compensation Board, because one of the objections they've had -- at least they have given it to me and to other members of the committee -- is that they do not want to go to the courts. I think the thing that we are doing now is overcoming a lot of the objections that we have been receiving. It's not a case of the thing being closed, because if medical evidence can be brought forward -- I think maybe a course for our medical practitioners within the province -- this may be an area we could work on to show them how much they should be involved in helping a man get his workmen's compensation.

I can cite a case for example in silicosis, and we get many of them, where the man may have left the job, and at the time he complained of his lung condition and the Workmen's Compensation Board would not grant him a pension based on the medical evidence at that time. Ten years later evidence was brought forward by medical practitioners that this man was in fact suffering from silicosis, and the board awarded him a substantial back payment and he enjoyed that and is still living today. He was still able to come back and get assistance when further medical evidence was produced, as a matter of fact, as I say, 10 years later.

I'm here to support this bill, but at the same time the board's hands are tied unless medical evidence is there to prove it. There is no way that they can deny a man a claim if medical evidence is there to show that he has a disability. The fact that the government has seen fit to increase what the former government started -- and I was pleased that we did it. This was to allow these permanent and older disabilities to be increased out of the general revenue of the province. This was a step in the right direction, and the present government, by increasing it to a more realistic figure based on the cost of living today -- I think this is another worthwhile step and I congratulate the government, and I plan to support this bill.

[The motion was passed without further debate, and Bill No. 71 was read a second time.]

Bill No. 87

The Alberta Gas Trunk Line Company Amendment Act, 1972

MR. LOUGHEED:

Mr. Speaker, on behalf of the hon. Minister of Mines and Minerals, I would like to move second reading of Bill No. 87, seconded by the hon. Minister of Federal and Intergovernmental Affairs.

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Bill 87, The Alberta Gas Trunk Line Company Amendment Act, really has two basic parts. It provides for a provision so that the company can make some adjustments with regards to its share capital. Secondly it deals with the re-alteration of the board of directors of the Alberta Gas Trunk Line.

If I could briefly summarize the amendments then perhaps we could deal with them in committee specifically. The situation is that at the present time there are seven directors, two appointed by the Executive Council, three representing the producer segment of the petroleum industry, one the utility companies distributing the product within the province, and one representing the export companies. There are a total of seven members of the board. The proposal is to alter that significantly, to increase the government representation from two to three, to change from three producers, one for the utility, and one from the export company, for a total of five to an aggregate of three representing the B shareholders at large, to add for the first time representatives of the many shareholders in the province, some 20,000 of them of whom 97 per cent are resident Canadians and about 70 per cent are residents of Alberta, and then to add, so there is a continuity of effectiveness with regard to the management, two members of the board representing management. The new setup of the board of director for Alberta Gas Trunk Line would be a directorate of 11, three for A shareholders, three for B shareholders, three appointed by the government, and two for management, for a total of 11. That's the basic nature of the alteration and I would so move.

MR. DIXON:

I would like to ask the hon. Premier a question for clarification. Is it the intention of the government to replace all the present members of the board, or will they still be chosen as part of the new group?

MR. LOUGHEED:

Yes, Mr. Speaker. I can't particularly answer that question, there is no intention to remove any person. If a person is representing a group today, such as the utility companies, with the passing of the amendment obviously that particular representation will disappear. But with regard to the two government representations there hasn't been a decision made on that.

MR. HENDERSON:

Mr. Speaker, I would like to make one very brief comment on the subject of Alberta Gas Trunk and, hopefully, the hon. Premier might respond to it in his closing remarks.

I examined the proposed bill with particular concern over the question of whether there is any change in the bill relative to the prerogative of the company operating outside the Province of Alberta, and in particular, to bring this matter up with reference to the possibility of Arctic Gas coming through Alberta to eastern and southern markets. I'm sure the members are all aware of the fact that Alberta Gas Trunk has been involved with some other in some research work, some engineering studies, and so forth, in this matter. As I examine the bill -- I don't have the bill before me -- I believe there is one clause in the bill under which one could probably say, well it leaves enough latitude for Alberta Gas Trunk to become involved in an operation outside of the province.

I would simply ask the hon. Premier, in his closing comments on the bill, if he could advise the House if they have examined this matter, and if they haven't they might take it under advisement to examine it. If they have, however, and have arrived at a position on

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the matter, possibly it would be of interest to the members of the House to know about it.

MR. LOUGHEED:

May I close the debate, Mr. Speaker?

MR. SPEAKER:

May the hon. Premier close the debate?

HON. MEMBERS:

Agreed.

MR. LOUGHEED:

In closing the debate, and replying to the hon. Member for Wetaskiwin-Leduc's question, yes, that matter was specifically looked at. It was the conclusion of the government that it's very important that the Alberta Gas Trunk line, because of the particular circumstance that it's in, be clearly a company where its operations are within this province. Involved in the matter of distribution, it's very, very important, from a legal point of view, that it be maintained on that basis. It's the view of the law officers of the Crown that that jurisdictional situation, within the act, does not preclude Alberta Gas Trunk Line at this stage from participating in the Gas Arctic project. There was no intention to bring into the act any amendment that would indicate that this was a company that was not an intra-provincial company and was operating beyond the provincial boundaries.

[The motion was carried, and Bill No. 87 was read a second time.]

BUSINESS OF THE HOUSE

MR. HYNDMAN:

Mr. Speaker, on a point of order regarding business tomorrow, the suggestion was made by the opposition, that tomorrow afternoon be utilized for further consideration of government business -- a suggestion the government endorses -- and, accordingly, I would like to give notice that tomorrow afternoon, after consideration of Questions and Returns, I will move and ask for unanimous consent of the House to suspend the rules of the Assembly to allow consideration of government business tomorrow afternoon and the House will sit as normally tomorrow evening.

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until tomorrow afternoon at 2:30 o'clock.

[The House rose at 5:33 pm.]