

October 27, 1972

ALBERTA HANSARD

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LEGISLATIVE ASSEMBLY OF ALBERTA

Friday, October 27, 1972

[The House met at 1:00 pm.]

PRAYERS

[Mr. Deputy Speaker in the Chair.]

INTRODUCTION OF VISITORS

MR. SORENSON:

I wish to introduce to you and through you to the hon. members of this assembly a very distinguished young lady. Miss Judy Danielson's home is at Sedgewick, which is in the Sedgewick-Coronation constituency. Judy is presently attending the Agricultural College at Olds. Miss Danielson was elected as the outstanding 4-H member of this province for 1972. She is the recipient of the Premier's Award. Among her recent accomplishments was the formation of a 4-H Hobby Club in Flagstaff. This was a pilot project, and it was her idea. Judy comes from a rich wheat growing area, which is also abundant in cattle. Her home town of Sedgewick is famous for its butter factory. Truly, the constituency is the 'bread and butter' constituency of our province.

Miss Danielson and her parents, Mr. & Mrs. Ola Danielson of Sedgewick, are seated in the Speakers Gallery and I will request that they stand and be recognized at this time.

FILING RETURNS AND TABLING REPORTS

MR. YURKO:

Mr. Speaker, I would like to table two reports; the first being the Impact on the Environment of Surface Mining in Alberta by the Environmental Conservation Authority; the second report is the Annual Air Monitoring Summary in Calgary.

MR. HENDERSON:

Too bad we didn't have open government yesterday.

ORAL QUESTION PERIOD

Fair Labour Practice

MR. STROM:

Mr. Speaker, I would like to direct a question to the hon. Minister of Manpower and Labour, and ask him if he has been informed of the action of a telephone answering service that apparently fired three of its employees after they had joined a union. I am wondering if he has any information on this, and whether or not this kind of action is permissible.

DR. HOHOL:

Mr. Speaker, we regularly get complaints and calls for assistance in matters like these. We do a great deal of work, as I'm sure the whole assembly knows, in this area in terms of fair labour practice. In this particular instance, sir, we have not.

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Washington Office

MR. STROM:

Thank you, Mr. Speaker. I'm wondering if I can direct a question to the hon. Minister of Federal and Intergovernmental Affairs. I'm wondering if he could tell us what his present status of the federal government and the Alberta government is in regard to negotiations to establish a Washington office?

MR. GETTY:

Yes, Mr. Speaker, I would be pleased to. Actually, we're not negotiating with the federal government in any way, shape, or form on establishing a position for Alberta in Washington. We have advised them of what we're going to do, but we have not been involved in anything that could be construed as negotiation. We advised them that the Government of Alberta will be having a listening post in Washington, essentially to remain on top of all energy matters as they relate to the United States and the North American continent. The federal government was advised that this was not going to be anything like an Alberta House, Washington, which would attempt to have any kind of diplomatic status or speak to the government, but would really be obtaining information so that this province would have as many facts as possible on international energy matters and making decisions that are necessary in the energy field.

MR. STROM:

Mr. Speaker, a supplementary question. I'm not clear as to whether or not the person, or whoever it is, who will be filling the role of a listener, if I may use that term, will he be then dealing directly with Washington and their government, or will he be dealing with those agencies of business, oil companies, who are in Washington making representation to the Washington government? I'm wondering if the hon. minister could give us some more information about that.

MR. GETTY:

Perhaps the problem would be with the word 'dealing', Mr. Speaker. I would anticipate that the individual representing us in Washington will be obtaining information from any source possible, whether it be from a government source, or from an industry source.

MR. STROM:

Mr. Speaker, in view of this answer, is the Minister of Intergovernmental Affairs being appraised of the situation as it exists between the federal government and Washington? Are they keeping in constant touch with the hon. Minister of Intergovernmental Affairs?

MR. GETTY:

The Minister of Energy, Mines, and Resources is keeping in constant touch with our Minister of Mines and Minerals, Mr. Dickie, regarding a variety of energy matters, and certainly as they relate to discussions with the United States, yes. It should also be understood that the person who is in the Washington position would be reporting to our Minister of Mines and Minerals, inasmuch as he would be almost exclusively dealing in energy matters.

MR. STROM:

I take it then that the relationship is between Ottawa and the Minister of Mines and Minerals, and then, if I understood it correctly, any relationship between the Washington listening post is also directed to the Mines and Minerals Department or minister in those matters which relate to energy - which I take it is the chief concern of the provincial government.

MR. GETTY:

I think if you recall discussions that we had in the House, Mr. Speaker, the hon. Leader of the Opposition will remember that the function of the Department of Intergovernmental Affairs would be in a co-ordinating manner with other departments and between governments. Therefore, I am sure that discussions with the Minister of Energy, Mines and Resources of the federal government would be carried out in conjunction with our department, as well as the Minister of Mines and Minerals. So it really is a joint consultation feature that is working very well.

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You may also remember that the federal government suggested a regular consultation, perhaps every three or four months during the year, to discuss all energy matters. They have followed through on that. We have had discussions with them before, in one case some officials went to discuss energy matters with the United States, and when they came back they again passed on to the government of Alberta the things that they discussed.

MR. STROM:

Mr. Speaker, I have just a quick comment. I have to say to the hon. minister that I don't understand it as clearly as he does as to how this co-ordination will take place. My concern and my reason for raising the question, if I can just say this, is that I would hate to think that we are just establishing an expensive water boy, if I can place it in those terms, because you are suggesting that it is the Minister of Mines and Minerals who will be doing the negotiating with the federal government in energy matters. He will be the minister that is discussing it with the Washington listening post, and you merely get a report.

MR. GETTY:

No, and I don't know why, Mr. Speaker, the hon. member doesn't seem to be able to grasp the point. It will be done jointly and our department will be involved. As I pointed out, there is a need for co-ordination of intergovernmental affairs and that is exactly what is happening. The terms of the expensive water boy - I'm not sure as to which position he's referring. If he would want to elaborate on that, I'd be happy to react to it also.

MR. STROM:

Mr. Speaker, I'm not permitted to elaborate on it, so I can't at this time.

MR. SPEAKER:

The hon. Member for Calgary Bow followed by the hon. Member for Lesser Slave Lake.

Edmonton Industrial Airport

MR. WILSON:

I would like to direct a question here to the hon. Minister of Federal and Intergovernmental Affairs. Which position is the provincial government supporting in regard to the Edmonton Industrial Airport; that of the Federal Government or that of the City of Edmonton?

MR. GETTY:

Well, Mr. Speaker, the City of Edmonton has not approached the Government of Alberta; certainly I have not been made aware of any approach from the City of Edmonton regarding the airport.

MR. WILSON:

Supplementary, Mr. Speaker. Inasmuch as the City of Edmonton Airport Study Committee recommends retention of the Industrial Airport, there is also an indication that if a satellite airport is constructed, the federal government wants to withdraw its financial support for the control tower and communications system. What steps are you prepared to take with the federal government in negotiations to assist the City of Edmonton in their desires and goals?

MR. GETTY:

Mr. Speaker, the hon. member should realize that the study committee is not the City of Edmonton and that they yet have to react to the study committee's report.

MR. WILSON:

Supplementary, Mr. Speaker. Mr. Minister, in your first reply you indicated that the provincial government has not been approached in regard to whether or not they endorse or not the Edmonton Study Committee. Is that true?

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MR. GETTY:

No, Mr. Speaker, as I pointed out, it was not my department which has been approached. As you know, transportation matters in this government are the responsibility of the Minister of Industry and Commerce. It may be that you will want to direct some questions to him regarding the airport; you can judge that for yourself.

MR. WILSON:

Supplementary, Mr. Speaker. Inasmuch as the operating costs of the control tower and communications systems are in the neighbourhood of half a million dollars annually, and that this would be, no doubt, an onerous load upon the City of Edmonton, would you be prepared, if asked, to go to bat for them to retain this service?

MR. GETTY:

While it is a hypothetical question, Mr. Speaker, representing the city of Edmonton, I would be pleased, should the government decide that it is something that we would be prepared to support, to go to bat for the City of Edmonton.

AN HON. MEMBER:

That's a hypothetical answer!

MR. WILSON:

One final supplementary, Mr. Speaker. Can we take that as being your government's policy on the matter, Mr. Minister?

SOME HON. MEMBERS:

No! No!

MR. GETTY:

No; he could take that as the answer to a hypothetical question.

MR. WILSON:

Mr. Speaker, surely expenses in the neighbourhood of half a million dollars a year are not hypothetical?

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MR. SPEAKER:

The hon. Member for Lesser Slave Lake followed by the hon. Member for Spirit River-Fairview.

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[These pages will be provided as an addendum in the next issue]

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Grain Elevators

MR. TAYLOR:

Mr. Speaker, I would like to direct a question to the hon. Minister of Intergovernmental Affairs. Before doing so, I would like to make a very short explanation. The government is undoubtedly aware that the Canadian Government has been giving some study for some time to a policy of reducing the number of grain elevators in Western Canada. A report has come out showing a very drastic reduction by 1990 from some 1,900 elevators to 280. My question to the hon. minister is what is the present status of negotiations between the provincial government and the federal government in connection with this drastic proposed reduction?

MR. GETTY:

Mr. Speaker, in order that the hon. member would get the most complete answer to his question as possible, I would like the hon. Minister of Agriculture to reply to his question.

DR. HOENER:

Mr. Speaker, as the House is aware, the Grains Council in Winnipeg has now been charged with the follow-up to the grains group study on transportation and elevator rationalization. Our Grain Commission has had continuing discussions and is part of the group meeting in Winnipeg. They are meeting there again this month, and have had monthly meetings over the summer in relation to the proposed rationalization. In addition to that, Mr. Speaker, the grains council asked for a producer to be represented at the discussions as well, and Mr. Ken Appleby of central Alberta has been appointed to represent the producers from Alberta, as well as the Grain Commission of Alberta having a prominent part to play in relation to the elevator rationalization and rail line abandonment.

The present status is one of study and there has not been any definitive policy come out of these discussions. The House would be interested in knowing that our position with the federal government in regard to this was that they had to give a great deal more study to the impact that this would have on provincial financing, in the matter of road construction and building, and in the matter of the impact on our towns with regard to rationalization of rail line abandonment. If they are going to go ahead they should, in fact, have a fund that would be able to look after any hardship and deal fairly with the business people in these communities, as well as the farmer. The question of the impact on the price the farmer receives because of transportation costs also has not been given enough consideration. That is the general situation at the moment. Both the Alberta Grains Commission in my department and the individual producers in Alberta are represented at the talks that are now going on in Winnipeg.

MR. DEPUTY SPEAKER:

I just want to make an announcement. I was just given a message that the electric circuit supporting the Hansard tape system has failed and was not recording from 1:15 p.m. to 1:22 p.m. I trust you don't want to repeat that for the benefit of Hansard, but, just for the people who spoke during that time, periodically it was not recorded.

Please continue, Mr. Taylor.

Abandonment of Rail Lines

MR. TAYLOR:

I do not want to repeat it.

Supplementary, Mr. Speaker. Since the removal of elevators and perhaps even more so the abandonment of some rail lines, sounds the death knell of towns and villages, is the provincial government taking a real tough stand in regard to the present proposed abandonment of some rail lines by the CNR and the CPR, in Alberta, prior to the ultimate proposal for which they want eventually to secure approval?

DR. HOENER:

Mr. Speaker, I thought I said that our stand was pretty tough, when I said that we wanted a substantial amount of money for highway construction, that we want a substantial amount of money in the fund to make sure that people are not

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hurt. We want to make sure that our farmers are not going to be charged additional cost in regard to transportation of their grain. These are the premises on which our negotiations are taking place.

MR. TAYLOR:

Yes, I understood the hon. Minister in that regard but my plea goes beyond the value of money. It is the destruction of businesses of people, and lives of people. I think that should form a very important part in the negotiations.

And then, if I could only continue with one more supplementary, the federal government recently announced a program which will provide funds to assist downtown and urban centres in the removal of rail lines. Even though many cities in the world today are now putting in rail lines downtown, the federal government has announced a program of removing rail lines. It appears that the cost to the City of Edmonton may reach some 25 millions of dollars. I am wondering if the federal government had consultation with the government or with the Minister of Intergovernmental Affairs prior to announcing this program?

MR. GETTY:

Mr. Speaker, they did not have prior consultation with the Minister of Intergovernmental Affairs on that program. There have been several things that have been announced during the last 60 days which have come, as you might say, out of the blue. However, our Minister of Municipal Affairs may or may not have had some discussions with him and if he had he might like to respond to the question.

MR. NOTLEY:

Mr. Speaker, to the Minister of Agriculture, dealing with the McPherson Report and the rail line abandonment. It has been brought to my attention that the railways are deliberately downgrading the maintenance on these lines that are projected for abandonment by 1975. My question to the Minister is are you aware of that? If so, what steps are you taking with the Canadian Transportation Commission to make sure that the proper maintenance is provided on these lines so that trains can operate at a reasonable speed?

DR. HOFNER:

Mr. Speaker, I inadvertently forgot to add in my previous response, that in addition to my department, the Department of Industry and Commerce of course and the Minister who is responsible for transportation matters have also been very much involved in this whole question of rail line abandonment and elevator rationalization. Our department is involved, primarily, from the point of view of farmers' costs and the impact on the rural community. The Minister of Industry and Commerce may want to comment further in regard to the last question. I can only say that we are aware of some of the activities of the railway companies in these areas, and we are doing what we can to make sure that the services are maintained at a reasonable level.

MR. SPEAKER:

The hon. Member for Calgary-Mountain View followed by the hon. Member for Calgary-McCall.

U. of Calgary Law Faculty

MR. LUDWIG: Mr. Speaker, my question is to the hon. Minister of Advanced Education. I understand that he held a meeting with some representatives or students from Calgary. Was the issue of the law faculty in Calgary discussed?

MR. FOSTER:

Yes Mr. Speaker, it was. However, I don't regard it as an issue.

MR. LUDWIG:

I do, Mr. Speaker! Mr. Speaker, I wonder if the hon. minister can tell us whether he has given the students any indication that he is prepared to change his rather strong opposition to the establishment of a law faculty in Calgary?

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MR. FOSTER:

First of all, Mr. Speaker, I do not have a strong opposition to the establishment of a law faculty in Calgary. If that is what the hon. member opposite feels, I suggest he check the facts again. To state it again, Mr. Speaker, so I don't have to restate it again next week. The Universities Commission took the position -- I'm sorry, I will have to state it again next week because the question will be continued to be asked, since the comprehension on that side of the House is extremely low. However, the Universities Commission, to repeat my answer previously, declined the law faculty for the University of Calgary at this time, and I have merely accepted the decision of the commission and confirmed that it is a temporary decision, and confirmed also that it means there will be no law faculty commenced in 1973. I sat with the students this morning; it was an excellent meeting. It is entirely possible that a faculty of law will be established at the University of Calgary . . .

[Applause]

I emphasize -- I said it was entirely possible -- I didn't say that it was to be -- I can't understand the enthusiasm on that side of the House, Mr. Speaker -- but that is something that will take further examination on my part, and discussion with my colleagues in the provinces of B.C., Saskatchewan, and Manitoba.

Since the matter of the meeting has been asked, Mr. Speaker, perhaps I could take a moment longer and say that I met for about two hours with five students of the University of Calgary Students Union, including their president, discussing generally the roles of University of Alberta and of Calgary, the relationship of government to the institution, and following the abolition of both commissions, the reasons for the abolition of the commissions, the law school, the three and four year arts program is identified. I think, generally the discussion which we had contributed to a better understanding and appreciation of problems as I see them and my view of students' concern, and I think both of us look forward to continued meetings of this kind in the future.

MR. LUDWIG:

Mr. Speaker, in view of the fact that the hon. minister is giving the impression that he is still quite prepared to sort of hide behind the decision of the --

MR. SPEAKER:

The hon. member is not entitled to debate the hon. minister's answer.

MR. LUDWIG:

Mr. Speaker, in view of the fact that apparently the hon. minister has softened his stand on this approach --

MR. SPEAKER:

The hon. member is still debating the hon. minister's answer. If the hon. member has a supplementary, would he please state it directly.

MR. LUDWIG:

Yes, Mr. Speaker, with respect for the ruling from the Chair. Outside of the Universities Commission opposition to the establishment of a faculty of law in Calgary, have you had any support from your cabinet colleagues, particularly from Calgary, for the establishment of a law faculty in Calgary?

MR. SPEAKER:

With great respect, I must say the question is out of order.

MR. LUDWIG:

Mr. Speaker, with due respect to the Chair, it is a very good question.

MR. SPEAKER:

The hon. Member for Calgary McCall, followed by the hon. Member for Lethbridge East.

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Alberta Trade Promotion

MR. HO LEM:

Mr. Speaker, I have a question to the hon. Minister of Federal and Intergovernmental Affairs. It is in the area of trade offices. Is Alberta planning to expand its trade offices in the near future?

MR. GETTY:

Mr. Speaker, replying on the issue of trade offices. They really fall in terms of establishing whether we wish to have greater trade and commerce under the Minister of Industry and Commerce. Perhaps the hon. member may wish to direct his question in that regard.

MR. SPEAKER:

I wonder if the House might just pause for a moment, we are just getting over the power failure that we had a little while ago, and if we could just pause for a few seconds in the proceedings, I think the switchover will have been attended to.

MR. TAYLOR:

Mr. Speaker, on that point, will the part that has been missed now be written out by the people concerned? Is there somebody taking notes upstairs?

I really think this should appear in Hansard. I don't know what part has been missed, but I think it is all important.

MR. SPEAKER:

I can only assure the hon. member that the Hansard staff will do its utmost to fill in the gaps, and also to express my regrets to the House that, in spite of checking, rechecking, and cross-checking, this happened.

The situation has been rectified and if there are any further questions, I believe the hon. Member for Calgary McCall had a supplementary.

MR. HO LEM:

I think the hon. minister asked me to make the referral to the hon. Minister of Trade and Commerce, and I ask the same question.

MR. PEACOCK:

Mr. Speaker, we have continuously had under review how we may expand and expose our program of marketing abroad and out of the province, so we have continuously looked at areas other than those that we have located at the present time. I think the hon. member of the opposition knows that we have an office in Tokyo, under a very effective director right now, Mr. Mura, who has a tremendous connection with the Japanese people. Mr. Mura is strengthening that office from a trade point of view by placing with the Japanese people, a young economist so that he would be able to carry on and identify and relate to the relationship that Mr. Mura has had.

For the benefit of the House we have also done an analysis, as far as trade is concerned, on the impact of Britain entering the Common Market and the position of the trading officer for that area being located in London or on the continent. We have come to the conclusion, after much deliberation, that conceivably the London office, because of its regeneration as we see it being the financial centre and the underwriting area for Europe and for that part of the world, would be the logical location for our trading officer at this time. We are in the process of choosing and electing such a person to represent us. We will, in turn, be responsible for Belgium, France, and Germany.

We have taken a departure from our contacts in eastern Canada by appointing on contract a person representing this government, or our trading officer I should say, in Toronto, Chicago, and Montreal area. We have strengthened our Los Angeles office by putting a person in there whom we consider to be the type of person at this time, in to strengthen our trading position in the States of California, Oregon, Texas, Wyoming and that southwest section. I hope that answers the hon. member of the opposition's question that we are embarking on a very aggressive policy in this area.

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MR. HO LEM:

A supplementary, Mr. Speaker. I had an occasion to meet with the member of the Federal Department of Industry, Trade, and Commerce. This chap is from Hong Kong. He told me at this meeting that the Hong Kong area, including Macao, was interested in buying sulphur from Alberta. However, at the present time, they're being forced to buy it from places like West Germany, because the Alberta suppliers are not willing to bag the product.

MR. SPEAKER:

Would the hon. member please come directly to the question?

MR. HO LEM:

I wonder if he would look into this situation and see if this could be solved.

And also another question, what are we doing about exporting frozen pork to that area? I understand that certainly there has been an increase of demand in the Hong Kong area.

MR. PEACOCK:

I'll answer the first part, Mr. Speaker, and maybe the hon. Dr. Horner will answer the second. In regard to sulphur in the Asiatic areas, and particularly in the Hong Kong areas where you are talking about bagging because of pollution problems, you can appreciate that this becomes a cost factor. With the depressed situation of world prices in sulphur at this time, it's not economically sound for us to bag sulphur. However, for the edification and knowledge of this House, you are all aware that in the Province of Alberta we were the ones to develop what we call a slating process of sulphur, which permits sulphur to be shipped now without a dusting problem. Consequently the world demand for sulphur from the Province of Alberta is growing because ports of entry are demanding sulphur, if not in liquid form, in slate form. Since we in Alberta are in that favourable position of having most of the conversions of our production moved into the slating process, we expect to see an improvement of our exports in sulphur. Now I'll leave it to my colleague to answer the question about pork.

DR. HORNER:

I might supplement, Mr. Speaker, in regard to the question of pork, that our people in the Orient and the Pacific have made extensive tours this summer in relation to the availability of markets. Our trade commissioner was in Indo-China and in Hong Kong, as well as about six other countries. He and his staff have been very busy this summer in these areas. In addition to that, on our recent trip to Japan we were able to look at the market for pork in Japan. As a direct result of that mission, there is a plane load of pork flying out of Calgary on Sunday evening. This is a direct result of a pilot project to get fresh pork into the Japanese market, and evaluating the transportation system in relation to air freight. We hope that this, as a matter of fact, is going almost to match land-sea costs.

MR. HO LEM:

I have another supplementary. I wonder if this frozen pork would include a good quantity of frozen pigs' feet? The Chinese go for pickled pigs' feet. As a matter of fact, seriously speaking, this is one of the items that was mentioned.

DR. HORNER:

There is a specialty demand in certain countries in the Orient for a variety of things, as the hon. member has said. Our people are aware of this. I'd just like to add that our export officers who work in conjunction with the Department of Industry, are also making a real attempt to make better use of the federal trade commissioners in the variety of areas throughout the Pacific.

MR. BUCKWELL:

I have a supplementary question, Mr. Speaker, to the hon. Minister of Agriculture. Was not the plane load of pork that went to Japan today surplus from Saskatchewan and Manitoba, according to the report in the paper?

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DR. HOBNER:

I don't really care where it came from, Mr. Speaker, because every hog that is sold outside of western Canada opens up that much more market for Alberta producers. If my hon. friend isn't aware of that pretty basic statistic, he should become aware of it. The shipment is being made by Burns & Co. Unfortunately, at the moment, Mr. Speaker, we are short of pork and we would like to expand production to meet the demands here in Alberta. The shipment is being made through the Calgary offices of Burns & Co. in a pilot attempt to develop a continuing fresh pork market in Japan.

MR. STROM:

I have a supplementary question, Mr. Speaker. I wonder if the hon. minister could tell us if the hog project in the south is going forward, particularly when we are short of pork at this time.

DR. HOBNER:

Mr. Speaker, I think the hon. Leader of the Opposition should contact his friend down there and ask him what he is doing with it, because the last I've heard of it is that it is before the federal government under DREE, and I haven't heard anything further. I haven't been advised by the government as to whether or not they are going to O.K. the project.

MR. STROM:

Mr. Speaker, I just thought that possibly the hon. Minister of Agriculture was doing something about it. I thought that he could give me some information.

DR. HOBNER:

Mr. Speaker, I am interested in increasing the production of the family farmer in Alberta; I'm not really interested in some factory producing hogs. We're interested in processors coming in here and processing for that market. Our major objective is to increase the production and marketing opportunities of the individual farmer in Alberta.

MR. STROM:

Mr. Speaker, a supplementary question; is the hon. minister suggesting now that he is going to exclude all farmers from this project and that it was going to be a totally integrated operation? That was not my understanding and I would be interested to know.

DR. HOBNER:

Well, Mr. Speaker, the initial approach to this government was just for that. To have a totally integrated operation. We refuse to accept that kind of proposition. I repeat again, we intend to make sure that the production and marketing opportunities of agricultural produce are reserved for the family farm.

MR. SPEAKER:

The hon. Member for Clover Bar, followed by the hon. Member for Calgary Millican.

New Horizons

DR. BUCK:

Mr. Speaker, I would like to ask a question of the hon. Minister of Federal and Intergovernmental Affairs because we are probably going to have to vote on a budget matter in the spring and I want to know if this job entitles a raise. But this is the question I would like to ask: was there any consultation, sir, with the federal people when the Opportunity for New Horizons program for senior citizens was announced? Was there any consultation with your department whatsoever?

MR. GETTY:

There had been, Mr. Speaker, some consultation at the officials' level prior to that announcement and there has been considerable consultation since.

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Death from Unknown Causes

MR. DIXON:

I would like to direct my question today to the Attorney General. Apparently a serious situation exists in Alberta. Is the Minister aware of the fact that, according to Mr. John Colville, the Director of Vital Statistics for the province, 464 Albertans died last year whose death certificates read "From ill defined and unknown causes" and some even had "GOK", which means God only knows?

I have three questions to the hon. Attorney General. I am not suggesting, Mr. Speaker, that the Attorney General is God.

Getting back to this serious situation, Mr. Speaker. Is the Attorney General's department planning to investigate and examine the way cases of sudden death are dealt with in Alberta? If so, is it your plan that an autopsy be carried out on all parties where the cause of death is listed as not known? My final question is; does he agree with some residents of our province who say that chances of conducting an undetected murder are good in Alberta?

MR. LEITCH:

Well, Mr. Speaker, to reply to the hon. member's opening statement, which was that there was a serious condition existing in Alberta, I can only say that if there is now a serious condition existing in Alberta it's one that has existed for many years. There has been no major change to my knowledge in the practise of holding autopsies, inquests, or certifying deaths, in the past 15 months.

To deal specifically with his questions, the answer is yes, the Attorney General's department will look into the matter that was raised recently, and consider whether the existing system of certifying deaths, holding autopsies and inquests, ought to be changed. And I think that general statement deals with all three questions.

MR. DIXON:

Mr. Speaker, to the hon. Attorney General's department plan an autopsy, or I should say an order of investigation into the recent shooting of the young boy in the 7-11 store in Calgary two months ago?

MR. LEITCH:

Mr. Speaker, I would have to check into that. I will, perhaps, give the hon. member an answer during the next sitting.

MR. SPEAKER:

The question period has ended. With the indulgence of the House, there is a question from the hon. member for Slave Lake. He has been waiting for some time to ask it.

Thunderbird Airlines

MR. BARTON:

Thank you, Mr. Speaker. I would like to direct this question to the Minister of Intergovernmental Affairs. Thunderbird Airlines once again has applied for an extension. I was wondering what the position of your department was with Canadian Transport Commission in view of the City of Edmonton's objection to their application?

MR. GETTY:

Mr. Speaker, I would like our Minister of Industry and Commerce to reply to that matter for the hon. member. He has been dealing with it.

MR. PEACOCK:

. . . in regards to this application --

MR. SPEAKER:

The hon. member didn't hear the answer.

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MR. PEACOCK:

Mr. Speaker, we intervened with the CTC in regard to the application.

MR. BARTON:

On what side?

MR. PEACOCK:

Against.

MR. BARTON:

Supplementary, Mr. Speaker. In this particular matter -- and I am fishing here because anybody can answer it -- does Pacific Western have an interest in Thunderbird Airlines?

MR. PEACOCK:

Mr. Speaker, originally Thunderbird operated under an agreement with Pacific Western in Prince George, and that is the arrangement that they have.

ORDERS OF THE DAY

POINT OF PRIVILEGE

MR. TAYLOR:

Mr. Speaker, I rise to point out a breach, not a really serious one, but a breach on the part of a minister of the Crown. Section 363, subsection 3 of Beauchesne, reads as follows: "Only such succinct explanation is generally given in connection with the first introduction of a bill as will enable the House to understand the purport of the bill. This is not the time for a lengthened debate on its merits. When an important measure is offered by a minister or other member, this opportunity is often taken for full exposition of its character and objects, but otherwise debate should not be avoided at this stage."

I emphasize the part that when an important measure is offered the minister or member outlines it.

I would now like to turn to The Highway Traffic Act which was introduced yesterday by the hon. Minister of Highways. In his explanation, he read, as can be ascertained from Hansard, part only of the explanatory notes leaving out the most important amendment contained in this bill, namely, the reduction of the mandatory suspensions of the driver's licences for impaired and intoxicating driving, and cutting that in half.

I suggest, Mr. Speaker, that for many years, the ministers of the Crown, and members introducing bills have given the main points in the bill. If this is not done, it may well mislead the press and may well mislead members. I would suggest that this breach on the part of the minister, which has happened now a second time, would lead to a mockery of section 363 if continued.

DR. HOFFNER:

Mr. Speaker, I am a little bit surprised that the hon. member for Drumheller should raise this question because when I first came into this legislature, it was the practice of the former government not to say anything on first reading. As a matter of fact it wasn't until some real prodding by the Opposition at the time, that we got them even to give us a brief explanation on first reading. I want to suggest to you that in fact is what the first reading is all about. The Minister of Highways certainly is not in any breach of this legislature whatsoever.

MR. TAYLOR:

Mr. Speaker, when we hear the explanation does it mean that the most important sections will not be explained? Is the hon. member condoning that?

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DR. HORNER:

Well, Mr. Speaker, obviously the hon. member has been around long enough to know that he has ample time during second reading to debate in full the situation within the bill. As a matter of fact, it is not proper to go into a detailed explanation.

MR. TAYLOR:

That is mocking the very section and mocking the very practice.

MR. HYNDMAN:

Mr. Speaker, it is not up to any member to say which is the most important part of the bill. Each member may have a different assessment as to which is the most important. Surely the whole thing is, in a way, a tempest in a teapot, since it is a bill which, with an entire explanation, is distributed within minutes after first reading is given.

MR. TAYLOR:

A section that may lead to the death and crippling of hundreds of our people is really important.

MR. SPEAKER:

I don't know whether the hon. Member for Drumheller is raising a point of privilege or a point of order. I would suggest for the consideration of all hon. members that the intent of this citation from Beauchesne is to limit the explanation which is given on the introduction of a bill rather than to provide for its amplification. However, I would also respectfully agree with the hon. Government House Leader that what are the more important points of bill may be a matter of opinion. If a minister were to become scrupulous about the matter we would have to have a speech every time a bill was introduced.

MR. TAYLOR:

Mr. Speaker, in dealing with the bills for second reading that were introduced yesterday I recognize that a number of them are not very difficult to understand, but there has been very little time to do any research on this matter on some of the bills. I would suggest that if the government is prepared to hold any bill where a member wants to do further research prior to the second reading, that we proceed with the second reading as planned. Otherwise I think it would be very unfair to have second readings this afternoon of bills introduced yesterday, particularly when an inadequate explanation is given on one.

MR. HYNDMAN:

Mr. Speaker, I think we should proceed. We will consider that suggestion made. However I think we should proceed now with Bill No. 108. If there are one or two on the list under second reading that are of particular concern to the hon. members of the opposition we might consider holding them. However, this fall session is for the purpose of moving ahead with matters. If there are one or two there that should be held, we would hold them, otherwise I think The Workmen's Compensation Amendment Act, 1972 (No. 2), The Legal Profession Amendment Act, 1972 (No. 2) The Land Titles Amendment Act, 1972 and most of the others, perhaps Bill No. 113 could be held with Bill No. 115. We could do that.

GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill No. 108: The Workmen's Compensation Amendment Act, 1972 (No. 2)

DR. HOHOL:

Mr. Speaker, I wish to move second reading of Bill No. 108, The Workmen's Compensation Amendment Act, 1972 (No. 2).

I should like to recall to you and to the assembly that the amendment to The Workmen's Compensation Amendment Act in the spring sitting of the legislature was on mimeographed paper and included the clause which is before us. The final printing, Mr. Speaker, omitted this particular clause, and this is the amendment that is before us this afternoon. While the amendment

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indicates an increase of \$1,000.00 from \$6,600 to \$7,600 this is, in fact, the insertion of this clause was omitted. I want to give this information to make sure that we are perfectly clear on this amendment. While the clause was omitted the intent and purpose of the amendment was missed. In other words the benefits to injured workmen were computed on the maximum \$7,600.00 at the point of passage of this amendment last spring, not on \$6,600.00. This is the intention of this amendment, Mr. Speaker.

MR. TAYLOR:

Mr. Speaker, I just want to make one or two comments in connection with the effect of the amendment on the assessment, particularly with the coal mining industry. As the hon. members know the domestic coal mines are operating very close to the marginal line. There is very little difference today between going in the red or staying in the black. It is going to be necessary to look at every item in regard to costs on the coal mining industry, this would probably also be applicable to the coal mining operations. However, I think that ever hon. member of the House agrees that injured workmen could receive the very best compensation possible and the assessment should be based on the complete thing as the payment of compensation. I would just issue this one caution that in the practice of the Board establishing classes for industries, every consideration should be given to those industries operating very close to the line that might mean they might go under. Consequently, doing away with a number of jobs in the province, the up-keep of families, etc.. I support this amendment but I simply wanted to point out that this increase can possibly be nullified through a good safety record on the part of the operation, providing the operator is not put in to a class where others raise the assessment. I think the hon. Minister of Labour and his committee are giving consideration to that particular item.

[The motion was carried, and Bill 108 was read a second time.]

Bill No. 77 The Legal Profession Amendment Act, 1972 (No. 2)

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. Mr. Miniely, second reading of Bill No. 77, which is a bill to amend The Legal Professional Act.

Mr. Speaker, this bill provides for two amendments to The Legal Professions Act. The first deals with the enrolment of persons within the society and makes a change with respect to qualifications for enrollment from merely having a degree in law to having a degree from a university. It also provides for an appeal to the Appellate Division of the Supreme Court of Alberta from any decisions of the benchers, which is the governing body of the Law Society regarding admission to the Law Society.

I should draw attention, Mr. Speaker, to the fact that it is not the benchers who determine the educational or training qualifications of those persons who enter the society, but rather they grant entrance to the society to any person who in the opinion of the coordinating council, has the equivalent degree from another university to a degree in law from the University of Alberta.

The second point that the bill deals with, Mr. Speaker, is the establishment of an Alberta Law Foundation. And that is a foundation to provide research into law and the administration of justice to make recommendations for change. The foundation law so established will maintain law libraries, it would develop programs contributing to legal education within the province, and is to provide assistance to native peoples legal programs, student legal aid programs and other programs of a similar nature.

Now the essence of this bill, Mr. Speaker, is the mechanism for funding the Alberta Law Foundation. The bill provides that the funds for that foundation are to come from interest trust accounts of the legal profession now held in financial institutions and on which no interest is now paid or collected.

I should, Mr. Speaker, spend a moment or two explaining why that is the current situation and why the change has come about that is proposed in this bill. The lawyer who receives money on behalf of a client puts it into a trust account; he is holding it in trust on behalf of his client. Now the lawyer is not entitled to retain as his own any interest that may be earned on that trust account; all such interest should be paid to the client, whose money it is. The lawyer is not entitled to retain as his own, any interest that may be earned on that trust account. All such interest should be paid to the client whose money it is.

There is a certain percentage of money that the lawyers hold in trust for clients which they do put in interest bearing trust accounts, and for which they account to their clients. But there is another group of trust monies which, because -- and I will explain this in more detail in a moment -- because of the nature of the transactions and their frequency, the difficulty in calculating the amount of interest that would be payable to the client, the cost of calculating it, and the cost of paying it would exceed what would be earned in interest.

It is that portion of the lawyers' funds that are retained by the financial institutions, and on which they do not pay any interest. This bill, provides for the legal profession to direct the financial institutions to pay interest on those sums of money to the Alberta Law Foundation.

Now turning, Mr. Speaker, to why this legislation has come into existence:

For some time within the profession there has been a feeling that there was something wrong about the fact that this money was kept by financial institutions, and was used by them in the same way any other deposits were used, and the financial institutions did not pay interest to anyone for the use of the money. There have been discussions among the professions, in various parts of the world about ways of curing, what they regard as a shortcoming, and that discussion has been going on in Alberta for some time.

Last year the governing body of the Law Society submitted a recommendation that the government enact legislation providing for the capturing or collecting of the interest on these funds and paying it to a foundation.

There is an important distinction between what the Law Society recommended and what this bill does. The Law Society recommended a voluntary system, that is, that it would be left to the individual lawyer or law firm to decide whether the interest be paid to the foundation.

This proposed bill, Mr. Speaker, doesn't leave it a voluntary matter. It is a requirement. The governing clause in the bill requires that each member or firm of the legal profession direct the financial institutions to pay to the foundation interest on those trust accounts.

The reason for making it compulsory rather than voluntary, Mr. Speaker, is really very simple. I don't think the voluntary system will work. The other three provinces in Western Canada have similar systems. Saskatchewan has a voluntary system. I discussed it with the Saskatchewan Attorney General just recently, and as I recall our discussion, it isn't working very well there on a voluntary basis. Manitoba has a universal system, and it is working very well. The Province of British Columbia began by introducing a voluntary system and found that it was not working as well as it should. It led to some dissension within the profession and things of that nature. They are now moving towards a universal system.

The one other point, Mr. Speaker, that I would like to touch on is the argument that, really, rather than paying the interest on this money to the foundation, there should be some way -- with all of our modern systems of calculating and computers and so on -- of calculating the interest, finding out to whom it belongs and paying it to the individual client. Mr. Speaker, the answer to that is, it really is not practical, and I think, to understand why it is not practical, it is necessary to spend a moment or two dealing with the way this money comes into, and out of the lawyer's trust account.

To assist in this, Mr. Speaker, I have had auditors do an analysis of the movement, or the flow of money into and out of trust accounts of two law firms in Alberta. One is a medium sized firm of approximately 11 persons, the other a larger firm of about 25 persons. Their analysis indicates that
MR. LEITCH:

The answer to that is that it really isn't practical. I think to understand why it isn't practical, it is necessary to spend a moment or two dealing with how this money comes into and out of the lawyer's trust account.

To assist in this, Mr. Speaker, I have had auditors do an analysis of the movement or the flow of money into and out of the trust accounts of two law firms in Alberta; one, a medium sized firm of approximately 11 persons; the other, a larger firm of 25 persons. Their analysis indicates that of all the funds put into the trust accounts by these law firms, a little better than 95 per cent were paid out within the first 30 days. The larger the sum of money involved, the quicker it was paid out. So, the first difficulty is that the money is not retained in the fund very long.

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The second difficulty is that financial institutions pay interest calculated on the minimum balance in the account over a certain period of time. When you have an account where the money is going up and down, they pick the minimum balance over that period of time and calculate the interest that is payable. Now, to pro rate that interest back to all of the clients whose money was in there, at one time or another during that period, is a difficult calculation. It is just time-consuming. Another reason why it is time-consuming is that money for the same client does not come in and go out at the same time. For example, it is not at all uncommon for a lawyer to receive, say, a \$25,000 settlement of a client's claim from several different people, so the cheques will come in at different times. In the case of a fire claim, where you're claiming against fire insurance companies, there may be several companies contributing to the loss. You will get the cheques in at different times. Then, when you come to pay the money out, the cheque is paid out at once. If you were going to calculate the amount that particular client's money had earned, of the interest paid, you would have to make a calculation for each one of the payments that came in.

Equally, you quite often receive money from a client that is to be paid out to one of several claimants. That will occur, for example, when the lawyer is acting for an insurance company and, in respect of a car accident, there may be several claims arising out of the car accident. An opposing insurance company may have a claim; the driver may have a claim; there may be a garage bill to pay; the government may have claims in respect to the hospitalization and medical payments, and the passengers may have a claim. You will get the total settlement money in from the insurance company client, but then pay it out only when you get the appropriate releasing documents from each claimant, which means that while the money has come in on one cheque, it will go out on several different cheques. Again, you would have to make a number of different calculations.

The total number of transactions which occur in a trust account are very, very great. These are very active accounts. Money is coming in and going out all of the time. You also have the problem of calculating just when it went in and when it came out, and then finding the people to whom it should be paid. I think that this conclusion has been reached in all of the other jurisdictions which have this kind of legislation. It is supported by the auditor's report that I have. As I say, I checked into the transactions of these two firms, but it simply costs as much or more to calculate and pay out this interest than would be earned. Rather than do that amount of work, which really produces nothing of value, the proposals that are now a part of the legislation in the four western provinces, or will be if this is passed, provides for the transfer of those funds to a foundation which, in turn - in this particular proposal - will carry out programs which should be of benefit to all the people of Alberta. I want to conclude, Mr. Speaker, by making this point. This bill does not, in any way whatsoever interfere with the rights which a client now has to make an arrangement with a lawyer that his money go into a particular account, that it earn interest, and that the interest be paid to the client. That is now done today. Any time a lawyer expects to hold a large sum of money for an appreciable time, or a small sum of money for a long time, he will normally, either on his own initiative, or as a result of an arrangement with his client, pay the money into a trust account where it will earn interest. He collects the interest on it, and accounts to the client for it. In fact, in the two firms that were the subject of the report I have referred to, about 35 per cent of one firm's total trust money was held in such accounts - that is, in accounts where the interest was collected and paid to the client. The other 65 per cent was in trust accounts where no interest was collected. It's only that 65 per cent that this legislation would affect. The percentage for the other firm was somewhat less - approximately 20 per cent was held in accounts paying interest which was paid to the client; the balance was held in trust accounts where no interest was collected. I think the difference between the 20 per cent or less than 20 per cent figure and the approximately 35 per cent figure is due to the fact that the one firm was larger and would tend to be involved in transactions where there were larger amounts of money. Those would more frequently be put in accounts where interest was earned and paid to the client.

I think that point, Mr. Speaker, is worth re-emphasizing. This legislation in no way restricts either the lawyer or his client from entering into an arrangement of their own choice regarding what is to be done with the interest earned on that client's money. It's just when the mathematics and the mechanics of a transaction make it impractical to do so, that the interest is captured and paid to this fund.

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MR. LUDWIG:

Mr. Speaker, I do not take issue with the proposed legislation entirely. I think it's a step in the right direction. I'm more concerned that the board that would be in charge of the foundation would be composed primarily of lawyers. I'm not saying that this would be a self interest group, but the average citizen must feel that this will be a benefit that will accrue primarily to those involved in the legal profession. I may be taking a narrow view of the legislation, but that can happen. It states here that the objectives of the foundation are to receive monies, etc., for conducting research into, and recommending reform of, law and the administration of justice; establishing, operating, and maintaining law libraries. Now if the board should decide that this is what they are going to do, the benefit will accrue primarily to the benefits of lawyers and law students. The public will generally benefit, but not directly. I think that there will be cause for some concern, if for no other reason than public relations, that the citizens will feel that a profession as a whole is getting a benefit from income that has nothing to do with its own efforts. It's merely an arrangement. I'm not saying that this will happen, but I will be very surprised if there are not some complaints. If I could I would influence the Attorney General to see if he would consider the possibility of proposing amendments for legislation that would direct the proceeds from these trust funds in banks towards a cause that will not benefit primarily the legal profession, whether another cause under this legislation can be found that will somehow benefit society as a whole -- although I could see that it can -- but on the other hand, it may not.

I think that the public has an interest in what the legal profession does; there is a particular concern by the public at this time about the profession and the way they conduct their business, and I think that from the P.R. point of view alone, the law society should be very careful not to seek benefit from any kind of an arrangement that does not entail its own efforts. This is just a suggestion; I have not given this too much thought because this bill has not been studied thoroughly by me. These are my sentiments and I would like the Attorney General to respond, if he will, to the suggestions I have made.

MR. KOZIAK:

Mr. Speaker, I have but one question of the Attorney General when he responds to the earlier question raised by the hon. Member for Calgary Mountain View. That is in connection with section 108. I imagine that the reason that this clause was included was to ensure that money which is now lying idle, and which is earning no interest, be put to good use for the benefit of society as a whole. What concerns me there is that once we have established that principle, we can then look at the quality of the results of putting that principle to use. We can have a situation where the interest rate which a particular bank may allow on a chequing account may be one per cent, maybe one half of one per cent; certain trust accounts permit 4.5 per cent, so the effectiveness of this bill becomes the extent of the return on those monies. If the interest bearing account returns one per cent, then the effect of this bill is only one-quarter of what it might be if the account returned 4.5 per cent. But at the same time, that is not really within the control of either the profession or of the legislature, at least under the purview of this act.

Will there be regulations, or will there be any provisions made which will direct these trust accounts to certain institutions which pay the higher rate, or will the profession still have the freedom to deal with the bank, trust company, or treasury branch of their choice?

MR. STROM:

Mr. Speaker, I really hadn't intended to get into the discussion, but on listening to the very capable analysis that the hon. Attorney General made, I want to say that I have a better understanding of it than I have ever had previously as to how it works. I certainly don't quarrel with any of the points that he has made. It seems to me, though, that there is a point of principle that ought to be raised merely for the sake of having it under consideration.

As I understand it, this is money that really doesn't belong to our society. It is money that belongs to the client; but because of the problems of computing the amount of money that they would maybe have coming, therefore, it is impossible to pay it back to them. Now I understand that; I don't quarrel with that statement. But, having said that, there is a second factor that does come into it as well, and I seem to recognize that this came out in the hon. Attorney General's explanation, and that is the right of borrowing on the foundation after the foundation is set up. I would conclude that the right of borrowing will be based on assets, that is, assets being books, fiscal

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facilities, and what have you. But if it is based on borrowing on money that is within the trust, then of course there is the further advantage to the client which maybe should be added, that of a use of money besides just simple interest, because, in the one case, where money lies and just draws simple interest, it is worth less than if it is placed to a use where someone has it on loan. I suppose, again, we are talking about a very small difference, but I come back then to the last point that I am concerned about today, and that is the one expressed by my hon. colleague from Calgary Mountain View, that, in the minds of people, they will feel that it is money that does not belong to the Law Society. There is no way that this can be argued that it does belong to them. Then I would simply say, is there some way of the members of the Law Society thinking about its use in a wider purpose rather than for the association itself? I recognize that that is something that can't be changed very quickly, and it is something that may not be able to be thought of at this point in time, but I do believe it is something that the general public will discuss from time to time.

Now I can say, from past experience, there are some very strange stories that come out as to how estates are handled and how monies are used, to which I don't attach any significance, except that when these things become fixed in the minds of the public, they can have some bad ramifications for the profession. All I am suggesting is, has the Law Society given some consideration to its views regarding a more general purpose than that which has now been specified?

MRS. CHICHAK:

There are two comments I wish to make with respect to this bill, and probably in some sense, to reiterate some of the comments that have already passed. I note the objects of the foundation, and I think that the hon. minister, the Attorney General, and the society, in bringing forward such a program, should be commended for it. But there are two things that concern me. These arise, I think, out of some of the findings that we have had with respect to the public hearings we have been holding regarding professions.

Inasmuch as the objects of the foundation are very fine, we note that primarily, if one was to read them in the order of priorities according to the order listed, it would seem that the priority in the areas of education of the public, would then appear to be rather far down the list. I also note the make-up of the directors of the board. There is indication that two members, who would not be members of the society, would be included. But the total make-up of the board is seven. I was under the impression that this foundation was more to assist in the education of the public and to provide the means thereby for this education to the public of the legal matters, or the laws of this province or country. So I am concerned that there isn't provision for more lay members on the board, and I would like to say that I would request the hon. Attorney General to take into serious consideration that this provision be made, rather than just a suggestion. And, as well, that there may be some indication as to how the priorities might be expanded, because we can look at research that can become so expensive and so extensive that there would be very little left for those areas of concern that really concern the public directly.

MR. SPEAKER:

Does the House wish the hon. Attorney General to close the debate?

HON. MEMBERS:

Agreed.

MR. LEITCH:

Mr. Speaker, I welcome the comments that have been made on the bill. I would like to respond first to the makeup of the board, and I will come back to the others again. It is conceivable that out of the seven man board, five of them would be from the legal profession. It is equally conceivable that out of the seven man board, only three would be from the legal profession. You will notice that the board is made up of the Attorney General, or someone designated by him, and, of course, if it is designated by him it may or may not be someone in the legal profession. But that provides a government involvement in the programming of the board. There are an additional two persons to be appointed by the Attorney General who are not members of the society, so if the Attorney General chooses to appoint three rather than acting himself, at least two of those three may be non-members of the society if the Attorney General chooses not to select one from the society.

The five directors, three of whom are appointed by the Attorney General, two of them by the benchers, these five directors then select two more, one of whom must not be a member of the society and one may be a member of the society. So the membership, whether it be society members or non society members, really depends on the appointment rather than the legislation. By appointing we could end up with a majority who are not members of the society. I would urge at this stage, this is a new program and it may be that some time down the road we need to give firmer guidelines as to who should be on this foundation. But it seems to me that in the early stages it is better to provide that kind of flexibility where the appointments may be selected either from the profession or from outside the profession.

In the point made by the hon. member for Calgary Mountain View is a very valid one. The profession was concerned that this fund not appear to be to the benefit of the profession. There adamant that that should not be the case. For example, a very strong argument was made and has been made for a long time that the funds from this foundation should be used to finance the legal aid program. The profession were very adamant in their view, and I agree with them, that that would be a mistake because it would appear that the fund from the foundation was really for the benefit of the profession.

The only item there that one might argue would be indirectly for the benefit of the professions is the law library. But I should point out, Mr. Speaker, that in Alberta the law libraries in the universities are provided by the universities. The law libraries in the court house are provided, in part, by the government and in part by the profession. My memory is that the cost is about equal. So that the government is providing, because of the use by non-professional people of those libraries, about 50 per cent of their cost.

These libraries are used by the court house, people involved in the trials, by the judges, by the Crown prosecutors in the case of criminal trials, by the government Attorney General's department personnel, lawyers the government hires in the case of civil trials. They are used by many boards, municipal governments and things like that, and it is quite a mistake to think that the profession makes the sole use or even the major use of the law libraries. Even in the court house there is a growing use of those libraries by the public. The kind of program that is envisioned here may involve the establishment of libraries in different places which will be for the use of the public as opposed to the legal profession. The point is valid. My submission, Mr. Speaker, is when you examine it the tie is not that close.

With respect to the hon. Leader of the Opposition's suggestion that the objects be a little wider, again that is a point that has validity. On the other hand, you will notice that these things are for the research end of the legal system, the administration of justice, and so. There is some logic in doing that because the people who put the money out that has earned the interest that goes into this fund have had some involvement with law and the administration of justice. That is how they get their money there in the first place. There may be some merit to there is some logic in doing that because the people who put out the money that earns to the interest that goes into this fund have had some involvement with the administration of justice. That is how they get their money in there in the first place. There may be some merit to tying the use of that fund to legal research improvement law, improvement of judicial administration, rather than, say, to cancer research or something wholly unassociated with the legal profession or with the reason that brought the money into the place where interest was earned. So I think there is some logic in restricting it to work in the legal field. And I agree with the hon. Member for Mountain View's point that it should not be tied closely to work being done by the legal profession.

With respect to the order in which the priorities of the foundation are listed in the legislation, it seems to me that the one listed fourth has equal priority with the one listed first. It depends on what the board of directors think ought to be done.

One last point, Mr. Speaker; I am not sure I followed all of the hon. Leader of the Opposition's comments about this money and how the interest was earned on it. The present situation is, that the money in an account lies in a financial institution, say one of the banks. Let's assume that it is \$100,000 and it stays about that figure for the year. The bank doesn't pay any interest to money without paying anyone anything. This just directs that the lawyer is to save the interest that that should earn and you are not paying to us because we are not entitled to it. It is not going to finance because you can't make the calculation. You shall pay interest on it and send the interest to the foundation. As to borrowing, the foundation would be in the position of borrowing only on its own assets, like any other corporation.

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[Interjection]

Not on the money that is in the trust account at all, but merely on its own assets, the same as any other corporation would go to the bank and borrow money.

So the borrowing reference from the foundation there had nothing to do with the trust money that is in the lawyer's trust account within the financial institution. So really what happens is that this, in effect, requires the financial institutions to pay to the foundation an interest rate that they would normally pay to any other persons whose money was on deposit, and that's all it does.

In answer to the hon. member's question about the rate of interest: it is true that the bill does not provide for any rate. I believe that it will operate by the financial institution paying the going rate on these accounts that they would pay on any other accounts which they are holding money in, and cheques are being issued and deposits are being made. If that turns out not to be so, Mr. Speaker, I would expect it could easily be remedied by an amendment.

MR. SPEAKER:

Is there any question?

MR. BUCKWELL:

Could you give any indication of how much of these funds in a year, say a ball park figure?

MR. LEITCH:

Mr. Speaker, it would be very much of a ball park figure. I would suspect that the interest that would come into the foundation will be in the hundreds of thousands per year. But beyond that, I would think any estimate would be hardly an estimate, but mere guesswork.

MR. HARLE:

Mr. Speaker, on a point of order. Pursuant to Rule 9 of the rules of this assembly, I feel that I have a direct pecuniary interest in the matter to be voted upon, and I hereby declare this to the assembly and will leave the chamber.

MR. LUDWIG:

Point of order. I don't want to involve the debate on the bill with a point of order, but that is an indication of the kind of conclusion that people can come to, and I must state that I also wish to withdraw. But that is something which the hon. Attorney General ought to consider because people and lawyers will feel that they have a direct interest and the indication that the hon. members request to withdraw is an indication that this should be reviewed, and maybe another approach taken to it. But I also feel that I ought not to vote on this matter because I think that I have an interest in this.

MR. STEOM:

Mr. Speaker, we're on a point of order now and I'm becoming a little confused because I have listened very carefully to the hon. Attorney General's explanation, and I thought the point he has made very well is that there is no interest in this money whatsoever on the part of the lawyers. Now I am getting a little confused when a couple of members withdraw, and I would suggest that they very carefully consider it, as there may be others that will be faced with the same thing I am. Now, maybe you, Mr. Speaker, will want to comment on it, but I have to confess that I am now getting thoroughly confused. If I find there are lawyers withdrawing because they feel they have an interest in it, I would hate to go out and tell the public that this is the situation that exists today that there is an interest in it.

MR. SPEAKER:

May I ask the hon. Member for Calgary Mountain View if he might explain further the reasons for his decision under Rule 9, in order to assist the hon. Leader of the Opposition in regard to this question.

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MR. LUDWIG:

Mr. Speaker, if there is a possibility that a person voting on a bill in which he may directly or indirectly have a pecuniary interest, then I think it is only logical if he has any doubt about it, that he play it on the safe side and withdraw from voting on it. I think the fact that the hon. Member for Stettler made that recommendation, is an indication that this ought to be reviewed. Perhaps the Attorney General should give us a ruling on this; whether he feels we have an interest, and maybe we should abide by his ruling. We should throw the ball and the responsibility back to him.

MR. GHITTER:

Mr. Speaker, if I might address a few thoughts to the problem raised on this matter. I have examined the bill from the very same point of view and I have come to the conclusion that there is no pecuniary interest whatsoever for a member of the Law Society regarding a vote on this matter. I have no pecuniary interest in the fund, which is set up on a foundation basis for the purposes of the objects which are contained within this bill. I certainly do not have any pecuniary interest and I don't have any pecuniary interest in the trust monies which are in the trust account of my law firm. That is, there is no pecuniary interest in the trust funds which are on account. Certainly there can be no pecuniary interest involved in voting on this bill and I propose to vote on it, and in favour of it.

MR. LUDWIG:

Perhaps the hon. member might decide whether he has a pecuniary interest in a real good law library in Calgary. Maybe he has not, but if I am in doubt about it -- I have some doubts about it -- I am not certain that I have a financial interest in this issue, but I am in doubt. Perhaps the Attorney General might give us a ruling. Then we will abide by it.

MR. LEITCH:

Well, Mr. Speaker, I would hardly be in a position of giving a ruling on that point, except my immediate reaction is one of complete astonishment, that any lawyer would suggest he had a pecuniary interest coming through the foundation, or a pecuniary interest in the matter because of the requirement that he is to direct the financial institute to pay interest to the foundation. In neither of those cases can I conceive of there being pecuniary interest. I agree with what the hon. Member for Calgary Buffalo has said.

Let us look at this if we try to find the pecuniary interest. The foundation would collect money from the trust account and let's suppose it then decided to establish a law library in Calgary (which, incidentally, has a very good law library already). Let's say we decide to establish another one and the lawyer said, "I might use it, I might go down and read a book in it." If that amounts to a pecuniary interest, Mr. Speaker, what about the members who vote for money to provide a school or a university that their children may go to, that they may go to directly, and all of the other things that we vote money for in this House. We --

MR. HENDERSON:

Farm houses and all that?

MR. LEITCH:

There is hardly a thing that this government doesn't vote money for that you couldn't use, that the relationship isn't as close as the lawyer reading a book in a library that might be established by the foundation at some time in the future.

MR. HARLE:

Mr. Speaker, I wonder if I might just comment on this, seeing that I apparently raised this issue. My feeling is that the pecuniary interest is this: at the moment, my arrangements with the bank are that I have a trust account on which no interest is charged. I have also, over this period of time, not been charged for cheques. I have received other consideration from the banks in the area of transferring monies and been given privileges. I have no doubt in my mind that it is as a result of having a large sum of money on deposit at that particular institution. If this is the case, and this money is now being put at interest, then I may well be charged with other services by that particular bank. For that reason, I feel it is sufficiently direct, small

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though it is, but, it is there and I feel it is there enough that I should not vote on it.

MR. HYNDMAN:

Mr. Speaker, just to conclude matters, despite the fact that the hon. Attorney General and the hon. Member for Calgary Buffalo do not feel -- I think they have stated persuasively why there is no pecuniary interest -- I think every member should have an opportunity to draw his or her own conclusions, which the hon. Member for Stettler has done. I think if he wishes to withdraw he can certainly do so and we could proceed with the vote.

MR. TAYLOR:

Mr. Speaker, I would like to say one word. It appears to me that the only pecuniary interest of lawyers is that they are going to the point to lose money. I can't see how they can possibly make any money out of this deal. But, if their conscience makes them feel that losing money gives them a pecuniary interest, then I think possibly they should withdraw.

MR. HENDERSON:

You're okay if you vote for it.

[The motion was carried, and Bill No. 77 was read a second time.]

Bill No. 109 The Land Titles Amendment Act

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. Provincial Treasurer, second reading of Bill No. 109, The Land Titles Amendment Act. I will keep my comments on this bill very brief, Mr. Speaker. Essentially, we are endeavouring to accomplish two things by this amendment; one, to enable the Registrar of Land Titles to introduce a loose leaf system of title-filing which we anticipate will improve the service, and cut down on the administrative costs. Another provision provides a simpler mechanism for corporate registration of documents. As announced, any need to obtain a certificate of good standing from the company's branch each time the corporation files a document, the proposed change will enable you to file initially a certificate of good standing and then it is up to the company's branch to notify the Land Titles Branch if the company is no longer in good standing. We expect that that change will mean that we will only get a flow of documents when the companies are not in good standing, and not get a flow of documents every time a company in good standing wants to register a document. That, Mr. Speaker, is all I wish to say on this bill.

[The motion was carried without dissent, Bill No. 109 was read a second time.]

Bill No. 110 The Defamation Amendment Act, 1972

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. Mr. Miniely, second reading of Bill No. 110, The Defamation Amendment Act, 1972.

I can be even briefer with this bill, Mr. Speaker. All it does is ensure that cable television is brought within The Defamation Act, and treated on the same basis as ordinary television.

[The motion was carried without dissent, Bill No. 110 was read a second time.]

Bill No. 111 The Alberta Income Tax Amendment Act, 1972 (No. 2)

MR. MINIELY:

Mr. Speaker, I move, seconded by the hon. Attorney General, that Bill No. 111, The Alberta Income Tax Amendment Act, 1972 (No. 2) be read a second time.

I believe I gave hon. members an adequate explanation of the bill upon introduction. It is rather simple and no further comments are required, unless there are questions.

[The motion was carried without dissent, Bill No. 111 was read a second time.]

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Bill No. 115 The Financial Administration Amendment Act, (No. 2)

MR. MINIELY:

Mr. Speaker, I move, seconded by the hon. Attorney General, that Bill No. 115, The Financial Administration Amendment Act, (No. 2), be now read a second time.

I think it, along with the earlier one that I moved second reading of today, received an adequate explanation upon introduction. I, again, would be happy to answer any questions you may ask.

MR. TAYLOR:

Mr. Speaker, in connection with Bill No. 115, I could say that we agree with the principle of trying to get the public accounts before the Public Accounts Committee at the earliest possible time, and earlier than is presently being done. However, we think it would be a mistake if public accounts are taken to the Public Accounts Committee before the members have had a chance at least to peruse them and give them some study. We would like the government to entertain an amendment to the section, in the Committee of the Whole, that would guarantee that the public accounts, even though tabled, would not be placed before the Public Accounts Committee before at least 30 days had expired from the time they were mailed to the members. This would ensure that every member would have at least a chance to look at them prior to giving them detailed study in the committee. We approve the general principle of trying to get public accounts before the Public Accounts Committee at an earlier date. We think this is sound.

MR. MINIELY:

Mr. Speaker, I don't think that we have any objection to that whatsoever. As I indicated on the introduction of the bill, our main purpose is to allow the Committee of Public Accounts to examine the 1972 estimates as early as that committee may so desire. I would say, and I think all hon. members will agree, that subject to the 30 days, which I think is a reasonable request, the earlier the Committee of Public Accounts can, in fact, study the financial results of the government for a particular year, the more current the information, and in fact the better it is. I feel that way, and for that reason I have no objection to the proposed amendment. Perhaps if you either wished me to introduce an amendment or frame one yourself, we would be happy to do so.

MR. SPEAKER:

I take it the hon. Member for Drumheller is distinguishing the proposed amendment from the principle of the bill, and merely giving notice that he will be bringing it up in committee.

MR. BUCKWELL:

Mr. Speaker, I would like to ask the hon. Treasurer a question. In the past we have set up public accounts with a committee usually after the budget debate was over and we went into public accounts. Now we could start public accounts this fall, so we're in the same session. Will the public accounts then be carried on in the spring session, or will they only be in the fall session?

For example, we have public accounts before us now. Could we start the Committee of the Public Accounts during the fall session? Are we going to have only this four week or five week period in the fall to discuss public accounts?

MR. MINIELY:

Mr. Speaker, in reply to the hon. member's question. We had hoped that perhaps the Committee of Public Accounts could function in the fall session. I think it should be considered whether it should be in the fall or both in the fall and the spring. I would like to say, however, that relative to the presentation of the budget, I do think that that really is irrelevant. If you study the public accounts in the fall, you are studying the fiscal year ending March 31, 1972. There will be a catchup period, because you haven't finished the 1971 accounts as yet. But you will be studying them earlier, and more currently. I think this is an advantage to the House and to the legislature.

The only other consideration is the timing of the budget presentation, as an example, last spring. This is really irrelevant, because, in any event you will not be examining the public accounts related to that budget until the

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subsequent fall session. The matter of spring and fall, I think is one that should be left under consideration at the present time. We'll take your views into account.

MR. CLARK:

I would like to direct a question to the Minister of Finance. Mr. Treasurer, I'm asking if the government has given any serious consideration to the question of bringing the provincial budget down to the fall session? It seems to me that on the surface there might be some advantages to this. Municipal governments don't really have an opportunity to know what they are going to get until some time after their fiscal year starts; the school boards have the same problem. Has the government given any consideration to this? I know it would be quite a horrendous change initially, but in keeping with the government's push in the field of program budgeting and so on, it would allow the municipalities to do some of the same work.

MR. SPEAKER:

It would appear the hon. member's question is something that might be raised in committee or during the question period.

MR. WILSON:

I wish to pursue the matter of the public accounts going from the fall over to the spring; surely, Mr. Treasurer, this legislation does not forbid it. Can you assure us of that? If in any given fall sitting the business of public accounts is not completed, there would be no reason why you could not continue on in the spring sittings. Is that not so?

MR. MINIELY:

Mr. Speaker, I'm sorry that I didn't mention that. This was my initial view. My understanding is that the fact that the legislature may refer a set of public accounts to the committee, does not mean that it has to pursue immediately the study of that particular fiscal year's public accounts. As an example, at the present time the committee in public accounts has not completed the public accounts for the fiscal year ending March 31, 1971 as adequately as it would like. Now I think that is a matter for the committee on public accounts to decide. Will they complete that, and then go on to the current public accounts which would be referred to them. Frankly, this was one concern I had, why it would be relevant to have the 30 day notice. My understanding was that we refer the accounts to the committee, but it is then the committee's choice as to what they examine. In fact, the committee on public accounts can, at any time the legislature sits, examine prior years; as for future years, that is really their decision. That is why I am not sure that 30 days even is valid. Perhaps there is some reason I am unaware of.

[The motion was carried, and Bill No. 115 was read a second time.]

Bill No. 112
The Department of Public Works Amendment Act, 1972

DR. BACKUS:

Mr. Speaker, I would like to move, seconded by Dr. Warrack, Bill No. 112, being The Department of Public Works Amendment Act, 1972. This is a very small amendment, although quite an important one. I feel, however, I do not need to add anything to what I said at the time of its first introduction.

[The motion was carried, and Bill No. 112 was read a second time.]

Bill No. 114, The Brand Amendment Act, 1972

MR. D. MILLER:

Mr. Speaker, I move, seconded by Mr. Fluker, second reading of Bill No. 114, being The Brand Amendment Act, 1972. As I stated in first reading of this bill yesterday, it provides for the reservation of the standing arcw brand for use on cattle purchased with government guaranteed loans, or with loans made or guaranteed by the Alberta Agricultural Development Corporation. When the purchaser in turn, sells these cattle, the buyer will know that they have been purchased under the government loan program.

MR. BUCKWELL:

Mr. Chairman, I would like to ask the hon. member a question. This brand is to be used beside a person who has a recorded brand. Now the person that is guaranteed a loan, is one of the requirements that he must have a recorded brand, or if he doesn't have a recorded brand, will the arrow go on irrespective? irrespective.

Would this include dairy cattle under this scheme, because usually dairy cattle are not branded. I realize why you want to brand them, there has been a lot been eaten, I understand.

MR. STROM:

Before the hon. member replies to it, I would just like to make a comment that ties in with the question that has been raised by my hon. colleague from Ft. Macleod. And that is, that if there are no other brands necessary, then I would have to suggest that this arrow brand, unless there are some very clear specifications laid out in regulations as to the size, the nature of it, isn't going to be very effective. To me, sometimes it is difficult enough anyway to find brands, and if you get this kind of a brand, and there are no other brands there, then I suggest it is going to be a very difficult one other brands there, then I suggest it is going to be to find. So I would like to have the hon. member maybe mention the specifications governing size.

MR. CLARK:

Mr. Speaker, I will try to be more in order this time. In regard to the brands, I would ask the hon. member if there had been some discussions with the Breed Association, especially the dairy breed associations. My reason for asking the question, before the hon. minister talks to you, is that as far as pure bred dairy cattle are concerned, I relate especially to the holstein area, the breeders are not enthusiastic about branding cattle. As far as the pedigree are concerned there is a picture on the back of the pedigree so there should be no problem as far as identification is concerned. So I would ask that perhaps between now and when we get into committee you could look at the possibility of some such bill, because in the course of the year I have been in contact with the minister's office on this matter. It has been a matter of some concern to people under the dairy portion of the program.

MR. SPEAKER:

May I suggest to hon. members that, although we may have difficulty drawing the line, it would appear that a number of the questions which have been asked with regard to the last two bills are matters which should be raised in committee. It is not a matter of attempting to be strictly formal in the House, but to save the time of the House so that we don't have two committee stages on bills.

Would all those in favour of the motion for second reading of Bill No. 115 please say 'aye', and those opposed please say 'no'.

[The motion was carried on a voice vote, and Bill No. 115 was read a second time.]

GOVERNMENT BILLS AND ORDERS
(Committee of the Whole)

MR. HYNDMAN:

Mr. Speaker, I move that you now leave the Chair and the Assembly resolve itself into Committee of the Whole for consideration of the bills on the Order Paper.

[The motion was carried on a voice vote.]

* * * * *

COMMITTEE OF THE WHOLE

Bill No. 20 - The Perpetuities Act

MR. CHAIRMAN:

Members of the Assembly, Bill No. 20. There has been an amendment distributed and I trust you all have a copy.

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[Section 1 to Section 6, clause c were agreed to without debate.]

Section 6 (d)

MR. TAYLOR:

I would like the view of the hon. Attorney General on this particular case. I think it may be applicable to this section or to some other section.

I am referring to a will that is now still not settled after 21 years. The main reason is that when the will was made, the lady, a widow, stated that a quarter of a section of land could not be sold until the children, born or unborn, of her daughter reached the age of 21. Her daughter at that time had two children; they have now passed the age of 21. But since the death of this lady, there have been two more children born to the daughter. These children are now 14 and 15 respectively, and the other members of the family are getting very angry about this whole thing. The daughter will reach the age of 55 in two years; she is now 53. Under this act, may it be assumed that, when she reaches the age of 55, she will have no more children? If so, she will only have to wait the five or six years until the present children reach the age of 21.

My second question is, is a will valid when it refers to children not yet born in connection with the final settlement of that estate?

MR. LEITCH:

Mr. Chairman, I always invade this field with some trepidation, because for a number of the answers I have to go back to my days in law school, and that is quite some time ago. But the general rule is that one can properly leave, even without this bill, one's property unvested (that is, without the power to deal with the disowner) for a life in being plus 21 years, and so long as the property passes on any event that must occur within the life in being plus 21 years thereafter, the will is good. So to answer the hon. member's question, if the will says, "I leave my farm in trust, for my daughter to use the fruits of the farm during her lifetime, and then 21 years after her death it is to be divided equally among her children then living," that would be quite a common disposition. That is a valid disposition under the old law. It is still a valid disposition under this bill.

This bill is designed to cure the case where, in that identical example, the will had said, "I leave the farm to my daughter, to enjoy the fruits of it during her lifetime, and 22 years after her death it goes to the children." That will was bad under the old law, because it let the property vest 22 years after the death of the daughter rather than 21. That was a harsh rule in its operation. It frequently caught the unwary and unskilled people who drew wills. One of the provisions in this bill is designed to cure that. But the provision dealing with the practical impossibility of giving birth, to which the hon. member referred, only goes to the question, is the gift good in the first instance? It does not deal with an examination as the daughter reaches a non-childbearing age and then have the gift go. It would not affect that at all. It merely provides for a case where the gift would have been bad under the old law.

So my qualified answer is that I do not think this bill would affect the situation the hon. member has put.

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

Bill No. 89
The Builders' Lien Amendment Act, 1972

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

Title and Preamble

MR. LUDWIG:

Mr. Chairman, on the title and preamble. I would like to ask the Attorney General whether he has had any representation under The Builders' Lien Amendment Act, with regard to a decision I believe was given last fall or last winter by Judge Rowbctham concerning the filing of liens, and then filing them on the 35th day, the lien was not recorded or registered and the lien was ruled invalid even though it was filed within the proper limitations set out in the The Builders' Lien Act within 35 days. I was under the impression that you have notice on it, but if you haven't, then I will try to dig up the case. But it was a Calgary

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case where the lien was filed on the 35th day, but it was declared invalid because it was not registered, merely filed. I apologize for raising it now because I was really under the impression that someone had given notice on it.

MR. LEITCH:

Mr. Chairman, I hesitate about answering that. I recall the lien case in Calgary on which there was some correspondence between myself and the law firm in Calgary. But the facts the hon. member has just given do not register with me as being the facts involved in that correspondence. My memory was that the difficulty flowed from a practice in the Land Titles office, and it was a question of whether that was the proper practice or not. I have had an exchange of correspondence on that.

MR. BENOIT:

Mr. Chairman, my question pertains to this particular aspect, only it deals with the federal CMHC loans. I don't know whether the province is doing anything about it or not. It was raised the other day in connection with second reading of this bill, where there are a number of houses in this province constructed under CMHC where, for instance, the contractor has not completed his house and the mortgage company is under fire because the contractor has spent his money and he has not paid all of those people who have paid him. Now, those who want money for their materials are putting their liens against the owners' houses. CMHC does not want to press the man for his payments for completion of the house because they're afraid that the liens will go against the houses and then the owners will be the ones who are responsible. Is there any way of getting the mortgage company to be responsible when they have signed up for these contractors for the building of the houses, because the little fellow is in no way in a position to fight this kind of situation?

MR. LEITCH:

Mr. Chairman, I would have to know a little more about the facts of the situation that the hon. member has given in order to make any comment. Apart from observing that the CMHC is, of course, a federal body, I think the rules they may follow are business rules as opposed to legal rules. If there are deficiencies they may be of matters of business practice as opposed to law, and in any event, I wouldn't think there would be very much the provincial government could do either in being involved in their business practices or, alternatively, being involved to pass legislation that would affect those practices. I do know that the normal custom of mortgage companies is not to advance funds on the mortgage to the contractor until they have been satisfied that there are no potential lien claims outstanding. They will then either not advance the money or pay the liens off or pay the lien claimant. That is the customary practice of mortgage companies. So the situation you described must be an unusual combination of circumstances that gave rise to it.

MR. BENOIT:

Well, the problem is that the amount that the liens would come to is considerably more than the 15 per cent that has been withheld in most instances, so the 15 per cent withholding wouldn't cover it.

MR. LEITCH:

That, of course, is very frequently the case and is under this bill. But the title of the property is cleared by the paying of the 15 per cent or the unpaid balance of the contract price if the unpaid balance is more than the 15 per cent. The lien claimants are all discharged and their claims to the property disappear. The owner has clear title, and the lien claimants are the ones who may be out money if there is a short fall. They then pursue the remedies against the people with whom they hold contracts for the payment of their goods and services.

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

MR. LEITCH:

Mr. Chairman, I move, seconded by the hon. member, Mr. Lickie, that Bills No. 20 and No. 89 be reported as amended in the case of Bill No. 20.

MR. TAYLOR:

Mr. Chairman, this afternoon we've got this whole book of amendments, and I personally haven't even had a chance to look at them - I've been busy in the

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House during this time - I don't think any of the hon. members have. I would think it would be very unfair to proceed with the Committee of the Whole work on The Mental Health Act today.

MR. HYNDMAN:

Mr. Chairman, on a point of order, I would ask the Minister of Health and Social Development to explain, because I believe most of these amendments refer to parts 3 to 6 of the bill and not parts 1 and 2. As we made progress on parts 1 and 2 of the bill to which amendments do not have a major effect, then that might be some progress. I'd ask the hon. minister to offer comments.

MR. CRAWFORD:

I do welcome the opportunity of speaking to that. I think, in the beginning, what I would like to do is venture an opinion for consideration of the committee. I must say that the understanding that I gave the Government House Leader in a conversation earlier, that the ones here primarily relate to parts 3 and 6, is not exactly what I intended to convey. There are indeed amendments to parts 1 and 2. But what I suggested was that the amendments to parts 1 and 2 are relatively easy to follow and do not introduce much new material. The amendments that follow that do get into some matters of substance that were not in the bill as originally submitted.

Of course, Mr. Chairman, I would invite hon. members to look upon the large volume of the amendments proposed at this time to the bill, not as a defect in any way to what was originally proposed, but as a triumph of the consultative process that has taken place during the summer with the committee that has been working on this and with the submission of the views of many, many people and associations. I could just mention that some of the bulk of what is here is here because it has been reprinted for convenience in referral. Parts of it are word for word what is in the act. For example when subsection (d) is reprinted word for word, it's because subsection (c) was changed, and they were all put in rather than splitting up the whole section, part in the printed bill and part in the amendment. In fairness, it should also be said that there are some items in parts 1 and 2 that are definitely new. Perhaps those could be allowed to stand, along with parts 3, and following.

There are changes relating in the first two parts to the splitting-out of physicians from the definition of therapist. So there are several subsections where you will find that instead of a reference to therapist, the whole section will be reprinted with the words, 'or physician', added. There are other cases where the reference to 12 hours has been changed to 24 hours. Once again, for convenience, the Legislative Council saw fit to reprint an entire subsection, changing only the 12 hours to 24 hours.

My suggestion, therefore, would be that we might begin the committee study. This is not without acknowledging what the hon. Member for Drumheller has said, that as a matter of major emphasis it requires close attention. All I can leave with the committee is the suggestion that if we do begin and find that we are in difficulties, I think we would soon ascertain that. If we begin and find that we are not in difficulty, we might as well proceed today as well as another day.

MR. NOTLEY:

Mr. Chairman, may I ask the Government House Leader if we are in a position to go on to something else, because there seems to be some uncertainty, even in the minister's mind, as to how far we can proceed. In view of the importance of The Mental Health Act, I think we all appreciate that this is probably a major piece of legislation that we are going to be dealing with at this session. I'm just wondering if it would not be possible to go on to some other bill at this time and give us sufficient time to consider the impact of these changes.

MR. HYNDMAN:

I always want to give the hon. members the time they feel is necessary to properly consider a bill, so we would now move on to Bill No. 93, the Committee of the Whole study The Wilderness Areas Amendment Act, 1972.

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Bill No. 93 The Wilderness Areas Amendment Act, 1972

[Section 1 to subsection 11.1 agreed to without debate.]

MR. BENOIT:

I think that I would like again the minister to give us, if he possibly can, more definite information with regard to the buffer zone. I know that he made an explanation the other day but it didn't come through to me. What is intended? How is this going to be created and how large? Now, you said it wouldn't need to be on all sides and so on, but is going to be specifically spelled out and what will be done in the buffer zone? Will it be the same as in the wilderness or something?

DR. WARRACK:

Thank you, Mr. Chairman. I welcome the opportunity to do that. The control buffer zone would be established by the Lieutenant Governor in Council, by regulation insofar as its boundaries are concerned. It will be of such a size as to serve the function of a buffer between the wilderness area itself, which has quite stringent control on its uses, and the areas where there might be fairly intensive human traffic. Moreover it will allow the wilderness area boundary to follow precisely a geographic demarcation easily identifiable by the public at large and ensure a ready voluntary compliance. This would be the purpose of the buffer zone and it would be of such a size and in such places to function effectively as a buffer and no other particular purpose.

As to what would be allowable within the buffer zone, it would be that any surface disturbance of substantial proportions, such as mining or quarrying would be prohibited and so would any major water diversions or impoundments. None of these would be allowed to occur within the control buffer zone, but other kinds of activity would be allowed to occur there, such as recreational use and related activities.

MR. NOTLEY:

Mr. Speaker, the point raised by the hon. member for Highwood; does the buffer zone concept accommodate the proposals of the Alberta Wilderness Association then for recreational wilderness? Is this a concept which you discussed in conjunction with that organization?

DR. WARRACK:

Mr. Chairman, the Alberta Wilderness Association has expressed agreement with the concept of the control buffer zone being part of the wilderness areas concept, but its at the same time essential to add that there are other changes that they would like to see, and that the buffer zone matter does not fully accommodate the requests that they are suggesting.

MR. NOTLEY:

If I could pursue this a little further. I am sure all the members received letters today from the Association and this reverts back to the previous subsection and I apologize, Mr. Chairman, for not raising it at that time. The proposal that they made is that we should make some change in the former section 8 to accommodate recreational activities of a limited nature in the existing wilderness area.

Now the question I pose to the minister is; did you consider that representation and is it your view that the existing wilderness area should be strictly prohibited from any kind of activity or is it possible to accommodate the proposal of the Alberta Wilderness Association?

DR. WARRACK:

Mr. Chairman, the matter we are discussing now is really a pretty important matter of the concept of just what the wilderness is and should be in Alberta. It is a question really, of public consensus, and certainly consensus among those who represent citizens of Alberta, as to just what prohibitions, referring specifically to section 8, what prohibitions ought to apply to wilderness areas. The 1971 Wilderness Areas Act did out in these prohibitions, and actually, Mr. Chairman, we would not really be discussing these prohibitions in Bill No. 93 because there is no change suggested in the prohibitions in Bill 93. What we would really be discussing is whether some further amendment should be here or not, and the extent of prohibitions that ought to occur within wilderness areas,

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be they fishing, trapping, hunting, or for that matter, the use of horseback recreation. Such activity is really a matter of public consensus and of consensus in this Chamber.

MR. NOTLEY:

Mr. Chairman, if I may again follow that. I understand the minister's remarks. However, it is fine to say "public consensus," but in terms of the position at this stage of the government, are we to take it then that you are not prepared to make the accommodation in section 8 as proposed by the Wilderness Association? That this should be an area strictly prohibited from those recreational pursuits recommended by the association?

MR. WARRACK:

Mr. Chairman, the act, as passed in 1971, has all of the prohibitions as designated in section 8, and we do not propose to alter those prohibitions in the amendment at this time.

MR. CHAIRMAN:

Mr. Notley.

MR. NOTLEY:

A supplementary question, I would like to propose with respect to the buffer zone. Will there be any determination in the buffer zone as to commercial use. I am not talking about mining, or strip mining, or rural development or this sort of thing, but let's say a commercial hunting lodge, or what have you. What regulations will there be with respect to that kind of activity?

MR. WARRACK:

We have gone so far as to assure by statute, that there would not be a major surface disturbance in the sense of any type of mining, quarrying, or any water . . . or diversions, but those are the contemplations for definite restrictions within controlled buffer zones at this time. We have not made a decision with respect to the other possibilities of activity within those controlled buffer zones.

MR. STEOM:

Mr. Chairman, I believe I understood the minister to say that there would no works whatsoever dealing with water impoundment. My question then is, if we are thinking in terms of recreational facilities within the buffer zone, would it not be wise to have some discretion in the possible impoundment of water. It seems to me that the two tie very closely, and when I hear people talk about the wilderness areas, leaving them in their true wilderness state, I find they have difficulty describing to me what they actually want anyway. One of the questions I raise with them was what if a forest fire starts in a wilderness area? Isn't this a phenomenon of nature? It is going on all the time. Are you going to permit that to go on. And of course, they say no. So my point is, that man then is trying to control under the control program in the best interests of certain objectives. If one of them is in the buffer zone of having recreational areas, why not some consideration to water impoundment?

MR. WARRACK:

Mr. Chairman, the hon. Leader of the Opposition makes a very excellent point. I have pondered these same questions and asked those same questions, and the variety of answers are really quite astounding, aren't they? Actually, I think it is fair to say that in terms of some of the concepts of the wilderness areas, including the matter of prohibitions that we have also discussed just a few minutes ago, there is not that clear a consensus as consolidated into what the wilderness concept should involve. Certainly I am open to suggestions from anywhere and from all members of this legislature as to ways that these ought to be altered in the future.

With respect to the matter of water diversions, this would be within a controlled buffer zone. I think in all likelihood the instance that is pointed out could be very well accommodated with ...

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MR. STROM:

I don't think that we should necessarily entertain diversion. I think though, that impoundments under a different category -- I'm thinking of a lake that could be very beneficial for several reasons.

DR. WARRACK:

Yes, that is quite right. It might very well be that boundaries of a controlled buffer zone might want to go along the edge of such an impoundment, so the impoundment itself is outside but its boundary and high water mark, at the same time, might be a buffer zone boundary within which recreational use could be very intensive.

MR. STROM:

Would it be within the buffer zone?

DR. WARRACK:

Not within the buffer zone, but we might move the boundary.

MR. YURKO:

I don't want to detract from the excellent explanation that the hon. member is giving, but this does involve water resources. I think the word very specifically is no "major" water impoundment. That does not preclude minor water impoundments of a number of different varieties.

MR. STROM:

Mr. Chairman, I am not clear now whether the hon. Minister of Environment is going to start telling the hon. Minister of Lands and Forests what he can do within the buffer zone. I would really just say that what I am thinking of here is that prohibition doesn't really seem reasonable to me if you are thinking in terms of recreational facilities within the buffer zone then why not a permissive clause to do something about the impoundment of water?

DR. WARRACK:

The hon. Minister of Environment is quite right, it is "major water diversions". I expect that if he and I had some difficulty deciding as a matter of collective judgment whether it was major or minor, that one or the other buying the other lunch might work it out. I am sure we could reach a major consensus on that matter that would be one reachable in the House as well. I really should have pointed out that, in fact, it is major rather than minor water diversions in impoundments that would not be allowed in the controlled buffer zone. I think the matter could be accommodated quite well that way.

MR. STROM:

One more question, if I may, in regard to the forest fire patrols. Will they only be patrolled by aircraft and dropping people in? Or do you have to get a trail to get in there?

DR. WARRACK:

As a matter of fact I am not quite sure. I am tempted to ask what you fellows had in mind when you passed those sections because the question doesn't really pertain to Bill 93. My guess would be that certainly if there is any possibility of endangering non-wilderness timber -- most of that area does not have that much timber in it -- or anyone's safety or anything of that nature we would certainly fight the fire.

MR. DIXON:

I have a question, Mr. Chairman, for the hon. minister. Is your department planning some in-depth studies of these areas to find out, for example, the effect on wildlife when man is not allowed to go in there and disturb it? Do you plan on carrying out a research project on all the other effects that this type of legislation could have in our non-populated areas? Another question, probably the hon. Minister of Mines and Minerals could enlighten the House on how settlement was made with the people who had leases in the area. Was it by way of trading of leases or by remuneration? What was the compensation?

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DR. WARRACK:

I have indeed thought about that first point, and it is a very good one. If the wilderness areas of Alberta are to represent eco. systems rather than arbitrary units of space in the province, then I think it makes a good deal of sense to know more about ourselves and more about our province by this kind of study. I think that is an excellent recommendation.

I can readily answer the second point as well. I had searched in the Department of Lands and Forests, and Mr. Dickie had searched in the Department of Mines and Minerals to see if, in fact, the former government had some consultation with the people who had purchased and were continuing to pay for rights in those wilderness areas and there had been none, and so, upon teaming this with finality this summer, I did talk with the people who had these rights in the wilderness areas in Calgary, where there offices are, and they were very concerned. Subsequently we have been able, as a government and particularly by the hon. Minister of Mines and Minerals to arrange an exchange of leases that has accommodated the initiation such that now there are no mineral leases within the wilderness area boundaries of these wilderness areas in Alberta.

MR. DIXON:

With regard to the transfer of leases, have they moved from the designated areas, the wilderness areas into the buffer zone, or did they go beyond the buffer zone?

DR. WARRACK:

Beyond.

MR. DRAIN:

I have been so far away from the microphone, because of the relocation, and the change has rather subdued me.

Anyway, my question is, how would the minister foresee dealing with a problem of extensive timber damage in a wilderness area, such as blow-down, or spruce budworm infestation, or a disaster such as a fire when timber could be salvaged. There does not appear to be any provision in this legislation towards overcoming something like this, or possibly satisfying that situation.

DR. WARRACK:

I think you will find that Section 9 provides that opportunity, and Section 9 is not something that is changed in Bill 93 from the act as it stood before Bill 93 was introduced, but Section 9 does provide those exceptions. Certainly in the event of disease or fire or even the possibility of fire -- which as you know even better than I from your experience, Mr. Drain, is a very severe problem when you have an accumulation of material which can cause a serious fire problem -- it would be my view that these problems of considerable urgency ought to be rectified.

MISS HUNLEY:

I have a considerable interest in wilderness areas, and have had for some time, but it seems to me, that there is a need to clarify for members in this House exactly what sort of a wilderness area we are discussing.

There are recreational wilderness areas, which have been mentioned earlier. This, in my view, is not a recreational wilderness area; this is a wilderness area to which man goes only as a visitor, and having gone there, on foot, he may look around, take pictures, paint a picture; he must not pick a berry, slap a mosquito, catch a fish, or anything of that nature. I just feel impelled at this time to make quite sure you understand the difference between a recreational wilderness area and the type of wilderness area we are talking about this afternoon.

DR. BUCK:

There is just one thing I would like to ask the minister.

In the matter of the recreational aspect as mentioned by the hon. Helen Hunley, say you were lost in an area such as this. You couldn't live off the land, could you?

DR. WARRACK:

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I am not sure I could. I think some of the members of this House who are considerably more skilled in that kind of activity in telling the poison berries from other berries and not eating any loco weed, for example. But seriously I think your point is quite right. The question really would be not so much a matter of whether you could see something about it, but a question of knowing the situation. Certainly if there was knowledge of such a situation I would use section 9 to act very quickly to rectify. I might add that in response to Mr. Dixon's excellent suggestion with regard to second reading last night, in the intervening time I have written a memo to be effective January 1, 1973 where a number of persons besides myself would be designated with authority to act in such emergencies.

MR. BENOIT:

One thing I was going to ask, since the hon. Miss Helen Hunley made the distinction pretty clear, is it the government's intention at this point to establish any wilderness recreation areas other than the existing provincial parks which, in fact, are not wilderness areas? Will you be designating some of the parks as recreation wilderness areas or will you be establishing some new areas that would be wilderness recreation areas?

DR. WARRACK:

Mr. Chairman, I think it is fair to say that substantial proportions of some of the provincial parks in Alberta are functioning just that way at this particular time. I can think of a number of examples of them and I think likely government on national parks that is important to look towards some kind of zoning as to use. That is a matter of concept equally applicable to provincial parks as it would be to national parks. I think it is something that can be accommodated within the types of provincial parks that we have now and the ones we hope to have in the future.

MR. ZANDER:

Mr. Minister, I was just wondering what the position of this act would be if our native people decided that it would be a good place to go hunting?

DR. WARRACK:

It is not absolutely clear from the legal look that I have been able to ascertain on this matter what the situation would be. I am sure that all hon. members are aware that Indian people who have treaty rights, as a part of that, have the right to hunt and fish on vacant public land for their own use for food, but not, for example, to hunt and sell the meat. Now whether, in fact, this would be applicable in this instance or not may very well be a case that would have to be tested. In the event that all citizens were treated equally in this regard I think the answer would surely be that the intention of Section 8 of The Wilderness Areas Act would be to prohibit hunting by anyone.

MR. DIXON:

Just one minor I would like to bring up to the hon. minister. Have you given any thought in Section 8 of landing aircraft in the wilderness area or harass game in the area what could happen if spotters could go and spot, say a heard of elk or wild horses, whatever it might be and, in effect, chase them out of the wilderness area into the area where they could be taken and still not be in defiance of this act. Have you given consideration to not only the aircraft landing but anything in the air can be used to chase out of the wilderness area something that should really be left in there for the benefit of everybody -- as Miss Hunley was saying to take pictures and so. Would the department give some thought later on that this could possibly happen, and if it is maybe they should take steps to correct it.

DR. WARRACK:

Mr. Chairman, I don't know whether we are talking about elk or untamed horses, but really, I think, would be relatively unaffected by that kind of activity. If you have had a look at this kind of terrain, it is not a very smart pilot who flies very low in this area, because it is a very rough terrain and there is a lot of updraft, downdraft. I really don't think that is a matter of major consequence, just from the improbability of it occurring.

MR. DIXON:

Last Saturday, Mr. Minister, I noticed an aircraft in the area where we are building the irrigation diversion at . . .

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DR. WARRACK:

Carseland.

MR. DIXON:

Yes, at Carseland, and that fellow was just at tree top height spotting ducks in this case, or trying to, or trying to get them up, and I don't think you can say they won't fly at tree top height -- they do it, and I think they should give consideration to it.

DR. WARRACK:

There is sure a lot of difference between the Carseland area that I am very familiar with, which is just flat prairie, and the mountains that I was referring to in the wilderness areas. And if you will recall, that was primarily the basis of my answer, the very rough terrain and the kind of updraft, and downdraft problems that occur there and make it extremely hazardous to fly low enough to chase any game anywhere really.

MR. DRAIN:

The hon. Member for Calgary Millican constantly refers to wild horses. Pretty soon we'll have to shoot them to keep them down on their place. However, Mr. Chairman, I wonder if he has ever, in his time, studied the ecological implications of a group of wild horses in a wilderness area? They are an encroachment on the natural balance of nature, insofar as they have no natural enemies. And without some attrition the consequences are, that they erode the position of other game. This is my experience in the Grande Cache area, and in looking over the areas where there are wild horses. So, obviously the thing to do, if there was an infestation of this nature, would be to eradicate the parasites by shooting them and properly canning them.

DR. WARRACK:

Mr. Chairman, I think the hon. Leader of the Opposition might want to put that item on their caucus agenda.

MR. DIXON:

. . . with my hon. friend from Pincher Creek, Mr. Chairman. I thought the hon. minister was going to ask me for it. I have some research that will show that it is exactly opposite to what the hon. Member for Pincher Creek states. So maybe someday when we get into debate, I shall welcome the opportunity for rebuttal, but today isn't the time to do it.

MR. CHAMBERS:

Yes, I'd like to ask the hon. minister -- I guess this is pursuant following Mr. Benoit's question, if there would be any areas where one could fish or perhaps hunt, but where mechanical equipment or industrial development is not permitted.

DR. WARRACK:

No, Mr. Chairman, there wouldn't.

[Subsection 2 to 3 Clause (a) were agreed to without debate.]

Clause B

MR. STROM:

I wonder if the hon. minister would tell us what 'undertaking' would refer to?

DR. WARRACK:

I guess there is more than one kind of 'undertaking'. This would refer to the planning of such a water diversion . . . as far as I know.

[Subsection 4 to 14 were agreed to without debate.]

Schedule

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MR. BENOIT:

Just a question at this point with regard to -- I understand you are talking about the whole Schedule now. I wanted to talk about the White Goat Wilderness. Is it alright to ask the question now?

MR. CHAIRMAN:

Well, let's take the Schedules in a row.

[Ghost River Wilderness Schedule and Siffleur Wilderness Area were agreed to without debate.]

White Goat Wilderness Area

MR. BENOIT:

All right.

MR. TAYLOR:

I wonder if the hon. minister would tell us what the effect is of putting the wilderness areas in the schedule rather than leaving it up to the Legislature, as was previously? Is there some particular purpose because the legislature approves the schedule? I can't see significance of it, but perhaps there is something I'm missing.

DR. WARRACK:

Well, putting the precise schedule as it applies to each of the respective three wilderness areas for Alberta puts the exact size and boundary of these wilderness areas as a statute, and therefore, can only be changed by this House.

MR. BENOIT:

Since this particular amendment has repealed the 144 square mile limit, and the White Goat wilderness has been limited to about 172 square miles, if my memory serves me right, what was the reason for limiting the White Goat wilderness area? Could we not have taken the whole area in, or was it on account of too much activity in the surrounding area of what was chosen?

DR. WARRACK:

Mr. Chairman, as a matter of fact, it would have been inconsistent to have had the White Goat, or for that matter the Siffleur wilderness area, the sizes that are recommended here, namely 171.65 square miles in the instance of the White Goat area, and 159.13 square miles in the case of the Siffleur wilderness area, those both being larger than 144 square miles which had been the maximum allowable in the legislation as it stood after the spring of 1971. We removed the maximum size restriction in order that we could put together an ecological unit that is 159 square miles in the Siffleur and roughly 172 square miles in the case of the White Goat area. You will find, if you have an opportunity to look at these closely -- and I refer you to the Advisory Committee Report tabled March 15th 1972 that describes them -- you will find that they follow peaks around so that there is a geographic demarcation that is very precise and easy to discern on the part of the average citizen.

As to the size, I don't think one would talk about increasing any of these by some arbitrary amount, like 10 or 20 square miles. I think one would talk about adding an additional ecological unit if you're going to do that. And, if we wanted to basically pay the price, we could make it three times, four times, or ten times as big.

MR. NOTLEY:

Perhaps the hon. minister can correct me if I'm wrong, but I understand that the size of the White Goat wilderness area has been sharply reduced, that it is approximately one-third of its former size. I wonder if you could perhaps give us the exact reduction. We know what it is now -- 179 square miles -- what was it before? What does the government propose to do with this additional area that it has taken out of the White Goat wilderness area? Is that going to be all a buffer zone or to what extent will it be open to development and are there any moves to develop that area at the present time?

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DR. WARRACK:

I think the second last question, to clarify immediately and first, is that the boundaries and the square miles we're talking about here would refer to within the wilderness areas and do not include any space for the controlled buffer zones. In the case of the Whitegoat wilderness area, I'm not a lawyer and I don't mean to be too legal about it, but the fact is that, until we pass this amendment, there technically never has been a wilderness area. So you can't really say it's been reduced. On the other hand, I think the intention of the question basically is to compare the former provisional space with what is suggested here. That would be, as it was suggested, a major reduction which was certainly the intent of the legislature in the first place with the 144 square mile maximum size. It would be a reduction of some 488 square miles, as provisionally set up, and to a boundary size here of 172 square miles, roughly. The other land would be vacant public land, just as is other land surrounding most of the other two wilderness areas.

MR. NOTLEY:

I'd like to question this for a moment. There must have been some sound reasons for the dimensions of the provisional area in the first place of approximately - if my arithmetic is right - some 550 square miles. The question I would pose to you is that if the reduction from the provisional area, from 550 square miles down to 179 square miles, there must be some reason for it. Are there any moves being made now for areas of a commercial nature in that 370 square miles which is being taken out of the provisional area, for oil development or mineral development of some kind?

MR. WARRACK:

Actually the figure is 488 as compared with 172, but that's not a major difference in the question. The matter is that the 172 square miles does form a valid ecological unit. In those areas you have to engulf a tremendously larger size in order to take in still another ecological unit. So you'd have more than one eco-system in the wilderness area. I'd be inclined to think that more doesn't necessarily add that much, as compared with having the ecological system as covered in the wilderness area itself here. So it would seem to me that this is certainly adequate, particularly because its characteristics are fairly similar to the other two wilderness areas. I don't know precisely what activity is presently, or may be contemplated, for the area not inside the wilderness area, but had formerly been provisionally included. It may well be that there are some mineral leases which, at some future point, may want to be developed. As a matter of fact, I guess one could find that out by consulting the report.

MR. BENOIT:

Are we planning definitely now for more wilderness areas in the immediate future?

MR. WARRACK:

I do not have definite plans at this time to add additional wilderness areas.

MR. TAYLOR:

Mr. Chairman, I have one comment and then one question. I'll ask the question first. Supplementary to what the hon. Member for Spirit River was asking, is it your intention to make part of this area that was taken out of the White Goat into a buffer zone, or has that been decided yet? I would like to have your comments on that.

Secondly, I would like to say that I personally very strongly support the elimination of this maximum of 144 square miles. I think this is far more sensible. Some will be smaller and some will be larger, but I think that while 144 was probably taken out of the blue, there is very sound reason to eliminate that, and I certainly strongly support that. In future the government or the legislature can have wilderness areas commensurate with the natural boundaries of these wilderness areas, which may be more and may be less. But I would like to have your comments on the buffer zone, particularly on the White Goat.

MR. WARRACK:

With respect to the buffer zone on the White Goat, I've not made definite plans, even in my own mind, as to where these might need to be, because all of that depended upon whether the suggestion of that principle of the amendment was

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acceptable to the House. But my contemplation, in the White Goat wilderness area, would be for a need of a buffer zone primarily along the south area where there is quite a bit of access north from the North Saskatchewan River. It may very well be that there is no need for a buffer zone around some of the other parts of the White Goat wilderness area.

Title and Preamble

MR. LUDWIG:

On Title and Preamble I would like to ask the hon. minister whether he has had any representation with regard to entry into these wilderness areas, that is, by foot, riding in by horseback or snowshoes or skis, as opposed to just walking into these areas.

I can't understand the purpose of restricting people from riding into these restricted areas on horseback. You never see more than three or four people on horseback in that whole country anyway, so it doesn't do any damage to anything, and I think it's almost a case of either the ranger or the civil service doesn't want anybody in there. But the people who go there, if they walk, very few will walk more than 10 or 15 miles. The whole area is virtually shut out to people by this type of legislation, and even if you go on horseback in bordering areas you could cross over without knowing it, once you circle around the valleys and hills and the trees on horseback. You can't tell the direction sometimes unless the sun is shining, so this is really quite meaningless, but it is not in the interest of the people.

I suspect strongly that some top flight civil servants would like to just leave it that way, but it has no public interest or public benefit to leave this legislation on the books. I want to lock at that country; it belongs to Alberta, but I can't walk 25 miles, it's rough country, but I'd like to ride on horseback and you would probably find that maybe two or three people will ride in that whole area during the whole year. If a person on horseback will damage the foliage or the shrubs and trees, or whatever you have there, then what about hundreds of wild horses? The reasoning is entirely false, keeping this enclosed as if it were fenced in by high wires.

I would like to recommend that consideration be given in the future to opening this up a little bit to the people to go in there and visit and ride around in it. The restriction could be well adequate if they prohibited motor vehicles. And also this nonsense of no fishing. If you go on a hike for 10 miles with a group into the wilderness area and you come to a pond where there is fish, there is no reason whatsoever why they can't catch a couple or three fish. It doesn't hurt anybody. In no way whatsoever does it upset the ecology or does it disturb anybody, or for that matter would anybody know? I think this legislation is restrictive and is not in the public interest and I think that perhaps the hon. minister should listen to people who make representations -- people from wilderness organizations who know and who use this thing, rather than listen to the Civil Service.

DR. WARRACK:

I'm just astonished. The comments just made have nothing at all to do with Bill 93, and although the argument is well made and certainly has some points, I would suggest to the hon. member that he is some 18 months late with it, because the act itself was passed in the spring of 1971 by the then government inclusive of that particular section, and Bill 93 is simply suggesting an alteration of that section, so I don't understand why any harangue is due to me.

MR. LUDWIG:

Mr. Chairman, I would like to comment that under Title and Preamble I think I am entitled to deal with whatever aspect of wilderness legislation and the fact that some legislation was passed two or three or four years ago -- we're dealing with now and I am expressing an opinion as I see it now. I believe that --

MR. KCZIAK:

Thank you, Mr. Chairman. I believe that the hon. member for Calgary Mountain View probably today received the same letter that I did from the Alberta Wilderness Association. Is it my understanding, Mr. Minister, that in regard to the buffer zones and the zones that have been cut away, that won't be used in these wilderness areas, that provision can be made for hunting and fishing and horseback riding to the content of anybody who would like to go into those areas? That it's just the particular wilderness areas in which this is

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being done and the buffer areas which will be allowed surrounding these wilderness areas would be available to the people who would like to hunt and fish and ride on horseback?

MR. WARRACK:

The answer is yes, except that it would be visualized that most of the buffer zones would be of a small enough size that it might be simply for safety reasons not permissible to have hunting, although you could have horseback riding and fishing.

MR. DRAIN:

. . . on the ride to Calgary I have got to tread very softly in the realm of disagreement with him. But however, it appears to me that he is not in tune with the times. There has been such a trend in the public interest in wilderness, as I suppose it is a recoil action to the fact that so many people now live in cities. I am thinking of the trail that stretches -- what they call the Oregon trail -- that stretches from Oregon to California. It had so many backpackers on it in the last two years that erosion became a problem, and this trail had to be hard surfaced. Now I suggest to this young man from Calgary Mountain View, that if he is not in shape to walk twenty miles, that he should talk to the hon. Independent member, Dr. Scuvier, and get a tune-up.

AN HON. MEMBER:

He can ride.

MR. DRAIN:

However, seriously, there is one particular thing that hasn't been mentioned in relation to horses. That is, that a horse utilizes the natural flora and fauna. Looking ahead, there should possibly be an area set up where horses can be utilized, and we have this vast area of Crown lands, millions of acres where there are no objections or obstacles to horses. But thinking in these little unique wilderness areas which will be saved harmless for countless generations, looking at the rate of acceleration in the usage of these particular areas, and realizing that a horse eats grass -- I regard that as one of my more profound remarks this afternoon. Nevertheless, by doing this, and packing into the bush -- you fellows have done it so you know all about it -- you have to have a packhorse, and then a packhorse for the packhorse, and then a packsaddle for the packhorse, and so you hit a whole cycle. So whereas actually you start off with the idea of three or four people going into the bush, you find you have got a pack train of 25 horses behind you, and all of these horses, Mr. Chairman, are now eating grass. Think of the economic impact on the sheep, mountain goats, moose, -- not the moose because, pardon me, the moose don't eat grass. This is right, but certainly the elk do, and considering the usage that these areas will be subjected to, and the intent and desire of the legislation, I am very much in favour of it as it is, and I sincerely hope that everyone supports it. I am sure that the hon. member for Calgary Mountain View, after listening to my dissertation on it, is going to go along with it.

MR. CHAIRMAN:

I trust you have another ride to Calgary.

Title and Preamble

MR. BARTON:

I have one concern with the three wilderness parks that I would like to put to the minister as to an administrative point of view. How are they going to control this -- with a red snow fence, signs put up overnight, consultation with people in the area? I would like to find out what the administration will be.

DR. WARRACK:

We welcome your suggestions.

MR. BARTON:

I would appreciate that. We have had it all done to us.

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

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MR. HYNEMAN:

Mr. Chairman, I move that the committee rise and report and beg leave to report the same.

[The motion was passed without dissent.]

* * * * *

[Mr. Speaker resumed the Chair at 4:20 p.m.]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following bills: Bill No. 89, Bill No. 93 and begs to report the same. The Committee of the Whole Assembly has had under consideration Bill No. 20 and begs to report same with some amendments and begs leave to sit again.

MR. HYNEMAN:

With the few minutes remaining this afternoon I would like to advise the House of tentative business this coming Monday. We would begin with Committee of the Whole Assembly study of Bill No. 83, The Mental Health Act, 1972, amendments to which were distributed to members today. Following completion of the committee study we would then move to committee study of the following bills: Bill No. 114, The Brand Amendment Act; Bill No. 110, The Defamation Amendment Act; Bill No. 111, The Alberta Income Tax Amendment Act (No. 2); Bill No. 108, The Workmen's Compensation Board Amendment Act, 1972 (no. 2); Bill No. 109, The Land Titles Amendment Act; Bill No. 77, The Legal Profession Act (No. 2); Bill No. 112, The Public Works Amendment Act; Bill No. 115, The Financial Administration Amendment Act, 1972.

I would now like to give oral notice, Mr. Speaker, that on Monday the following government motions will be moved for debate possibly on Monday afternoon, depending on the progress on those matters which I have just outlined. The government motion to be moved by Mr. Lee and seconded by Mr. King -- and I have given a copy of this notice to the hon. Opposition House Leader -- will read: "That the report of the Commission on Educational Planning be received."

Mr. Speaker, we will not be sitting on Monday night, as mentioned previously. As it is close to 4:30 p.m. I move that we call it 4:30 p.m.

MR. SPEAKER:

Does the House agree with the motion of the hon. Government House Leader that we call it 4:30 p.m.?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 4:28 p.m.]