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ALBERTA HANSARD

November 15th 1972

LEGISLATIVE ASSEMBLY OF ALBERTA

Wednesday, November 15, 1972

[The House met at 2:30 pm.]

PRAYERS

[Mr. Speaker in the Chair.]

READING AND RECEIVING PETITIONS

Agrimart Site

MR. SPEAKER:

With regard to the petition which was submitted yesterday by the hon. Member for Calgary McCall, I have had it checked by the Legislative Counsel and in order for it to be receivable, it would have to be addressed to the Legislative Assembly. The petition is addressed to the Government of Alberta and perhaps it should be lodged with a representative of the government if it is going to remain in that way; otherwise it might be amended and resubmitted to the assembly.

MR. HO LEM:

Mr. Speaker, I wonder if you would consider the first line in the petition where it says that, "We do appeal to the hon. Legislative Assembly herein assembled."?

MR. SPEAKER:

I'll recheck it, but it is, in two places, addressed to the Government of Alberta.

PRESENTING REPORTS BY STANDING AND SELECT COMMITTEES

Standing Committee on Privileges and Elections

MR. APPLEBY:

Mr. Speaker, I beg leave to table the report of the Standing Committee on Privileges and Elections.

INTRODUCTION OF VISITORS

MR. LOUGHEED:

Mr. Speaker, I would like to introduce to you and through you to the hon. members of the Legislative Assembly, distinguished visitors who are sitting in the Speaker's Gallery. Visiting us is the New Zealand High Commissioner to Canada, His Excellency Dean Jack Eyre and the Trade Commissioner, Mr. Raymond Wright. I wonder if they might stand and be recognized by the assembly.

MR. SCHMID:

Mr. Speaker, I would like to introduce to you and through you to the hon. members of this assembly, four young visitors from far away Malaysia who are here under the Canada World Youth Program, accompanied by their leaders, Mr. Ian Elliott and Mr. Denis Lord. The visitors are Miss Helen Pereira, Mr. Mohamad Amin, Mr. Mohd Rashid Shariff, and Mr. Said Haji Bolhassan. I would like to tell them, "slamad datang ka Alberta."

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MR. JAMISON:

Mr. Speaker, I would like to introduce to you and through you to the hon. members of this assembly, 20 members of the Robertson-Wesley United Church. I would like to add that the Robertson-Wesley United Church study group did a tremendous job and submitted a submission on the censorship review, as well as appearing at the public hearings. I would like particularly to thank Miss Hawkins for this, and would they please rise now and be recognized by this assembly.

MR. HYNDMAN:

Today it is my pleasure to introduce to you and to the hon. members of this assembly some 22 members of the Grade VIII Westminster Junior High School class who are here in the members' gallery, accompanied by their teacher, Mrs. Shewchuk. They are here on a field trip as a part of their current affairs course. A number of them have written to me on a matter of current public interest to them. I'd like them to rise now and be recognized by the assembly.

MR. DOWLING:

Mr. Speaker, I would like to introduce to you and through you to the members of the assembly 30 young people and their escorts from Harry Collinge High School in Hinton. Of particular interest to them during their visit to the assembly is the fact that these young people have, as a social studies project, the study of The Bill of Rights and related legislation that is now before the House. They are seated in the public gallery, Mr. Speaker. I wish them to rise and be recognized by this assembly.

MR. CLARK:

Mr. Speaker, I'd like to introduce to you and through you to the members of the assembly a delegation which is in your gallery, Mr. Speaker, from the town of Sundre which is in the constituency of Olds-Didsbury. The delegation is made up of Mr. Archie McKechnie, Dr. Moorehead, Mr. Bert Caveny, who are members of the town council and are also active in the Sundre Chamber of Commerce. I would ask that they rise and be recognized by members of the assembly.

DR. BACKUS:

Mr. Speaker, I would like to introduce to you and through you to the members of the assembly five members of the Action 75 committee from Grande Prairie. They are here in Edmonton today, led by the mayor, Mr. Elmer Borstad, to present their bid for the 1975 Canada Winter Games. A lot of careful preparation has gone into this bid, in which all the members of the community have participated. I would like them to stand and be recognized.

MR. CRAWFORD:

Mr. Speaker, once again I would like to introduce to you and to the members of the assembly a very special group of young people from the Edmonton School for the Deaf. This is an additional group from the group that was introduced yesterday. These are, to a large extent, young women, although there are also a few boys in Class C and Class D present. Largely they are from the Edmonton 25th Guide Company, and they are in uniform in the gallery. I would just like to say to them through their interpreter, Mrs. Pillotson, who is here today, that the members of the assembly greatly admire and appreciate what they are doing in showing an interest in the proceedings of the House, in spite of the difficulty it is for them in not being able to hear our proceedings. I'd ask them to rise now and be recognized.

FILING RETURNS AND TABLING REPORTS

MR. YURKO:

Mr. Speaker, the Government of Alberta recently signed a major agreement with Calgary Power, bringing the Calgary Power Company entirely under provincial jurisdiction. There was considerable study and some negotiation which led up to the signing of this agreement. In light of the government's policy of making public the maximum amount of information leading to such major agreements, I would like to table the following documents.

First of all, the report of the interdepartmental committee that was established to research this problem in depth and recommend the form of an agreement.

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Secondly, the minutes of two meetings the committee had with Calgary Power; the committee is called the Steering Committee in this particular project.

Thirdly, a copy of the act of agreement that was signed with Calgary Power, and

Fourthly, copies of all licences and agreements that exist up to this time between Calgary Power and the provincial government.

ORAL QUESTION PERIOD

Income Tax Revenue

MR. STROM:

Mr. Speaker, I would like to address my question to the hon. the Premier. Have you made any representation to Ottawa in the past six months requesting half of the income tax revenue?

MR. LOUGHEED:

Mr. Speaker, I have made those representations although as far as half of the income tax revenue I'm not sure we were as specific with regard to half. If the hon. Leader recalls, I extensively raised that matter during the course of my budget remarks last March; in fact, in some considerable detail.

I believe too, that a year ago at the last First Ministers' meeting in November of 1971, I raised the matter again of the readjustment of the question of the ability to pay taxes. I do not believe that the government has taken a specific position with regard to a half, insofar as representation is concerned, to the federal government, but we have clearly made representation, in a number of ways, at a number of different times, to the effect that it is essential, in our view, for the viability of the Canadian nation to have -- because of the responsibilities of the provincial government, particularly in the fields of education and health -- to have a larger share of the ability to pay taxes and of course the largest ability to pay tax is the income tax.

MR. STROM:

Mr. Speaker, I take it from the hon. the Premier's answer then, that there have been no formal presentations or position papers presented to the federal government since those that were tabled at the spring session? I believe there were some tabled then.

MR. LOUGHEED:

Mr. Speaker, I am not quite sure what the hon. Leader is getting to in his question. We made our position absolutely clear to the federal government last November. We have followed that up in a number of other different ways. Unfortunately the limitations of the question period, Mr. Speaker, would preclude me from getting into it unless the hon. members want me to, if it is that important a matter.

I might just say in passing, if I could summarize some of them, we have made representations at the Premiers' Conference last August with regard to this particular matter; we have made representations through the Minister of Federal and Intergovernmental Affairs and the Provincial Treasurer at the various finance meetings -- one of which took place at Jasper in January, the last one I believe -- and the other representations took place when Mr. Turner, the Minister of Finance for the federal government, was in the city during the course of this summer.

In addition to that, I have personally, on a number of occasions, communicated in an informal way every time I have had an opportunity to deal with the federal minister -- as has the hon. D.R. Getty -- our view of the importance of this subject. Of course, what we are awaiting is the decision by the federal government as to the timing of the next session of parliament and of course, the bearing that that will have, will be when the next First Ministers' meeting will occur.

MR. STROM:

Mr. Speaker, to the hon. the Premier. Has the hon. the Premier made any proposals or had discussions with the municipalities that would result in increased revenues for the municipalities to meet the ever-increasing costs?

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MR. LOUGHEED:

Mr. Speaker, of course we have. We have been talking at considerable length with the municipal governments and we will be making a specific policy declaration on this matter early in 1973 with regard to major reforms and restructuring in the area of provincial-municipal finance.

The hon. Minister of Municipal Affairs has previously, at the fall session, commented upon the task force report chaired by Mr. Farran.

In addition to that, have made my remarks yesterday to one of the municipal meetings and I believe, given occasion, to the other municipal groups, because we feel it is important for municipal government in this province to appreciate that the extent of our ability to make these necessary reforms in provincial-municipal finance depends to some extent, and to some considerable extent -- as it does in other provinces -- upon the essential, needed reform and restructuring in the financial capacities as between the provincial and federal government. We consider that of the highest priority in our administration, and in fact, we consider that sort of reform and restructuring is very, very important to the continued viability of the Canadian nation.

Municipal Grants

MR. STROM:

Mr. Speaker, the last two questions that I would like to raise; I am wondering if the hon. the Premier can tell the members of the legislature at this time whether or not unconditional grants to municipalities will be made conditional? Also is it the government's intention to announce guidelines similar to those for education as far as other costs are concerned, the rapidly escalating costs that are within the municipal jurisdiction?

MR. LOUGHEED:

Mr. Speaker, it is not our intention to further elaborate on our plans with regard to provincial-municipal financial reform until early in 1973.

MR. SPEAKER:

The hon. Opposition House Leader followed by the hon. Member for Calgary Mountain View.

ARR Rates

MR. TAYLOR:

Thank you, Mr. Speaker. I wonder if I could inquire from the hon. Deputy Premier or the hon. Minister of Industry and Transportation if they have been able to get any information on the rapeseed from Peace River.

DR. HORNER:

Yes, Mr. Speaker, the information we have is that the ARR rates are in effect in relation to rapeseed.

Kananaskis Highway

MR. TAYLOR:

Thank you. I would like to address a question, Mr. Speaker, to the hon. Minister of Highways and Transportation. With reference to the proposed Seebe-Kananaskis Highway, has agreement been reached with the Stoney Indians, for the extra right-of-way required?

MR. COPITHORNE:

Mr. Speaker, at this time, not completely.

MR. TAYLOR:

Supplementary. Is the hon. minister planning to let a contract within the next few days before agreement is reached?

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MR. COPITHORNE:

Mr. Speaker, the contract on the middle section of the Kananaskis Highway has been let.

MR. TAYLOR:

Supplementary, Mr. Speaker. Is the hon. minister planning any public hearings in connection with the Seebe-Kananaskis Highway?

MR. COPITHORNE:

Mr. Speaker, no.

MR. SPEAKER:

The hon. Member for Calgary Mountain View followed by the hon. Member for Smoky River.

Urban Municipalities Association

MR. LUDWIG:

Mr. Speaker, I would like to address a question to the hon. the Premier. In view of the representations made by the Urban Municipalities Association under the title of The Urban Fiscal Problem Restated, is the Premier considering the replacement of the Farran task force with a commission that is more acceptable to the municipalities?

MR. LOUGHEED:

Mr. Speaker, I believe, if the record in Hansard is accurate, that I was asked the identical question earlier in the session.

MR. LUDWIG:

Yes, Mr. Speaker, but I am asking this question in relation to the representation made by the Municipalities Association. I believe the hon. Premier should give us an answer.

MR. LOUGHEED:

Mr. Speaker, I was asked the question exactly on that point. It will come to me in a minute which member on the other side asked it, I think it was the hon. member -- I am not sure -- but I know that I was asked that exact question and I have given that answer in the House and it also referred to the meeting of the Urban Municipalities Association in Lethbridge.

MR. LUDWIG:

Mr. Speaker, supplementary to the hon. Premier. Is the hon. Premier satisfied with the results of the Farran task force on this issue to date?

MR. SPEAKER:

The hon. Member for Smoky River followed by the hon. Member for Edmonton Kingsway.

MR. LUDWIG:

Supplementary to the Premier. In view of the fact that he is reluctant to get involved in what I believe is an embarrassing situation to him, I would like to pursue this question.

SOME HON. MEMBERS:

Order, Order.

MR. SPEAKER:

Would the hon. member please come directly to his question if he has a supplementary?

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MR. LUDWIG:

Mr. Speaker, I do have a direct supplementary question to the Premier. Has he considered the Urban Fiscal Problem Restated Report by the Municipalities Association?

MR. LOUGHEED:

Yes, Mr. Speaker, I have given it very careful consideration.

MR. LUDWIG:

Are you going to take any action --

MR. SPEAKER:

May this be the last supplementary on this topic?

MR. LUDWIG:

Thank you, Mr. Speaker. Is the hon. Premier going to take any action whatsoever on the representation?

MR. LOUGHEED:

Mr. Speaker, I answered that question previously.

MR. SPEAKER:

The hon. Member for Smoky River, followed by the hon. Member for Edmonton Kingsway.

Grain Quotas - Harvesting Problems

MR. MOORE:

Thank you, Mr. Speaker. I have a question for the hon. Deputy Premier and Minister of Agriculture, once again involving the serious harvesting conditions in central and northern Alberta. Is the hon. minister aware that certain grain delivery quotas will be terminating on November 17th? If so, what action has been taken to ensure that farmers who have been unable to complete their harvesting operations in good moisture conditions will have an opportunity to deliver their grain?

DR. HORNER:

Yes, Mr. Speaker, that is one of the problems affecting the areas that have had poor harvesting weather, particularly in the Peace River country and in the western areas west of Red Deer and Rimbey. We have asked the minister in charge of the Wheat Board to extend those quota delivery dates to the end of the year. One of the real problems, of course, is that some of the grain that has been harvested hasn't been dried to acceptable levels. We are also looking within the department into a program in relation to drying some of this grain as well. These are just part of the total package on which we hope to have some final announcement by next week in relation to the variety of assistance that can be made available to farmers who have had a very difficult fall.

MR. MOORE:

A supplementary, Mr. Speaker, on the same question. Has the minister had a reply yet from the federal Minister of Agriculture or his department regarding their willingness to participate in an assistance plan for farmers who have not completed their harvesting?

DR. HORNER:

Not as yet, Mr. Speaker. We have had continuing negotiations with the federal government and have also been in consultation with the Government of British Columbia in relation to having a similar program in the Peace River block. I am hoping that we can finalize these negotiations with the federal government next week when the ministers of agriculture are meeting in Ottawa.

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MR. BUCKWELL:

A supplementary, Mr. Speaker. Could the hon. minister tell us the results of the survey that was taken -- the farm to farm survey -- has it been completed?

DR. HORNER:

That survey is continuing, Mr. Speaker. In essence, it confirms the general situation report that I gave in the legislature earlier, in that the area that stretches from Manning, north of Peace River westward through Grimshaw and Fairview, the communities of Bonanza, Cherry Point, Bay Tree, and that particular area have been the most severely hurt. In addition to that, there are other pockets in the Peace River country which have had considerable difficulty in getting their crop off, also the area in relation to Sunset House and the area east of Valleyview. An additional area is in serious difficulty west of Rimbey and west of Red Deer where they had substantial early snows. These are the most serious areas; there are other pockets in which there were serious damages owing to climatic conditions earlier in the year. We are also trying to bring in a program which will look after people on a province-wide basis in relation to the disasters that have befallen them.

MR. NOTLEY:

A supplementary question, Mr. Speaker. In the event that negotiations with the federal government are not successful, is the government considering unilateral action by the province?

MR. SPEAKER:

The hon. member's question is clearly hypothetical.

MR. RUSTE:

A supplementary, Mr. Speaker, to the hon. Minister of Agriculture. In light of the answer that you have asked for extension of quotas until the end of the year, does that indicate that harvest is pretty well completed but that the grain is damp and has to be conditioned prior to sale?

DR. HORNER:

Mr. Speaker, the hon. member can see as well as I that we are not going to do very much more harvesting in Alberta unless the snow all goes.

MR. CLARK:

A supplementary question, Mr. Speaker. In light of the report the minister has just given the House, has he given consideration to an immediate acreage payment to farmers in that area who have been able to harvest a very, very small portion of their crop?

DR. HORNER:

Mr. Speaker, as I mentioned earlier in the legislature, we're trying to put together a package of assistance. In part of that package we are giving consideration to cash payments, feed assistance, the provision of some freight assistance, if necessary, to move the particular area, the question of quotas and the drying facilities, the question of meeting with the financial people -- in an attempt to forestall any foreclosure actions. These are all part of the continuing program that my department is involved in.

MR. SPEAKER:

The hon. Member for Edmonton Kingsway followed by the hon. Member for Sedgewick-Coronation.

Multi-Language Teaching

DR. PAPROSKI:

Mr. Speaker, a question to the hon. Minister of Education. With respect to the repeated requests of many citizens in Alberta regarding language teaching, what is the government doing now to ensure, encourage, and, in fact, increase the availability of language teaching in other than English or French in our school system, in line with our multicultural society, and also keeping in mind

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Canadianism first. I'm referring here especially to languages such as German, Italian, Ukrainian, Chinese, Polish, and so on and so on?

MR. HYNDMAN:

Well, Mr. Speaker, to a large degree the initiative lies with the local school boards in this matter. It is important, I think, to distinguish between instruction in schools in a language other than English, and the teaching of a second or third or fourth language.

With regard to instruction, the French language may be used as a language of instruction in Grades III through XII inclusive, up to 50 per cent of the school day in the province, depending on the wishes of the local school board, reflecting the desires of their local people. And in Grades I and II, with the exception of one hour of required compulsory English instruction, the rest of the day may be instructed in the French language.

Concerning the teaching of second languages, school boards can and have exercised their initiative in proposing courses to teach second or third or possibly fourth languages. I believe that Italian and Hungarian are now being taught in Alberta schools, and I believe a recent request was received for the teaching of Polish as a second language. Certainly we would endorse submissions of this kind from school boards, and I can assure the House that the hon. Minister of Culture, Youth, and Recreation, Mr. Schmid, and myself, are working closely together to follow up the impact of the resolutions put forth in a very successful multicultural conference this summer.

DR. PAPROSKI:

A question, Mr. Speaker. Does the minister recognize the concern of many citizens across Alberta that French is put out as if it were the only secondary language that is available, recognizing, of course, that French is important and with due respect to the French language?

MR. HYNDMAN:

I haven't personally received representations of that kind, Mr. Speaker, but certainly the initiative should lie with the citizens interested in going to their local school boards and suggesting that there is substantial interest in the community, perhaps presenting a petition that a second or third or fourth language be taught, whereupon the school board would begin to design a curriculum and thereafter submit it to the department for review.

MR. SPEAKER:

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

Pest Control Program

MR. SORENSON:

Mr. Speaker, my question is to the Minister of Agriculture, and I'm wondering if we're still a rat-free province. Reports are that there are Norway rats at Nordegg. Well my question is, what is the government's financial share in the pest control program?

DR. HORNER:

The province of Alberta looks after the entire cost of the rat control program.

MR. SPEAKER:

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

Juvenile Traffic Offences

MR. WILSON:

Mr. Speaker, I would like to direct a question to the hon. Minister of Highways and Transport. Is there a discrepancy in the manner in which traffic offences are dealt with regarding juvenile ages for boys and girls?

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MR. COPITHORNE:

Mr. Speaker, I don't believe so, not to my knowledge.

MR. WILSON:

Thank you, Mr. Speaker. Are you aware that girls 16 to 18 years of age are summoned to juvenile court for speeding, while boys 16 to 18 years are given a speeding ticket?

MR. COPITHORNE:

Mr. Speaker, I'm not aware of the benevolence of the traffic officer, but maybe the hon. Attorney General could add something to that.

MR. LEITCH:

Mr. Speaker, there is a distinction, because of the age of the juvenile legislation, between girls and boys. The specific example the hon. member refers to, I will simply have to check.

MR. SPEAKER:

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

Recreational Grant Program

MR. CLARK:

Mr. Speaker, I would like to direct my question to the hon. Minister of Culture Youth and Recreation, and ask him if he is in a position to announce the new recreational grant program for the next either three or five years, at this time.

MR. SCHMID:

Mr. Speaker, I'm pleased to tell the hon. member on the opposite side that my department has now completed the resolutions, and also the suggestions sent in by many municipalities, and as soon as the House prorogues we will present this to the cabinet and to the caucus, and then, hopefully, we will announce the plan for the coming year.

MR. CLARK:

Mr. Speaker, supplementary question to the hon. minister. Does the minister expect to have this information in the hands of municipalities across the province prior to the first of January, because it is at that time that they have to start their financial planning for next year?

MR. SCHMID:

Mr. Speaker, I am very much aware of this problem, and I have already sent letters to the municipalities concerned that have written and asked about it. They will have the decision as soon as possible.

MR. CLARK:

Mr. Speaker, then 'as soon as possible' will not be before January 1st?

MR. SCHMID:

Mr. Speaker, we will make it before January 1st.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview followed by the hon. Member for Edmonton Jasper Place.

Alberta Commercial Fisheries

MR. NOTLEY:

Mr. Speaker, I'd like to direct this question to the hon. Minister of Lands and Forests. Can the hon. minister advise the House what the government's position is with respect to Alberta commercial fishermen operating on their own,

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or alternatively selling through the joint Federal-Provincial Fresh Water Fish Marketing Board?

DR. WARRACK:

Mr. Speaker, the House will recall that this question was asked last week by the hon. Member for Edmonton Jasper Place, and at that time I mentioned that I would be sitting down and meeting with the executive of the Alberta Commercial Fishermen's Association late last week, and that was done on Friday morning, as a matter of fact.

As I mentioned at that time as well, the Fresh Water Fish Marketing Corporation was established to handle the marketing on a single salary basis on behalf of fishermen in Alberta, Saskatchewan, Manitoba, and a part of Northern Ontario. The consequence of that meeting on Friday was that the next step was clearly that the people from the Fresh Water Fish Marketing Corporation, and especially as many members as possible of the Alberta Commercial Fishermen's Association, needed to sit down and work out the possibilities and the negotiations as a part of the alternatives that have been presented by the corporation to the fishermen of Alberta.

MR. NOTLEY:

Supplementary question, Mr. Speaker. In view of the concern expressed by the head of the Alberta Commercial Fishermen's Association, is the government prepared to carry on the experiment where the Alberta commercial fishermen operate on their own rather than through the federal board or corporation?

DR. WARRACK:

Well, Mr. Speaker, they have not been operating on their own since mid-1969 when the corporation was established. Prior to that time there had been a situation where there was a buyer's monopoly, particularly for the export market in the mid-west and eastern United States areas, and the markets and prices were controlled by those people in those places to the detriment of local fishermen. So that is the situation as it was up to 1969, and the primary reason why the Fresh Water Fish Marketing Corporation was established at that time.

At the same time the local fishermen here in Alberta, with further association, had been operating with a special agency permit dealing with local sales of whitefish only, intended to be the smaller and medium-sized whitefish that are not in competition for the export markets. The difficulty with this is, however, that the corporation is obliged to accept all fish from all fishermen and the situation where all provinces to be treated exactly equal would be that the highest quality fish would be handled locally, and all of the rejected material handled by the corporation. This would be a financial difficulty.

So the alternative they're basically suggesting to the Alberta Commercial Fishermen is that they undertake to be the processing agent for the entire profile of product in Alberta, and also to act as a local broker for local sales of fish in Alberta. These alternatives have not been discussed at the table by the two parties as of ... Friday.

MR. NOTLEY:

A supplementary question, Mr. Speaker. Does one of these alternatives involve taking over a fish filleting plant in Edmonton which is a consistent money loser?

DR. WARRACK:

I can't answer that directly, Mr. Speaker, because a number of facilities were rendered redundant and had to be purchased on a share basis between the federal and provincial governments. At the same time those that were not redundant were available for some of this processing work. I would have to know exactly what firm and what processing unit it is and check that out as to which group it falls into.

MR. NOTLEY:

One final supplementary question, Mr. Speaker, to the hon. Minister of Agriculture. What is the government's position with respect to the request made by a number of natives in the Fort Chipewyan area for either a grant or a guaranteed loan, to establish a fish processing plant in that part of Alberta, and thereby increase the net income to fishermen in that area?

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DR. HORNER:

Mr. Speaker, our response to that request is the same as we made in response to a number of requests by native people all over Alberta for guarantees or loans in relation to programs that they would like to get underway. We have been fairly firm; we demand from them some evidence that they're going to have good management, good accounting, and that they can show us it will be a viable operation. This is not any desire on the part of the government to hinder them, rather to make sure that we don't have any more disasters in this area, such as Wabasca and Marlboro. We intend to see that the next projects undertaken by native people have a fair chance of success people themselves to have that success.

MR. BARTON:

Do you still require a 20 per cent cash input for all projects?

DR. HORNER:

No, Mr. Speaker, we don't.

MR. SPEAKER:

The hon. Member for Edmonton Jasper Place followed by the hon. Member for Bonnyville.

Cable Television

MR. YOUNG:

Mr. Speaker, I believe my question should most appropriately be directed to the hon. Minister of Telephones. It arises out of the introduction of cable television in Edmonton. I have been approached by constituents who are confused about the policies, apparently, of the two different cable companies in the one case to provide hook-up free of charge to senior citizens in their own residence, and in another case not to do that. I'm wondering if the minister is in a position to clarify this situation.

MR. WERRY:

Mr. Speaker, cable television is under the direct authority of the CRTC and the two companies in Edmonton receive their licences and authority from the CRTC, who, when approving their franchised area, in addition also approve the rate structure that the two companies have. If there is a difference between the rates that are being charged to senior citizens, I would suggest that possibly the two companies should get together and come out with a uniform policy so that the citizens aren't discriminated against, as they may feel they are in the City of Edmonton.

MR. YOUNG:

One supplementary, Mr. Speaker. Then this matter is beyond the purview of the provincial authority, is that correct?

MR. WERRY:

Yes, Mr. Speaker, the CRTC is an independent body that is set up under federal legislation. The reporting minister is the Minister of State responsible for The Broadcast Act.

MR. SPEAKER:

The hon. Member for Bonnyville, followed by the hon. Member for Edmonton Calder.

MR. HANSEN:

Mr. Speaker, I would like to address a question to the hon. Minister of Highways. I've had enquiries about licensing off highway vehicles ever since it was announced in the newspapers. Would this cover tractors, combines, and farm equipment moving from one farm to another? If you could clear this up, I'd be pleased.

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MR. SPEAKER:

The hon. member is asking a matter of law, a matter of interpretation of regulations -- unless he is dealing in the area of enforcement. The hon. Member for Edmonton Calder, followed by the hon. Member for Drayton Valley.

Noise Pollution

MR. CHAMBERS:

Mr. Speaker, my question is for the hon. Minister of the Environment. In view of the fact that the noise emanating from the Calder C.N. humpyard represents a chronic source of discomfort to the local residents, and since I have requested the Department of the Environment some time ago to investigate this matter, I wonder if the minister has anything new to report on the situation?

MR. YURKO:

The first thing, Mr. Speaker, that I would like to report that is not new is the fact that the hon. Member for Calder has been continuously prodding me with respect to this problem --

MR. CLARK:

Hear, hear!

MR. YURKO:

--to get something done. I would like to take a couple of minutes and indicate what, in fact, has been done. We wrote to the Canadian Transport Commission last spring with virtually no response. We subsequently had our consultants conduct a noise survey with respect to the entire problem, also early last summer. Subsequently, a meeting was arranged between Mr. Chambers and the manager of Canadian National in Edmonton, Mr. Pitts. We had a very informative meeting with respect to resolving the problem. Basically, we arrived at this conclusion; complete removal of the humpyard at this time would not be possible inasmuch as planning, design, and construction of a duplicate facility in a different location would require at least five years to complete, if the work were to commence at once. Therefore, as I pointed out to him, the humpyard noises must be controlled by technological means, using the best resources available. In fact, that is what is being done. It's a multi-purpose project that is going on with respect to the retarder noises. A trial enclosure was tried and this reduced the noise levels ten decibels. As a result a decision was made to enclose the retarder completely. I think this is going on. I don't know when it will be completed.

With respect to the air exhaust noises, these are brought under control by a muffling system. With respect to the hump warning whistle, this has been muted and should cause no further disturbance. With respect to impact noises, there is a technical solution to this matter also and I think that's under control. Thank you, Mr. Speaker.

MR. DIXON:

Mr. Speaker, a supplementary question to the minister. You awarded a contract to Bolstad Engineering of Edmonton to do a report on the survey and assessment of the noise in the Edmonton area. Have you had the final report, or any interim report, and does it touch on the subject that the hon. member is complaining about?

MR. YURKO:

Mr. Speaker, it was Bolstad that was asked to divert from their major noise survey and do an intensive local survey with respect to the humpyard. I have a report in this regard.

With respect to the major contract we gave to Bolstad to establish base noise levels within the City of Edmonton, I think I was asked this question several weeks ago in the House, and I answered that this study was still going on. A report should be available within the next several months, as the study was going on during summer and winter conditions.

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MR. LUDWIG:

I have a supplementary to the hon. Minister of the Environment, dealing with the matter of noise pollution. Has the hon. minister taken a decibel rating on the bell located in the vicinity of his office that rings several times a day? He is acquainted with the one I mean.

MR. YURKO:

That bell is intended to wake up the people across the hallway from our office.

MR. LUDWIG:

Mr. Speaker, does that mean that I have to cancel my arrangement with the minister to wake him up every morning before the bell goes?

I have a question for the hon. Premier, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Drayton Valley hasn't asked his question yet. The hon. Member for Drayton Valley, followed by the hon. Member for Calgary Mountain View.

Highway Access

MR. ZANDER:

Thank you, Mr. Speaker, I am at last able to get up. Mr. Speaker, I wonder if I could get just a little bit of latitude to get my question across since this is a question of great importance to my constituency. I am referring this to the Minister of Highways and also to the Minister of Municipal Affairs regarding Section (c) of the Provincial Planning Commission which exempts wells and battery sites and all other construction under the Oil and Gas Conservation Board with regard to obtaining access to main and secondary highways. I wonder if we could get some action as to when this section of the act could be deleted?

MR. LUDWIG:

Mr. Speaker, I have a question to the hon. -- well, I thought there was a reluctance --

AN HON. MEMBER:

You've got to wait, Albert.

MR. COPITHORNE:

Mr. Speaker, in regard to that question, I will be looking at the problem the hon. member is speaking of and will report to him in that regard.

MR. SPEAKER:

The hon. Member for --

MR. RUSSELL:

Mr. Speaker, perhaps I could add something to what the hon. minister has said. The hon. member has brought up a problem relating to his constituency and relating to The Planning Act. I think I have made it fairly well known that the government hopes very much to table a new planning act in the legislature at the next session and we are working very hard toward meeting that time schedule. We have asked anybody that has any interest or concern with respect to any part of the act to please let us know, for all of these representations are being considered in the re-write. If any hon. members have problems in their constituencies with respect to The Planning Act, we would be very pleased to hear from them.

MR. SPEAKER:

The hon. member for Calgary Mountain View followed by the hon. Member for Medicine Hat-Redcliffe.

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Legislative Building Security

MR. LUDWIG:

Mr. Speaker, a question to the hon. the Premier. The front end of the Legislative Assembly, the entrance, appears more like a military garrison than a Legislative Assembly and I would like to direct a question to the Premier. What is the reason for all this increased security activity in the hallways and the front door of this building?

AN HON. MEMBER:

To protect you, Albert!

MR. LOUGHEED:

Mr. Speaker, I'll refer that matter to the Attorney General.

MR. LEITCH:

Mr. Speaker, I am not exactly sure what the hon. member is referring to, but we have instituted a system of issuing passes to the gallery. That is perhaps what he is referring to. The reason for doing that is very simple. In times past, people who came to the Legislative Building with the intention of spending some time in the galleries while the House was in session used to have to line up and were never sure whether they could get a seat, because quite frequently the galleries were full. Now they are being issued passes so they can move about the building and look at it and then come into the gallery when the session opens rather than having to stand in line and wait for it to open and scramble for a seat.

MR. LUDWIG:

Mr. Speaker, a supplementary. What I actually meant is there appears to be a civilian security guard, a person in civvies and several security guards in uniform; and one is posted at the entrance that the opposition uses to go to the East Wing. I would like to advise that this question is based on the -- There is no insurrection intended by the opposition; we'll throw the government out by peaceful means; they shouldn't put guards on us.

MR. SPEAKER:

The hon. Member for Medicine Hat-Redcliffe followed by the hon. Opposition House Leader.

Police Chiefs' Citizenship

MR. WYSE:

Mr. Speaker, I would like to direct a question to the hon. the Attorney General. Under present regulations, are towns and cities with 5000 population and under free to appoint a police chief who is not a Canadian citizen?

MR. LEITCH:

Yes, Mr. Speaker.

MR. WYSE:

A supplementary question. On what basis did the government initiate the Order in Council, limiting cities from appointing a non-Canadian as a police chief? Was it in consultation with the cities themselves?

MR. LEITCH:

Mr. Speaker, it was a result of a request from the council of the City of Calgary.

MR. WYSE:

One supplementary question. Are there any police chiefs in cities now who are not Canadian citizens?

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MR. LEITCH:

I don't know, Mr. Speaker.

MR. NOTLEY:

One supplementary, Mr. Speaker. Can the minister advise why the figure 5000 was chosen? Surely there is a principle involved that should apply to all.

MR. LEITCH:

Not really, Mr. Speaker. One of the reasons for our acceding to the request of the City of Calgary was simply that we have, in Canada, an intelligence unit to which the senior officers of major municipal police forces within Canada belong. That group, Mr. Speaker have in their possession information of a most confidential nature, some of which would affect the security of the nation, and it was our feeling that it was inappropriate to have someone as a member of that group who was not a Canadian citizen. We picked the figure 5000 because, as I say, it is only the senior officers of major municipal police forces who are now, or might within the reasonably foreseeable future, be represented within that group.

MR. SPEAKER:

The hon. Opposition House Leader followed by the hon. Member for Lethbridge West.

Freight Rates

MR. TAYLOR:

Mr. Speaker, may I direct another question to the hon. the Deputy Premier? In view of the fact that some very strong information, and which appears to be reliable, comes from the Peace River country, the farmers are now being charged one cent extra for the freight of rape. Would the hon. minister recheck the information?

DR. HORNER:

Certainly, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Lethbridge West followed by the hon. Member for Calgary Bow.

Farran Report

MR. GRUENWALD:

Mr. Speaker, my question is to the hon. the Premier. I hope this question has not been asked before; if it has, I apologize for being repetitious. Will there be an opportunity for municipal government officials to react to the final draft of the Farran report which I understand will be tabled about December 15th? Now, when I say react, I mean prior to legislation.

MR. LOUGHEED:

Mr. Speaker, I would like to refer that question to the hon. Minister of Municipal Affairs.

MR. RUSSELL:

Well, Mr. Speaker, over the past months we have indicated the options and the hopes that the government has with respect to municipal finance, and we have given the municipalities or any other interested groups several months of discussion time. We have to prepare the final details of the program in time for the next budget and the next legislative program to be submitted to this legislature. So, we are waiting for the three major conventions to end, that is the convention of Alberta School Trustees Association, which is just completed, the urban people in Lethbridge; and this week the Rural Association, for their final comments. After that, we then have to take the responsibility of considering their comments and finalizing the plan.

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MR. GRUENWALD:

Supplementary, Mr. Speaker. Will the final draft get the same wide circulation of that of the initial report?

MR. RUSSELL:

I can't give any commitment with respect to that Mr. Speaker. It was never the intention to publicize any of the reports of the government task force. We did make the decision, and I think wisely now, to publish the interim report because of the excellent feedback we have had back. I don't know if there is any benefit to be gained in publishing a final report the end of December and bringing in the legislation during the next session. That is something we could assess. At the present time I can say that there is not the intention to make the final report public at this time.

MR. CLARK:

Mr. Speaker, then, a supplementary question to the minister. Will there be an opportunity for the municipalities in the province to appear before the next session of the legislature in light of the major financial changes which the minister has talked of?

MR. RUSSELL:

Mr. Speaker, I think we are verging on a hypothetical situation. I am very hopeful that the municipalities are going to be very pleased with the reforms that will be presented to them. I know some people over there would like them not to be pleased, but there has been more discussion during the past few months with the municipalities than, I think, in the previous 10 years combined. Furthermore the indications are, with respect to the consultations we have had with municipal officials, that; (1) they have a number of major concerns, (2) we are reacting in considering those concerns, (3) I'm confident we are going to come forth with a package that will be of general benefit to most of the citizens of Alberta. If there is further discussion warranted, I have indicated to them that my office door is always open.

MR. LOUGHEED:

Mr. Speaker, in addition to that matter, because of the question from the hon. Member for Olds-Didsbury, it is not the government's intention to hold hearings of that nature. This is essentially a budgetary matter. There will be an initial announcement early in the year as to the government's decision in terms of provincial-municipal finance. We believe there has been adequate consultation and there may be more as the hon. minister has pointed out, and the hon. Member for Lethbridge West has inquired about. But once the decision is made, it is really a decision to advise the various groups of local government of our position early in January in advance of the budget. It is essentially a budgetary matter and for that reason there will not be public hearings.

MR. CLARK:

A supplementary question, Mr. Speaker, to the hon. the Premier. Even if there is a request from the municipalities, the government would not look with favour on holding public hearings?

MR. SPEAKER:

The hon. member's question is clearly hypothetical. The hon. Member for Calgary Bow, and we have just a short time left before the conclusion of the question period.

Male and Female Equality

MR. WILSON:

Mr. Speaker, I would like to direct a question to the hon. the Premier. Have you considered accepting the United Nations invitation to promote full equality between men and women by proclaiming 1975 as Alberta Women's Year in concert with the United Nations International Women's Year?

DR. BUCK:

He won't be around by '75.

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MR. LOUGHEED:

Mr. Speaker, I will be around a lot longer than the hon. Member for Clover Bar. Mr. Speaker, there is no way I would answer that question without very careful consideration from the two ladies on this side of the House.

MR. WILSON:

A supplementary, Mr. Speaker. May we take it, Mr. Premier, that you will be giving this consideration and that you will be reporting back to the legislature? When might we expect to hear back, sir?

MR. LOUGHEED:

I can't give an answer at this time, but I will take the hon. member's question as notice and as I said, I will discuss it with many people and particularly the two lady members on this side of the House.

ORDERS OF THE DAY

MINISTERIAL ANNOUNCEMENTS

Water Management

MR. YURKO:

Mr. Speaker, I have two policy position papers that I wish to table and make public today. Mr. Speaker, the first position paper is on financial assistance and cost-sharing of water management projects. The position paper itself is about eight pages long and it is not my intention to read the eight pages, but I do want to read the first three paragraphs and then make some reference to the body of the position paper. I would like to say that attached to the position paper is a report outlining some of the reasons for adopting and the basis for establishing this policy.

The first three paragraphs go as follows:

Several characteristics of water resource, its mobility, its uneven distribution, and its critical nature for maintenance of life have resulted in water being retained as a public resource. This public ownership of water has in turn resulted in public involvement, through government, in the management of this resource. One management procedure which has been widely adopted is cost-sharing between government and local groups in water management projects which result in benefit to the general public.

Alberta has had no consistent program for cost-sharing on water resource projects. Some types of projects have been eligible for government assistance through cost-sharing under arrangements which varied from time to time. Other types of projects have not been eligible for any cost-sharing.

In some instances special cost sharing arrangements have been negotiated on individual projects. The Government of the Province of Alberta has recognized the need for an equitable, practical, and easily applied policy and financial assistance for cost sharing of water resource projects. Accordingly, this problem has been reviewed and the results of this review are contained in the attached report entitled 'Cost-Sharing on Water Management Projects'. The Government of the Province of Alberta is prepared to cost share with local authorities on all water management projects from which direct public benefits accrue."

Mr. Speaker, the rest of this position paper outlines the cost-sharing formula or distribution between the provincial government and the local authority with respect to sources of water supplied in municipalities; flood control and flow regulation (both for minor and major works); river training (that's minor and major river training projects) water based recreation projects; fish and waterfowl habitat enhancement; major on-stream works for river base and management (which include river stabilization, irrigation, water storage, water diversion, multi-purpose, and so forth) and municipal sewage works. I would like to suggest, in cases where the federal government contributes, that's considered as part of the provincial government's share. I would like also to indicate very strongly to the House, that this position paper in no way commits the government to any expenditures. This position paper simply says, in light of budgetary approvals on a year-to-year basis, and in regard to priorities that are established by the government on a year-to-year

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basis, that when such projects have in fact been approved, then cost sharing will be on the basis of this formula, suggested in this paper. And I think that all hon. members should not lose track of the statement I have just made.

The second position paper, Mr. Speaker, is also related to water management. It's titled 'Position Paper on Financial Assistance for Lake Management Projects which Enhance Recreational Opportunities'.

Without taking too much of the House's time, I'm not going to read any paragraphs from this particular position paper except to say that a report is attached providing the basis for arrival at this position paper and, secondly, that we have categorized lakes with respect to assistance for recreational opportunities in to three categories. Category one indicates that if twenty-five per cent or more of the shoreline land is publicly owned, the water resource management and development costs will be paid one hundred per cent by the government, that is, the provincial government. If less than twenty-five per cent of the shoreline lands are publicly owned, government will contribute assistance up to a maximum of seventy-five per cent of the cost, according to a sliding scale on a pro rata public-versus-private land basis. Right of way for development will be provided by the local authority or by interest groups. In category three, if the shoreline land is one hundred per cent privately owned, the Government of the Province of Alberta sees no just cause for expenditure of public funds unless other public benefits can be clearly demonstrated. However, lakes may be classified upward into either category one or two, if the requisite amount of land is donated to the Crown or purchased by it in the public interest and may thus qualify for some form of assistance.

Mr. Speaker, I want to indicate again that this policy doesn't guarantee any lake will be stabilized for recreation purposes. Nor does it suggest that one lake has priority over another. This policy simply says, that if the government decides to stabilize a lake, then the determination of the government input of monies will be on the basis of whether it falls into the categories of one, two, or three. Whether or not the lake is stabilized or improved with respect to recreational characteristics, will depend on the annual budget laid down by the government and such priorities as it does, in fact, establish. Whether or not, the lake, in fact, does qualify, with respect to conditions and criteria for declaring the lake in the public interest, is established within the body of the report.

I think, Mr. Speaker, that what we have found necessary is, that if there is going to be some rationality to water management in the province in future years, some of these types of policies are required. Thank you.

POINT OF ORDER

Communal Property Select Committee

MR. TAYLOR:

Mr. Speaker, I rise on a point of order arising out of the statement from the hon. Government House Leader yesterday, in regard to the report of the Communal Property Select Committee.

The hon. Minister and Government House Leader suggested that the report should be discussed at the second reading of Bill No. 119. I would respectfully point out that section 326 of Beauchesne states that: "The report of the (sic) Standing Committee should be considered finally only when it is adopted by the House", and I am suggesting it would be most irregular to debate the receiving of the Communal Property Report in the second reading of a bill. If a motion is not brought to the House requesting the House to receive the bill, then the hon. members will have no proper chance to debate the report itself and, furthermore, the hon. members of the committee will have no opportunity to declare whether they are fully in support of the findings of the majority on that committee or otherwise. And in view of this, I would respectfully request that the consideration of Bill No 119 for second reading be considered out of order until after the House has dealt with a motion to receive the Communal Property Report.

MR. HYNDMAN:

No way! Mr. Speaker, I think these are two entirely separate matters. As I recall, yesterday I said that I didn't feel it would be improper if the report of the Select Committee were alluded to in debate of the Communal Property Repeal Act. As was mentioned by the hon. Minister of Municipal Affairs, the reason that act comes in and is presented for repeal is that it was clearly in contradiction to Bill No. 1, The Alberta Bill of Rights. In my view,

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accordingly, it should be let up whenever the government sees fit to bring it up, which could be this afternoon.

MR. TAYLOR:

Mr. Speaker, speaking on the point of order. If they are two entirely separate matters, it simply gives strength to my argument that the report should not be considered in the second reading of the bill. And when the report was tabled, the hon. chairman of the report acted in a most irregular way, contrary to Beauchesne, section 318(1), in making a speech and tabling a report to which no other hon. member had the chance, right or opportunity to deal with that subject matter. Now if the government is going to use this method to prevent members from discussing a report, it is most irregular and most arrogant.

AN HON. MEMBER:

That's nonsense!

MR. HYNDMAN:

Well, Mr. Speaker, there is no intention at all of preventing members from discussing the report. It was the hon. member opposite who requested to know whether he could allude to the report. We have no objection to the debate on The Communal Property Act proceeding on the basis of where that act stands by reason, and in response to, and as it sits with, The Bill of Rights because in our view, that is where it should be discussed.

MR. TAYLOR:

Well, one further point, Mr. Speaker. Will the government be bring a motion to this House to receive The Communal Property Report?

MR. HYNDMAN:

We may, Mr. Speaker, no decision has been taken on that.

MR. SPEAKER:

It would appear that there is no precedence for it before the House and that the point of order could arise only if and when the report were discussed on second reading. That would be a matter, in the first instance at least, for a ruling by the chairman. I take it that the hon. Opposition House Leader's point of order is based on the assumption that the report should not be discussed until after it has become final. But if discussion of the report per se arises in committee, that would appear to be a matter to be dealt with in committee.

MR. TAYLOR:

Mr. Speaker, the point of order was raised on the basis that the committee was set up by this legislature, and is therefore required to report to this legislature, which it has not yet done. Surely, in accordance with the motion itself, the hon. members of this House should have an opportunity to discuss the report.

MR. SPEAKER:

That is the point which is concerning the hon. Opposition House Leader. There is no question that there are other means by which it may be brought into debate or discussion in the House.

MR. HYNDMAN:

The hon. Opposition House Leader may put a motion on the Order Paper, Mr. Speaker.

MR. TAYLOR:

Mr. Speaker, does the government have to have a statement on the Order Paper to carry out the regular accepted business of --

MR. SPEAKER:

Order please! The hon. Opposition House Leader is raising debate on the government's intention with regard to this matter, and this is not the place for that debate.

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GOVERNMENT BILLS AND ORDERS
(Third Reading)

Bill No. 1 The Alberta Bill of Rights

MR. LOUGHEED:

Mr. Speaker, I move third reading of Bill No. 1, The Alberta Bill of Rights, seconded by the hon. Government House Leader, Mr. Hyndman. It is our desire and our intention to ask -- because I know all hon. members would want to do this -- to have a recorded standing vote on this motion.

Mr. Speaker, as I said last evening, we've had probably five good days of debate, both at the second reading stage and at the committee stage on Bill No. 1. We've had, I would say, an outstanding debate from all corners of this legislature. In my view (and I think this was expressed by three or four other hon. members) it has been a debate with the legislature at its very best. We've certainly seen a great deal of hard work in terms of study and research by all members; considerable interest in this bill and considerable thought, which I think is a realization by all members of the significance and importance of Bill No. 1.

November 15, 1972, if this third reading motion is approved by the legislature, will, in my view, be an historic occasion for the Alberta legislature. It is true that we cannot bind future legislatures. But there is no doubt, I'm sure in my mind or in the mind of any member here, that by passing The Alberta Bill of Rights we will have created on the statutes of the Province of Alberta a bill whose overriding presence will be in the mind and in the heart of legislators who stand in this room to speak, both now and in the future.

There will be no turning back from this particular occasion, in my view, because even though we, in no way, can bind future legislatures, any consideration of a repeal of The Alberta Bill of Rights, is, I think, beyond the comprehension of all members.

The hon. Member for Macleod has referred to the fact (and I fully concur) that the basis of this bill is the foundation of our government. The hon. Minister of Health and Social Development gave a unique speech, pointing out that Albertans will become, with the passage of this bill, in a special position in Canada, an advantageous position in Canada, in that, as individuals, they will have the protection not only of The Canadian Bill of Rights, but also of The Alberta Bill of Rights.

I reiterate again my view and the view, I think, of all members of the legislature -- and on this point I do not think there was any debate or any issue -- that perhaps in the future we may see a Canadian constitution which can incorporate the strong features of both the Canadian and the Alberta Bill of Rights, and that would be a good thing for Canada and for the province. But until that day comes, we are doing here today, at this third reading stage, that very important second step of balancing the bill that Mr. Diefenbaker brought before the Canadian House of Commons some 12 years ago, by bringing a similar and a companion bill here to the Alberta legislature and receiving, hopefully, the support of members.

I would like to repeat again that there is no doubt that The Alberta Bill of Rights will cause difficulties for both this government and future governments. We will have to measure the legislation that we propose constantly against the very rigid standards that have been set forth for us in The Alberta Bill of Rights. It will provide an opportunity for the opposition, in the proper parliamentary sense, to point out to us, as we attempt to present a 'notwithstanding' provision to the Alberta Bill of Rights, that there is valid merit, and that there is no discrimination, in such a measure. That will be a hard test for us and, I suggest, for future governments.

There is no doubt, Mr. Speaker, also that the mere passage of any bill, important as it might be, will not eliminate discrimination. But I think it will -- I hope it will -- pass on to the people of Alberta the spirit and intent that we have in this legislature towards the freedoms that are enunciated within the bill, towards the traditions upon which this province has been built and which the pioneers brought to this province. I believe that we may be able to communicate to the public at large, with its passage, our legislative feeling of a desire to reduce, not just discrimination in fact, but discrimination in thought, and discrimination in all the other subtle ways.

Mr. Speaker, in conclusion, I believe that The Bill of Rights should assure that the majority view in the guise, sometimes, of public benefit will not

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persecute any religious group, will not ignore the rights of the native people of this province, will not ignore the strength of multi-culturalism in Alberta, and will not stifle the freedoms of the individual in the name of the state. And I so move.

MR. LUDWIG:

Mr. Speaker, I believe that this may have been about the seventh or eighth pronouncement that we have had on this Bill of Rights as to the significance and impact that this bill will have on the future of the people of this province. As I have stated before, I believe in a Bill of Rights; I believe that it has primarily an educational value to the people of this province to keep this idea before the people so that they are constantly reminded of the freedoms that we have and have established by many hard battles in the past, and by dedicated public servants, and perhaps by wars and struggles to arrive at the position we are in now. The bill, as it states, declares those very things that we have. I state that those things we have as set out in the bill are those freedoms that this government is not giving and cannot take away and survive any kind of confidence of the public. So it is academic to state that the government can take the freedoms away, because I say it can't. Some people say they can; I disagree with them.

Another thing that must be brought to the attention of the people concerning this bill is that there is a disappointment in it. The hon. the Premier has made a significant pronouncement, but I get the impression that he was afraid to step out of line on what other people have done. There is not any evidence of any bold step of leadership or pronouncement of something new that is won for the people. It's a restatement. For that we commend the hon. the Premier, but the people must be cautioned not to expect that the emancipation of the people of Alberta takes place today, and tomorrow there will be a completely new era. I am not accusing the Premier of stating so directly, but sometimes I sense that that is an impression that is being created over there when I hear that this is an urgent bill; that not too many Albertans will know perhaps for many years, in what respect the whole bill applies to them or has bettered their way of life, or has dealt with any particular discriminatory legislation or action in this province until someone will have the money and the spirit and the fight in him to take this to the Supreme Court of Canada. That is where the decision will be made, perhaps, whether this bill has any impact on an individual or not.

I wish to state at the present time that I have a lot more belief that Bill No. 2 will affect the people in a much more meaningful and direct way and more often will be closer to the people than this bill will ever become. The Drybones case has often been pronounced as the beginning of a new era, of a new dawn of rights of people in Canada. I do not disagree, Mr. Speaker, but I say that it is a sad reflection on our legislators and our leaders that it required an Indian, who found a champion in a very broadminded and distinguished judge, Mr. Justice Morrow, and whose views were finally supported by the Supreme Court of Canada to give that bill a speck of some significance. We finally found out that an Indian who got intoxicated off the reservation could not be discriminated against. It would have been so simple to have repealed the legislation that had placed the Indian in the subordinate position to begin with.

I am not saying that the Canadian Bill of Rights has not had an impact or a beneficial influence on the attitudes of Canadians. But the number of times in the 10 years -- it is more than 10 years now since the Canadian Bill of Rights has been in effect -- the number of times that an individual has found remedy to discrimination is very, very limited. As I stated, Mr. Speaker, I am not talking against the bill at all; I'm just stating that we must not blow it out of all proportion and ballyhoo the thing to give it a meaning and significance which it, in fact, has not got.

The brief by Dean Bowker was very timely and, I believe, supported by many of the best legal minds in the country.

DR. HORNER:

You don't fall into that category, Albert.

MR. LUDWIG:

No, nor do you. The hon. Premier No. 2 ought to have some respect because we didn't heckle the Premier when he spoke. He's got a responsibility even though he doesn't like it when his ox is being gored, but I think that he should

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be told to keep quiet when someone else is speaking. He brought some foul habits with him from Ottawa and he can't get over them. Apparently he didn't have much of a chance to say anything there, so he's making up for it in this House.

Mr. Speaker, as I was saying, Dean Bowker is regarded by many people in the human rights field as one of the top people on human rights. He has earned that right by many years of dedication to this field and even though the hon. Deputy Premier may not agree with his views, you can't ignore his views. Just because they don't happen to tally 100 per cent with what the hon. the Premier has in mind does not mean that those views are insignificant, and I am exercising my freedom of speech here, notwithstanding the hon. Deputy Premier, to say what I think about this thing, and I doubt whether he should have any privilege of stopping me or interrupting me.

Mr. Speaker, I would like to quote from Dean Bowker's brief to the government and I believe, although I have been stopped from reading, that numerous ministers have, in fact, read their reports in this House and I claim the right to read from Dean Bowker's speech. I would like to proceed now, Mr. Speaker.

HON. MEMBERS:

Agreed.

MR. LUDWIG:

Dean Bowker, in referring to Bill No. 1, The Bill of Rights Act, states:

I always opposed The Canada Bill of Rights Act and for the same reason oppose the present act. It is the responsibility of the Legislature to see that legislation is fair and protects the interests of society. The fact is that there are many interests that legislation should serve, and sometimes they come into conflict. It is for the Legislature to resolve these conflicts. It does not discharge this duty by giving unrestricted power to the court to rule inoperative any provision which in the opinion of the court violates one of the fundamental rights set out in The Bill of Rights Act. [This is indeed a strong difference to that expressed by the hon. Premier.] The whole system is anti-democratic and an abdication by the legislature of its responsibilities.

It goes on to say:

It must be remembered that every judge in the province, including provincially appointed judges, will have the power to declare a statute to be inoperative. Such a ruling throws the law into confusion until the highest court has passed on the point. There have been several examples under The Canada Bill of Rights Act, particularly in connection with the impaired driving and breathalyzer test. Chief Justice Cartwright clearly had this point in mind in his dissent in the Drybones case, 1970 Supreme Court Report. (sic Drybones V. The Queen (1970) SCR 282 at 287-288)

Bill 1 is essentially a substitute for a constitutional Bill of Rights in that it enables a court to strike down legislation. This power is much more extensive than an ordinary power to interpret. It is a veto power. The court has a negative role in striking down provisions which in its opinion infringe basic rights of liberties, but it has no power affirmatively to secure those rights. Let us assume that Alberta's Election Acts excluded Indians from the franchise. This would clearly be in violation of Bill 1. The fact is that the Legislature on its own initiative removed this disability years ago. I suggest that our legal fibre is stronger when the Legislature makes these improvements than when it leaves a discriminatory act on the statute books and invites the courts, if they are so minded, to remove the statute from the law of Alberta by calling it inoperative.

He goes on to say:

May I now turn to particular provisions in Bill 1. It omits a large part of section 2 of Canada's Bill of Rights Act. That part is devoted to matters largely connected with criminal procedure. Alberta has a large number of statutes which are really in the nature of criminal law. We have many provisions for search, seizure, arrest, etc.

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MR. FARRAN:

Mr. Speaker, I refer to paragraph 159(5) page 135 of Beauschesne where it says:

"The point of order that a member should lay on the table a document which he quotes should be taken when reference is made to the document."

MR. TAYLOR:

Mr. Speaker, on the point of order. The document is already on the table.

SOME HON. MEMBERS:

Agreed.

MR. LUDWIG:

We have many provisions for search, seizure, arrest etc. It is fortunate that the bill does not attempt to cover these matters. [He agrees with this bill to that extent.] The experience of the last 12 years has shown that these provisions are very hard to apply and yet they encourage argument at every stage of a criminal trial that some step or other in the proceedings is a violation of The Bill of Rights Act.

One of the serious concerns I have about this bill, is that it will firstly, like the Canadian Bill of Rights, encourage litigation. Counsel will often -- when they don't have anything else with which to defend a client charged with a criminal charge -- raise The Bill of Rights. This can encourage many people and raise their hopes that they have a remedy when they, in fact, have not.

I believe that Dean Bowker's view which was voluntarily given -- and many people across Canada have expressed support for his views. I believe that Bora Laskin at one time did, he is now a justice; Otto Lang has expressed very firmly his support for that view; I believe that Saul Hayes, a prominent Jewish leader, has expressed his support to this view; I believe that one of the top Catholic professors has given support to this view expressed by Dean Bowker; I believe that the one time prominent labour leader of Canada has expressed this same view that this bill, in fact, does not do too much. And it is corroborated by the fact that it took 10 years to find where the bill does fit in.

I do not in any way play down the significance of the Drybones decision, but many people in this country will not know whether the bill has any impact on them -- beneficial or otherwise -- until, as I stated, there will be a Supreme Court decision probably many years hence. So that is one glaring deficiency in the bill and I believe the Premier has taken a directly opposite stand to this; I believe that logic is in favour of the view that I am expressing now, supported by the authorities I quoted.

I also think that when this bill is circulated that it has to be done in the light that it is virtually a verbatim transplant from The Canadian Bill of Rights, and to that extent I believe that the Premier showed a lack of courage in taking some bold steps in giving the people a meaningful bill of rights with the ability to enforce, and with the right to stand up and say that we have blazed a trail; we have showed leadership. But I found as this bill was debated that the hon. Premier was reluctant to make any changes in the bill because, well it isn't going to be like The Canadian Bill of Rights and he would so much love to have them side by side, equal and perhaps of equal stature.

Be that as it may, Mr. Speaker, I do not intend to dwell any further on that, but as I stated I will support the bill primarily because it has an educational value --

SOME HON. MEMBERS:

Ooh!

MR. HYNDMAN:

Here we go!

MR. LUDWIG:

Obviously I struck a responsive cord, Mr. Speaker.

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I do wish to caution the Premier because I have heard some addresses on this bill that surpass the passion and the significance of the Gettysberg Address. It has been done over, and over, and over again and I believe that perhaps they are trying to make up in talking about it what they lack in the substance of the bill, because I, nor anyone who will study this bill, will be convinced that there is anything new or anything different or anything that we have not had yesterday and nothing that we had yesterday can this government take away.

Mr. Speaker, I do suggest that the Premier ought to be commended for having brought in a bill that is a verbatim copy of The Canadian Bill of Rights. Thank you, Mr. Speaker.

MR. KING:

Would the hon. member permit a question?

MR. LUDWIG:

Certainly, Mr. Speaker.

MR. KING:

Is it his intention as a matter of policy to vote for bills which he thinks are an abrogation of the responsibility of the legislature, anti-democratic and largely ineffectual if they have an educational value?

MR. LUDWIG:

Mr. Speaker, I would like to answer that question. I believe that I expressed myself quite clearly and I believe that the bill has merit, but not nearly as much merit as the hon. members opposite seem to think it has.

MR. SPEAKER:

The hon. Minister of Health and Social Development, followed by the hon. Member for Lethbridge West and the hon. Member for Spirit River-Fairview.

MR. CRAWFORD:

Mr. Speaker, I would like to touch on a few of the points in the remarks recently made by the hon. Member for Calgary Mountain View but, of course, in a much broader context also, on third reading of remarks that have been made in the debate throughout the several occasions when this matter has been before the House.

First of all I think it is important to say that nothing the hon. Member for Calgary Mountain View has said today -- or indeed on earlier occasions when he spoke -- will detract from the magnitude of what we are undertaking today or from the importance of what, we trust, will be achieved today in the completion of third reading of this bill, and of the important consequences of what is done for the people of Alberta and for subsequent generations.

The hon. member made one point which he treated almost in passing, which actually had some merit, and that was a reference to the importance of Bill No. 2. Naturally anyone understanding what has been placed before the House, in the form of Bills 1 and 2, will know that each one depends upon the other. Each one is the important cornerstone of the other, and of course, they will be read and considered together. The declarations in Bill No. 1, supported as they are by what is proposed in Bill No. 2, will indeed be the important combination, more important than either one separately, in spite of the value of each. I think, Mr. Speaker, the reference that the Bill of Rights only declares what we already have, and that this is a defect in some way because that is all that it does, has to be looked at very carefully. If what has been said over the last few days in debate by so many hon. members is true, and I believe it is, Mr. Speaker, that we have a number of inalienable rights and we have chosen to declare them and make them more secure at this time, as the parliament of Canada chose to do some twelve years ago -- if that is the situation then, how it can be that a declaration of historic rights is a point of lesser significance than those historic rights themselves? That is something that I cannot understand.

I think it is entirely clear, knowing the pressures and swift changes of modern day society living, and the many parts of the world where changes in the ways of life and in the rights of people are taking place every day. If we hold to, and say, that we have ourselves certain historic and inalienable rights, let us re-affirm them, let them again, underline them and say to all of the people,

that these are the matters for which we stand, and whatever other shiftings and departures there are from the rights and privileges that the people of Canada and Alberta have enjoyed as extensions from their great heritage, largely from the history of western Europe. If there is an important time for us in this House to declare them, underline them, and claim them again for our people, it is precisely now, when all of the changes are taking place in other parts of the world and so many evils are being done in various ways, so abusive to the rights of men who have never been free and unfortunately to the rights of men who have known freedom and have had it taken away from them.

And I must say, Mr. Speaker, that when a person takes his freedom for granted, he is of course running the risk as it has been said, of being in fact one of the enemies of freedom, not one of its champions. Those who sleep on what they already have and what they've already achieved, and don't seek to protect it and ensure it in any way, of course, are not serving those great traditions at all.

Now, Mr. Speaker, throughout the ages, assurances of freedom have been rather hard to come by in many parts of the world. I think it is a duty as the United Nations found it to be in the 1940's, to make certain universal declaration. As we've mentioned, the Canadian Parliament in the 1960's made its declaration for Canadians. As we find it now to be in Alberta in the 1970's, to make our declaration is showing an understanding of the fact, that where freedom is involved, constant attention is required and constant pressures on the part of those who believe in it to resist the endeavours of those who would take it away. And I believe in Canada we will continue to do that successfully for a long period of time, and that it will be assisted by steps such as this legislature will, I trust, take today.

Now, Mr. Speaker, to say that any apparent absence of new departures on the part of the bill when compared with the Canadian bill weakens it in any way -- of course, nothing could be further from the truth than that either. The very passing of the bill is another departure, the very claiming of it for a provincial legislature is a new departure, and the very fact, (as I discussed, and will not for hon. members again today relate), a constitutional fact which is well known to the hon. Member for Calgary Mountain View, who is a lawyer, that this area of jurisdiction in Canada belongs to the provinces, and then to claim that the enactment of this legislation in this form in a province is not a significant and new departure, is either a statement of very gross misunderstanding of the constitution, or a statement of very gross misunderstanding of The Alberta Bill.

Mr. Speaker, the necessity of going to the Supreme Court of Canada, the hon. member referred briefly as one of the things that would be happening, that no great strides would be made until sometime down over future years, the Supreme Court of Canada might consider it. That, of course, isn't true at all; that was true with The Canadian Bill of Rights. It was necessary because of the new ground that was being broken and the restricted area that it had to operate in, for the courts to move slowly and for the final decision to be made by the Supreme Court. But there isn't the slightest doubt that, as this matter is interpreted in the Province of Alberta, the primary interpretation placed on it at all times is going to be that of the Supreme Court of Alberta, and the Appellate Division of the Supreme Court of Alberta. And the decisions made based on this provincial legislation here in this province will be the guiding lights, Mr. Speaker, for all to follow in the interpretation of this legislation pursuant and, of course, following upon, the leadership that I trust will be shown by this legislature in unanimously passing this bill.

I was interested in the hon. member's reference, once again, to the case in the Northwest Territories when he said that a man involved had found a champion in a judge of the territorial court. I suggest to him, yes, he indeed found a champion, and it was The Canadian Bill of Rights that was his champion on that occasion. Without that legislation, the judge would have been no more empowered to act and to do what he did, and to make the great step ahead in civil rights in this country, that he undertook. If that legislation didn't exist, he'd be no more empowered to do it than he would have been prior --

MR. LUDWIG:

Would the hon. minister permit --

SOME HON. MEMBERS:

Sit down. Sit down.

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MR. CRAWFORD:

I'd be glad, Mr. Speaker, at the end of my remarks to answer the hon. member's question. I just wanted to say, Mr. Speaker, that the hon. member had mentioned it would have been simpler for the parliament of Canada, just to have repealed the legislation that caused the discrimination rather than pass The Bill of Rights and then to have it shot down a few years later by a clear thinking judge who knew how to interpret that legislation. I think that is right at the heart of this, Mr. Speaker -- that's the whole point of it. The other areas of legislation haven't succeeded in embodying all of the areas of such importance to the individual liberties of our citizens as The Canadian Bill of Rights succeeded in doing. When they were tested in various cases against The Canadian Bill of Rights, they were found wanting. The Bill of Rights was given strength thereby, and has grown in strength as a result of it.

Mr. Speaker, I wouldn't want to be the one to suggest that any hon. member could have been guilty of something that, in my opinion, would be hypocritical. But if I were to make that suggestion or to come to that conclusion about any hon. member, I think it would be the hon. Member for Calgary Mountain View who has made the speech he has made and is about to vote for this bill, which he will do, I am sure, very shortly.

MR. LUDWIG:

Mr. Speaker, on a point of order. I believe that the accusation of someone being hypocritical is unparliamentary and should not have been used. I think if the hon. Speaker finds that to be so, that the statement ought to be withdrawn.

MR. SPEAKER:

The hon. minister, as I understand it, has said that if he were to make such an accusation, he might make it in this particular direction.

HON. MEMBERS:

Agreed.

MR. SPEAKER:

I agree that it has certain overtones which might be objectionable, but perhaps it isn't directly objectionable.

MR. CRAWFORD:

Mr. Speaker, in conclusion I just wanted to say that what we're really seeking in all of the areas we work in as legislators here, is not only the well-being of our people, but also justice for our people. It has been said by a French philosopher, Albert Camus, in words roughly to this effect that the supreme justice is freedom. Mr. Speaker, we've done a lot of talking about how our freedoms, including the very parliamentary system of which this legislature is an integral part, have developed over a period of years; how this is a continuing process -- it doesn't have any beginning and any end; how those of us who are here at any given time can't consider ourselves to be in the final days of freedom (I trust) or in days when freedom is at last safe, (I'm sure); but that we are here at a time when we have the same responsibility as those who came before us had and those who come after us will have; and that is to maintain those freedoms.

Mr. Speaker, this bill will breathe new life into a long tradition of freedom in Alberta and Canada; a tradition which is already a magnificent one.

MR. LUDWIG:

I have a question to the hon. minister. In reference to the Drybones case and the fact that I stated the legislation which created the discriminatory situation for the Indians could have been repealed, does the hon. minister agree it could have been handled in that manner?

MR. CRAWFORD:

Mr. Speaker, there is no doubt the Parliament of Canada could have repealed the legislation it passed. The whole point is it had never done so until it had something to rate its legislation against, that actually declared what people's rights were. It had The Canadian Bill of Rights at long last in 1960. To do that the courts did so. That is the whole essence of the success of legislation of this type.

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MR. LUDWIG:

One more question. If that is the answer, then if the Right Honourable John Diefenbaker believed that we needed a Bill of Rights to protect against abuses, he certainly knew what the abuses were, didn't he?

MR. SPEAKER:

Is the hon. member asking a question or debating for the second time?

MR. LUDWIG:

I ended up with a question, Mr. Speaker.

MR. GRUENWALD:

Mr. Speaker, I would just like to take two or three minutes to comment on the Bill of Rights. Up to this point in time I made no comment; I did not take part in the debate for the second reading nor in committee. There were many more people who were much better qualified than I to speak on this important bill. Nevertheless, I would like to make a few remarks and indicate my support for this bill, and also to express the fact that I am glad to have been in the legislature when such a bill has been passed. I don't like to see a mockery or a fool made of a bill that has the serious contentions that this bill has. I'm glad to have been able to notice that, at least generally speaking, the debate has been on a dignified level.

I'm also very pleased that the Premier and the government have seen fit to support the amendment that went into this bill. I really and truly believe that this was an important amendment. Had the government not gone for it, it would have been something that they would have regretted in the future, simply by public opinion alone. So I'm sure that they will be for ever thankful that they decided to go along with the amendment that was proposed, even notwithstanding the fact that it didn't come from their side of the legislature. I'm really pleased about that.

I think the important things about bills of rights and these types of things are what they intend to do for other people; as far as I'm concerned, this is more important than what it does for me. If we have enough people worrying about that other guy, then we really don't have to worry about ourselves. We will automatically get looked after. I think this type of thing that reminds us of these things is important. It isn't the legislation, the things that you have to do -- you know living within the law really doesn't make you a great guy, because those are only minimum standards and minimum things that we must do. As I mentioned during my comments on the Worth Report, it's obedience to the unenforceable; it's doing the good things; it's the consideration that you have for other people that I think is important if we want to be good citizens and good Albertans.

So, Mr. Speaker, with just those few remarks, I would like to say that I am prepared to stand up and be counted in full support of this bill. I'm glad to be here, and I'm glad the government has brought it in, and I commend them for it.

MR. NOTLEY:

Mr. Speaker, as I mentioned during the debate on second reading, I certainly propose to support the bill. There is clearly no question that the bill codifies historical rights which have evolved over the history of our British parliamentary institutions, and no member in this legislature can quarrel with the rights which are clearly and explicitly placed in the bill.

I would like, however, to make three specific observations with respect to Bill No. 1. The first, and I'm glad to see that the hon. the Premier mentioned it in his introductory remarks on third reading, is that we should not use the passage of this bill to in any way to cease our efforts to amend the BNA Act so that a Bill of Rights is placed in the constitution of our country. I realize that the companion legislation we pass today will dovetail into the Canadian Bill of Rights and provide essentially the same rights, both under federal and provincial jurisdiction, as far as this province is concerned.

But I think, Mr. Speaker, regardless of what political perspective we represent, we are all Canadians before we are Albertans, and I believe that we are concerned about making sure that we have a Bill of Rights which is genuinely meaningful in this country. That can only be achieved as we amend the BNA Act to insert it in the constitution of Canada. I would hope that while we will

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pass this bill today unanimously, that the government and those of us in public life will never cease our efforts to try to reach a day when we can amend the BNA Act to have a Bill of Rights inserted in the constitution of this country.

The second observation I'd like to make with respect to the bill is to express the disappointment that we weren't able to go farther by including social and economic rights. I realize, Mr. Speaker, that the government doesn't share the point of view that I present in this respect, but I submit that we have the precedent established by the Universal Declaration of Human Rights. It seems to me that as we enter the next years, the decades ahead, and particularly if the Futures Forecasts in the Worth Report are even partly right, it's going to be increasingly necessary, Mr. Speaker, for us to expand this scope of The Bill of Rights, to recognize that in addition to certain political rights, there are inalienable economic and social rights. But one of the good features of this bill is that by clearly stating the maintainance of a democratic system, it allows those people who want to make amendments in The Bill of Rights. To those of us who want to expand the scope of this bill, it gives us the opportunity to do that and of course that is one of the reasons why a bill of this nature is so vitally important.

The third observation I make with respect to the bill, Mr. Speaker, applies probably in a more detailed way to Bill No. 2, but since a number of speakers have inferred that both bills are essentially interchangeable and companion pieces of legislation, I want to make this comment under the discussion of Bill No. 1.

It's to make a plea to the government that we provide the administrative muscle necessary to administer this act. I say this, because when we look at the history of civil rights legislation in the United States, we see how clearly it's important to have administrative muscle. Mr. Speaker, there is no more eloquent document ever written in the history of mankind than the American Bill of Rights. It's a magnificent document. But, Mr. Speaker, that didn't stop the existence of slavery for 80 years after the Bill of Rights was passed. That beautiful phraseology, the tremendous rights outlined in the American Bill of Rights did very little to deal with the discrimination that scarred the American landscape for many, many years after its passage.

Mr. Speaker, it was only after some of the important legislative decisions of the late '50's and early 60's, particularly the 1963 civil rights legislation fostered by the late President Kennedy, that the United States began to set in motion the combination of legislative action and administrative action that slowly but surely began to give strength to the principles enunciated in their bill of rights. And I say in great sincerity, Mr. Speaker, that when we consider passing this bill today -- and I have no doubt that it will be passed unanimously -- we must make sure that we provide the administrative muscle so that we can begin to deal effectively with guaranteeing to every Albertan those basic rights which we all hold so important.

MISS HUNLEY:

Mr. Speaker, like some of the others I have not, up until now, entered the debate; rather, I have been a fascinated listener. I was so impressed last night with the quality of the debate and with the concerns expressed by everyone who spoke as to the good of our people and the importance of the step that we are taking on this very day. As an individual, I am so pleased and proud to be a member of this legislature on this occasion when we are passing Bill No. 1.

It has been suggested that we should also offer, along with the other guarantees in Bill No. 1, economic security. I think, Mr. Speaker, that this would be a dreadful mockery if we promise, in a bill which is as important to the people of Alberta, something which we cannot deliver and I would be most reluctant to see any indication that we are in any position to guarantee economic security, much as I would like to have this happen for all our people.

We talk about discrimination, we wish that it wasn't here. Perhaps some refuse to accept that it is here, but it is. We experience it at all times in various ways, some subtle and some not so subtle. Legislation will not take away discrimination; we cannot legislate a state of mind, but, Mr. Speaker, we can legislate in an inspiring manner. Governments can lead, governments can encourage and governments can enthusiastically bring forward legislation which encourages everyone to zero in on these very important thing, the rights of individuals. That is what Bill 1 does and I am very pleased to take part in the debate today, to endorse the bill, tell you how I personally feel about it and indicate that I am very anxious to stand and be counted when Bill No. 1 receives third reading.

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MR. STROM:

Mr. Speaker, I feel that I should say a few words again on Bill No. 1. I am not like a couple of the members who have suggested that they have not spoken before and therefore want to make a comment or two on it. I have spoken on Bill No. 1 but at this point in time I feel that I should say a word or two again.

First of all, Mr. Speaker, I want to make it very clear at the outset that I have no hesitation whatsoever in standing up and being counted in support of Bill No. 1. I also want to make it very clear that I agree 100 per cent with the Premier when he states that the level of debate that we have had on Bill No. 1 has been outstanding.

I certainly agree with the hon. member who has just spoken, the hon. Member for Rocky Mountain House, that it has been an interesting debate. It has been a fascinating debate, because I believe that on Bill No. 1, even more than on any other occasion, we have had the level of debate that I consider this House ought to engage in more often, and that we ought to practise at every occasion that is given to us.

AN HON. MEMBER:

Hear, hear!

MR. STROM:

I certainly have to say that I am sure there are statements that have been made that maybe some members would disagree with. I am sure we might also be able to say that there may well be statements that have been made that may better be left unsaid. There may have been things that have been left unsaid that should have been stated, and yet, of course, we know that that is always as it will be. But I have to say, Mr. Speaker, that the important role of a member of the legislature is to avail himself or herself of the opportunity, whenever it arises, to express as freely and as clearly as they can, the points of view to which they hold and the points of view that maybe are the ones that their constituents would want them to express. If any of us seem to say those things that should not have been said in the House, I want to make it very clear, Mr. Speaker, that it seems to me the very essence and spirit of Bill No. 1, is to provide the opportunity for us to express ourselves in the manner which I have just described.

I realize that from both sides of the House we sometimes try to belittle an individual who may make a certain statement, or we may try to suggest that it should have been unsaid. Mr. Speaker, I would like to believe that never at any time do we actually want to stifle the expression of opinion within this legislative assembly, because to me, the very essence of democracy is freedom of expression. I am confident that all of the members that have passed through these legislative halls have availed themselves of that opportunity and I must say that in my opinion they have done a good job.

Mr. Speaker, in my own case, I would like to say that I have always tried to carry out my responsibilities in the spirit of Bill No. 1. I appreciated particularly what my hon. colleague, the Member for Lethbridge West, had to say when he stated that what is important in his mind is the relationship between one man to another. It is this relationship that becomes so important and is, what I believe, we are trying to express in Bill No. 1, that we understand there is something that we are trying to promote as far as the relationship between one another.

Mr. Speaker, I would not like to think that we would need to seek the protection of Bill No. 1 as individuals. I would like to think that it becomes a guiding document to the responsibility that each member in this House will try to exercise toward his fellowmen. I am sure that is what the hon. Premier has in mind, but that he would like to see it stated in clear language so that from time to time individuals may read it and examine their own behaviour as to whether or not they are actually trying to live according to the principles as expressed. And I would like to think, Mr. Speaker, that we are keeping it in mind for a guide to our relationship to our fellowmen, rather than thinking in terms that one of our fellowmen will have to seek the protection of that bill. And I say that if that is what we can accomplish we have come a long way towards establishing a better relationship between human beings in our present day society.

Mr. Speaker, I want to say again that I appreciate more than words can express the way in which individuals in this legislature have tried to conduct themselves in this manner. It is my hope and wish that all of us who have the

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privilege of sitting here will strive constantly to carry out our responsibilities in such a way that we never, at any time, have to face a situation where some individual must come and wave the document before us. I am not suggesting that it may not happen, but I simply want to point out to my honourable colleagues within this legislature that I would like to think that each one of us will keep this as an objective that we will strive to fulfill at all times.

There are a number of things, Mr. Speaker, that one might touch on, but I simply wanted to express these two points and to say again just as clearly as I can that I am very happy to stand up and be counted in support of the bill and the principles contained in it.

MR. DICKIE:

Mr. Speaker, I rise rather late in the debate but I, too, would like to associate myself with those who have expressed their pleasure at being able to express a few words in this debate. I do so, having sat through the debate recalling some of the events that have occurred in the legislature and some of the events that a bill of this nature might have applied to.

That brings me to one of the points that has been brought up I felt, through the course of the debate, which dealt primarily with some of the points which the courts might look at in considering The Bill of Rights and how the lawyers are looking at that.

I would like to suggest that there is another way of looking at that. It has been expressed that one of the primary objects of the bill is the protection of individuals from the power of the state to make laws that have discriminatory aspects. It is the power of the state to make laws, and I think that reveals to me that it is an obligation on all members of the legislature to look at that. Perhaps we, as legislators, shouldn't necessarily be concerned with how the courts may look at it, but what we may, as legislators, look for as guidelines in the future when we are considering legislation.

I think that's an important aspect because certainly when we were discussing some of the controversial aspects yesterday in dealing with this bill, particularly in respect to some of the legal arguments -- and they were fine technical legal arguments; we appreciated them -- I could consider those being submitted to a judge, and how a judge might look at them. But again, look at how a member of the legislature might look at them when he is considering laws that we are making. That's the aspect that I'd like to invite the hon. members to consider, because surely, when you do it that way, when we were talking about the freedom of religion and considering the position of agnostics and atheists, I would suggest that there wouldn't be a member of the legislature that would stand up, that would look at a piece of legislation, that would try to discriminate that legislation and look at it from the point of view of somebody who believed in God as compared to somebody who was an agnostic or an atheist. And irrespective of how a court might look at The Bill of Rights and interpret it, certainly I wouldn't support that a member of the legislature -- when the words were there -- 'freedom of religion' -- could consider legislation that might be discriminatory between a religious-minded person, and someone who is an atheist or an agnostic.

Certainly, as I thought overnight of some of the other areas that we had been considering, such as the supremacy of God, and as I read through the first parts of that preamble which says "Alberta is founded upon principles acknowledging the supremacy of God", I asked myself if Alberta is founded upon principles. What are those principles? How is Alberta founded? And I thought back through the Alberta history and tried to recall some of the events and some of the pages of history in Alberta to determine how Alberta was founded. And certainly as I read those pages of history and as I recall them, some of our towns are named after Alberta pioneers and after some prominent priests and the experiences they have had in opening up Alberta, and I think it can be truly said that Alberta is unique and is founded upon principles that acknowledge God. So I have no hesitation in saying that I was very pleased when that amendment was passed by the House.

Mr. Speaker, those were the few remarks that I would like to pass on towards the end of this debate. Thank you.

MR. SPEAKER:

May the hon. Premier close the debate?

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AN HON. MEMBER:

Agreed.

MR. LOUGHEED:

Mr. Speaker, I just want to say again that I think it's been a very significant and important debate and to inform the members of the legislature that if the vote supports third reading of this bill and followed by Royal Assent, it would be our intention to proclaim the bill on January 1, 1973.

[A recorded division having been called for, the division bells were rung.]

MR. SPEAKER:

If I'm not mistaken, I believe all hon. members are here and there would, therefore, be no purpose in continuing with the waiting period.

HON. MEMBERS:

Agreed.

[The House divided as follows:

For the motion:

Messrs.

Adair	Dixon	Hunley, Miss	Purdy
Anderson	Doan	Hyndman	Russell
Appleby	Dowling	Jamison	Ruste
Ashton	Drain	King	Schmid
Backus, Dr.	Farran	Koziak	Sorenson
Barton	Fluker	Lee	Speaker, R.
Batiuk, Dr.	Foster	Leitch	Strom
Benoit	French	Lougheed	Stromberg
Buck, Dr.	Getty	Ludwig	Taylor
Buckwell	Ghitter	Mandeville	Topolnisky
Chambers	Gruenwald	McCrimmon, Dr.	Trynchy
Chichak, Mrs.	Hansen	Miller, D.	Warrack, Dr.
Clark	Harle	Miller, J.	Werry
Cookson	Henderson	Miniely	Wilson
Cooper	Hinman	Moore	Wyse
Copithorne	Hohol, Dr.	Notley	Young
Crawford	Ho Lem	Paproski, Dr.	Yurko
Diachuk	Horner, Dr.	Peacock	Zander
Dickie			

Totals: Ayes - 73 Noes - 0]

[Bill No. 1 was read a third time.]

MR. HYNDMAN:

Mr. Speaker, the Honourable The Lieutenant Governor will now attend upon the assembly.

ROYAL ASSENT

[The Lieutenant Governor entered the Assembly and took his place upon the Throne.]

MR. SPEAKER:

May it please Your Honour The Legislative Assembly of the Province of Alberta has, at its present sitting thereof, passed a bill to which in the name of the said Legislative Assembly we respectfully request Your Honour's assent.

CLERK:

The following is the bill to which Your Honour's assent is prayed: Bill No. 1, The Alberta Bill of Rights.

[The Lieutenant Governor tipped his hat.]

CLERK:

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

[The Lieutenant Governor left the Assembly.]

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GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill No. 119 The Communal Property Repeal Act

MR. RUSSELL:

Mr. Speaker, I move, seconded by the hon. Minister of Public Works, second reading of Bill No. 119 The Communal Property Repeal Act. Mr. Speaker, I think it is very significant and appropriate that this bill proceed through its major stage of debate in such close contact and with such immediacy with respect to The Bill of Rights which has just been given Royal Assent.

Mr. Speaker, I say that because this bill -- and I have said it before; I think it bears repeating -- is not placed before the House for the consideration of the hon. members as a result of the diligent work carried out by the select committee to study the existing act, but rather it is something that this government had to do.

I say we had to do it, Mr. Speaker, because it became apparent several months ago, that if this government was serious about its legislation with respect to human rights and the rights of the individual, and the rights that we want to confirm in the legislation of Alberta affecting all Alberta citizens, that The Communal Properties Act, in its present form, had to be dealt with.

We had received a communication from the law offices of the Crown stating that The Communal Properties Act was definitely in breach of the proposed, at that time, Bill of Rights; that it was against the direction and the spirit of intent of the government's proposed human rights legislation; and that we would have to do something about it.

We could have, I suppose, taken the course of action that the 'notwithstanding' clause route might have been used. We considered very carefully, and for a long time, the replacement of The Communal Property Act with some kind of other legislation. But no matter what consideration or what course of action, or what approach was taken, Mr. Speaker, it became apparent that if a person believed in the Bill of Human Rights, then The Communal Properties Act had to be repealed and it was that simple. I say it is that simple to state; it's not that simple in the action, because I think it is a very significant action for this legislature to consider. What

I'm saying today, and my remarks will be very brief, Mr. Speaker, I don't think is really important. Traditionally, the major debate has come from the sponsor of the bill at second reading, where we are now. But I think the significant thing with respect to The Repeal Act that is before the members happened on the day that the bill was introduced. That is when the government took the significant step, and anything I say today merely, I think, will clarify reasons why we found it necessary to take that step.

The principle of the bill, I think, is very simple. It repeals the existing Communal Property Act. Mr. Speaker, I think maybe at one time, not only in Alberta, but perhaps in other jurisdictions, there was perhaps a need for special legislation with respect to the treatment and approach of communal properties, and how we would deal with that subject in the Province of Alberta.

I submit to you the proposition that as long as that act was there -- The Communal Property Act -- in a way it was like a wall. It stood there. If a group of Alberta citizens -- in this case the Hutterites -- wished to have the agreement and approval of the rest of the citizens of Alberta to acquire land, to carry out their daily living according to their own religious beliefs, they had to, in a way I suppose, put their hands over the wall and seek the help of the Executive Council, speaking on behalf of the rest of the citizens of Alberta for assistance that would either help them over that wall and help them acquire land, or in some cases the hands would be pushed off and another attempt would have to be made.

Mr. Speaker, I think the hands are still there on both sides. What we are doing is removing the wall. I'm suggesting that as we enter this era in Alberta, that it behooves us, now that the wall or the act is on the verge of being removed, to keep the hands there, but for each side to take a step and shake them. Maybe by doing that we can indicate to the citizens of Alberta that we believe that the minority rights of this group or any others can be protected, can be accommodated within the spirit and light of our Human Rights legislation.

I suggest that it would be very important for good citizenship and leadership in what, perhaps, will be unsettled times for a short while in some parts of Alberta, for that leadership and positive direction to emanate from this legislature. That's what I am asking the members of this House to do today, Mr. Speaker, to consider what we are trying to do -- as we say we believe in the spirit of Human Rights legislation -- and that is, notwithstanding the fact that not all of us at all times may agree with certain details of certain segments of society, we will give leadership in the proposed rights. Mr. Speaker, therefore, I'd like to move, seconded by the hon. Minister of Public Works, second reading of Bill No. 119.

MR. LUDWIG:

Mr. Speaker, in making a few remarks on the Communal Property Act, I believe that I reserve the right to criticize the way things may be handled and done without disagreeing with the principle of the bill; without perhaps displaying the type of hypocrisy that somebody might feel that I am capable of, although I believe that in some of our legislation hypocrisy and vanity are not exactly absent from the proceedings. In the hon. minister's remarks I got the impression that he was attempting to guild himself a little bit in the aura of what has proceeded in this House today.

I would like to level a criticism in which this thing was handled and I am referring particularly to the rights and freedoms that we expect, and that we have, and that we believe we enjoy. And I believe one of the most serious criticisms ought to be leveled at the minister when he is talking about human rights and bill of rights, that we must, when we deal with this issue, consider the fact that a minister of the Crown had, in fact, suspended this legislation quite some time ago. This cannot be denied; it's a matter of record and I am assuming that he not only did what he stated he did, but that he had the approval of the government to do that, because the issue was raised on many occasions.

I believe that if I am going to criticize the government for that particular, rather inadvertent and very disgusting kind of a situation, that they must all be tarred with the same brush in this case, Mr. Speaker. I think that it should not happen again and it never has happened in the legislature of this province where a minister had suspended legislation.

I think it is not only a complete violation of the freedom and rights and principles that we believe in, but it was a display of the kind of arrogance that I hope will never be allowed to pass in this House again, that a minister stands up and says, "I have suspended the legislation." I doubt whether he would be permitted to get away with this in any legislature in any province in Canada, including Parliament, but it happened in this House and it happened for the first time. I think that the hon. minister and the government ought to be severely condemned for taking the law into their own hands, taking the prerogative of the legislature away from it and saying, 'we are bigger than the legislature, we are bigger than the people, the act does not mean anything'. I doubt whether he would ever dare do this thing again and I would like to have him comment on whether he feels that what he did was justifiable. I believe that he might come up with some weak reasons, but those were not a situation, an indication of strength; those were a display of arrogance and contempt for the legislature and I will certainly like to hear the minister's remarks with regard to this.

Another point I would like to make is, I believe that this legislation ought to be repealed. I have believed this for a long time and I do not disagree with the minister in doing it. I have to point out, Mr. Speaker, that I also do not impute any kind of motive or anything derogatory to the government having brought this bill and The Communal Property Report in together. The minister got up and stated he hasn't seen the report and I believe we have to accept that. When someone else says that there was no leak, that the two are not connected at all, we have to accept it, the fact that it appeared as a coincidence. One could not fault any member here, if he wonders why there has not been a previous get-together on the report and the bill. If it is a coincidence I certainly have my grave doubts, but I cannot indicate in any manner that the hon. minister did not know, and I do not wish to deal with this issue further.

I think one more point ought to be made. In the event that the government then, after repealing this act, would try to do indirectly with the problem that confronts the people, as the Hutterites, the land ownership problem appears to have created serious problems -- if they tried to do indirectly what this bill did directly they ought to be severely criticized and opposed for doing it, because we must mean what we stand for. If they have the courage of their

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convictions to repeal the act, which I believe violates the principles of The Bill of Rights, it has served a purpose. It has served to sort of take the edge off a very serious and emotional problem and the minister ought to tell us today what his alternatives are, if any, and not try perhaps to solve this thing and try to minimize this problem that exists among many farming communities by indirect means -- that is negotiating or perhaps telling them that this is the way it is going to be or else, as has been known to be the case with the hon. minister recently.

These are the three points that I wish to raise, Mr. Speaker, but I must say that when a minister can actually suspend legislation, I believe that it is a form of transgression against the democratic process and that kind of attitude has to be watched and the opposition has a tremendous challenge and a responsibility to see that it doesn't happen again, because if it does, we are not doing our job in the House.

I doubt very much whether some of the more learned members opposite who like to eulogize about principles etc., whether they would, in fact, stand up and believe and agree that the minister can suspend legislation. I think that that was nothing short of a contemptible disregard of the rights of this House, and I do hope it will never happen again. Thank you, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Drayton Valley followed by the hon. Member for Spirit River-Fairview.

MR. ZANDER:

Mr. Speaker, in speaking to the repeal of the bill, I will only say this, in a few words. When Bill No. 1 was discussed in committee I did not speak. However, I feel that I have mixed feelings about the hon. Leader of the Opposition, and the Leader of the Government, at the time that this legislation was on the books, and what he had mentioned on two occasions. He said that he had followed the pattern of The Bill of Rights. I find it hard to believe that he stood up and voted for Bill No. 1, and still we find the hon. Member for Calgary Mountain View going back and saying, "Well, I agree with it, we should not have had it on the books." And he was with the former government --

MR. TAYLOR:

Point of order! What is the hon. member discussing? We are on Bill No. 1.

MR. ZANDER:

We are on the repeal of Bill 119, are we not? The hon. members can talk all they want up there, but I think this bill has been long overdue to be repealed. Can we imagine one segment of society being discriminated against while another segment of society is allowed to carry on exactly what they intend to do? What we are actually doing is discriminating against the Hutterian Brethren. I have one colony in my constituency. The people have never indicated that they had any ill-feelings. They had good feelings among the Hutterian Brethren in that area, and to me, because of the fact that this bill was on the statutes of the province, it seems hard to believe that it remained there as long as it did after repeated appeals by the public and by the Brethren themselves to have it repealed.

I feel the minister, in his wisdom this spring, when he said that we had put an end to The Communal Property Act and till it was repealed, did a wise thing. I think the minister showed that he actually believed what this legislature has now seen fit to pass. And, Mr. Speaker, I can only say this, that with the repeal of this act all people in the Province of Alberta will be able to own property, no matter to what extent or acreage it amounts to.

MR. NOTLEY:

Mr. Speaker, I rise to support this bill on second reading. For a number of years I have advocated repeal of The Communal Property Act. But having said that, Mr. Speaker, I think it is only fair that I acknowledge that it is much easier for me to vote in favour of repeal than it is for certain members of this legislature. I can vote in favour of repeal and not only justify that to my own conscience but represent the people who sent me to this legislature. There will be other members who will have a much more difficult task in reconciling their conscience on one hand with the responsibility of members to attempt to represent the feelings and the views of their constituents on the other hand. It seems to me that as a result of that problem we must approach this bill with

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a great deal of understanding and a recognition that it is much easier for members representing the northern ridings in the province or the two major cities to vote in favour of repeal, than it is for some of the members who represent southern constituencies.

I suspect, Mr. Speaker, that somewhere down the road the test of where we stand on The Bill of Rights will confront all of us, but that test is probably right at hand for the representatives of certain ridings. But for those of us where it is perhaps not quite such an issue in our respective ridings I think we have to recognize that the time will come in our case, too, when we have to meet where we stand and how we can stand up to the problems that arise because of The Bill of Rights.

But having said that, Mr. Speaker, quite clearly it is necessary to repeal The Communal Property Act. In the first place the act as it was constituted, although it does not specifically deal with the Hutterian Brethren, discriminates on the basis of freedom of religion. Why? Because it deals with communal living. Communal living, Mr. Speaker, is one of the two principal tenets of the Hutterian faith, and as a consequence the act -- whether by design or otherwise -- conflicts with the principle of freedom of religion.

Mr. Speaker, the act does more than that. I submit that it also offends the principle of freedom of association, because surely in a free society people have the right to choose their own life-style. If they decide that they want to live communally that is up to them. If we decide collectively that we are going to discriminate on the basis of life-style then we are interfering, in my view, with freedom of association which is one of the tenets outlined in The Bill of Rights.

However, Mr. Speaker, when we repeal this act -- as I have no doubt the legislature will do today -- I suggest a word of caution, that we must move very quickly to introduce some form of rural land use controls. I say that because it is my view -- in travelling especially in the southern part of the province -- that there is a great deal of misunderstanding and, indeed in certain places, substantial hard feelings about this question. To be quite honest, there are few issues that we have dealt with on a public matter that have generated as much correspondence that I have received as a member, even though I don't represent southern Alberta ridings. I have had phone calls, I have had correspondence and we have all -- as members of the legislature -- received a letter from Unifarm, a farm organization which is noted for its very constructive approach to issues and its caution, and certainly not the kind of organization which can ever be accused of being radical. But in their submission they point out that it is necessary to move very quickly to have some kind of land classification scheme.

One of the difficulties, as I look over civil rights legislation, is that we have tended to pass bills -- I'm not talking about this legislature, I'm talking about legislative experience of other jurisdictions. We intended to pass important bills, and then failed to follow through in an attempt to deal with the consequences of these bills and quite clearly, Mr. Speaker, when you repeal The Communal Property Act, there are going to be some pretty profound consequences. We would be totally irresponsible of legislature not to consider what those consequences would be.

I submit that we must move on rural land classification. In the long run, it is my submission that the family farm is far more challenged by the threat of corporate farming, alien ownership of land or absentee ownership of land, than it is by the expansion of Hutterite colonies. Nevertheless, the fact remains, that we no longer have any kind of legislation which can provide some measure of protection for the smaller farm units in large parts of the province. I submit that a land classification system which would treat everybody equally, is necessary and this must be absolutely basic to a sensible land classification system, which does not discriminate on the basis of creed, color, religion, or what have you -- which would treat every one equally. Such a land classification system should be tied to bona fide farmers and some probable form of acreage controls.

I ask that the government give high priority to working with the two major farm organizations, the Hutterian Brethren, the Rural Association of Municipalities, and other groups which would be connected in this issue, in an effort to try to draft legislation which could be introduced as early as the fall session of 1973.

Even though I propose to vote for this bill and accept the principles contained in it wholeheartedly, it would seem to me to be a dangerous, irresponsible step not to make it clear that we intend to follow up this repeal

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with a type of classification system which is based on treating all people equally before the law. And I submit, Mr. Speaker, that if we do that, we will be striking a blow for the Bill of Rights on one hand, but at the same time we will be fostering a greater understanding of what that bill means, and a greater understanding of the need for tolerance in this province. I submit that that is one of our clear cut responsibilities within the next year as legislators in this province.

MR. TAYLOR:

Mr. Speaker, before speaking on the motion, could I have a ruling as to whether or not the report is now being debated? I think we have to know whether we are going to have an opportunity to debate the report or not, before we take part in this debate. Otherwise it would be nothing but repetition.

MR. SPEAKER:

The Chair is not competent to make a ruling as to whether the report may be debated since the report is not yet final. My understanding, from the reference which the hon. Opposition House Leader cited this afternoon, the report is not for debate until the committee has completed its task and the report is final.

MR. TAYLOR:

Well, Mr. Speaker, the committee has completed its task and has submitted its report and has tabled it. But there's been no motion for the legislature to receive it. That is the point I was trying to make.

MR. SPEAKER:

The citation to which the hon. Opposition House Leader referred, clearly states that the report is not final until it has been accepted by the House. In other words, the House still has jurisdiction to refer the matter back to the committee for further report. If the House agrees, and certainly the House is the master of its own procedure, if the House wishes to agree to debate the report in connection with the bill, undoubtedly that could be achieved in some way.

MR. TAYLOR:

Mr. Speaker, on the point of order. How can the House accept or send it back for revision, if there's no motion before the House to receive the report? I would like to have a statement from the hon. Government House Leader, whether or not such a motion is coming in. I notice notices of motion for the other two reports in --

MR. SPEAKER:

It would not be a matter of referring the report back for further attention, but of asking the committee for some further report.

MR. TAYLOR:

But, Mr. Speaker, the point I'm making, is how does the House do that without a Motion to Receive? This is unheard of in parliamentary procedures.

MR. HYNDMAN:

Mr. Speaker, it is within the purview of any two members to move and second a Motion to Receive, or a Motion to Receive and concur in a report. That can be initiated and could have been initiated by any member in this House and by members opposite if they wished to do so, some days ago. The government is still giving the matter consideration as to whether it will put on a motion, but any member in the House is free to put forward a motion of that kind.

MR. TAYLOR:

Well, Mr. Speaker, it appears to me that there is something going on behind the woodpile that the hon. Government House Leader doesn't want to bring out to light. This is the first time in the history of this legislature, that I know of, where a report was tabled without an opportunity for the members of the House to debate that report.

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DR. HORNER:

Mr. Speaker, on a point of order. That's the most untrue statement the hon. member has made in a number of untrue statements. There are, as a matter of fact, Mr. Speaker, and I literally counted it in previous sessions, particularly when the hon. now Senator Manning was Premier of this House, there were enough reports that had been tabled in this legislature to reach the dome, on which none of which had motions to receive and concur.

MR. TAYLOR:

Mr. Speaker, now, that's a complete lie. That's a complete lie.

MR. SPEAKER:

Would the hon. Opposition House Leader care to explain that remark. As I understand it, when a member is accused of a lie, that is a deliberate falsehood.

MR. TAYLOR:

Yes, Mr. Speaker, I'd be glad to if the hon. minister would explain the same thing when he said it was an untruth that I said. They both mean the same thing.

MR. SPEAKER:

With great respect to the hon. Opposition House Leader, it is possible to state something which is not true without lying. A lie is a deliberate untruth.

MR. TAYLOR:

Mr. Speaker, apparently a lie on this side is different from a lie on that side. Mr. Speaker, I withdraw the remark about the lie, but the hon. minister knows very well that there weren't enough reports in the last 40 years to reach from here up to that dome. Surely when I say that --

DR. HORNER:

If the hon. Opposition House Leader would bother to go into the library down there sometime and have a look, he will find out what what I am saying is true.

MR. TAYLOR:

Well, Mr. Speaker, I am not going to be waylaid by the red herring the hon. minister is trying to pull across the path. The point I am making is, we have not had an opportunity to discuss the Hutterian Report or the report on Communal Property. And if the government wants to act in that way and carry out its high faluting ideas of The Bill of Rights and freedom of speech by denying the members of this legislature of right of freedom of speech, then it has the muscle to do it.

MR. HYNDMAN:

Mr. Speaker, on a point of order. Mr. Speaker, there is no denial by this government. As I said, the hon. member knows very well indeed that he could have put a motion on the Order Paper last Friday. He is deliberately subverting what is correct in this matter.

MR. TAYLOR:

Mr. Speaker, I wasn't on the committee. This is another red herring.

MR. SPEAKER:

Order please! Possibly we could revert back to the point of order which was as to whether or not the report might be debated. The report has been tabled and it would appear from the rules that there is nothing to prevent any two hon. members to move that the report be debated or that it be received, or concurred in, or whatever the motion might be that might be thought to be suitable.

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MR. TAYLOR:

Mr. Speaker, there is nothing to stop the hon. Premier from flying to the moon, but I don't think he is going to go. The logical procedure when a legislative committee in a House is set up, is for the Chairman of that committee to move that the report be received by the legislature. Hon. members know that; it is not only customary here, but customary throughout the British Empire. It surely shouldn't be necessary for other members to put such a motion on the Order Paper. Well, Mr. Speaker, I'll discuss the --

MR. SPEAKER:

Point of order, the hon. Opposition House Leader's intention is neither a point of privilege nor a point of order. If the hon. Opposition House Leader wishes to complain of the government's attitude, policy, or conduct in this regard, there are established methods under the rules by which it may be done. But I must rule that it does not constitute either a point of order or a point of privilege.

MR. TAYLOR:

I accept your ruling, Mr. Speaker. I'll deal with the bill in the hope that the government will, even at this late date, give the members of this legislature a chance to debate the report.

I don't agree with the bill. When the hon. members talk about discrimination against Hutterian Brethren, certainly there is some discrimination in connection with the purchase of land. Let me say first of all there is also some protection for the Hutterian Brethren in that bill too. But when you remove the bill, you discriminate against other people. Is it quite all right to discriminate against the people who are left joining a Hutterian colony and wrong to discriminate against the Hutterian Brethren? I can't see the difference. Is it quite all right to discriminate against those small holdings in an area, in favour and not discriminate against the large holders, such as communal Hutterian Brethren and very, very large land holders? The government has made a lot about wanting to retain the family farm and I appreciate the steps it has taken in this regard. But saying that repealing The Communal Property Act is going to help to retain the family farm is a lot of nonsense. The young people in our country now can't find money to buy reasonable amounts of land. The holdings are getting so large and the capital investments are so large, that the normal son of a normal farmer just can't begin to see daylight to get down to a small farm.

We are doing everything, and this government appears to be doing everything, to encourage large land holders or corporations instead of the small family farm. I ask what about the discrimination against the people who are left there? What about the discrimination against the people who have invested in the businesses in an area? These people have invested on the basis of the population going to deal with them. Look at Queenstown. What happened at Queenstown when the Hutterian Brethren bought out the farming population? Queenstown disappeared. It was once a viable lively town, but when the farmers were replaced with people who didn't buy their machinery in the area, who didn't buy any sport equipment, who didn't take in any entertainment, who didn't get a shave once in awhile, who didn't buy a radio, who didn't buy a television, who didn't buy an automobile -- how can anyone say that it doesn't affect the economics of a town? Certainly it affects the economics of a town. Have these people who have invested their money no rights? Are we only anxious to protect the rights of a minority? What about the rights of the majority? They also have rights. When we repeal this we say we're not going to be bothered with the people who have invested their money in our smaller towns, even though that money might be lost.

Mr. Speaker, I beg leave to adjourn the debate.

MR. SPEAKER:

Has the hon. member leave to adjourn the debate?

HON. MEMBERS:

Agreed.

MR. HENDERSON:

A point of order. I'm referring back to the procedural question that came up earlier relative to a motion to put a report -- I don't want to talk about

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the specific report, but the general question -- of a report that has been tabled in the House but hasn't been received, and the prerogative of two members to make such a motion so that the report can be brought before the House for debate. Would the Chair give some guidance as to where in the Order Paper such a motion would appear? If it is going to appear under Motions Other Than Government Motions, Mr. Speaker, of course with the Order Paper as full as it is at the moment with motions of a private nature, it would circumvent the possibility of bringing the report before the House for debate in a reasonable time. So I think since the point has come up, it is desirable to have it clear as to where that motion would appear. Would it be entertained as a private members motion? Would it come up under government votes and proceedings? How would the motion get before the House so far as debate is concerned?

MR. SPEAKER:

As far as the Chair is aware, there is no special provision in the rules for this type of motion. It may well face the difficulties which the hon. Member for Wetaskiwin-Leduc has referred to. But unless the rules are amended to make exceptions and give preferences to certain kinds of motions, the Chair can only apply the rules as they are.

MR. HENDERSON:

I have a question, Mr. Speaker. Would it be the ruling of the Chair that it would go on as a private member's motion?

MR. SPEAKER:

I would prefer not to deal with the motion until I have it in my hand, and if it is a matter of some contention, then it would appear to be reasonable that some little time should be allowed so that it might be considered.

MR. TAYLOR:

Mr. Speaker, would you be kind enough to give us the reference where such a reference is authorized in Beauchesne?

MR. SPEAKER:

As far as I know, Beauchesne is not exhaustive as to the types of motion which are permitted. It deals with motions generally, and doesn't circumscribe motions into narrow categories. It would seem to me that a motion is in order unless the rules say that it is not -- not that it is not in order unless the rules authorize it.

MR. HENDERSON:

Just one point of clarification, Mr. Speaker. Do I gather that the Chair isn't prepared to entertain giving some direction to or suggestion on the matter -- and it's rather a point, I think, of some consequence to a number of members in the House, on this one point that has come up in the absence of a specific motion, then it would be the Chair's intention to bring in a suggested ruling to the House at that time?

MR. SPEAKER:

Might I respectfully suggest to the hon. member that, in order that there be no misunderstanding as to the exact point which is to be considered, it be reduced to writing and the Chair be given an opportunity to consider it, and then I'll bring in a reply as soon as possible.

May I just say before we adjourn that I think it might be appropriate if the record were to show that the hon. Member for Lac La Biche-McMurray was unavoidably absent this afternoon. He notified me about two weeks ago that he would be undergoing some surgery during this week, and if the House has no objection it would be the intention of the Chair that Votes and Proceedings, in recording the vote of this afternoon, would also refer to the unavoidable absence of the Member for Lac La Biche-McMurray.

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 5:34 p.m.]

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* ERRATUM *
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* The questions attributed to Mr. Stromberg on Pages 70-1 and 70-2 of the Alberta Hansard for November 7, 1972 should be attributed to Mr. H. Strom. We apologize sincerely for this error. *
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* The Editor *
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