

## LEGISLATIVE ASSEMBLY OF ALBERTA

Tuesday Evening, February 20, 1973

[Mr. Speaker resumed the Chair at 8:00 o'clock.]

CONSIDERATION OF HIS HONOUR THE LIEUTENANT GOVERNOR'S SPEECH.

[Adjourned debate: Mr. Leitch.]

MR. LEITCH:

Mr. Speaker, I would like to take part in the debate on the amendment. I propose to deal only with the argument that asking the RCMP for information was, firstly, a breach of the spirit or intent of The Alberta Bill of Rights, or secondly, it was using them for political purposes.

I want to say, Mr. Speaker, at the outset that in my view this was in no way an investigation. It seems to me that when you say in effect, tell me what you think, or tell me what you know, that is not an investigation. To my mind, Mr. Speaker, an investigation is when you say, "We have heard that Mr. X may have committed an offence, would you go out and look for evidence of it." That I would regard, Mr. Speaker, as an investigation.

Next, Mr. Speaker, I would like to say emphatically that what occurred was, in my view, not in any way whatsoever a breach of the intent or spirit of The Alberta Bill of Rights, nor was it by any stretch of the imagination a request made for political purposes. There was not the slightest intention of getting information to stifle criticism. There was absolutely no intention of getting information to intimidate anyone. At no time, Mr. Speaker, was there ever the slightest indication of any improper motive on the part of anyone.

There has also been a suggestion, Mr. Speaker, that what was done was a breach of the contract between the province of Alberta and the federal government regarding the employment of the RCMP within Alberta. My advice, Mr. Speaker, is that there was no such breach. In saying that, I should add probably it would have been wise for me to have filed, before I speak tonight, a copy of that contract and, Mr. Speaker, I propose to do that tomorrow.

Mr. Speaker, essentially, in my judgment, this matter raises two questions. The first is, was it proper for a minister to ask for the kind of information Mr. Adair has described as background information, and secondly, if it is proper for him to request that kind of information, from what sources can it come?

For the Assembly to form an opinion on the first question, I have to spend a few moments, Mr. Speaker, describing the factual situation in the Slave Lake area. The provincial government is spending large sums of money in that area on special programs, and it may well continue to do so. By way of an example, the provincial government has been involved in guaranteeing the loans of co-operatives that are functioning in the area. This administration, Mr. Speaker, has already been called on to honour a guarantee given to one of those co-operatives, and as a result of being called on to do that, will lose something in the order of a million dollars. That guarantee was given by the prior administration, and it involves a co-operative in which one of the three gentlemen we have been discussing had been prominently involved. There is another co-operative in the area in which another of the gentlemen involved has played a prominent part, and for which the prior administration guaranteed a loan of something in the order of \$600,000. Having said that, Mr. Speaker, I want to immediately make very clear that it shouldn't be interpreted as indicating that either of those gentlemen had anything, whatsoever, to do with the financial difficulty that had occurred in the past with respect to the one co-operative.

Having said that, it might be as well for me to state at this point too, Mr. Speaker, that I have absolutely no information that would indicate that any of those three gentlemen at any time breached any law.

Mr. Speaker, in addition to being involved financially in the Slave Lake area, this administration, since coming into office, has received a number of complaints from that area. The complaints were primarily about things that had happened before we came into office, or alternatively, about the local government. For example, in 1971 there was a complaint about the local councilmen having a conflict of interest. A similar complaint was made in 1972. There was, Mr. Speaker, a complaint in 1971 about an employee of the provincial government having a conflict of interest, and that matter was looked into and the opinion expressed that he was not involved in a conflict of interest.

Because, Mr. Speaker, these complaints involve things that happened in the past, or they involved the local government, the situation was that in the fall of 1972, this government wasn't in a position of trying to defend itself against criticism. It was simply concerned about what to do with present and future programs in the area, and what to do with complaints that it was receiving, and in particular, complaints it was receiving about conflicts of interests on the part of people involved in local government. In that connection, Mr. Speaker, I want to draw to the Assembly's attention that we received in the fall of 1972, a petition requesting the provincial government to investigate the handling by the local government of a private residential development, and the local government's failure to comply with local zoning and other by-laws. That complaint, Mr. Speaker, was signed by Mr. Thomas and he, in that complaint, was designated as one of the spokesmen for the people making that request.

Before anyone suggests that the mere fact that someone petitions or requests the government for something would lead to a minister asking for background information, let me emphasize that this kind of request has nothing in common with, say, a request by residents in a community for a road, a request by some sort of charitable organization for a grant, a request by someone for a legislative change, or a request by someone to look into something the provincial government has done. This was a wholly different form of request. It was one whereby people were asking the provincial government to become involved, or to look into the actions of local government where there was an allegation of improper conduct. I should say too, Mr. Speaker, that in those circumstances, under our legislation, the remedies for that kind of action on the part of local government people lie in the local area. The action can be taken by an elector of the area; it can be taken by the local government. There is really no legislative provision for action by the provincial government.

Now, Mr. Speaker, I would like to turn to a statement I have made earlier which is that it is common for ministers to gather background information, and I would like to elaborate a bit on that. I think the question is, Mr. Speaker, and under what circumstances is it proper to gather background information? The hon. Member for Spirit River-Fairview, as I recall his argument, indicated that it would be reasonable to gather that information if someone was applying for a job with the government, was tendering on a government contract, was being considered for a government appointment, or was involved in business and seeking a subsidy or a grant from the government.

Mr. Speaker, I think that in all of those cases, not only would the government be entitled to get some information about the people involved, but indeed would be obligated to do so. I can think of many other examples. A very obvious one is licencing, in particular, licencing of liquor outlets. That is always something that the government should be concerned about, with respect to the type and nature of the people who are running those establishments. Another area would be welfare. Truly the government is under an obligation to gather some information about people who are asking for welfare, to make sure that they qualify. And, of course, one does ask and should ask the people themselves. But I am not at all satisfied Mr. Speaker, that the government would be discharging its responsibilities if it relied solely on that source of information.

Another area, Mr. Speaker, would be the transfer of shares or control in financial institutions, or those institutions which hold large sums of the people's money in the way of trust funds and things of that nature. We have had a number of experiences in North America where people have gotten control of those kinds of funds, improperly used them all to the detriment of the people who placed their money with them. Other areas of concern are such things as the formation of private clubs. Again there is always the worry whether they are going to be used for gambling activities or some unlawful purpose. Again, the guarantees of loans, Mr. Speaker; surely, there is an instance where the government needs some information about the people who are involved. Leasing

arrangements -- in fact, one can go on and on and on with similar examples. I would think, Mr. Speaker, that it is self-evident that in all of those examples I have given, the government must have some information about the people it's dealing with.

But in my view, Mr. Speaker, the government's obligation goes farther than that when it is charged with expending public funds. It should make some assessment about how the programs in which it is spending those funds are likely to be affected by the attitudes and reactions within people of the community. I know, Mr. Speaker, from what we have heard in this assembly that some hon. members opposite would disagree with that. But, Mr. Speaker, I have some opinions which support my conclusions and I would like now to refer to just one of them. I am reading, Mr. Speaker, from a speech delivered to the Institute of Public Administration of Canada, and it was delivered in September, 1970. The speaker is referring to the obligations and functions of deputy ministers and senior government heads. And he says:

Let me contrast my experience as minister of two departments. In one case, the senior public servants appeared to consider that it was not a part of their function to be tuned in on how the public was reacting to the department's programs. As minister of this department, I frequently found delegations on my doorstep raising problems -- sometimes raising hell -- with respect to matters in which the officials could give me no prior knowledge, information, or advice.

In the second department, the officials and particularly the permanent department head, had an intelligence system that was marvellous to behold. Here it was a rare day when a delegation met me as minister where the deputy had been unable to brief me in advance on what position the delegates were likely to take, and not infrequently what position individual members of the delegation would assume.

And further on, Mr. Speaker, he says:

There is no doubt in my mind which one of these departments was best organized to serve the minister and to serve the public. That was the department which knew what was going on in the communities where they function, and in which this knowledge became a part of the input in the design of policies which they recommended to the minister.

And the speaker on that occasion was the present Premier of Saskatchewan.

In resume, on this point, Mr. Speaker, and bearing in mind what I have said about co-operatives and petitions and things of that nature, it seems to me that in all of those circumstances it was perfectly reasonable and proper for Mr. Adair to request some background information. And one of the circumstances that needs to be kept in mind is that he was the person responsible for making recommendations to government about its programs in that area.

But, as I indicated at the opening, Mr. Speaker, that is only a part of the question. The next one, assuming that he is entitled to obtain that kind of information, is: from where can he get it? I think it is clear that the minister can get it from his own department, from his own departmental personnel, and undoubtedly from the personnel from other government departments. And I suggest that the key question in this debate is whether the police should be asked what they think about the situation in the area.

Mr. Speaker, I had a number of arguments pressed upon me from people whose views I respect to the effect that it is reasonable to ask a policeman for this kind of information. In support of that argument one can cite the fact that the policemen do many things in addition to simply investigating possible breaches of the law. For example, in cities -- and I am thinking in particular of Calgary -- the Chief of Police is also the Chief Licencing Officer. He licenses such personnel as taxi drivers, and ambulance drivers, and he certainly is very careful about gathering information about these people. That, Mr. Speaker, is very important for him to do, simply because a licence for a taxi driver, an ambulance driver and other people who are licensed is really a passport. It is a passport to places and to trust. I am sure, Mr. Speaker, that there are many of us who wouldn't have the slightest hesitation in putting our young children into a taxi to be driven across town or to school. At the same time, we would be horrified if they were to get into cars with strangers. We take great pains to instruct them not to do that. So that these licences we have been talking about are really passports and the people who issue them have to be careful about to whom they are issued. That is a function, certainly in Calgary and other cities within Alberta, that is performed by the police.

In addition, Mr. Speaker, they license such things as rooming houses and cabarets in which they have such similar concerns and similar obligations.

They go further, Mr. Speaker, than licensing personnel. For example, we have had them acting as welfare officers. In Banff and Jasper last year, the RCMP were the ones who handed out welfare cheques to people who were travelling through the area and needed welfare. There were a great number of them. So they have a much broader role than what first might be thought by a number of people.

I have also have had pressed on me the argument that there are many reasons why a more reliable opinion about problems in an area might be obtained from a policeman. He is an observer in the community rather than a participant. He stays aloof from local issues, and his judgment is therefore much more likely to be objective and unbiased.

However, Mr. Speaker, after having considered the matter at some length and given weight to the arguments I have just referred to, I concluded that the policeman was probably the one person associated with government whom you should not ask for opinions or advice or information on the circumstances existing here.

Mr. Speaker, I would now like to spend a moment or two dwelling on the reasons for reaching that conclusion. Firstly, there is the problem that the fact that such a request has been made might become public. If it becomes public, Mr. Speaker, it does create a feeling of unease, a feeling of concern, and a feeling of embarrassment on the part of the people involved. I think the mere fact that a policeman is linked with someone's name is embarrassing. In fact, Mr. Speaker, when the police are investigating an alleged breach of law, they make very great efforts to keep that confidential simply for the reason that if it is not confidential it tends to become embarrassing. And it might be an embarrassment when the person about whom they have received the complaint is wholly innocent.

In order for the police to function they must investigate complaints, so that risk of embarrassment is one that we have to run. But we don't have to run it in the circumstances I have just outlined. That is the prime reason, Mr. Speaker, why I think that the police should not have been asked for information here, and why I think it should not be done again.

Mr. Speaker, I should add that I am concerned about the fact that it became public -- that should not have occurred. I have endeavoured to find out how it become public, but so far without success.

Now, Mr. Speaker, I would like to turn to the comment that has been made about tabling the reports. Mr. Speaker, I cannot agree that should be done and the reason is this: ordinarily when police are investigating alleged breaches of the law they write reports which contain guesses, hearsay, rumour. I think, Mr. Speaker, anyone involved with police work would agree that is absolutely essential. It is something they must do. One never knows when something they have repeated as rumour or as a guess, will lead to some piece of information which might solve the complaint. I think if it ever became a policeman's concern that the things he wrote in his report, which are of that nature, Mr. Speaker, might become public, it would seriously interfere with his ability to do his job. He simply wouldn't include them.

Mr. Speaker, the question has also been raised about the confidentiality of these things. As I indicated yesterday in the question period, any such information as that which we have been talking about that is gathered, is kept absolutely confidential within the provincial government. In fact, insofar as the police are concerned, Mr. Speaker, the practice is for them to destroy their files at the end of two years.

There has been a question of what happens about derogatory remarks that might be contained in such reports. Is there not a danger that they might operate to the detriment of the person about whom they are made? Mr. Speaker, I don't have the slightest hesitation in saying that shouldn't be the case. In my view we ought to follow a policy that on any occasion when a minister is prepared to make a decision detrimental to someone, based on that kind of information, he is under an obligation to disclose it to the person and to give him an ample opportunity to refute it.

In conclusion, Mr. Speaker, I would like to stress two points. Firstly, I do not think this request ought to have been made of the police, and as I have said, Mr. Speaker, it won't be made again. Secondly, because of the intention and the purpose for which the information was requested, and the circumstances

surrounding the request, I have no hesitation in saying that it wasn't a breach of either the intention or the spirit of The Alberta Bill of Rights.

MR. HINMAN:

Mr. Speaker, at first I hadn't intended to get into this debate, but I do think that there are probably a few things that still need to be said.

One of the questions which comes up under The Alberta Bill of Rights is: just what are our rights? Is it our right to be assured that we shall forever be not subject to investigation? I think the answer in this case has to be "No." Never to be investigated is not a right. I think the age has come when we have to expect to be investigated, and we would be naive indeed if we thought we are not investigated. I think that if you want credit you have to expect that your credit worthiness will be investigated, and that the information will get around. I think that you have to expect that some misjudgments may be made, and that information may get around which is not justified. But I do think that we have to expect to be investigated in the world of today.

I am very concerned that in efforts to protect us against crime, subversion and mistreatment, governments will have to stoop more and more to what we used to call 'stool-pigeoning' and things of that nature. And I am not too worried about this. We live in an age when the criminal is more sophisticated perhaps than even the police. We live in an age when many people of revolutionary tendencies want to tear down everything we have, but offer nothing in its place. We can wait until they kidnap an official of some other country and kill him. We can wait until they wreck property. We can wait until they try to destroy our universities. Or we can try to stop these activities by making some investigations so that we will actually have records on people involved.

As you are all aware, investigations are usually triggered by rumour, and sometimes just plain malicious rumour. The income tax people will tell you that a week never goes by when they don't get a letter from somebody telling them that they had better investigate so and so because "he is cheating you". Sometimes he may be cheating, and sometimes he may not be cheating. At any rate, I think we have to get used to expecting investigations.

We don't like wire-tapping, and I don't suppose there is one of us who, in some conversation at some time, didn't make a statement which would embarrass us if someone recorded it and played it back at an inopportune moment, and sometimes quite innocently. We are very concerned that such things as that shall not happen to us. Our concern is that when investigations are made, they are made with some legitimate purpose in mind which shall not be of embarrassment.

Our concern has to be that, as far as possible, information is kept confidential and is protected. It cannot get into the hands of those who might use it maliciously. In my own day, I have seen politicians, particularly in the southeastern United States, ruined by setups. Things were arranged to make a politician look bad, and under such circumstances that any denial on his part was almost impossible. And to reverse the trend, the law people have had to use setups to trap these people who one after another sought to destroy politicians, and some of them very good people.

I think we have to have protection against parolees. I think it is quite logical for the Attorney General's Department to use the police or anybody else to watch what happens to people who have been criminals and who are free. I don't think it is a breach of what they ought to expect. We have accepted their statements that they will not be criminals further, yet their background is such that I think they ought to expect us just to watch to see. These are not things about which we ought to get very excited.

I wonder how much crime could be prevented if each one of us, and I don't mean each one of us here, but if each citizen when he becomes aware of criminal plots or plots of criminal or destructive intent or of just plain malign actions, were to report them. We are accustomed to human rights and I know we say you shouldn't put somebody in an asylum just because somebody else says he is crazy. We have had an example of that very lately.

On the other hand we have lots of examples of people suffering intensely when just a little care, just a little investigation of the actions of some of these people would have forewarned us. So, just for our own protection, maybe we are going to have to get used to the idea that we have to give up a little bit of the right not to have our private affairs divulged.

Now that doesn't mean that what happened is acceptable to us. I've heard the explanation given by the Attorney General just now, I've heard the explanation given by the ministers concerned, and I accept them at face value. I believe that the hon. Premier, and the government are very sincere in their desire to protect the inalienable rights of the people -- and privacy is one of those rights, within limits.

I am very concerned, however, about people who are inadvertently hurt. Now we've all had the experience of the police coming to our house, perhaps to visit in uniform, and some wise guy calling up and saying, "What have you done?" I think I heard the Lieutenant Governor tell me one time about going to the States to make a speech, and when he got to Vancouver he was met by the RCMP who visited him, and escorted him to his plane. Before he got to Los Angeles the rumour was out that the police were investigating the Lieutenant Governor! Well, it was understandable; here the police meet him, they escort him away, and people who didn't know he was the Lieutenant Governor, in that airport, certainly were entitled to think that some poor guy was going to get it. Well these are just things we have to live with.

What I want to say is simply this: We have to be very concerned about investigations of the nature that these were. I admit that they were not full investigations, but when we seek information we must take particular care not to let it appear that somebody is being investigated. And this is no easy problem in a little village or town or rural municipality. My experience with the police has always been that they have been extremely careful. Nevertheless, there will on occasions be times when somebody will talk -- somebody will give information -- somebody will add rumour to rumour.

Now people can be hurt. It's unfortunate that even after you're exonerated by a judicial inquiry, and I've had the experience, you can never take out of the minds of many people, the fact that you were guilty, that the whole thing was a snow job, that somebody bought the judge. And it's one of the things you're going to have to accept, particularly in public life.

I think what I am concerned with is, the understanding on the part of each of us, how easy it is to be part of something which in the end violates the principle of the right of privacy and basic human rights; how easy it is, when somebody phones us for information, to give it without making sure that the people who ask for it have a legitimate purpose. Some of you may have had the experience that I have had. I have had people phone me up and say, "Are you Ted Hinman?" and I say, "Yes", and they say, "Well, oh, so-and-so has given you as a reference, what can you tell me about him?" And if the things that I have to say, if I'm honest, are not exactly complimentary, I never say these, until I have told the fellow, "You come and see me personally", because I want to know who he is, and what right he has to be asking these questions. I want to satisfy myself that I do not give him any information, particularly if I find that I cannot give the kind of recommendation my friend might have expected, that it is going to be used in confidence, that it is not going to be used to hurt him. I think we have the right to expect that.

I am not concerned with getting ministers to resign. I think most of us are quite aware that these gentlemen have suffered considerable remorse, even though their intent was not to harm anybody. But I am concerned, as I said, that each one of us on both sides of the House, but particularly in government, become aware of how easy we can slip. How necessary it is for us to be overcautious rather than free in doing anything, saying anything, starting anything which may, just if it is known about, hurt somebody.

Of course we can say there ought to be some remuneration. And I suppose there is. I suppose if anyone is hurt, the government is suable, those who make the investigation are suable. But this does not always end it. The best we can do, of course, is to get statements from the people concerned, to try to make them understand that there has not been any malice. If there has been any malice, then I am along with the others who say that whoever did it ought to be punished. And the punishment is part of the system of making sure that inalienable human rights are not violated. So as I say tonight, I am concerned with two things. One is that we realize that we are living in an age in which we must be prepared to be investigated for our own protection in the war against crime and the war against subversion. He who so believes that nothing true is ever found out about him that could hurt him, he is the fortunate one. The rest of us have to depend that at least our little, inadvertent indiscretions will not be used against us, though it might serve us right if they were. I am concerned, as I say, that the government, particularly people in government, understand that they must be doubly careful that there never be any doubt in the minds of the people that its own government was going to start an investigation, even of the simplest kind that might hurt them without due reason, and that if

in any way they are hurt that they are entitled to public statements which exonerate them. Thank you.

MR. SPEAKER:

Are you ready for the question on the amendment?

MR. CLARK:

Mr. Speaker, in rising to make a few comments with regard to this particular amendment, there are about three things I would like to say before I enter into my comments.

The first is that I wish very much that the Premier of the Province had risen in his place before now, before the question was called, to give to the people of this province a clear and sincere and genuine undertaking that the RCMP in this province would not be used in the fashion that they were used in Slave Lake.

The second comment that I would like to make, Mr. Speaker, is that in the comments that I will make about the Attorney General, it is essential that we separate the individual involved, for whom I might say I have a high regard, it is essential that we separate the individual from the position and the responsibilities of Attorney General.

And the third comment that I would like to make in leading off my statement, Mr. Speaker, is that as a man's responsibility increases, his acceptability margin for error decreases.

I believe, Mr. Speaker, that the real issue before the Assembly on this particular vote that is coming up as a result of the question being called, that the real basic issue facing all the members of this Assembly is the issue of whether the government is keeping the intent and the spirit of The Alberta Bill of Rights, which was passed in this Assembly not many months ago. And that is the real issue, Mr. Speaker, nothing else.

The members of this Assembly will recall that about a year and a half ago, or perhaps two years ago, the Craig affair raised its head in this province. Dr. Craig was a medical doctor in this City of Edmonton. The police went to his offices during the day-time when patients and his staff were there. They seized the records, Dr. Craig was put in jail, and his home was searched the same day. Charges of malpractice and of fraud amounting to \$43 were laid. These charges were dropped later, one because the basic evidence, as far as the charge of malpractice, was inadvertently misplaced. The charge of fraud was withdrawn because of a technicality which was a result of an error by the Attorney General's Department.

There were, at that particular time, Mr. Speaker, those people in the province who asked the government of the day to have a public inquiry into what happened. The Attorney General initially said no, that he was not in favour of a public inquiry. He later said in the Assembly, in response to a question by the Member for Spirit River-Fairview, that he was not in favour of a public inquiry at that particular time, and I believe that is the government's position as of today.

The Human Rights Association of this province, within the next two or three weeks, will be issuing a statement or a report, regarding what they have found out as far as the Craig affair is concerned. Let me say this, Mr. Speaker, that when this was before the courts and following its disposition in the courts, people began to ask questions about this government's commitment to The Bill of Rights -- a Bill of Rights which initially was introduced by the Premier when he sat as the Leader of the Opposition over here -- and then a Bill of Rights which was introduced by the Premier on the opening day of the session almost one year ago; a Bill of Rights which was considerably thinner than The Bill of Rights which was introduced by the Premier when he sat over here.

The people at that time began to ask the question about the whole question of civil liberties in this province. Mr. Speaker, shortly after the approval of The Bill of Rights by this Legislature, the unanimous approval of this Legislature of that Bill of Rights, The Communal Property Act and the question of the Hutterian Brethren came up. The Member for Drumheller, just a few days ago in this Assembly, asked the Minister of Tourism whether, in fact, he had told the members of the Hutterian Brethren to keep quiet. I'm not saying exactly what he said, but he said something like, 'I didn't tell them to keep quiet, but there can be some adverse reactions if there is too much said about the question of them acquiring additional land.' Slice that any way you want

it, Mr. Speaker. In my particular point of view, that's telling the members of the Hutterian Brethren to keep quiet, don't talk about acquiring additional land.

Let me say this, Mr. Speaker, that long before there was a Conservative government in this province, or long before there was a Social Credit government in this province, or long before there were Conservative or Social Credit parties, freedom of speech was an accepted right in this province. That was long before we had a Bill of Rights in this province or in this country. Once again, when we look at the government's action in its handling of the communal property legislation and the Minister of Tourism talking to them and suggesting that they keep quiet -- once again we must ask the question very sincerely, is the government really trying to live with the spirit and the intent of The Bill of Rights?

Then, Mr. Speaker, we come to the Slave Lake affair. I don't think anyone can question the sincerity of the Attorney General in his remarks this evening. Perhaps you could summarize his remarks, Mr. Speaker, by saying that it is, in his opinion, a matter of judgment. As has been indicated in this House previously, the hon. member, Mr. Adair, asked for the supposed background information with regard to the three people involved. I think, clearly, it is a matter of questioning the judgment of the hon. minister, Mr. Adair.

But let me say this, Mr. Speaker. I frankly believe the responsibility rests on the Attorney Generals' desk, because the Attorney General is the corporate lawyer for the government and it was his decision as to whether the services of the RCMP were to be used or not to be used in this particular case and under these particular circumstances. And the Attorney General, at that time, decided that the services of the RCMP should be used to acquire 'background information' as the term that is now used, to acquire background information Slave Lake.

I don't know, I should say, I know one of the three people involved. I first got to know that individual when he was a volunteer with the CYC and I recall being involved in more than one or two meetings with the particular person. I am sure that unless that individual has changed a great deal, he is not the kind of person who would pat the ministers on the back and tell them that they are doing a fine job. He sought the NDP nomination in that particular riding and then stepped down from the nomination later on. Whether he is a member of that particular party, or a member of the CYC or anything else, that in no way legitimizes what went on, in my particular judgment.

When the Attorney General made his apology to the three gentlemen involved and to the people of the province, I was pleased to hear this. But I should say, Mr. Speaker, that in the course of the Attorney General's apology, he suggested that the reason that the RCMP were used, or one of the reasons the RCMP was used, was that Mr. Adair didn't have sufficient staff as Minister without Portfolio to do the investigation. Certainly the government has been the government for at least a year and a half, and if Mr. Adair didn't have sufficient staff, I think the responsibility rests clearly with the government. And if the government chose not to give Mr. Adair that kind of staff, certainly there were some people in the government, some civil servants the government could trust with the responsibility going up there.

Since the Premier returned from his short holiday -- and I might say well-deserved holiday -- since he returned there have been several opportunities for the Premier to give the people of this province an assurance that this kind of thing would not happen again. It could have been done prior to the opening of the House, it could have been done today when the Premier rose in his place and made the announcements in regard to a public inquiry. It could have been done on the Hourglass program of the CBC the evening that the Speech from the Throne was read, because on that particular occasion I am told the Premier was asked whether he was satisfied with the way this problem at Slave Lake and the RCMP investigation had been handled. I am told that the Premier said that he was in fact satisfied with the explanation of the Attorney General and the apology that the Attorney General had given.

I had sincerely and genuinely hoped that in the course of the debate on the amendment, we would have heard a statement from the Premier, saying that he would give his guarantee to the people of this province that such a situation would not develop again. I had hoped that he would give some indication to us as to how he would handle the situation if it happened again. Because we of this side of the House think it's a rather serious, very serious, situation. Frankly I think it is much more serious than the Minister of Health thought it was yesterday when he made rather light of the approach that Mr. Ludwig and Mr. Taylor had taken on this particular matter. I think it is more serious frankly



than the Minister of Education thought it was when he was speaking to a recent teacher's convention. He suggested to the teachers that 'if you don't investigate me, I will investigate you.' Oh, I think it's a great deal more serious than the remarks of the Minister of Labour would suggest when he spoke to the Credit Grantor's Association in the province and talked about having people investigated to see if they 'beat their wife or not'.

It is a very serious and very fundamental issue as far as we are concerned because the Premier himself stood in his place towards the end of the last session, before The Bill of Rights was approved, and he said that few members in this Assembly fully appreciate the implications of The Bill of Rights. How true that has been, Mr. Speaker. How very true that has been, since The Bill of Rights was approved by this Assembly.

Mr. Speaker, it is with a considerable amount of regret that in light of the fact that the Premier has given no assurance to the assembly that this kind of investigation will not take place again, on behalf of the Social Credit members on this side of the House, I ask for the resignation of the Attorney General -- in light of the fact that the Premier is not prepared to give any assurance to the members of this Assembly, and to the people of this province, that such actions will not take place in the future.

MR. DOWLING:

Mr. Speaker, I have but a few brief remarks to make on the debate to the amendment. In the past number of days, indeed as long ago as last November, in the fall sitting of the Legislature, the hon. Member for Drumheller made a number of statements which I feel some obligation to comment on.

At a time when co-operation and support by all members of this House are required on a delicate issue relating to the Hutterite Brethren in the province, and to the matter of over-all land use, continued remarks by the hon. opposition member, which are neither founded on fact nor supported by him in any measure with factual data, serve only as a detriment to the operation of the Communal Property Liaison Committee. Worse yet is its effect in disrupting the efforts of all those individuals in this House who wish to see the matter of communal land use and communal land holdings in Alberta dealt with in an objective and rational fashion, free from the emotion, bias, prejudice and bigotry which are sustained by the remarks such as those of the hon. opposition member, that represent personal opinion rather than fact.

It seems incongruous, Mr. Speaker, that such should be the case when the legislative committee, composed of members from both sides of the House, spent literally months researching factual material on the issue -- only to have the hon. opposition member, either purposely or otherwise, perpetuate the very kind of thinking and attitude that this Legislature felt was detrimental to the relationship between the farming communities of Alberta and the Hutterites. Certainly, such an approach has not been evidenced by most of the hon. members opposite. And in that respect I can refer both to the debate that centered around the The Communal Property Repeal Act last fall and, also, to the approach taken by the members of the opposition who certainly served with distinction on the legislative committee.

The objectivity, the spirit of co-operation in the interests of those individuals, in the true welfare of the farming community of the province, without any motives directed towards generating cheap forms of political discredit, is something that should not go unmentioned.

I would like to express therefore, Mr. Speaker, my thanks to all the committee members. Let there be recorded in this House, respect for their commitment to the task, for the objective way in which it was approached, and for their determination to do what was right, rather than what may have been politically expedient. This is something that should not go unrecognized by the members of the Legislative Assembly or by the people of Alberta.

[Applause]

MR. TAYLOR:

By keeping their mouths shut . . . [inaudible].

MR. DOWLING:

Last year in this House on November 15, Mr. Speaker, Bill No. 1, The Alberta Bill of Rights, was passed without a single dissenting vote. The following day on November 16, The Communal Property Repeal Act, Bill No. 119,

was also passed by a vote of 60 to 4. We appreciate that the hon. opposition Member for Drumheller is one of those who chose not to support the bill and we respect his right to do so; a fundamental right, Mr. Speaker, within a democratic system.

However, along with those rights go responsibilities for members of this, or any other Legislature. Surely one fundamental responsibility must be to refrain from making statements which could leave the impression that fact is being reported, when such is not the case, when pure personal opinion is being put forth. The practices of any member of this House who bases his positions on a "guilty until proven innocent" philosophy are wrong and diametrically opposed, Mr. Speaker, to the principles of British and Canadian justice. They should not be tolerated by this Legislature or the citizens of the province to whom this Legislature is responsible.

The burden of proof on raising an issue rests with the individual or group making the statement. Unless such a statement has been proven to be factual or proven to be the case, it must be rejected simply as spurious information. It is to this kind of situation that I think this Legislature must give some attention.

Mr. Speaker, I submit that the committee studying the matter of communal property holdings conducted its study and made its recommendations on the basis of unbiased information. Statistics that supported materials were provided to the best extent possible, in order to ensure that the conclusions were both objective and fair. There are some who chose to disagree with portions of the report and that is totally acceptable. What is not acceptable is the fact the report has been challenged in many instances with statements that have no semblance of supportive statistical information or objective data.

Mr. Speaker, far too long the Hutterian Brethren have been labelled as guilty for problems which are not their own fault. I would like to know, Mr. Speaker, what facts support the claim that this administration is doing everything to encourage large landholders at the expense of the family farm. I can't believe it in view of the tremendous program of the Department of Agriculture. Where are the statistics that prove the Hutterites caused the demise of Queenstown? Where are the cold hard facts to demonstrate that we are practicing discrimination against the people who are left in the community?

Mr. Speaker, I do not deem these to be light accusations. Queenstown was a small hamlet long before the Hutterian colony settled in the community. The kind of exaggeration that we see in statements to the effect that Queenstown disappeared when the Hutterites arrived is ludicrous to say the least. There appears to be no questioning, no research, about the viability of a small town that is located probably not more than 10 to 12 miles from four or five other hamlets such as Mossleigh, Arrowhead, Shouldice and Milo. There is no account for the effect on such communities of the changing technology of agriculture, modern transportation systems, the closing of rail and postal facilities, the centralization of schools and other such situations for which, certainly neither the Hutterites nor this administration are responsible.

Mr. Speaker, I further submit that, intentional or otherwise, statements of this nature can be misleading to the public and leave them with impressions or understandings that harden the positions between the Hutterian Brethren and the rest of rural Alberta. Such action is directly contrary to the objectives recommended in this House, namely to clarify misunderstandings between the Brethren and the Alberta society as a whole and to promote and encourage co-operation with existing rural facilities.

Mr. Speaker, such understanding and co-operation cannot be developed when the objectives and the intent and the undertakings of the liaison committee are sabotaged by slanted cultural remarks which can generate the very kind of prejudices, bias and bigotry that we are attempting to overcome.

Mr. Speaker, other public statements to the effect that:

a colony is a benevolent, modern form of slavery, that it does not guarantee freedom of speech, association and religion to its members and may not deserve civil rights protection from the outside that may only freeze an inner structure that goes against the intent of The Bill of Rights.

These are surely only further statements that incite the prejudice of those who prefer, who actually prefer to be irrational.

We have heard emotional phrases concerning the rape of civil liberties in this province: that the Hutterites have land options all over the country, some of the best land in the province, implying that the liaison committee may take the Hutterites behind the barn and beat them over the head until they submit, or perhaps apply political pressure until they submit, and buy land not where they want to buy it, but where the government wants them to buy it.

Mr. Speaker, I would like to make it clear that under our present Bill of Rights, we recognize all honourable members' right to freedom of speech. However, it seems to me that a continued emotionalism, trotted out so freely, is totally unacceptable from any responsible member of this House. Our objective surely is to improve the situation in the past as it relates to all rural Albertans. Moreover, our efforts are also directed to developing a sensible approach to the matter of over-all land use in Alberta. Both of these efforts are hampered by irrational and prejudiced statements unsupported by facts.

One final point, Mr. Speaker; there has been no breach in the spirit and the intent and the principle of The Alberta Bill of Rights in any of the actions that the Communal Property Committee took, or that have been taken, relative to that Communal Property Report, since it was released.

There has been considerable criticism from some quarters regarding what appeared to be an unnecessary delay in the repeal of The Communal Property Act. I am certain it is obvious to all hon. members that it is vital that the Advisory Committee on Communal Properties be chaired by someone with a background of rural Alberta, with a perpetual and honest interest and desire to help rural Albertans; and that the committee be composed of members representing every part or every interested group of rural Alberta.

In order to assure that such was the case, Dr. Arnold Platt was approached with the proposal that he accept the chairmanship of the Communal Property Advisory Committee. He indicated he would accept this job under two conditions; that he and his committee would be granted authority to dig deeply into the problem of rural land use, and secondly, that because of prior commitments to his employer, The United Farmers of Alberta, his appointment would become effective on March 1, 1973. So, Mr. Speaker, The Communal Property Repeal Act, which was assented to, becomes effective on March 1, 1973, as does Dr. Platt's appointment.

In conclusion, Mr. Speaker, there is no doubt that the entire matter of communal properties is still a delicate and important issue for every Albertan. It is delicate because it truly requires the understanding and co-operation of every member of this House in order to ensure that rural facilities develop in harmony. It is extremely important because the issue is in essence, not simply a communal property issue but, most assuredly, one of rural land use.

This is obvious by the presentations that have been made in recent weeks by some rural Albertans, and I understand that we will be receiving one at the end of this week.

These major recommendations were contained in Chapter 10 of the Communal Property Report.

I would hope, Mr. Speaker, that it is not unrealistic to respectfully request all hon. members of this House to recognize and support the approaches that are directed towards accomplishing what is in the over-all good of Alberta, and in particular rural Albertans and the rural communities of Alberta. I would therefore, Mr. Speaker, ask all hon. members to oppose the amendment.

MR. SPEAKER:

Are you ready for the question on the amendment?

HON. MEMBERS:

Agreed.

MR. LOUGHREED:

Mr. Speaker, it has, of course, always been my intention to speak to this amendment --

[Interjections]

But I thought I would wait until I had heard from the hon. Member for Olds-Didsbury, whose record of distortion of the record is pretty clear to all of us.

MR. LUDWIG:

Mr. Speaker, I rise on a point of order. I believe that the expression "His record for distortion is well known" is unparliamentary, and the hon. Premier ought to withdraw it.

[Interjections]

MR. SPEAKER:

An allegation of distortion of a record, if it is deliberate, is tantamount to accusing the member of deliberate falsehood. If it is not deliberate, then it may be an inadvertent distortion. In this instance the Chair is unable to say whether the accusation is one of deliberate distortion or of inadvertent distortion, and I am therefore unable to rule on the alleged point of order or point of privilege.

MR. LOUGHEED:

Mr. Speaker, I wish to speak about the comments of the hon. Member for Olds-Didsbury, and his enthusiasm with regard to the one-sided views of the Social Credit party.

He has made a comment with regard to resignations, and I would like to start on that point, Mr. Speaker, and assure him and all those on his side of the House that I have only certain resignations in mind, and they are the involuntary resignations of the hon. members of the other side at the time of the next parliament.

MR. HENDERSON:

Point of order! Mr. Speaker, on the point of order --

MR. HYNDMAN:

Sit down.

MR. HENDERSON:

In view of your statements, Mr. Speaker, on the previous question as to whether a deliberate distortion constitutes an unparliamentary remark and should be withdrawn, it's incumbent upon hon. Premier to make it clear to this House just exactly what his intentions were in that regard. If he does not do so, it constitutes disrespect for the Chair, and it is incumbent upon the hon. Premier to clarify that particular point before he goes further.

MR. FARRAN:

He has already clarified ...

MR. TAYLOR:

... hog wild on the civil liberties if we weren't here.

AN HON. MEMBER:

Oh, boy.

MR. SPEAKER:

Order, please. In reply to the point of order raised by the hon. Leader of the Opposition, I should mention that he has the same right as any other member to ask a question of a speaker if he wishes to, and other than that I am unable to deal with his comment.

AN HON. MEMBER:

Hear, hear.

MR. LOUGHEED:

The unparliamentary remarks are continuing, I see, from the other part of the House.

Mr. Speaker, I understand that the amendment has really in essence dealt with three particular items, and I would like to deal with each of those items in my brief remarks.

The first item, of course, is an item I dealt with earlier today. It has been referred to a judicial inquiry, so for that reason, Mr. Speaker, I take the position that I, and others, should say no more with regard to the matter.

There are, of course, two other matters that I would like to deal with. The first one is the Slave Lake incident. We have heard tonight, I think, all members on both sides of the House who have any element of fairness or understanding, and a full and complete explanation by the Attorney General. In essence, of course, Mr. Speaker, I think it is important for the record to point out -- because I did check this matter upon my return to the capital -- that the explanation, although in somewhat greater length, was the same explanation that the Attorney General had made to the people of Alberta some weeks ago.

Mr. Speaker, in my view it takes a very big man, a very courageous man, and a man with responsibilities that we have here in this province, to say after examining something that is a storm of public controversy, "Yes, that is not the best way to do it, maybe not even the proper way to do it, and that is not the way we will do it in the future."

Mr. Speaker, there was a reference made to embarrassment. It is the opposite of embarrassment. I, and I am sure, my colleagues, rather than embarrassment have a tremendous amount of pride that we have an Attorney General who is big enough to take a position like that. Mr. Speaker, I do think though, that it is important as has been suggested, that as the leader of government in this province I rise with the Attorney General to confirm with him the assurances that we are prepared as an administration to give to the House and to the members and to the people of Alberta. In our view, even though there so obviously was not any intent as made clear by the answers that have been given in this House and by the clear statement made by the Attorney General, no intent whatsoever to jeopardize in any way any particular person nor to use the phrase made by the hon. Member for Cardston "any malice" with regard to the seeking of the background information. In our view, there was no intent in any way, shape, or form contrary to the spirit and the intent of The Bill of Rights.

And as I have said in speaking about The Bill of Rights in this House, I knew we would have these sorts of days. I knew that it was incumbent, a natural result, for any government that had the courage to bring in provincially, a bill of rights when we are charged with administration of justice at the provincial level, to recognize the difficulty that we would have. And we will have other days. But as far as I am concerned, I am very proud that we have had the courage to bring in that bill, to take the easy, political position that it tosses to the opposition, and it does, and to accept that will happen when you have The Bill of Rights. And I have no doubt, and I am sure that in an operation of a billion and a half dollars a year, twenty thousand public servants, and the best of intentions, that there will be other times when we will be called upon to back up our intentions on The Bill of Rights and say perhaps there are other ways that it should be done.

But I will look, Mr. Speaker, to intent and to motive and to what was involved in terms of the Attorney General or any minister and in terms of The Bill of Rights. And I am satisfied that in this particular case, we have two clear conclusions. We have no intent in any way, shape or form to violate the spirit and the intent of The Bill of Rights. But we do have a decision made in public view by government that there is a better way to do something and that it should not be done in this way again. And in my view, Mr. Speaker, members of the Legislative Assembly, rather than being a moment where the members on the other side might think there is embarrassment, to me it is a moment of pride and I hope...

[Interjections]

that we have got the courage to do it again and to admit again that there are better ways to do it.

Mr. Speaker, I think we have given the assurances on that particular point and it brings me to the second. And that, Mr. Speaker, deals with the Communal Property Act. The Member for Jasper I think, has tried to describe to this House tonight that we know we still have a very difficult problem facing us with regard to getting good will from the people of Alberta. We know we are going to have representations here on Friday, and I know that all of us will want to listen to the views that are presented. Mr. Speaker, I think we have had a very good explanation as to why there has been a delay with regard to the

implementation of The Communal Property Act. Mr. Speaker, in our 18 months in office, without the slightest doubt, far beyond any other instance -- don't think there has been any one item, or myself personally, my office, or our government, has received greater criticism, objection, and to some extent, abuse. So we feel, in fact with considerable pride, that the introduction of that bill, which I was so delighted was supported by members on both sides of the House in the very vast majority last fall, was a bill that I think exemplifies the spirit and intent of The Bill of Rights. Because how could we have had a Bill of Rights and at the same time, The Communal Property Act? That's our view.

Mr. Speaker, I was most concerned yesterday when, among other items that were raised, the speaker that was selected to lead off the debate for the opposition included three items in moving this motion on the amendment that we are now speaking about -- that the third item had to do with this particular item of the repeal of The Communal Property Act. I took it at first that what he was doing was taking the position which we have heard, and I think which has been well answered here today -- that it was wrong for us to have brought in The Bill of Rights on the first of January, 1973, and to have delayed the repeal of The Communal Property Act till the first of March, 1973. I've been asked that question many times in many places. I think we had a good explanation here tonight, and perhaps we could have taken the position to delay for the reasons explained by the Member for Edson, and delayed the implementation of The Bill of Rights until the first of March. But we didn't do that. If that was the issue that he was raising, I would have thought it perfectly viable. But no, Mr. Speaker, it wasn't.

In an amendment that had to do with endorsing the spirit and intent of The Bill of Rights, the speaker selected by the members opposite to move that amendment -- what did he say about The Communal Property Act? "I urge the government to forget about the proclamation." Mr. Speaker, that bill, The Communal Property Act, has been in this province for many years. It was a very difficult debate we had last fall. But for the speaker selected by the official opposition to present a non-confidence motion on the spirit and intent of The Bill of Rights, and to raise in his remarks that the basis of that amendment should be, "I urge the government to forget about the proclamation of the bill," Mr. Speaker, that makes a clear mockery of the amendment in every way, shape or form, and it should be disposed of in the way it was presented.

MR. SPEAKER:

Are you ready for the question on the amendment?

HON. MEMBERS:

Yes.

MR. SPEAKER:

The amendment, moved by the hon. Member for Drumheller and seconded by the hon. Member for Little Bow is as follows:

We respectfully submit to Your Honour that this Assembly regrets and deplores the actions of the Alberta Government in violating the spirit and intent of The Alberta Bill of Rights.

[The amendment was defeated.]

[A number of members rose calling for a division. The division bell was rung.]

[Three minutes having elapsed, the House divided as follows:

For the amendment:

Anderson	Dixon	Ho Lem	Sorenson
Barton	Drain	Ludwig	Speaker
Benoit	French	Mandeville	Strom
Buckwell	Gruenwald	Miller, D.	Taylor
Clark	Henderson	Notley	Wilson
Cooper	Hinman	Ruste	Wyse

Against the amendment:

Adair	Dickie	Hyndman	Peacock
Appleby	Doan	Jamison	Purdy

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Ashton	Dowling	King	Russell
Backus	Farran	Koziak	Schmid
Batiuk	Fluker	Lee	Stromberg
Bouvier	Getty	Leitch	Topolnisky
Chambers	Ghitter	Lougheed	Trynchy
Chichak	Hansen	McCrimmon	Warrack
Cookson	Harle	Miller, J.	Werry
Copithorne	Hohol	Miniely	Young
Crawford	Horner	Moore	Yurko
Diachuk	Hunley	Paproski	

Totals: Ayes - 24 Noes - 47

MR. SPEAKER:

I declare the amendment lost.

MR. STROMBERG:

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

MR. SPEAKER:

Has the hon. member leave to adjourn the debate?

SOME HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Mr. Speaker, I move that the House do now adjourn until tomorrow afternoon at 2:30 o'clock.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 9:34 o'clock.]