

## LEGISLATIVE ASSEMBLY OF ALBERTA

Thursday, March 15, 1973

[The House met at 2:30 o'clock.]

## PRAYERS

[Mr. Speaker in the Chair]

## INTRODUCTION OF VISITORS

MR. MANDEVILLE:

Mr. Speaker, it is an honour for me today to introduce to you and through you to the members of the Legislative Assembly, a group of Boy Scouts who have driven a long way to be with us today. They are from the little hamlet of Rosemary in my constituency of Bow Valley. They have really enjoyed their tour of Edmonton and a tour of the Legislative Building this morning. They are accompanied by Ross Hall and Noel Crapo. I would like them to stand and be recognized. They are in the public gallery.

MR. SORENSON:

Mr. Speaker, I wish to introduce to you and to the members of this Assembly 40 Grade 7, 8, and 9 students from Alliance, which is in my constituency of Sedgewick-Coronation. They certainly were up before breakfast. They spent most of the forenoon at the Court House.

The recently published book, Two Thousand Place Names of Alberta, by Eric and Pat Holmgren, states that: Alliance was formerly the Galahad post office. It was named after Alliance, Ohio, which in turn was formed by the uniting of four communities. Our Alliance was incorporated in 1916 as a village.

They are accompanied today by their principal, Miss Fankhanel, by teacher and parents, Mr. and Mrs. Steadman, and by their bus driver, Mr. Platz. They are seated in the public gallery. I would ask them to stand and be recognized at this time.

MR. STROMBERG:

Mr. Speaker, today there is a special event for me because the first school from my constituency to come to visit us this year, is here. This group comes from the Daysland School. There are 35 students, their teachers, and their bus drivers. May I ask them to stand in the public gallery and be recognized by this Assembly.

## FILING RETURNS AND TABLING REPORTS

MR. LEITCH:

Mr. Speaker, I would like to file a Return to an Order of the Assembly No. 175 and also a Return to an Order of the Assembly No. 174.

MR. FOSTER:

Mr. Speaker, I would like to table the Annual Report of the Alberta Universities Commission. I take great pleasure in also tabling at this time, Mr. Speaker, the first Annual Report of the Department of Advanced Education.

DR. BACKUS:

Mr. Speaker, I would like to file a reply to Question No. 106 concerning the cost of renovations in the East Wing, third floor.

## CRAL QUESTION PERIOD

Suffield Block

MR. HENDERSON:

Mr. Speaker, I would like to address a question to the Premier. I wonder if he could advise the House as to what form of corporate structure or administrative structure is proposed to be used in the exploration development work in the Suffield Gas Reserve?

MR. LOUGHEED:

Mr. Speaker, with respect to the first portion of that particular project, no definite decision has been made as yet by the government in terms of the structure.

We anticipate looking at it in terms of receiving requests for proposals from the various drilling concerns that may be involved, and then entering into a contract whether between the Government of Alberta, through the Mines and Minerals Department, or some separate vehicle. We haven't at the moment addressed our mind to this.

The larger question is, providing reserves are there and we've reached the stage where we have proved up the reserves that are anticipated within the report, then we have to come to a conclusion relative to one of the three alternatives which are contained in the report. We would not anticipate we would be making that decision for some time.

MR. HENDERSON:

Supplementary, Mr. Speaker. I wonder if the Premier could also advise the House as to whether the policy they envisage, regardless of the manner by which they approach development exploration, would differentiate between gas as opposed to crude oil?

MR. LOUGHEED:

Mr. Speaker, I think perhaps the hon. Leader will have to elaborate on that, whether we are referring strictly in relationship to the Suffield Block, or whether he was asking that question in a broader sense.

MR. HENDERSON:

Mr. Speaker, I think at the present time I am asking in relationship to the Suffield Block, because one cannot rule out the possibility that oil might be found. Obviously, the government, in embarking on this exercise, has had to take into account the possibility of oil discovery in the Suffield Block, and then of course, the obvious implications as to where do they go from there in the broader picture in the province?

MR. LOUGHEED:

Mr. Speaker, it's certainly not our present intention to get involved in any question of oil production, except insofar as it may incidentally arise in terms of the exploratory and development drilling within the Suffield Block.

MR. HENDERSON:

Mr. Speaker, this may be taken as a hypothetical question, but I think it's relevant to policy. The government must have some idea as to what they are going to do if they do discover oil in the block. Are they going to go into the crude oil production business, are they going to sell it to the highest bidder, are they going to give it to the federal government, or what are they going to do with it?

AN HON. MEMBER:

Make money.

MR. LOUGHEED:

We are not going to give it away, Mr. Speaker.

If that happens, it would not be the intention of the government to get involved in any direct way in terms of oil production. We would have to make a separate provision if that should occur.

MR. MANDEVILLE:

Mr. Speaker, a supplementary to the hon. Minister of the Environment. Are you planning on putting any controls on the indiscriminate burning of thousands of acres of grass in the British Block at Suffield?

MR. YURKO:

Mr. Speaker, thus far, our plans are associated with studying the situation. We have no intention of putting in any restrictions at all at this moment.

MR. DIXON:

Supplementary question to the hon. the Premier, Mr. Speaker. Does the Government of Alberta intend to follow up with the same type of negotiations with the federal government regarding the Wainwright Camp Reserve, which is a similar situation to Suffield as far as gas is concerned?

MR. LOUGHEED:

Mr. Speaker, all I can say at this time is that the matter is under consideration.

MR. WYSE:

A supplementary question, Mr. Speaker, to the Minister of Federal and Intergovernmental Affairs. In negotiations that are underway with Ottawa to return the surface rights, does this include the cancellation of the agreement with the British government?

MR. GETTY:

Mr. Speaker, if the federal government, which has an agreement with the British government wanted to cancel it, that would be a separate matter.

I might say, Mr. Speaker, that the government's negotiations have been moving in a manner to establish first the ability to assess the reserves and to protect the people of Alberta from the loss, due to drainage, of those reserves, and we have not wanted to involve ourselves too greatly, publicly, on our other negotiations, because they are, in fact, in the process of being negotiated and would not in any way benefit by public discussion.

MR. WYSE:

One last supplementary question, Mr. Speaker. Has the provincial government specifically requested Ottawa to terminate the agreement at this point?

MR. GETTY:

No, I don't believe that that has been specifically asked for, Mr. Speaker. I know there have been discussions on the kind of operations going on, but I think it should be clear that the federal government has this as a result of needs in national defence. It has not been our intent, in any way, to harm what they think is a valid need for national defence. However, they are considering ways in which they might fulfil those needs other than by the use of the British Block in Alberta.

MR. SPEAKER:

Might this be the last supplementary on this point?

MR. DIXON:

Thank you, Mr. Speaker. A supplementary question to the Minister of Federal and Intergovernmental Affairs. Are there any negotiations going on at

the present time with the federal government to move the installations at Suffield to some other area of Alberta?

MR. GETTY:

Mr. Speaker, the subject has been raised as to whether or not there couldn't be either the removal or the centralization of all of these kinds of things in Alberta, rather than in several places. However, I would not want to get into too great detail on that matter because it is subject to negotiation.

MR. SPEAKER:

The hon. Member for Sedgewick-Coronation, followed by the hon. Member for Drumheller.

Sedgewick Senior Citizens' Home

MR. SORENSON:

Mr. Speaker, my question is to the Minister of Public Works, and it concerns my constituency. When can we expect opening day for the first new senior citizens' home at Sedgewick?

DR. BACKUS:

Mr. Speaker, I wish to thank the hon. member for giving me notice of this question. I discussed this with the architect just now -- he had come from there. It is anticipated that the final inspection will be in two weeks time. The furniture and drapes and everything are in. Pretty well everything is ready to go, so we could anticipate the opening -- not the official opening -- but the opening of the facility very soon after the final inspection.

MR. SORENSON:

A supplementary to the Minister of Health and Social Development. Has the minister decided on any new senior citizens' homes for 1973, and if so, where will they be located? We are very anxious for a home in the south-east area of my constituency.

MR. CRAWFORD:

Mr. Speaker, all I can say in regard to the selection of priorities as to where homes will be built, is that this is under consideration at the present time for the coming year. Not only do I hear the hon. member when he says that he could use another one, I hear many hon. members when they say that.

MR. SPEAKER:

The hon. Member for Drumheller, followed by the hon. Member for Bow Valley.

Short-Term Treasury Notes

MR. TAYLOR:

Mr. Speaker, I would like to address a question to the hon. Provincial Treasurer. What will be the maximum rate of interest paid on the 91-day treasury notes?

MR. MINIELY:

Mr. Speaker, you really can't set a definitive maximum. Our estimate is, the short-term money market varies, and it varies in some ways more quickly than the long-term market does. But the idea of the treasury bills, Mr. Speaker, is to allow us flexibility at any time to be able to read the long-term market and perhaps issue treasury bills which can be redeemed and renewed or cancelled at any time when long-term rates slide off.

At the present time there is approximately a 3 per cent differential between the long-term interest rate and the short-term interest rate. The short-term interest rate on the treasury bills is around 5 per cent at the present time.

MR. SPEAKER:

The hon. Member for Little Bow's question was apparently answered. The hon. Member for Spirit River-Fairview followed by the hon. Member for Olds-Didsbury.

Alberta Securities Commission

MR. NOTLEY:

Mr. Speaker, I would like to direct this question to the hon. the Attorney General. Are you prepared to appoint a judicial inquiry to examine the operations of Cosmopolitan Life Insurance Company, PAP Holdings Ltd. and associated companies, as requested by the steering committee of aggrieved shareholders?

MR. LEITCH:

Mr. Speaker, the whole matter the hon. member raises is under consideration and review. It will be, I expect, a little while before any conclusions can be reached as to what action should be taken as it is the type of thing involving a number of documents and things of that nature requiring some time to review and reach conclusions.

MR. NOTLEY:

Mr. Speaker, a supplementary question. In view of the fact that the steering committee of the shareholders has alleged that a massive swindle of some \$5 million has taken place, are you asking for an investigation within your department to ascertain whether or not the regulatory agencies commissioned to protect the interests of the shareholders and policyholders did their job?

MR. LEITCH:

Well, Mr. Speaker, that will certainly be a part of the review I just referred to.

MR. NOTLEY:

A further supplementary question, Mr. Speaker. Can the Attorney General advise the House why the Alberta Securities Commission failed to enforce the escrow agreement with respect to the controlling shares of Columbia --

MR. SPEAKER:

The hon. member is making an assumption which he is not entitled to make in the course of the question period. If the hon. member wishes to put that question in a direct way, perhaps it might be answered.

MR. NOTLEY:

Mr. Speaker, I will accept your ruling and I'll put the question in a somewhat more direct way. Is it true, Mr. Speaker, that the Securities Commission did not enforce the escrow agreement with respect to the controlling shares of Columbia Beneficial Holdings which were sold to PAP and then resold to the North West Financial Company Limited without the authorization of the Alberta Securities Commission?

MR. LEITCH:

I can't answer that, Mr. Speaker, without looking into it and I will certainly do that.

MR. NOTLEY:

A further supplementary question, Mr. Speaker.

MR. SPEAKER:

Might this be the last supplementary on this point.

MR. NOTLEY:

Can the Attorney General advise the House whether it is true that the Superintendent of Insurance permitted Seaboard Life and Cosmopolitan Life to

purchase Allarco notes in the amount of \$350,000 even though this transaction was contrary to --

MR. SPEAKER:

Order please. Order please. The question is out of order. The topic would appear to be the kind calling for such detail that the question should be put on the Order Paper.

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

AVC Allowances

MR. CLARK:

Mr. Speaker, my question is to the Minister of Advanced Education. I would like to ask the minister if the provincial retraining allowances that students receive at the AVCs in Edmonton and Calgary are subject to federal and provincial income tax.

MR. FOSTER:

Mr. Speaker, that, I think, is a conclusion involving a question of law. I'm not sure. I will be happy to check.

MR. CLARK:

Supplementary question, Mr. Speaker, to the minister. Has the Minister of Advanced Education been informed of students from the AVC at Calgary who have had to leave the AVC because the federal government has ruled that their manpower training allowances are taxable?

MR. FOSTER:

Mr. Speaker, I saw a press report yesterday to that effect but I haven't had a chance to check out the facts yet.

MR. CLARK:

Supplementary question, Mr. Speaker, to the minister. Has the minister given any instructions to the staff at the AVC centre in Calgary dealing with this particular matter, because it is already stated that a number of students had to leave the school? The people of the province have a rather sizeable investment in their retraining.

MR. SPEAKER:

Order please. The hon. minister has already indicated that the matter is something which has just reached him. Obviously the answer to the supplemental question will depend on the hon. minister's further study or enquiry.

MR. CLARK:

Supplementary question then, Mr. Speaker, to the Minister of Social Development. I would like to ask the Minister of Social Development if either of the regional offices in Calgary have received requests from students who are attending the AVC centre in Calgary for assistance from his department to enable them to continue their training program at the AVC centre in Calgary.

MR. CRAWFORD:

Mr. Speaker, if that information is available on the files at the Calgary offices, I would be glad to look into the matter.

MR. SPEAKER:

The hon. Member for Calgary Millican followed by the hon. Member for Camrose.

TransCanada Pipelines

MR. DIXON:

Mr. Speaker, I would like to direct a question today to the hon. Minister of Mines and Minerals. Has the government received any indication from

TransCanada Pipelines that they will soon be announcing renegotiations with Alberta gas producers as far as price and shorter negotiation periods in their contract are concerned?

MR. DICKIE:

Mr. Speaker, we have been in touch with them and have had discussions with TransCanada Pipelines and their relationship with the gas producers of Alberta.

MR. DIXON:

Supplementary then, Mr. Speaker. I wonder if the government is going to continue renegotiation because this will be vital as to whether we get a gas raise or not in Alberta.

MR. LOUGHEED:

Mr. Speaker, I would like to answer that. I think the basic assumption in the question fails to appreciate the statement that I made in the House last November. Our position was quite clear. We said that we endorsed the report of the Energy Resources Conservation Board with regard to prices. We also said that we were waiting for some information to be provided at the end of March by the gas purchasing companies to the Alberta Energy Resources Conservation Board which would provide us with a report in April, and that we would then assess that report. If my memory serves me right a very similar question was directed to myself some weeks ago by the hon. member, and I said I wanted to deal with the matter during the course of my remarks in the budget debate.

MR. SPEAKER:

The hon. Member for Camrose, followed by --

MR. DIXON:

Mr. Speaker, I have a supplementary question to the minister in clarification. I did not ask this question regarding TransCanada Pipe. My question is: is there going to be an announcement by TransCanada? Have they indicated to you that they are going to make an announcement even before you come forward with your report in April?

MR. LOUGHEED:

No, Mr. Speaker, we don't have any information to that effect.

MR. SPEAKER:

The hon. Member for Camrose, followed by the hon. Member for Lesser Slave Lake.

#### Dairy Cattle Population

MR. STROMBERG:

Mr. Speaker, my question is for the Minister of Agriculture. With the advent of Alberta going dry, will you give consideration to importing dairy stock into the province to meet our shortage with the National Dairy Board?

MR. LUDWIG:

Are you talking about liquor or milk?

DR. HORNER:

Mr. Speaker, we are slightly ahead of the hon. member. My department has been in eastern Canada, and a number of cattle, as a matter of fact, have already been bought on the account of various dairymen in Alberta. We intend to pursue that policy and increase the number of dairy cattle we have on farms in Alberta.

MR. STROMBERG:

A supplementary, Mr. Speaker. With about 500 cows exported from Alberta last year -- that's dairy cows -- will you be discouraging this for the coming year?

DR. HORNER:

Mr. Speaker, our objective is to increase the dairy cattle population in Alberta so that we can be substantial exporters of high quality cattle, and at the same time meet the dairy requirements of the Province of Alberta.

MR. DIXON:

A supplementary question to the hon. Minister of Agriculture. Has the hon. Minister of Agriculture had any complaints lately regarding butter imported into Alberta and the poor quality of it?

MR. SPEAKER:

With all due respect the question is not really supplementary. Perhaps the hon. member might take his turn later.

The hon. Member for Lesser Slave Lake, followed by the hon. Member for Calgary Mountain View.

Lesser Slave Lake Special Area Project

MR. BARTON:

Yes, Mr. Speaker, I would like to direct my question to the hon. Minister of Federal and Intergovernmental Affairs. Will the provincial government provide money for a number of new projects over and above that presently stated in the Lesser Slave Lake special area project?

MR. GETTY:

I'm not sure what he means by "presently stated", Mr. Speaker. However, the area of the Lesser Slave Lake agreement is now the responsibility of the Office of Program Coordination whose estimates will be before a committee shortly, and I suggest it may be helpful for the hon. member to get into that area in detail then.

MR. BARTON:

A supplementary question, Mr. Speaker. Will the minister be signing the amended special area agreement so that the federal money could be used to initiate these projects?

MR. GETTY:

Yes, Mr. Speaker, if the agreement sets out the understanding that we have with the federal government to the satisfaction of our province.

MR. R. SPEAKER:

A supplementary to the minister. Could the minister outline some of the items being negotiated at the present time that are controversial or where there is disagreement?

MR. GETTY:

Mr. Speaker, I guess it would be a matter of opinion of what is controversial or in disagreement. But again it is probably a subject that we can get into in some detail during the Estimates.

MR. SPEAKER:

The hon. Member for Calgary Mountain View, followed by the hon. Member for Olds-Didsbury.

Grande Cache Mine

MR. LUDWIG:

Mr. Speaker, my question is to the hon. Minister of Mines and Minerals. Have there been any meetings with McIntyre Porcupine Mines in Grande Cache to determine whether the firm will be permitted to expand its coal mining operation to what is referred to as 'Site 9'?



MR. DICKIE:

Mr. Speaker, I wonder if he would mind clarifying what periods of time, and perhaps I could be a little more definitive in my answer.

MR. LUDWIG:

Well, to be more definitive with my question -- the last two weeks.

MR. DICKIE:

Again, I think I would like to say this, Mr. Speaker. After the commission was appointed we did receive communications and suggested that those communications be sent to the chairman of the commission.

MR. LUDWIG:

Has any indication been given to McIntyre Porcupine that you are looking favourably at permitting the extended mine operation?

MR. DICKIE:

Mr. Speaker, I think our question was the procedure they had to follow through The Energy Resources Conservation Board, and that decision would be made by The Energy Resources Conservation Board on the information that was forthcoming after a public hearing.

MR. LUDWIG:

Mr. Speaker, I was not referring to the answer the minister gave me. I wanted to know whether he had any discussions with McIntyre Porcupine Mines, and whether he had given them any indication that he looks favourably towards the expansion to Site No. 9.

MR. DICKIE:

Mr. Speaker, I have tried to indicate that we had discussions. We conveyed the information to the chairman of the commission that there was a public hearing, and I think if you are suggesting that we are prejudging what the results of the conclusion of the hearing might be, I would like to assure the hon. member we wouldn't do that.

MR. LUDWIG:

Mr. Speaker, a further supplementary. In view of the unemployment situation in Grande Cache created by layoff at the McIntyre Porcupine Mines, have you not really dealt with this issue with McIntyre Porcupine Mines Ltd.?

MR. DICKIE:

Mr. Speaker, I am pleased to say we have dealt with the situation of McIntyre Porcupine Mines. We have been very aggressive on it; we have tried to assist in every way we can. I would certainly like to say to the hon. members that the Minister of Manpower and Labour has been really looking into the question of the labour aspects of it.

MR. LUDWIG:

Mr. Speaker, I must pursue a further supplementary because so far, instead of getting an answer back --

MR. SPEAKER:

Order please. The hon. member is not entitled in the question period to comment on the answers -- their adequacy or inadequacy.

MR. TAYLOR:

A supplementary, Mr. Speaker. I wonder if the hon. Minister of Mines and Minerals would advise the House if McIntyre Porcupine has applied for a strip-mining project in the Grande Cache area?

MR. DICKIE:

Yes, Mr. Speaker. They have made an application before The Energy Resources Conservation Board for a strip-mine, which would be No. 9 Mine.

MR. SPEAKER:

The hon. Member for Olds-Didsbury, followed by the hon. Member for Drumheller.

Didsbury Telephone Service

MR. CLARK:

Mr. Speaker, my question is to the Minister of Telephones and Utilities. I would like to ask him if he has had an opportunity to check into the disruption of telephone services in the Didsbury area that occurred about two weeks ago, and if AGT is going to be able to move ahead the proposed date for a change-over?

MR. FARRAN:

Mr. Speaker, I should say at first that I am grateful for the hon. member having drawn this problem to my attention earlier by letter. I am happy to say today that the date of the Didsbury conversion has been advanced and should be complete by the middle of next week. March 20 is the target date for completion. Formerly it was to have been completed on June 4. This has saved considerable monies that might otherwise have been spent on temporary repairs.

MR. SPEAKER:

The hon. Member for Drumheller, followed by the hon. Member for Pincher Creek-Crowsnest.

Hutterian Land Sales

MR. TAYLOR:

Thank you, Mr. Speaker. I wonder if I may address this question to the hon. the Attorney General? Will investigations be carried out with reference to the completion dates of transactions involving land sales with and by the Hutterian Brethren?

MR. LEITCH:

None that I am aware of, Mr. Speaker.

MR. TAYLOR:

A supplementary. Would the hon. the Attorney General be prepared to check with the Registrar of the Land Titles Office to see if some of these deals were completed prior to March 1, 1973?

MR. LEITCH:

If the hon. Member for Drumheller has some information which indicates there is a breach of law, and I gather that, Mr. Speaker, is what he is referring to, if he would supply us with that information we will deal with it in the same way we deal with all other complaints that come in to us that there has been a breach of the law.

MR. SPEAKER:

The hon. Member for Pincher Creek-Crowsnest, followed by the hon. Member for Calgary Millican.

Alberta Income Tax Index

MR. DRAIN:

Thank you, Mr. Speaker. By way of a welcome home greeting to the hon. Provincial Treasurer, I would like to ask him a question, and sir, in your plans for the future do you see the indexing of Alberta income tax in line with the new formula that the federal government now has?

MR. MINIELY:

Mr. Speaker, I wonder if he would repeat the question? I am a little bit -- I do not understand the point.

MR. DRAIN:

This is a policy that has been enunciated by the great Conservative leader, the hon. Robert Stanfield --

[Laughter]

Basically, Mr. Speaker, I beg your indulgence because I have to outline what my question is.

Indexing of income tax relates income tax to the acceleration of the cost of living, whereby as the cost of living accelerates the income tax is reduced, thereby reducing the vested interest that the government would have otherwise in inflation.

MR. MINIELY:

Well, Mr. Speaker, if he would have explained it that way I would have understood him. There are various indexes and I wasn't sure which index the hon. member was speaking of.

But as you know, first of all when Mr. Turner announced his budget, some of the proposals you were talking about were accommodated in the last budget in the form of personal exemptions and the fact that from this point on, personal exemptions will rise by the annual rate of rise in the cost of living index in Canada.

So there is an element of that which has been achieved in the recent federal budget. Of course, your question was, whether or not Alberta would recognize this and as I indicated when I presented the budget, we passed on the full benefit of increased personal exemptions to Alberta citizens. They will receive the full benefit of the federal budget announced at that time.

So the answer to your question is that first, the principle has been adopted to some degree, and secondly that Alberta passed it on fully.

MR. SPEAKER:

The hon. Member for Calgary Millican, followed by the hon. Member for Taber-Warner.

New Expropriation Legislation

MR. DIXON:

Mr. Speaker, I'd like to direct a question either to the hon. Premier, or the Minister of Municipal Affairs. Does the government plan to implement its election promises under expropriation -- where you're going to bring in legislation that would allow a house-for-a-house exchange under expropriation as promised by the government?

MR. LOUGHEED:

Mr. Speaker, if I could respond to that. I believe that recently, maybe it was a day or two days ago, a similar question was directed to the hon. Attorney General and the government has been awaiting the report from the Institute of Law Research and Reform with regard to the whole matter of expropriation before considering legislation in that matter.

MR. DIXON:

In view of the Premier's answer on where we're having problems with road-widening in Calgary, I wonder if negotiations could be held up or suggested to the City of Calgary until the government comes down with its program, because there are many householders affected in this negotiation period.

MR. LOUGHEED:

Mr. Speaker, we'll give consideration to the matter raised by the hon. member and discuss it.

MR. SPEAKER:

The hon. Member for Taber-Warner, followed by the hon. Member for Calgary Mountain View.

Discriminatory Employment Programs

MR. D. MILLER:

Thank you, Mr. Speaker, my question is to the hon. Minister of Health and Social Development. Does the provincial government support the Canada Manpower programs which discriminate in employment placement between persons on unemployment insurance, welfare, and other job lists?

MR. CRAWFORD:

Mr. Speaker, I'm a little bit confused by the question. I suppose I could proceed to confuse the House by attempting to answer it, but my reaction is, Mr. Speaker, that there are a couple of assumptions in the question that relate to federal policy that quite frankly I'm not familiar with. If the hon. member wanted to restate it or leave the matter with me for some very general comments -- either way it would suit me.

MR. D. MILLER:

Thank you. Mr. Speaker, if this will help the minister any, I will be glad to furnish it to him from today's Journal, or yesterday's Journal, wherein it was stated, "Instructions to Canada Manpower to place..."

MR. SPEAKER:

Order please. It's quite clearly laid down in Beauchesne that during the question period hon. ministers should not be requested to comment on newspaper announcements.

The hon. Member for Calgary Mountain View.

Investigation of Mr. Gurell's Employment

MR. LUDWIG:

Mr. Speaker, my question is to the hon. Minister of Municipal Affairs. Has there been any investigation launched into the employment of Mr. Gurell in your department or Grande Cache?

MR. RUSSELL:

No, there hasn't, Mr. Speaker.

MR. LUDWIG:

Mr. Speaker, a supplementary. Has the hon. minister received any communication from another minister inquiring as to the continued employment of Mr. Gurell in your department?

MR. RUSSELL:

Mr. Speaker, that deals with interdepartmental memos between myself and other members of the Executive Council. However, there was an inquiry from the town board which I responded to.

MR. LUDWIG:

Mr. Speaker, with regard to that interdepartmental memo which I believe is February 12, would the hon. minister table that interdepartmental memo, which has now become public knowledge. Mr. Speaker, a supplementary then. May I be permitted to table that memo?

MR. SPEAKER:

If the hon. member is able to point to authority for such a tabling, the Speaker will be glad to consider it.

MR. LUDWIG:

Mr. Speaker, a supplementary to the hon. minister. Has Peat, Marwick, Mitchell & Company been asked to investigate the situation in Grande Cache, and in particular with regard to the employment of Mr. Gurell?

MR. RUSSELL:

Well, Mr. Speaker, if the silly man asking the questions would only come to the point. You know, he is making --

MR. SPEAKER:

Order please. Order please.

MR. RUSSELL:

Well, you know he is talking about interdepartmental memos between myself and another minister, an enquiry with respect to an investigation. I said that there had been an enquiry from the town board, which I responded to. I also sent a memorandum to my colleague, the hon. Mr. Dowling, and a copy of that was sent to the town board. So there is no secret stuff. It is public knowledge. He knows the date, he knows what's in it and he wants to make a show of tabling it. I wonder what motivates him.

MR. LUDWIG:

Mr. Speaker, a supplementary to the silly minister.

MR. SPEAKER:

Order please.

MR. LUDWIG:

Since it has become public knowledge and he admits it is public knowledge and agrees with me, why is he afraid to table that memorandum?

MR. SPEAKER:

Order please. The member is not entitled during the question period to debate the minister's decision to table or not to table.

The hon. Member for Calgary Bow.

Unemployment Insurance Benefits

MR. WILSON:

Mr. Speaker, I would like to direct a question to the hon. Minister of Federal and Intergovernmental Affairs. Have you been informed by the federal minister responsible for the Unemployment Insurance Commission or officials of that department as to a crackdown blitz investigation of the unemployed receiving benefits in Alberta?

MR. GETTY:

No, Mr. Speaker.

MR. WILSON:

A supplementary, Mr. Speaker. Has your department examined the criteria by which the Unemployment Insurance Commission inspectors are reviewing cases to ensure that they do not conflict with the Alberta --

MR. SPEAKER:

Order please. Order please.

DR. HORNER:

We will have to have some order in regard to some of these questions that are being asked. That is not the responsibility of any minister of the Crown in Alberta.

MR. LUDWIG:

Mr. Speaker, speaking on the point of order by the Deputy Premier. It is rather odd that in this House every time --

MR. SPEAKER:

Order please. Order please. The customs of the House are not, at the moment, in question. If there is a specific point of order the Chair would like to hear what it is.

AN HON. MEMBER:

Are you sensitive.

MR. WILSON:

On the point of order that was raised by the hon. Deputy Premier, Mr. Speaker, if he had waited until I finished reading the question, he would know I was applying it to The Alberta Bill of Rights or The Alberta Individual's Rights Protection Act. And I was wondering if the minister would now care to answer the question?

DR. HORNER:

On a point of order. Mr. Speaker, again, of course, The Alberta Bill of Rights applies to Alberta Statutes.

DR. BUCK:

And Alberta citizens.

DR. HORNER:

Surely, Mr. Speaker, it's not the responsibility of a provincial minister to interpret federal law.

MR. WILSON:

Well, on the point of order, Mr. Speaker. I am not asking him to interpret federal law. I am asking him to see that the investigation is done within The Individual's Rights Protection Act of Alberta or The Alberta Bill of Rights.

MR. SPEAKER:

Order please. Now that the Chair understands the question, it would indeed appear that it is out of order. It does not fall within the hon. minister's responsibilities.

MR. WILSON:

A supplementary, Mr. Speaker, to the hon. Minister of Health and Social Development.

DR. HORNER:

On a point of order, Mr. Speaker. If an hon. member asks a question which you rule out of order, surely he can't ask a supplementary to it?

MR. SPEAKER:

The understanding of the Chair was that it was the supplementary which was out of order, and I am now waiting to see if the other supplementary is really a supplementary.

MR. WILSON:

Thank you very much, Mr. Speaker. To the hon. Minister of Health and Social Development. Has your department assessed what impact, if any, an unemployment insurance crackdown would have upon the social assistance rules in Alberta?

MR. CRAWFORD:

Mr. Speaker, if not the figures, the general tendency of the federal policies, as they relate to provincial assistance policies is fairly well known.

It has been stated, I think, by me here that the amount of money the federal government was putting out under Unemployment Insurance primarily had an effect on municipal assistance rolls in Calgary and Edmonton because of the large groups of unemployed in those two cities. And for the period they are

unemployed-employables, they are the responsibility of the municipal social service departments. We, of course, contribute to the support of the municipal programs.

Also, we adjusted the unemployed-employable portion of our own estimates this year, based on a number of factors, including of course the better-than-ever Alberta economy, but also the federal policies by which a fair amount of money was placed in the hands of people through their programs. If they change the program so that less funds are placed in the hands of basically the same group of people, then indeed some may apply for assistance provincially again. But the actual figures and the close-to-exact effect of it has not been assessed at this time.

DR. BUCK:

Supplementary to the Minister of Intergovernmental Affairs. Is there anybody in your department, hon. Minister to act as a liaison between yourself, the people of the province and the Unemployment Insurance Fund where people are concerned because of the slowness of their Unemployment Insurance cheques? Is there any liaison there?

MR. GETTY:

Mr. Speaker, the hon. member misinterprets the responsibilities of the department which is to represent the...

DR. BUCK:

I never knew what it was!

MR. GETTY:

... Government of Alberta to other governments, and not, Mr. Speaker, to be involved in such things as a person who has a problem with Unemployment Insurance.

Nevertheless, we have, at times, because we have worked very closely in that area with the Minister of Manpower and Labour, been able to assist people in some ways to correct misunderstandings, whenever we can.

On an earlier question, Mr. Speaker, I can only say that the department does keep aware of federal government moves in the Province of Alberta, and we understand that they are doing everything possible to make sure that the law and the regulations which they administer are being lived up to.

MR. SPEAKER:

The hon. Member for Medicine Hat-Redcliff.

Suffield Block (Cont.)

MR. WYSE:

Mr. Speaker, I'd like to direct another question to the Minister of Federal and Intergovernmental Affairs. It's a follow-up to a question I asked a few minutes ago. Does the government agree with the study tabled yesterday, that there is considerable damage being done in the Suffield Block by the British troops?

MR. GETTY:

Mr. Speaker, people of considerable ability did a great deal of work in preparing the report. As the hon. Premier mentioned yesterday, we have not had an opportunity to carry out completely validating assessment of the impact on the environment. As he mentioned, the Department of the Environment and the Department of Lands and Forests will also be carrying out separate studies to assess those features.

ORDERS OF THE DAY

MR. SPEAKER:

Might the hon. Member for Drumheller be permitted to revert to Introduction of Visitors for a moment?

HON. MEMBERS:

Agreed.

MR. TAYLOR:

Thank you, Mr. Speaker, and through you may I thank the hon. members. I would like to introduce to you, Mr. Speaker, and to the hon. members of the Assembly, Alderman Rev. Eldon Grobe of the City of Drumheller. Mrs. Grobe is accompanying Alderman Grobe. Alderman Grobe is active in committee work, and is also active on the city council. He and his wife are in the city to attend the Prayer Breakfast tomorrow morning. I'm sure the hon. members will welcome them to this Assembly.

MR. YURKO:

Mr. Speaker, before the question period ends I wonder if I could answer a question that the hon. Member for Sedgewick-Coronation asked me the other day?

MR. SPEAKER:

The question period has, in fact, ended. Does the hon. minister wish to ask leave of the House to make a supplementary answer?

HON. MEMBERS:

Agreed.

MR. YURKO:

The hon. Member for Sedgewick-Coronation asked me if the Department of the Environment was carrying out any tests on DDT analogues to determine whether they can be safely used. The answer the department has provided is as follows:

The Department of the Environment does not have any testing program on DDT analogues as a pesticide. We have monitoring programs going on continuously to determine what DDT metabolites are in our food and in other parts of the environment. DDT analogues as a pest control chemical must be registered under The Pest Control Products Act of the federal government before they can be sold or used in Canada or Alberta. We further reserve the right under The Alberta Agricultural Chemicals Act to restrict the usage of any pesticide, including any DDT analogue or any other pesticide from use in Alberta.

DR. WARRACK:

I would beg indulgence of the House to correct one possible area of misunderstanding that could have arisen from an answer I gave on Tuesday of this week.

The question asked was with respect to the seismic operation on Sturgeon Lake, and more particularly with the detonations that were placed there for seismic purposes. I was asked about the placings that were still there after the operations on Friday and I had responded that it was my understanding the charges that had been there were detonated on Friday. In fact, Mr. Speaker, there were three remaining after the detonation on Friday, and lest there be any misunderstanding, I wanted to have the privilege of the House to mention this. At the same time it would be as a matter of complete information in the interest of the House to know that in the intervening period from there on Friday to the time I withdrew approval for seismic operations on Monday, some 29 additional were placed so that at the present time there are 32 there and we are presently assessing the best procedure for handling this.

Department of Advanced Education

MR. FOSTER:

Mr. Speaker, some time ago I was asked in the House concerning discussions I was having with the universities community and the re-organization plans of the Department of Advanced Education. I would like now to advise the House, Mr. Speaker, that my office and Dr. Gordon Swann, acting chairman of the University of Calgary Board of Governors, issued a joint statement of agreement today concerning relationships between the university and the government. This joint release follows talks held over the past two weeks between members of the Board of Governors and myself to clarify the reorganization plans of the Department of



Advanced Education. Both parties announced they are now satisfied that no major points of disagreement exist concerning matters of jurisdiction and autonomy.

The major points of agreement, Mr. Speaker, are as follows:

1. The powers and responsibilities accorded the Universities Commission under The Universities Act will be transferred to the minister and will not be delegated to the public service. The university can expect direct and regular access to the minister, in addition to access to his officials and the Advisory Committee on University Affairs. As a matter of practice, issues of policy which affect the university will be subject to consultation with the Board of Governors prior to implementation.
2. The system-wide planning and coordination functions described in the reorganization plan are not designed to invade the autonomy of the university. Specifically, there is no intention to interfere with the powers and duties of the Board of Governors or the General Faculties Council, as provided by existing legislation including The Universities Act.
3. The universities may expect substantial representation on the Advisory Committee on University Affairs. The exact composition in terms of reference of that committee will be determined following consultation with the universities.
4. Aside from a slight change in The Department of Advanced Education Act, the legislation now in process is for transfer purposes only and amounts to a conveyance of the provisions of The Universities Act from the jurisdiction of the Universities Commission to the Minister of Advanced Education. The reorganization plan is not being legislated.

While these points have been enunciated in conjunction with the University of Calgary, I also wish to assure the House and announce today that exactly the same assurances are being given to the other universities in this province. In that regard, Mr. Speaker, I confirm that I have had meetings with the three universities, excluding Athabasca, and I will be meeting with the Athabasca Board of Governors shortly. I will be holding discussions as well with members of the Senate and representatives of the faculty associations. And in conclusion, Mr. Speaker, I would like to emphasize that the principles announced in this release have equal application to the public colleges and to their boards of governors.

#### Alberta Law Foundation

MR. LEITCH:

Mr. Speaker, I am pleased to announce to the House today some appointments to the Alberta Law Foundation. The House will remember that legislation was passed last year creating this foundation which will receive and disburse monies earned on lawyers' trust accounts.

There were three appointments, Mr. Speaker. Two of them are to be made by the Attorney General and the third is the Attorney General or a nominee. The board consists of seven persons, an additional two were appointed by the Law Society of Alberta and then the five so appointed, that is the three I am about to announce now and the two appointed by the Law Society, select two additional members.

I am extremely pleased, Mr. Speaker, to be able to say that Chester Cunningham of Edmonton has agreed to be one of the appointees on the board. He has had extensive experience as the Executive Director of the Native Friendship Centre and also experience for some years with the court worker program. And that experience, Mr. Speaker, will be very valuable to the board when it is remembered that one of its objects is the providing of assistance to native peoples' legal programs.

Another appointment, Mr. Speaker, is Mr. W.J.A. Toole from Calgary who is an accountant and has also been in business in Calgary for a number of years. He has in the past been very active with family counselling services in Calgary and I think that experience will likewise be of value to the board. And of course since the board will be receiving and disbursing substantial sums of money his experience as an accountant will be of real assistance.

The third appointee, Mr. Speaker, is Mr. Bill McLean from the Attorney General's Department who is the head of the civil section of that department.

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Speaker's Ruling

MR. SPEAKER:

Ordinarily I might not deal at any great length with the point of privilege which was raised some days ago by the hon. Member for Calgary Mountain View, but because of the difficulty that we have had on some occasions with regard to Orders for a Return, I have perhaps dealt with the matter at greater length than I otherwise would.

Earlier this month the hon. Member for Calgary Mountain View alleged a breach of privilege with regard to an Order for a Return which was made on November 21, 1972.

The debate on the motion which preceded the making of that Order for a Return is in Hansard for November 21, 1972 at pages 79-49 to 79-51. The allegation of breach of privilege and the debate on that allegation are in Hansard for March 6, 1973, at pages 13-492 to 13-497.

I have now had an opportunity to examine the above-mentioned portions of Hansard and some of the considerable mass of material which was tabled in reply to the said Order for a Return.

The first point of privilege purports to arise out of paragraph 4 of the Order for a Return which reads:

Would the minister provide a map upon which are displayed all legally and illegally closed road allowances in Alberta.

The reply to this paragraph of the Order as tabled by the hon. Minister of Highways is as follows:

Not available in map form. Copies of townships index cards are provided which show the locations of applications made for closures and corresponding file numbers.

The hon. Member for Calgary Mountain View in the debate on the Motion for the Order for a Return said in part: "I believe the question could be understood in the manner in which it is written..."

Taking it as it is written, the Order requires the production of, "A map upon which are displayed all legally and illegally closed road allowances in Alberta."

Careful inquiries by the Clerk Assistant indicate that there is no such map, or anything that could be even loosely referred to as a map displaying all legally and illegally closed road allowances in Alberta.

The maps shown to the Chair by the hon. Member for Calgary Mountain View could not possibly be described as complying with the text of the Order. They were made in 1969 and show only a small portion of the province. If they had been tabled in reply to the Order, the hon. Member for Calgary Mountain View could have tried to raise a point of privilege for alleged non-compliance just as easily as he purported to do on March 5.

(The results of the inquiries of the Clerk Assistant are in a memorandum of which copies are being delivered to both sides of the House.)

Consequently, since the Order for a Return asked for a non-existent document, the Return stating that there are no such documents is fully correct. Hence the answer given by the hon. Minister of Highways could not possibly be construed as a breach of privilege, or even as an impropriety.

There is, therefore, not even a prima facie case of privilege.

The further point of privilege raised by the hon. member on the same occasion refers to paragraph 3 of the said Order for a Return, which reads as follows:

Do any Members of the Legislature of Alberta have any interest in land upon which there are legally or illegally closed road allowances in Alberta?

Again, the words must be given their ordinary meaning, as expressed in the Order. The hon. Member for Calgary Mountain View knows well that any lands on which road allowances -- using that term in its ordinary sense -- are located,

are publicly owned, and could not possibly belong to any hon. member of the Legislature.

Consequently, the item asked for does not exist. Even if the words of the Order were given a very extended meaning, it seems clear and common knowledge that no such records are kept.

Consequently, the reply given to this part of the Order is also fully correct and proper, and cannot in any conceivable way constitute a breach of privilege. Of necessity, this means that there is no prima facie case of privilege.

Subject to being referred to precedent to the contrary, which the Chair has so far not been able to find, and does not expect to find, an Order for a Return cannot be construed as ordering a minister or a government to produce a document which does not exist.

As mentioned in this Assembly last year, there are very few genuine questions of privilege arising in Canadian legislatures. Since a genuine question of privilege may be a very serious matter, the Chair would respectfully urge all hon. members to be most circumspect in this regard and to weigh carefully any alleged matter of privilege.

MR. LUDWIG:

Mr. Speaker, I beg leave to rise on a point of privilege and I will read the rule under which I am rising -- I believe I have this right to do so -- it's in Beauchesne on page 63, Rule 72(3). It says:

If a member wishes to challenge the action or conduct of the Speaker on any matter other than an appeal from his decision, he must proceed by giving two days' notice of a motion on the subject and by bringing the matter up as a separate question, except, of course, if it be a question of privilege, when it may be taken up as such.

I am rising under what purports to be permission for me to rise on a point of privilege to comment on the remarks made by the hon. Speaker.

[Interjections]

MR. SPEAKER:

Order please. It is clearly laid down by a number of parliamentary authorities that the hon. member has not the right to comment on remarks made by the Speaker.

If the hon. member is not content with remarks or a ruling made by the Speaker there may be other means by which he can deal with it. But to make remarks or comments on the remarks of the Speaker, or a ruling by the Speaker, is completely out of order. And with the greatest respect for the hon. member I must disagree that that annotation in Beauchesne may be applied in the manner in which he is attempting to apply it.

MR. LUDWIG:

Mr. Speaker, I wish to just repeat the ruling that I read. It says ...

MR. SPEAKER:

Order please! I have heard the ruling.

MR. LUDWIG:

Mr. Speaker, I rise on the point of privilege again to refer to other parts of Beauchesne which seem to indicate that I have -- since this decision affects my specific charges against the minister -- the right to make a comment, and I would like to be given that privilege to read from Beauchesne ...

[Interjections]

MR. SPEAKER:

Order please. I regret that I must rule, or re-rule -- as I have already ruled -- that the hon. member has not the right to comment on the ruling just made by the Chair.

MR. LUDWIG:

Mr. Speaker, then may I ask the hon. Speaker to rule on Rule 32 of the Rules of the Assembly here, which states:

No member may reflect upon any vote of the Assembly except for the purpose of moving that such vote be rescinded.

I am alleging that Mr. Speaker debated that rule and ruled against a rule in the House, Mr. Speaker.

AN HON. MEMBER:

No way.

MR. LUDWIG:

Yes he did.

AN HON. MEMBER:

No way. No way.

MR. SPEAKER:

I am unable to follow the reasoning of the hon. member in the statement just made. Possibly he could restate it.

MR. LUDWIG:

Well, Mr. Speaker, you commented on the clearness and the effectiveness of my Motion for a Return, but I am saying that it became an Order of the House and no one, including the Speaker, can comment on what happened before the Motion for a Return under this rule, and under a clear rule in Beauchesne. I am suggesting this whole procedure was done unfairly and unjustly to myself and I request the --

[Interjections]

MR. SPEAKER:

Order please. Order please. The hon. member is completely and utterly out of order. That is not the purpose of the sections which he is citing and it was necessary and essential, in the course of dealing with the point of privilege, to refer to the clear meaning of the Order for a Return and the answer which was given. And surely there is no rule in Beauchesne which would prohibit the Chair from considering the meanings of an Order for a Return and the Return which was filed in reply. He must deal with the matter on a question of privilege or a question of order.

MR. LUDWIG:

Mr. Speaker --

MR. SPEAKER:

Order please. I must consider the matter closed. If the hon. member wishes to refer by a memorandum, privately, or if he wishes to deal with the matter in any other way he is free to do so. But as far as any further comments are concerned with regard to the ruling that has just been made on the point of privilege, I must declare them unequivocally to be out of order.

MR. TAYLOR:

Mr. Speaker, on a point of order, without in any way dealing with your decision, I would like to point out that when a road allowance is leased to an adjoining landowner, he then secures the right to that particular road allowance.

[Interjections]

Well surely we want the --

MR. SPEAKER:

Please. The hon. member's remarks may be relevant to the point. Had they been made or drawn to the Chair's attention when the point was being debated, or by a memorandum afterwards before making the ruling, I would have been glad to deal with them. But since they might purport to lead to a reconsideration of the ruling, which I have no authority to give, I must rule them also to be out of order.

MR. TAYLOR:

On a point of information, Mr. Speaker. Since we are not psychic and we do not know what reference you are going to refer to, how in the world are we supposed to make reference before? And are we denied the right to even talk to you about this afterwards?

MR. SPEAKER:

Order please. The rules are clear. The parliamentary practice for centuries is clear that it is not in order to comment on a ruling from the Chair. It is not based on any sensitivity of the Chair about having rulings commented on. It is simply based on the constraints which are imposed on the Chair with regard to debate, and I am unable to debate the matter with the members in the Chamber.

MR. TAYLOR:

But on the point of order, I didn't plan, and I don't plan to debate or talk about the decision you made --

AN HON. MEMBER:

Sit down.

MR. TAYLOR:

I simply wanted to bring to your attention the information you used to reach that decision. Surely there is nothing wrong with that.

AN HON. MEMBER:

You can say that until you are blue in the face.

MR. SPEAKER:

Just to close the discussion, I must reiterate what I said previously that there is really no purpose in bringing forth any further information or any further argument. The time for that is past, both for the hon. members and also for the Chair.

#### WRITTEN QUESTIONS

198. Mr. Clark asked the government the following question:

(1) How many students from out of the Province of Alberta are attending each of the three universities in the Province of Alberta, the public colleges, the Northern Alberta Institute of Technology and the Southern Alberta School of Technology?

(2) How many students from out of the country are attending each of the above institutions?

MR. FOSTER:

On 198?

MR. CLARK:

Yes.

MR. FOSTER:

I'd like to get clarification from the hon. member asking this question. I assume he is referring to full-time day students. Thank you.

MR. CLARK:

Might I just simply say in responding to that, we didn't put any date in the question also, so you could use whatever date you use -- in September -- I believe it is, for the full-time students.

200. Mr. Henderson asked the government the following question:

(1) What was the demand within Alberta for crude oil and liquid petroleum condensates for the years 1970 to 1972 inclusive?

(2) What is the forecast demand within Alberta for crude oil and liquid petroleum condensates for the years 1973 to 1980 inclusive?

MR. DICKIE:

Mr. Speaker, I have no objection to tabling a Return for the information requested.

201. Mr. Henderson asked the government the following question:

(1) What is the present maximum daily potential rate at which Alberta crude oil can be exported out of Alberta via pipeline?

(2) What is the forecast maximum daily potential rate at which Alberta crude oil will be exported out of Alberta via pipeline for the years 1973 to 1980?

MR. DICKIE:

Mr. Speaker, I have to rise to raise some objection on this as I did the last time because it does request information concerning pipelines that are within the jurisdiction of the federal government.

I think I expressed my concern last time that this would be information which could perhaps be obtainable by the hon. member himself equally as well as the government. I am concerned in getting that information if the government has it. That would be information that would properly come from the company, but the government wouldn't be in a position to vouch for that information.

Also, the second part of the question deals with forecasts which I would take it from the question, the way it is phrased, would probably be within the ... [Inaudible] ... of the pipeline companies themselves that are going to deal with this question rather than the government of the Province of Alberta.

MR. HENDERSON:

Mr. Speaker, I gather from the minister's remarks that they do not have within the department, regardless of its source, this type of information. If that is the case then I guess there is no point in pursuing the matter further.

I was under the assumption, Mr. Speaker, and I'm not trying to debate it, but I was under the assumption that within the department someplace, Mines and Minerals, or the Conservation Board, information such as this is prepared and is available. But if the minister -- and this is not relevant to the source, Mr. Speaker, it's relevant to whether it is available within the department -- that's what I'm really asking for, and if the minister doesn't have it, fine.

MR. DICKIE:

Well, Mr. Speaker, that's a good point the hon. Leader of the Opposition raises. And that did concern me and I did request that information from The Energy Resources Conservation Board, that is if they had that specific information. They do receive it. But my concern was the way the question was worded. In tabling it we would be giving it as information by the government which would be information coming from the pipeline companies. And again I come back to the accuracy of the source of the information, and I think in that case it would cause some concerns in tabling a reply to that information.

Perhaps, Mr. Speaker -- I didn't want to conclude though, and leave any misunderstanding in the House about the information that is requested. Certainly one I question is Item No. 2. We wouldn't have that. We wouldn't be the source for that information as a government.

MR. HENDERSON:

Mr. Speaker, I would just like to say at this point that I find it difficult to understand that it isn't available when the government forecasts production rates for Alberta crude. If they are going to sell it they are going to have to move it. If they have to move it, they have to have projections for transportation facilities.

But I will let the matter rest at that if the minister won't make it available.

MR. SPEAKER:

The Chair has assumed that the apparent debate which has just taken place is discussion of a point of order.

202. Mr. Notley asked the government the following question:

(1) What procedures are used to approve new water treatment facilities and what length of time is usually required by the department before a permit is issued?

(2) What facilities does your department possess for testing new types of water treatment devices, and what outside evidence does the department consider valid with regard to new equipment?

(3) Will the department accept tests on new water treatment equipment paid for by companies and conducted under the supervision of the department in lieu of tests by the department when it does not have the facilities?

(4) How long will be required to test and/or approve or reject the water treatment process proposed by Aquion Water Treatment Ltd. for the Village of Thorhild?

(5) Why is the department allowing construction of a similar water treatment facility at Grouard to proceed while stopping construction of the plant at Thorhild, or are the processes different?

MR. YURKO:

Mr. Speaker, we have no objection to tabling the information in this regard.

203. Mr. Ludwig asked the government the following question:

What is the estimated increased revenue accruing to the provincial government during the next fiscal year as a result of increased liquor prices, established as at January 1, 1973.

#### MCTIONS FOR A RETURN

147. Mr. Dixon proposed the following motion to the Assembly, seconded by Mr. Wyse:

That an Order of the Assembly do issue for a Return showing:

Copies of all correspondence and minutes of all meetings held between the Government of Alberta, its ministers or agencies, and the CNR since September 10, 1971, regarding the Alberta Resources Railway.

MR. DIXON:

Mr. Speaker, in moving Motion No. 147 standing in my name on the Order Paper, there are just one or two remarks I'd like to make in light of the fact that the government has asked that we drop the part of the Motion for Return that states, "Minutes of all meetings..."

Well, owing to the fact that a precedent has been set between the Government of Alberta and the CNR, and prior to 1971 all documents including the minutes were brought forward in the Motion for a Return, and I feel that I would like to see the government let the motion go through as it is without the amendment. Because I feel there are two or three things --

MR. HENDERSON:

On a point of order, Mr. Speaker. I want to be sure that it is not being taken that the hon. member is closing the debate, because where this motion was left there was a question of an amendment that had been presented to the Chair by the Minister of Trade and Industry -- there was a question of whether that amendment was in order. I just want to be sure that we do not get into a situation where the remarks of the Member for Calgary Millican are taken as remarks in closing the debate. I think I would like to have it clarified by the Chair, Mr. Speaker.

DR. HORNER:

Mr. Speaker, I do believe, as a matter of fact, that the hon. Member for Calgary Millican has already spoken on the motion and until the amendment is --

MR. HENDERSON:

So did you.

DR. HORNER:

I know. And until the amendment is put, in fact he shouldn't be speaking on it again.

MR. SPEAKER:

There may be some question with regard to this amendment. It was the expectation of the Chair that the amendment, which was to have been redrafted by the hon. Minister of Industry, and which he did and supplied to the Chair, would be appearing on today's Order Paper as an amendment which had been moved but concerning which the text needed some polishing up. Perhaps you cannot move an amendment in that form. Perhaps we were too informal about it. But I shall get a copy of the amendment forthwith and perhaps we can then deal with the amendment.

MR. DIXON:

On a point of order, Mr. Speaker. The only reason I got up on a point of order is: the way the motion is before the House it would have to be moved by the hon. member whose name it is in, and really there is nothing before the House at the present time regarding any amendment. And this is the only reason why I shall be pleased to speak later on in the debate, and I won't be denied my position. The only thing I was doing was carrying out the usual practice of introducing the motion.

MR. SPEAKER:

It appears that the hon. minister has the amendment here. Perhaps he would like to move it.

MR. PEACOCK:

Mr. Speaker, I would be pleased to go through it for the third time. I would like to amend Motion No. 147. And I move, seconded by the hon. Mr. Foster, that the words, "and minutes of all meetings held" be deleted and the words, "subject to the consent of the parties involved" be added after the word "Railway".

MR. SPEAKER:

Is it the intention of the hon. minister to debate the amendment?

MR. PEACOCK:

Mr. Speaker, I would just like to reiterate what I have said in this House previously about the sensitivity of the negotiations we are carrying on at the present time. While the letters of intent have been signed, we regard the minutes as certainly in that order and we feel that it is not in the public interest to table them. I reiterate that and, while I am on my feet, maybe I can just allude to the comments in the debate on the motion by the hon. member from the other side, in which he stated that a precedent had been set. I might point out that the minutes he refers to, tabled prior to and including 1971 of August, were minutes of the ARR and not the ARR and the CNR.



MR. SPEAKER:

Is there any further debate on the amendment?

MR. HENDERSON:

Mr. Speaker, the motion requires copies of all correspondence between the Government of Alberta, its ministers or agencies and the CNR since September. That's the motion as it is presented. But with regard to the question that the minister raises on the amendment about getting the consent of the parties. I would like to ask the minister, if I might, whether the information that was tabled previously, the correspondence between an officer of the Crown and the CPR or CNR, was tabled with the consent of the individuals, or was it simply tabled?

MR. PEACOCK:

Mr. Speaker, I would have to inform myself in that regard because it was quite a while ago.

MR. HENDERSON:

Maybe, Mr. Speaker, I could just refresh the minister's memory then. In the Return, there was no such motion in amendments when the question was put earlier providing the information prior to September 10. In the Return that was tabled there are documents that relate to correspondence between the Crown and the CNR on the operation of the railway -- there were also minutes of the AAR -- and I think it is quite relevant to know whether the correspondence we have in the previous Return was tabled with the consent of the parties. Because if it were not tabled with the consent of the parties, I find it rather difficult to follow the logic in this particular instance that the consent of the parties is now required, when the only difference is that there is a difference in government involved.

So I suggest, Mr. Speaker, that the minister refresh his memory as to whether he had the approval of a variety of gentlemen involved, Mr. Aalborg, Mr. Manning, Mr. Patrick, Mr. Dodds, Mr. Huestis, Mr. Harvey, minister, of the board and so on. This is quite relevant.

I therefore suggest, Mr. Speaker, that the motion stand on the Order Paper until the minister has had an opportunity to refresh his memory. Because the point is relevant so far as the acceptance or rejection of the amendment that the minister has put forth. If the consent was not received from the parties concerned in this particular Return, then I suggest, Mr. Speaker, it's incumbent upon the minister to clearly explain to the House why it should now be necessary to obtain the consent of the parties whereas previously it was not.

DR. HORNER:

Mr. Speaker, I find the argument put by the hon. Leader of the Opposition rather strange. Is he now saying, Mr. Speaker, that the present Government of Alberta cannot table any government documents until we get the consent of the former cabinet ministers?

MR. BARTON:

You're saying that.

[Interjections]

MR. HENDERSON:

Mr. Speaker, on a point of order, that's not what I said at all, if the minister would mind reading Hansard. I just pointed out the question of whether they received the consent of previous officers of the government before these documents were tabled. I was not saying that the government could not table documents that have been asked for on this occasion without the consent of the existing or previous ministers of the Crown.

DR. HORNER:

My argument still holds. Is he now saying that we, as a new government in the Province of Alberta, cannot table any documents that went on by the previous government without the consent of the then minister? I surely find that a very strange notion, Mr. Speaker.

In addition to that, the hon. Minister of Industry and Commerce has also pointed out the sensitivity of the present negotiation. That's a completely different proposition as it relates to past activity and the present activity. I appreciate that the hon. member is very sensitive about this entire matter, but that doesn't matter, Mr. Speaker. The present government is, in a very serious way, trying to restore some sense and sanity into the entire agreement with the CNR, and it becomes sensitive then, Mr. Speaker, particularly when we've got an investment in there now of about \$130 million. That makes these negotiations pretty sensitive indeed.

I would also like to reiterate what the minister has said, that no minutes of meetings between the CNR and the ARR have, in fact, been tabled on a prior occasion. I respectfully suggest that the motion be dealt with and that the amendment be put.

MR. HENDERSON:

On a point of order, Mr. Speaker. I refer to the previous officers of the government primarily because ordinarily, when correspondence takes place, it's between two people -- somebody is writing a letter and sending it to somebody -- and there is correspondence, of course, that goes from a minister of the Crown to a member of the CNR, and from the CNR back to a minister of the Crown. So the reference to the ministers of the Crown, of course, is relevant to the correspondence where people are directing correspondence to the minister or the minister is directing correspondence to a third party.

MR. DIXON:

On a point of order, Mr. Speaker. I wonder if you could clarify this matter, because we have had a great deal of correspondence between yourself and some of the members here. It is my understanding that on Orders for a Return, we did have to consider getting the consent of the parties concerned. I wonder, what is the Chair's feeling?

MR. SPEAKER:

As far as the Chair is aware, there is nothing in the rules requiring that such consent be obtained. This was being made a condition rather routinely some time ago in orders or motions of this kind and the Chair was merely making a suggestion. The House might wish to consider an amendment to the rules in that regard, but at the present time it is at the discretion of the government as to whether the motion will be accepted, subject to consents or not subject to consents, and of course that in turn is subject to a vote in the House.

MR. TAYLOR:

Mr. Speaker, I would like to speak on the amendment. The government members, and particularly the Deputy Premier, are breathing hot and cold. When it suits the purposes of the government to say we want to honour confidentiality then of course it is very, very honourable and they wouldn't think of tabling anything in the House without getting the consent of the persons involved. We heard them with their 'holier than thou' attitude the other day on this very same thing.

Does the consent not matter if it pertains to a man like Roger Graham - minutes that involve him? Does it not matter if it pertains to somebody who happened to be a Social Creditor? Is this confidentiality only to guard those who are Tories in this province? So the government is breathing hot and cold and it's getting a little tiresome.

What does the government want to hide in regard to these minutes in connection with the CNR? The railway has been built with public money, we're paying interest on it, why shouldn't the people be entitled to know what's going on? Nothing was hidden in connection with the correspondence with the other government. What is this government trying to hide? I'm getting a little sick and tired, Mr. Speaker, of hearing this confidentiality used for the purposes of the government. If we're going to have confidentiality let's have it for everybody -- everybody -- not just those who happen to be Tories in this province.

MR. STROM:

Mr. Speaker, in giving consideration to the amendment that has been proposed, I would like to draw a couple of points to the attention of the House. I think the hon. minister will recall that he tabled a statement in the House at last fall's session and at that point in time I believe, if my memory serves me

correctly, there were one or two documents that were tabled with it. But it was not a complete file. I think the hon. minister will recall that an Order for a Motion for a Return was placed on the Order Paper requesting that all information be tabled so we might have all of it before the House, if we were going to give consideration to it.

I think it is pretty important to recognize that what we are really saying here is that it is important that we have a full and complete disclosure.

Now, Mr. Speaker, I would like to remind the House that again the government has seen fit to establish a committee that will be investigating a number of issues related to the Alberta Resources Railway. At first indication I thought it was related to the town of Grande Cache only, but as I recall a question that was placed to the hon. Premier he suggested that if, in the course of investigation, matters relating to the railway came up, these would certainly be considered by the committee as well.

Mr. Speaker, I want to say that as far as I am concerned, I don't have any objection, I think this is fine. But really all I am saying, is that what we are saying here, is we are interested in having the fullest possible disclosure of all matters related to the railway made available to us so we might have complete information.

Now the hon. minister has suggested there is a sensitivity here, that it may in fact jeopardize future negotiations. Here I have to suggest to the hon. minister that I had the impression he made a statement, either in the House or outside of the House, that negotiations had been completed with the CNR and that we were now in a position where they were able to proceed with the repairs to the railway, fully understanding what their responsibility in the situation was. I am at a little bit of a loss at this time to know what it is that is being further negotiated. The hon. minister hasn't suggested to us what it is. If I could be given a clear understanding what it is that remains the problem, and if we also could be given an assurance that before the report itself will be tabled by the committee, or at the time of the tabling of the report, all of this information would be available to the House as well. I think it would be unfortunate if the committee which is looking into the matter was not able to have access to all information pertaining thereto.

So, in my view, Mr. Speaker, at the present time I cannot go along with the amendment as proposed unless further information is made available to us.

MR. CLARK:

Mr. Speaker, there are just three points that I would like to make very quickly on this particular matter. First of all, I would remind the members that last fall the minister involved, Mr. Peacock, got up in this Assembly, and told the Assembly about the problems of the Alberta Resources Railway, told us of the difficult negotiations they had had with the CNR and then announced to the Assembly, and I assume to the people of Alberta, that they had entered into some kind of an arrangement with the CNR and the government to, in fact, repair the tracks. And I assumed, and I am quite confident that I'm not the only person who assumed, that in fact those negotiations were completed.

Then, Mr. Speaker, we move along and we find out that when the budget comes down, there is no money in the budget for the commitment that was mentioned here in the Legislature by the minister responsible, Mr. Peacock.

MR. MOORE:

On a point of order, Mr. Speaker, I think it is quite untrue to say that the minister announced last fall in this Legislature that he had reached an agreement with the CNR to repair the tracks.

MR. CLARK:

Mr. Speaker, carrying on --

[Interjections]

MR. SPEAKER:

Order please. As pointed out some time previously, it is impossible for the Chair to become involved in alleged points of order arising out of disagreements as to facts. If the hon. minister thinks he has been misquoted out of Hansard and wishes to raise the point with the suitable quotations from Hansard, both the original one and the misquotation, then I will be glad to

consider it if there is anything involved in the nature of privilege. But otherwise a mere disagreement as to facts does not give rise to a point of order and is not a cause for interrupting an hon. member who is debating.

MR. CLARK:

Thank you, Mr. Speaker. As I was saying, the government did not see fit to put any money in the budget this year that is now before the House for the repair of the railroad. And so we find now, today, that all of a sudden the government doesn't want to table the minutes of the meetings and the discussions between themselves, the CNR and the Board of Directors of the Alberta Resources Railway. One can't help but wonder if either the government or the CNR have changed their mind and perhaps that is the reason why they don't want to table the information that is requested here.

The other point, Mr. Speaker, that I want to make was touched upon by the Member for Cypress. That point is this, that we are involved in already having established -- the Premier announced it in the Assembly -- a public inquiry under the chairmanship of Mr. Crump, the former president of the CPR. And so we have a public inquiry going ahead and I assume that's all going to be done in public, and it is going to have all the information that it needs and the public inquiry isn't going to deal just with Grande Cache. But it is my understanding that it is going to have rather broad terms of reference and certainly will be involved with a number of aspects of the Alberta Resources Railroad.

I have heard no indication from the government to date that the inquiry isn't going to have all the information but now we are being told here today that the members of the Legislature can't have all the information. And so it seems to me that it is some distance from this 'open' government bit we used to hear about some time ago.

The last point I want to make, Mr. Speaker, is this. With all due respect to the present minister, this is the second time in about three weeks that we have had a suggestion or a statement from the minister saying for one reason or another we can't possibly have this kind of information.

You will recall two or three weeks ago when we were discussing the matter of tourism guarantees from the Alberta Opportunities Fund --

MR. GETTY:

That has been dealt with.

MR. CLARK:

Yes, it has been dealt with, but I am carrying on. Two or three weeks ago the minister said, no that it wasn't possible --

[Interjections]

No, I would just as soon look at you -- and two or three weeks ago the minister said it wasn't possible, or chose not to. Now we are having the same minister say the same thing to us today. And what I am pointing out to you and is upsetting the hon. Member for Edmonton Whitemud to such a great degree, is that for the second time in three weeks the government is slamming the door shut and not prepared to say to the people of Alberta this is really what is going on. That is what we are facing here again today.

MR. DICKIE:

Mr. Speaker, I would like to rise and pass on one or two observations. First, I recall the hon. Member for Drumheller saying that it was blowing hot and cold and I would like to suggest to all hon. members the only blowing that is being done is being done on that side by the hon. Member for Drumheller.

Next I recall some of the words of the hon. Member for Cypress when he said he was at a loss, and I think all hon. members will agree on this side of the House he certainly is at a loss.

Mr. Speaker, what we are really debating here today by way of an amendment is an amendment whether we produce minutes. I would again like to go back and suggest to you the difficulty, the principle of a government producing minutes.

To start with in the question of minutes it depends who drafts minutes. As I've said before in this House a great deal depends on that, as the drafter or

the author of those minutes could reflect differently what actually took place. So I think again, these are perhaps sometimes construed as notes, and sometimes construed as versions of a person's particular opinion at a meeting. I think it would be wrong if any members of this House stood up and suggested that we start tabling minutes, or anything that might be described as minutes.

On some occasions minutes are prepared and all parties sign them. I don't know whether this was done here, but even in those cases I would suggest that would be wrong and improper for a government or any member of the Legislature to table those minutes. So I think we have to stick to the real amendment here, and that's the question of tabling these minutes.

The hon. members on the other side have raised the question about what the government is tabling. Mr. Speaker, that is another issue. If they wish to do that it is well within their prerogative of suggesting rules to this House that we might consider and debate what the government should table, and they might do that. But I would like to suggest to hon. members that isn't relevant to the debate that we are presently discussing, certainly not on the amendment. If they wish to proceed in that way they have the proper procedure to do that. I would like to suggest we clear that out of the debate on the amendment.

I think if we just deal with the question of the amendments, whether the government should produce minutes, I think all hon. members will stand in the House and say that it would be improper for a government to produce minutes of a meeting.

MR. HENDERSON:

Mr. Speaker, I wonder if we have a copy of the amendment just to be sure what the amendment does say. I have a copy here that I received some time ago. Mr. Speaker, I am not too sure if I got it from the Chair or what, but I didn't get it today. I could read it, it might be the same motion.

MR. SPEAKER:

I will read the amendment so that all hon. members may check their copies and make sure they have the right version of the amendment. The amendment is:

Moved by the hon. Minister of Industry and Commerce, seconded by the hon. Minister of Advanced Education that the words "and minutes of all meetings held" be deleted, and that the words "subject to the consent of the parties involved" be added after the word "Railway".

Are you ready for the question on the amendment?

MR. DIXON:

Mr. Speaker, there is only one point I would like to emphasize to the hon. members, and in particular to those who may be thinking about supporting the amendment. We are going to have a public inquiry into the Alberta Resources Railway and I think it puts us, as members, in a secondary position when -- as the hon. the Premier mentioned the other day -- the ARR could possibly be investigated by this committee. All documents will have to be put forward at that time and probably will. So I think we are only going to be maybe three or four months ahead of the commission by having the documents.

I still feel quite strongly that we should leave all minutes of the meetings in. If there are some particular minutes that the minister maybe thinks are not in order and they would jeopardize a particular negotiation, then maybe he could convince me further. But there has been nothing brought before this House -- up to the present time, at least -- that would indicate to me that confidentiality is needed in this case.

As I pointed out before in this House, the scrutiny of minutes many times enables you to come to a better decision as to why the government did this or that in any particular occasion. So that is one of the reasons why I wanted the minutes of all the meetings. The minutes of the meetings were the negotiations which led up to the final decision of the government to do whatever they decided to do as far as the ARR was concerned.

So, Mr. Speaker, I would urge all hon. members to vote against the amendment.

MR. GETTY:

Mr. Speaker, I only want to participate because of a few comments that have been made about the enquiry, and also to reflect on the hon. Member for Olds-Didsbury who not only was unable to figure out the right way to look but has, in fact, the wrong year even as to when an announcement was made regarding a settlement with the CNR.

As the hon. Member for Smoky River was pointing out, he stood up with his three points and then proceeded not to present any to the House. He tried to make the point that something happened in the fall, some statement by the government, when he said he remembers standing there or sitting there and hearing the minister announce an agreement on how to repair the ARR. He remembers sitting there. Well, Mr. Speaker, the announcement came out some time this year. The House was not sitting, and the announcement also mentions that certain other things had to be worked out.

MR. CLARK:

Mr. Speaker, on a point of order, I sincerely apologize to the government for being that far ahead of them.

MR. GETTY:

Mr. Speaker, it is interesting to get his apology, and we should also get from him an admission for being so incorrect in trying to lead the House astray.

In any event, Mr. Speaker, the comments about the inquiry -- about the Premier saying that the ARR will be looked into -- as I recall all that happened in that point was, somebody raised a sort of hypothetical question. The Premier pointed out that it was, but that he imagined the commission would decide whether or not they would in fact look into that one if it happened. There was no statement that the ARR will be investigated by the Crump Commission.

The other thing, Mr. Speaker, I draw your attention to the real point the Minister of Industry and Commerce made, and on page 179 of Beauchesne:

A Motion for a Return may be opposed on the ground of public policy, such as that the disclosure of the information sought is not for the public interest.

Now, he made that clearly and told them it was because of some additional negotiations. Well then, to ask that he tell them what those negotiations were would obviously lead him into further things that were not in the public interest.

So, Mr. Speaker, the minister has made a clear statement that it was not in the public interest. We know that Motions for a Return can be denied on that basis, and I suggest that perhaps, Mr. Speaker, when it is no longer under negotiation, and it is no longer against the public interest, it would be perfectly capable of tabling whatever minutes are in existence. Perhaps then too, if there should in some hypothetical way be an inquiry into the ARR by the Crump Commission, by then, for all we know, there will no longer be any problem about the public interest either. Although I suppose they would be able to get them in any event.

So, Mr. Speaker, I think the minister has made a perfectly reasonable request for an amendment and I see no reason why the House can't support it.

SOME HON. MEMBERS:

Agreed.

MR. HENDERSON:

I would just like to refer back to the comments by the Minister of Industry and Transport as to whether he is going to check the record to ascertain whether the minutes and correspondence and other matters that were tabled in the House in Return 242 last year, whether the parties concerned, non-governmental parties concerned, gave their prior consent before the Return was tabled in this House. It is relevant to the motion here that says "subject to the usual consent of all parties."

I asked the minister if he recalled whether he had done so on this Return? It wasn't important then but all of a sudden it has become important now, and I

gathered he was going to check into the matter. I simply ask that we hold the motion until he has had an opportunity to refresh his memory.

[Interjections]

MR. FOSTER:

Mr. Speaker, speaking to the point of order, it seems to me fundamentally different when a minister wishes to stand up in this House and take the responsibility on his own initiative for tabling any documents. That's his decision. It is to me fundamentally different when this House orders the return of documents that may involve a question of confidentiality or the consent of other parties.

In any case, Mr. Speaker, I can't see how the member's point is relevant at all to the motion.

MR. HENDERSON:

On the point of order, Mr. Speaker, it's quite relevant because -- let's not be naive about the matter -- all the minister has to say to the parties concerned is that he is going to consult -- you don't want the minutes tabled do you? And that --

[Interjections]

MR. SPEAKER:

Order please. Order please. The hon. member is now debating whether or not the amendment should be supported. With regard to the hon. ministers having volunteered looking into the matter, that cannot have any effect on the outcome this afternoon unless the hon. leader of the Opposition wishes to move an appropriate motion and succeeds in having it carried.

Are you ready for the question on the amendment?

[The amendment was carried.]

MR. SPEAKER:

Are you ready for the question on the motion as amended?

[The motion as amended was carried.]

188. Mr. Cooper proposed the following motion to the Assembly, seconded by Mr. Wyse:

That an order of the Assembly do issue for a Return showing:

A copy of the study or studies done by, or commissioned for, the Government of Alberta, its ministers, departments, agencies, or boards, evaluating the Priority Employment Program for the fiscal years 1971-72 and 1972-73.

DR. HORNER:

Mr. Speaker, in the absence of the Minister of Manpower and Labour if we could have this stand until next --

HON. MEMBERS:

Agreed.

MR. SPEAKER:

I take it that it is agreed by the House that this motion may retain its place on the Order Paper.

195. Mr. Ruste proposed the following motion to the Assembly, seconded by Mr. Strom:

That an Order of the Assembly do issue for a Return showing:

A copy of the study, or studies, completed by the Government of Alberta, its departments, ministers, agencies or boards, which analyse the across-

the-board price increase in gasoline, oils and fuels in terms of the effect of such increases on the farming industry.

DR. HORNER:

Mr. Speaker, we'll accept the motion provided the following amendment is accepted:

I move, seconded by the hon. Minister for Federal and Intergovernmental Affairs the following amendment:

That Motion No. 195 is amended by adding the following words:

"excepting all intra and interdepartmental memoranda."

MR. SPEAKER:

Is there any debate on the amendment?

MR. HENDERSON:

Well, Mr. Speaker, could I have a copy of the amendment? There was some confusion last time as to what the amendment was in the previous motion and I'd like to see this one before we go any further.

MR. SPEAKER:

Possibly we could deal with it for the time being on the basis of this copy, and I'll immediately ask for further copies. The amendment reads that:

Motion No. 195 be amended by adding the following words: "excepting all intra and interdepartmental memoranda."

Does that make the amendment sufficiently clear for the House to deal with the matter now?

MR. HENDERSON:

Well speaking to the motion, Mr. Speaker, that, of course, makes a complete farce out of the motion because the Return asks for that type of information. So to make an amendment of that type, when the motion asks for copies of studies completed by the Alberta departments, ministers, agencies, boards -- it doesn't refer to any information or studies done outside the government. And so for the Deputy Premier to stand up and introduce the motion and then try to lead this House to believe that there is going to be anything tabled in the House, of course, is really, you know, just a little game that the Deputy Premier wants to play with the House, Mr. Speaker, in trying to leave the impression that they are going to make some information available, when of course, in actual fact, absolutely nothing will be available. And I'd like to suggest --

DR. HORNER:

Point of order. On the point of order the hon. Leader of the Opposition is now imputing motives --

AN HON. MEMBER:

Is that so?

DR. HORNER:

Of course he is. You know he has already accused me of trying to mislead the House. If that isn't imputing motives, I'd like to know what is. And secondly, I can assure him that a study will be tabled.

MR. HENDERSON:

Mr. Speaker, I'm not imputing motives, I'm arriving at a conclusion which simply when you read a copy of the study or studies completed by the Government of Alberta's departments, ministers, agencies, or boards which analyses the across-the-board price increase of gasoline and so forth.

Now I don't have a written copy of the amendment, but as I read it, it says, "excepting or excluding any intra- or interdepartmental -- " and I presume the word "departmental" means boards, agencies, ministers and so on. So that it's difficult to arrive at any conclusion other than it negates the basic



purpose of the motion in the first place. I cannot arrive at any other conclusion than that, Mr. Speaker.

And if the conclusion is invalid, I would like to know then what the relationship is between the amendment and the motion. I can find no other conclusion to arrive at because we are not asking for studies done outside the government and so on and so forth; it's all within the government. Maybe I misinterpreted the motion and when I get it here I'll change my mind, but I can't arrive at any other conclusion and so I think the credibility of the minister would suffer less, if they simply just voted down the motion as it stands, instead of playing games with it in this manner -- "excepting all intra- and interdepartmental memoranda." We didn't ask for memoranda, did we?

AN HON. MEMBER:

Sure you did.

MR. HENDERSON:

-- "Copy of studies", I am looking for the Return here, I don't see memoranda mentioned in it.

MR. FOSTER:

Actually it's not, it asks for studies.

MR. HENDERSON:

Well, then the amendment isn't relevant to the --

MR. FOSTER:

It sure is --

MR. HENDERSON:

-- copy of study or studies completed by the government of Alberta, its departments, ministers, boards which analyse the across-the-board price increase in gasoline -- "

MR. FOSTER:

Through the interdepartmental memoranda. Memoranda aren't studies.

MR. HENDERSON:

-- for memoranda, Mr. Speaker. That's the whole point --

MR. SPEAKER:

Order please.

MR. HENDERSON:

I never said any such thing. I am just reading the motion that's here, Mr. Speaker. The motion of the amendment is completely irrelevant because we didn't ask for memoranda in the first place.

[Interjections]

MR. SPEAKER:

The Chair is unable to rule that this amendment is out of order. The reason is that to make such a ruling would involve making assumptions about the significance of the terms used in the motion and in the amendment which the Chair is not able to make. There may be different meanings to "memoranda", and there may be different meanings to "studies". And the Chair should not be required to define terms of that kind in order to arrive at the relevance or otherwise of an amendment.

MR. STROM:

The amendment, and I don't have it before me either, but I am going to try and quote it from memory. The amendment is that the words, "and minutes" -- this isn't the right one, I have been handed the wrong one --

[Laughter]

Mr. Speaker, I appreciate that it is so irrelevant that I didn't bother getting the right one. Maybe it is well for the hon. members to have a good laugh, but certainly I can read it and I don't have to read very far before I realize that the wrong amendment has been sent to me.

Mr. Speaker, the amendment that is being proposed by the hon. Deputy Premier reads, "that Motion No. 195 be amended by adding the following words: 'excepting all intra- and interdepartmental memoranda'" and I turn now to the Motion No. 195 and it states, "a copy of the study or studies completed by the Government of Alberta, its departments, ministers, agencies or boards." It is talking about the studies and if the hon. Deputy Premier feels that there is other information which does not classify as a study, I see nothing in the original motion that would prevent him from withholding the kind of information that he has just stated. And I say therefore, Mr. Speaker, that in my view the amendment is certainly irrelevant to the motion which has been proposed.

MR. SPEAKER:

Are you ready for the question on the amendment?

[The amendment was carried.]

MR. SPEAKER:

Are you ready for the question on the motion as amended?

[Interjections]

MR. RUSTE:

Mr. Speaker, I just want to make a few closing remarks on this one. It's rather interesting to me to notice the change from one side of the House to the other in openness of government, and so on, and I was rather interested in the Deputy Premier's comments about misleading and so on. I think he has the record in this House of having that challenged and proved...

SOME HON. MEMBERS:

Order, order.

DR. HORNBER:

Mr. Speaker, with due respect, I not only ask, but I demand that the hon. member withdraw that statement, because it is a deliberate misrepresentation of the truth and...

MR. SPEAKER:

Order please. Order please. One point of privilege should not beget another. The Chair must confess not having heard the concluding words of what the hon. member just said. They weren't audible over my microphone.

MR. RUSTE:

Mr. Speaker, I was referring to an incident in Hansard, recorded in this House, in which the Deputy Premier apologized to me for a misstatement. That is what I was referring to. But I just wanted, in closing, to say that I think I can paraphrase the words of Sir Winston Churchill when he said, "Never have so many owed so much to so few." I think we can say in this Legislature, "Never have so many ministers hidden so much in such a short time."

MR. SPEAKER:

Are you ready for the question on the motion as amended?

[The motion as amended was carried.]

199. Mr. Ludwig proposed the following motion to this Assembly, seconded by Mr. Dixon:

That an Order of the Assembly do issue for a Return showing:

With respect to the increased liquor prices, as established as of January 1, 1973:

Copies of the study and figures used in determining the necessity for a price increase.

MR. CLARK:

Mr. Speaker, on behalf of my colleague, the hon. Mr. Ludwig, I would like to move Motion No. 199.

DR. HORNBER:

Mr. Speaker, I stand on a point of order and point out to you that in my view this motion is particularly out of order. I refer you particularly to the last sentence:

Copies of the study and figures used in determining the necessity for a price increase.

This is a matter for debate, and surely if now in the Legislature we say that we are going to table all of the documents that the Provincial Treasurer uses to come forward with his budget, then the thing is just unrealistic. I want to suggest very sincerely that this motion is out of order, and is not the kind of Return that is ordinarily asked for in Motions for a Return, nor should it be asked for. I suggest to you very strongly that if it isn't ruled out of order we would certainly intend to vote against it, because that kind of information is not available, and the entire subject is a matter for debate.

The question of what is necessary and what isn't necessary in relation to whether or not there is a price increase or a tax increase or a tax decrease is surely a matter of government prerogative in relation to its policy determination. My hon. friend from Mountain View should have known that before he placed the motion on the Order Paper. With the greatest deference, I don't think that kind of a motion should be allowed on the Order Paper.

MR. HENDERSON:

Speaking to the point of order, Mr. Speaker. I didn't hear the whole argument, but it seems to hinge around the word "necessity", and of course, that's really a matter of opinion.

DR. HORNBER:

Yeah, that's right.

MR. HENDERSON:

-- completely, and I therefore suggest, Mr. Speaker, that what may not seem a necessity on that side of the House could be interpreted as being a necessity on this side of the House. I don't see how the Chair could be expected to rule on the particular point. I have difficulty in following the argument. That's the only point I wish to speak to at this time -- the argument on the part of the Deputy Premier, that because of the difference of interpretation over the word "necessity" the motion is out of order and shouldn't appear on the Order Paper. If the government wishes to debate it, that's fine, they can vote it down and debate it too. They can amend it too. But to rise on a point of order and state that the motion is out of order because of that one word, I find difficult to follow to say the least.

MR. GETTY:

On the point of order, the hon. member probably made the greatest argument as to why this shouldn't even be on the Order Paper. He pointed out that it was a matter of opinion on their side, which could well be opposite to the opinion on this side. Therefore, how could the government know what their opinion was, and how could we table anything that met with their approval as to what was "necessity." I can hardly understand him making that argument and trying to justify this. He was arguing against it. Surely, Mr. Speaker, we cannot deal in opinion.

MR. SPEAKER:

On the point of order --

MR. LUDWIG:

I beg leave of the House to speak on the point of order, if I may. You know, when I watch the hon. Minister of Intergovernmental Affairs I am rather disturbed by his remarks because --

MR. SPEAKER:

Order, please. Whether the hon. member is disturbed or not --

[Interjections]

MR. SPEAKER:

Order, please -- does not deal with the point of order. The point of order is whether or not the question, as it appears on the Order Paper, is in order. Now I am prepared to deal with the point of order, but if there are some further brief observations on it perhaps we might hear them.

MR. LUDWIG:

Mr. Speaker, the hon. Minister of Intergovernmental Affairs brought his own conclusion into question --

MR. SPEAKER:

Order, please. There was some doubt --

MR. DIXON:

Speaking to the point of order, Mr. Speaker, I believe the hon. minister is not quite correct to say that this isn't in order, because all we are asking for are copies of the studies and figures used in determining the necessity for a price increase. And I think we have all been asked by many Albertans as to why the government increased the price of liquor. This is all we are asking for.

MR. SPEAKER:

The hon. Minister for Federal and Intergovernmental Affairs as a matter of fact anticipated a remark that the Chair was about to make with regard to the doubtful significance of the word "necessity". It seems that an Order for a Return or a Motion for a Return should be sufficiently clear, the words should have a sufficiently compelling meaning that there can be no doubt as to whether the order has been complied with or not.

In this case the question was fully considered before it went on the Order Paper, and although there may be some doubt as to whether it is in order, I am unable to say clearly that it is, and the practice has been, when there is doubt as to whether a question or a notice of motion is in order and it cannot be clearly ruled out of order, to allow it to go on the Order Paper or to allow it to proceed subject to debate in the House. To do otherwise would appear to be unduly repressive and would be restricting the procedures, perhaps unduly, on doubtful points. I think before something is ruled out of order it should be very clear that it is out of order. In this case the Chair does have some doubt as to whether or not the motion is in order, but I am not clearly of the opinion that it is out of order. And consequently, for the purposes of this debate, I must say that it is in order and that if the House wishes to debate it, it is now open for debate.

HON. MEMBERS:

Agreed.

MR. TAYLOR:

Mr. Speaker, I would like to say a word or two, because I think the principle that applies here is something that is worrying the rank and file of the people in regard to increases in a great number of our foodstuffs. People are wondering why there should be increases in so many things in our market place. The prices are continually going up, up, up and then we condemn the working man for asking for increased wages to try to meet the cost of the increased prices. And if nobody can say why these prices are being raised, we are going to get into a very ridiculous position.

I would think the same principle should apply to a good number of the staples in this country. These prices are being jumped in height, and I think the people are entitled to know why the prices are being increased.

I would also think the people are entitled to know who is getting all the increase. Is it the producer, the middleman, the retailer, and so on?

MR. SPEAKER:

The hour is now 4:30. Would an hon. member wish to adjourn the debate or might the Chair have leave of the House to put the question?

SOME HON. MEMBERS:

Put the question.

MR. LUDWIG:

Mr. Speaker, I beg leave to adjourn debate.

MR. TAYLOR:

I would like to adjourn the debate, but I haven't finished.

MR. LUDWIG:

Mr. Speaker, on a point of order. Since I intended to close debate -- it's my motion -- then I adjourned debate and nobody else got up to speak, so I'm closing debate on this.

[Interjections]

MR. SPEAKER:

The hon. member has asked leave to adjourn the debate. Since that implies he is closing the debate, I am required by the rules to draw that to the attention of the House. Has the hon. member leave to adjourn the debate?

SOME HON. MEMBERS:

No.

MR. SPEAKER:

In that event does some other hon. member wish to adjourn the debate inasmuch as the House does not wish the question put at the present time?

MR. TAYLOR:

Mr. Speaker, I would like to adjourn the debate.

FUELIC BILLS AND ORDERS  
OTHER THAN GOVERNMENT ORDERS  
(Second Reading)

Bill No. 203  
An Act to Amend The Clean Air Act

MR. NOTLEY:

Mr. Speaker, I am very pleased to be able to introduce Bill No. 203, a bill which has been worked on by the Edmonton anti-pollution group, STOP, an organization which has circularized the various members of the Legislature.

There are a number of points that I want to make in introducing the bill, Mr. Speaker. First of all, despite the fact that we now have a Department of the Environment, I think it is pretty obvious that it is necessary to encourage citizen participation and this is one of the most important features of the bill that I am introducing today. It is not only a case of educating people about the environment, Mr. Speaker, and the environmental hazards, but there is an equally important responsibility on our part to make sure that the citizenry participates actively in helping us to protect our environment. If we are to be made aware of environmental breaches, we must rely to a great degree on people who work for firms who break the regulations.

And this brings me to one of the other important features in this bill. There are people with first-hand knowledge of violations, employees of some of the large companies who may in fact, from time to time, break the regulations. In some cases these employees are forced to actually aid in the commission of environmental breaches. It is necessary therefore, that we encourage these people to step forward --

MR. YURKO:

Mr. Speaker, on a point of order, I think that when the hon. member suggests that regulations are in fact being breached by departmental people, then he ought to have information to back up that allegation.

MR. SPEAKER:

Order please. As mentioned earlier this afternoon and previously, a difference with regard to a question of fact is not something which the Chair can deal with as being a point of order unless it is something directly and specifically in the knowledge of the Chair.

MR. NOTLEY:

Mr. Speaker, first of all I should make it quite clear that I did not say employees of the Department of the Environment were breaking environmental regulations. I said that environmental regulations were broken in society as a whole, that employees of companies from time to time are forced to be in a position where they may have to break environmental regulations. I at no time referred to the hon. minister's department. I am surprised that he is a trifle touchy on this matter.

The point that I think has to be made, Mr. Speaker, is that we must make sure the employee is in a position to report on breaches of the various acts we establish by the Legislature in the interest of protecting our environment. There would be a good chance, especially if employees were not unionized, that they might be intimidated into remaining quiet. Therefore I believe that we can no longer afford a luxury such as this. We need vigilance from everyone without fear of reprisal. It is essential then that we give protection to people wishing to report violations by providing anonymity for them. Now it might be argued that we already have this anonymity -- that the individual in question can simply phone the department. But I suspect, Mr. Speaker, that it will take just a few 'wild goose chases' from nuisance calls to cut down the zealotry of the department in following up anonymous phone calls. Therefore it is necessary to have some type of legislative protection so the individual can make an anonymous complaint. By guaranteeing anonymity we can also gain fuller information on any violation by a personal visit and perhaps samples or other pertinent materials.

Now perhaps it could be argued, Mr. Speaker, there is already protection for the individual under The Individuals Rights Protection Act. I am referring to Section 6(1). However, Mr. Speaker, the wording of that section is so vague that whatever protection is afforded is indeed very slight, and for the individual to risk his job on that limited protection would be a trifle foolhardy.

It's also argued that Section 84(1) of The Alberta Labour Act offers more protection. Now, Mr. Speaker, while that section is stronger it deals, by and large, with hearings and doesn't make provision for protecting the right of the individual to lodge a complaint. And what I am talking about here is making it quite clear that an individual workman or employee can lodge a complaint and not suffer reprisal or threats of reprisal from his employer.

There is a clear-cut need, in my view, for legislation on this subject. I want to read into the record, Mr. Speaker, a few of the letters that the organization which asked me to introduce this bill received from organizations throughout the province. First of all, from the Alberta Human Rights Association:

The board of the Alberta Human Rights and Civil Liberties Association has examined your proposals for legislation which would protect individuals reporting infractions against regulations governing pollution. We share your concern for the consequences which might result from such actions. We therefore endorse your views which are designed to preserve the anonymity of persons making such complaints.

We are pleased to let the name of the Association figure on any pamphlet or other document in which these proposals are presented.

From the National Farmers Union, Mr. Speaker:

This will confirm receipt of your proposal and draft legislation re: protection of workers exposing pollution infractions.

You may be assured that our organization wholeheartedly supports your proposal.

From the Metis Association of Alberta:

We fully support the legislation you have proposed to protect employees who take action to stop the abuse of our environment. As native people we are all too cognizant of the environmental devastation accompanying industrialization. To minimize the environmental impact of the industrial revolution ...

MR. SPEAKER:

Order please. There is some latitude, of course, with regard to reading text into Hansard. However, it's a fundamental rule of debate that those who debate in this Chamber are the members of the Assembly, and that persons who have not been elected to office do not abate the debate in this Chamber.

I think it would be in order for the hon. member to refer to the letters, perhaps to use parts of the text to illustrate something he has in mind. But to read them in, holus-bolus, thereby causing people who are not members to participate in the debate is a questionable practice which -- as far as I am presently informed -- is contrary to the best practice.

MR. NOTLEY:

I accept your ruling, Mr. Speaker --

MR. TAYLOR:

Mr. Speaker, on that point of order, surely a person may quote from organizations and material that is sent to a member to substantiate and verify a point he is trying to make. I understand this is what the hon. member is doing. If we couldn't do that we are simply saying we can't listen to the people outside.

I would strongly recommend that we not be forbidden to use information that is sent to us by people outside to substantiate arguments when we are using to persuade the hon. members of this Legislature.

MR. NOTLEY:

Mr. Speaker, for the sake of clarification I wonder if I just might indicate the purpose of reading parts of these letters -- and I was not reading all of them, Mr. Speaker -- was to substantiate the point I was trying to make that there was widespread support among the public at large for the proposed amendments that I am submitting today before the Legislature.

While I have no intention of reading all of them, with great respect, Mr. Speaker, I would appreciate the opportunity of reading excerpts of these letters into the record because they do confirm the point that there is a good deal of substantial support outside the Legislature for these changes.

MR. SPEAKER:

The hon. member is certainly entitled to indicate that support, and I think the point raised by the hon. Member for Drumheller is well taken.

But as in all matters relating to the rules, there have to be some practical limits and I, perhaps, anticipated too soon the extent to which the member might be constituting his speech out of reading a series of letters.

MR. NOTLEY:

Well, Mr. Speaker, I certainly have no hesitation of reading excerpts from these letters and then expanding upon them. But that might make my speech run a little longer than I had otherwise planned. Mr. Speaker, just to carry on with the letter from the Metis Association of Alberta, and I think there is a very important point here:

To minimize the environmental impact of the industrial revolution now sweeping our land, it is imperative that the persons most knowledgeable of abuse be free to act. We feel the proposed legislation would aid greatly in guaranteeing this freedom and are happy to give it our unreserved support.

A letter, Mr. Speaker, from an organization which is extremely conscious of the need to protect our environment, an organization which, I think perhaps, we should listen to quite carefully.

Another organization, Mr. Speaker, the Alberta Fish and Game Association writes a number of points, but I just want to quote:

We agree that new legislation should come in to protect the anonymity of the individual and to ensure protection for the worker. Will morally support you in any way possible related to this matter.

The Fish and Game Association, too, has been an organization, Mr. Speaker which has been in the forefront of alerting the people of this province to environmental damage. I can well remember in 1970 that it was the Kinuso Fish and Game Association that brought some of the oil spills in the Swan Hills area to the attention of the public of this province, so again, an organization with a good deal of standing within this organization.

I want to also read into the record the support of The Oil, Chemical and Atomic Workers' Union, Mr. Speaker, because the Oil Workers' Union represents many industrial workers who are employed by large corporations who have been accused on many occasions of contributing to environmental damage. And I quote from Mr. Reimer's letter:

The O.C.A.W. commends STOP for its work and wishes to advise you that we agree with your position in principle.

The Non-Academic Staff Association, Mr. Speaker, from the University of Alberta wants to accord its support for this particular proposal.

The STOP organization found a good deal of support from many of the churches in our province. I won't read all the letters from all the churches, Mr. Speaker, but I will read two or three of them because I think they indicate the concern of the people involved in these particular churches.

First of all, from the Capilano Baptist Church, and to quote a portion of that letter:

This letter was read at our September Board of Management meeting and this matter of interest was discussed quite thoroughly. You may be assured that the Capilano Baptist Church fully supports the legislation proposed, and it is our sincerest wish for your success in this regard.

From Knox United Church, again quoting just a section of the letter:

The Social Action Committee of the Knox-Metropolitan United Church has decided to support, in principle, your proposal that the Clean Air and Water Act should be amended to protect employees from discrimination by their employers, when reporting a contravention of the Act by their employer.

The Sacred Heart Parish Council of Edmonton:

It is my duty to inform you that the members of this Council have voted to give their support to the proposed amendments that your organization has devised concerning The Clean Air and Clean Water Act of Alberta.

From the University of Alberta, the Faculty of Business Administration and Commerce. The STOP organization received a letter from Dean Edward J. Chambers, and he writes:

However, I can tell you that in principle I am opposed to employer dismissal or threats of dismissal, or discrimination against an employee for drawing to the attention of appropriate authorities what he honestly believes to be a violation of legal statutes governing air, water and noise pollution.

From the Town of Vegreville, I notice that the hon. Member for Vegreville is here:



I've been instructed to advise that the Council of the Town of Vegreville has expressed support in principle for the proposed legislation to protect the worker who reports a pollution infraction by his employer.

Finally, Mr. Speaker, from the Edmonton YWCA, I quote:

The Board of the YWCA wishes to endorse your proposed bill to protect workers while attempting to preserve the environment for all of us. This is a very important project and I hope you are successful in it.

Now, Mr. Speaker, these are just a few of the letters which STOP received from organizations around the province. I could spend the rest of the afternoon reading the other letters into the record, but the letters that I've read to you today I think outline both the main arguments behind the proposed changes, and also indicate the extent of public support.

As I say, in conclusion, that while the hon. minister can perhaps say there are some measures of protection today, the fact is that these measures of protection both afforded by The Alberta Human Rights Act and also by The Labour Act are not really sufficient to protect the worker who feels a major violation of environmental practices by his employer is taking place.

It seems to me, Mr. Speaker, that if we are really serious about preserving our environment, ending pollution, then we have to make it quite clear that citizen participation is not only possible, but it is actively welcomed.

I suspect, Mr. Speaker, that this is the kind of resolution which would be supported by the other side of the House because they are a party which always talks about individual initiative. It seems to me that we should encourage this kind of individual initiative in an effort to bring to light those infractions which if left untended to and unchallenged will damage our environment.

So, Mr. Speaker, I ask all hon. members to support a bill, which in my view is an effort to deal with a problem. I recognize that there may be technicalities in the bill where changes can be made, but of course, these changes can always be made in the committee study of the bill.

But the principle of the thing that we are discussing in second reading, and the principle in my view, Mr. Speaker, is well worth the support of all the hon. members.

[Applause]

MR. SPEAKER:

Order please. Order please.

MR. BATHUK:

Mr. Speaker, would you permit me to ask a question of the hon. member?

MR. SPEAKER:

It's in the discretion of the hon. member. My discretion is limited only to determining whether it is a question seeking clarification.

MR. NOTLEY:

Go ahead.

MR. BATHUK:

I would like to ask the hon. member, since every MLA received a circular letter with all the names of these various organizations and so forth supporting this, there were in particular about 10 or 12 political parties named. Were other political parties asked for their support, or was it only the NDP constituencies?

MR. NOTLEY:

As a matter of fact, Mr. Speaker, I'd be very pleased to answer that question. It's my understanding that the STOP organization contacted all the constituency associations of all the parties.

I should note that only 11 or 12 of the NDP constituency associations replied, which I don't think is very good and I'm going to go after the other 63

when I get hold of them at our council meeting this weekend. But that doesn't excuse the rather dreadful performance of the hon. member's party constituency associations.

MR. SPEAKER:

Order please.

MR. COOPER:

Are you suggesting --

MR. SPEAKER:

Order please. Does the hon. member wish to ask leave to ask a question?

MR. COOPER:

Just for clarification, Mr. Speaker. I'm wondering if you advised the NDP party as to what they should say?

MR. NOTLEY:

Well, Mr. Speaker, that question really isn't in order, but --

MR. SPEAKER:

No, it may or may not be in order, but it appears that it isn't.

MR. NOTLEY:

Well, just on a point of order, Mr. Speaker, I should make it quite clear to the hon. member, that I did not advise the NDP constituencies what to say. We don't tell New Democrats what to say, they can think for themselves.

MR. DRAIN:

Well Mr. Speaker, I rise to make a few remarks in relation to this Act to Amend the Clean Air Act. I commend my colleague in bringing this particular piece of legislation before the Legislature. However, he has not established in a factual manner that there is a problem in this area. Have there been cases -- the case of an employee, where in fact his intentions are to properly protect the interests of Canada and its people, where he has made complaints that have come to the knowledge of the employer and thereby he has lost his job?

I, however, accept one particular thing about this particular bill, and I am surprised at the hon. members on your right, Mr. Speaker, because if ever a non-political bill was presented in this Legislature, certainly this one is such. It is entirely free of politics, it is in the interests of protecting the environment.

However, in my feelings on this particular subject I get down to clause 4, and here is where I lose the hon. member. At least I question just what exactly his objectives are. I had one of my colleagues interpret for me the term 'prima facie', because I wasn't aware of it. It means, "acceptance or the implication that remarks have been made that can be accepted properly as evidence." So I read this clause:

In the prosecution of such an offence, if prima facie proof is given of the matters referred to in Section (1), then unless the accused proves he did not commit the offence with which he is charged, he may be convicted of the offence.

AN HON. MEMBER:

Convicted.

MR. DRAIN:

Yes, he may be convicted of the offence.

Does this in effect mean that a charge can be pulled out of thin air, Mr. Speaker, by someone with mischievous intent, someone with less than charitable thoughts in his mind or someone who has aggressions and desires to 'get back' for reasons of his own that in effect are not real or not valid. And I think in my mind of an illustration of the thing that occurred up in this particular gold

mine in the Northwest Territories where two employees mined a particular chute with the idea of destroying the operation. Now, the point I am trying to make, Mr. Speaker, is that I would be prepared to accept this bill, providing that Clause 4 is struck out. But with Clause 4 in the bill, I have great misgivings about supporting it any further than that.

MR. ZANDER:

Mr. Speaker, I would say that basically looking at the bill, we are all concerned with the matters of clean air and the environment. It has its good points. But I must also take exception to Section 4, as the hon. Member for Pincher Creek has just mentioned.

I mean there have been many facts established whereby an employee has deliberately or otherwise tried to sabotage a business or has brought forth information that is not quite true and we could possibly have this happen under that section. And I have to agree with the hon. member that this is a serious part of the bill. At most, I can agree that we are and should be concerned not only with clean air but also with clean water, and I notice that he has also brought that about. But certainly is it not possible, Mr. Speaker, that there are other acts in which this can be included, that we do not have to bring in a separate act dealing with clean air and water?

I know that on many occasions employees have come to me and said that infractions by a corporation or a company have occurred and I've witnessed one of them myself. I do believe the employee should have protection, so he cannot be dismissed, because they are as concerned as we are ourselves, about the clean air and our environment. I am afraid, unless Section 4 of this Bill is either amended or withdrawn, it leaves itself wide open so that even an employee can come into conflict with a corporation or a company.

MR. CLARK:

Mr. Speaker, might I just say two things. First of all, I agree with the general principle that's involved in the bill, and secondly, I think it would be a mistake for hon. members to suggest that because of sub-section 4 it would be a very legitimate reason for voting against the idea included in the Bill. I personally plan to support the Bill, and the points raised by the member of Pincher Creek-Crowsnest are rather valid as far as sub-section 4 is concerned, but that can be worked around, I suspect, if there's really a desire to do that.

MR. TAYLOR:

I'd like to say a few words on the bill, too. I support the bill. I think we want to have clean air and clean water, and if an employee has evidence that this is not being done, that something is being done behind the scenes which is not readily apparent to the general public or the government or the enforcement officers, and he reveals it, he's actually doing his duty toward having a clean environment. He is carrying out his responsibilities as a citizen and he should be protected.

In connection with item 4, I think all it is saying that if there is definite proof given that a man has committed this offence -- a company, or an employer has committed this offence -- he has a chance to show that he didn't. If the prima facie proof is axiomatic or so strong that it appears there's no argument against it, then the employer still has an opportunity to clear himself.

I really think that this is included in our laws in our country without it being stated in the particular Act. I think the desire in the Act is to go a second mile to make sure that a company or an employer is not unfairly convicted. But I really think it is unnecessary as far as the bill is concerned, because surely any judge in this country will give a person a chance to refute even prima facie evidence. It's being done in our courts all the time.

Sometimes people think that circumstantial evidence is so strong that it can't be refuted. As a matter of fact, in the strongest circumstantial evidence, some people have been hanged, have lost their life based on circumstantial evidence right here in this province. The circumstantial evidence, or the prima facie evidence, as the Crown stated, was so strong that it appeared there was no other way that the crime could have been committed.

I, frankly, strongly disagree with one such case in this province. I'm not going to outline the case now, but I think the circumstantial evidence was in error, and hope some day to have the proof to show it. But the man lost his

life just the same and it's too late to do anything about that, so even the strongest prima facie evidence, or the strongest circumstantial evidence sometimes, I think, has to be weighed pretty carefully, and again I agree that Item No. 4 could lead some people to say that you have to prove that you're not guilty.

And with that principle I heartily disagree. I think it is up to the Crown or up to the court to prove a man guilty. He should not have to prove that he is not guilty, and this is happening just too often in our courts today right across this country where a man is required to prove he is not guilty of an offence. He isn't proven guilty, he is supposed to prove that he is not guilty. This is fundamentally and basically wrong according to British justice and I am sure there are a good number of people in our prisons across this nation who are there because they couldn't prove they were not guilty, not because they were proven guilty by the court. I think anything that smacks of that or that indicates that theme at all should be certainly eliminated.

So I would like to move the deletion of Item No. 4 from the bill, seconded by the hon. Member for Calgary Millican.

MR. SPEAKER:

Is there any debate on the amendment, or are there any views as to whether the amendment is in order at this stage when the principle of the bill is being debated rather than its text.

MR. YURKO:

Mr. Speaker, I beg leave to adjourn debate.

MR. SPEAKER:

May the hon. minister adjourn the debate?

MR. DIXON:

Mr. Speaker, in order to clarify matters, I think the hon. member and I are a little ahead of ourselves. You are quite correct in the fact that it cannot be amended until it gets into committee, if it gets in to that stage.

MR. SPEAKER:

Possibly we could revert then to the question. If the mover and seconder wish to withdraw the amendment and that needn't necessarily interfere with the hon. minister's right to adjourn the debate.

MR. TAYLOR:

Mr. Speaker, I moved the amendment because I thought it was so closely tied to the principle of the bill. I realize in Committee of the Whole you normally read clauses, but this is so close to the principle that I thought it could be amended under the principle of the Bill rather than as an individual clause.

MR. SPEAKER:

If the hon. members who moved and seconded the amendment wish to let it stand --

DR. HORNER:

On this point, Mr. Speaker, I am sorry I had to be out of the House briefly, but surely I think Beauchesne will show that the only amendment in regard to second reading of the Bill is an amendment to negate the entire Bill. Therefore the amendment, in fact, is out of order and should be withdrawn at this time.

MR. TAYLOR:

Mr. Speaker, rather than argue it now, we will withdraw the amendment and present it in Committee of the Whole.

MR. SPEAKER:

May the hon. Members for Drumheller and Calgary Millican withdraw the amendment?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The amendment is withdrawn.

MR. YURKO:

Mr. Speaker, I beg leave to adjourn debate.

MR. SPEAKER:

I believe that was already decided, however I take it the hon. minister has leave to adjourn the debate?

HON. MEMBERS:

Agreed.

Bill No. 204 An Act to Amend The Clean Water Act

MR. NOTLEY:

Mr. Speaker, the principles enunciated in Bill No. 204 are essentially the same as they are in Bill No. 203. The only additional observation I would make, Mr. Speaker, is to follow up on a statement made by the hon. Member for Olds-Didsbury and that is surely this. If the hon. members disapprove of this particular subsection in Bill No. 204, then of course the proper thing to do is during Committee of the Whole to introduce an amendment and delete that particular subsection. But it doesn't alter the validity of the two major principles involved in this bill and I would hope, Mr. Speaker, that we can get something done on this matter and that the hon. members will approve this bill.

MR. YURKO:

Mr. Speaker, I beg leave to adjourn debate.

MR. SPEAKER:

May the hon. minister adjourn the debate?

HON. MEMBERS:

Agreed.

Bill No. 205 An Act to Protect Private Land from Trespass

MR. STROMBERG:

Mr. Speaker, I move Bill No. 105, seconded by my colleague, the hon. Member for Whitecourt, Peter Trynchy.

Mr. Speaker, we were caught a little flatfooted on this side of the House. I thought --

[Interjections]

Not myself, but I thought this bill would be coming up next week. But in introducing this bill, seriously, the purpose behind it was to draw attention to a very serious problem in rural Alberta today, that of trespassing on private land. And as you probably all know, in Alberta there has always been the attitude, since the formation of the province, that it was a God-given right since the earliest times of the homesteader, for a man to go out and shoot game to feed his family, for food and for clothing, with no restrictions imposed on that man by his neighbours or land owners or even law enforcement. Even back in the hungry times of the 1930s, law enforcement agencies pretty well throughout Alberta took a fairly dim view of bringing someone into court for trespassing or hunting. When those summons were brought into court, they were usually handled quite lightly because after all, as the old saying goes, Mr. Speaker, a man had to feed his family.

But then with the advent of a paved highway, with maybe two-thirds of our population today living in major centres and urban communities, the snowmobile,

four-wheel-drive vehicles - they put a tremendous pressure onto title deeded and leased land for recreation use.

Even when I was a young person and had time to do some hunting, my hunting restrictions were usually within 15 miles of home. I can imagine in the day of the hon. Member for Drumheller, why it was within maybe a mile or two of the valley. But today we think nothing of antelope hunting in southern Alberta, moose hunting in the north, elk hunting in the west, even into British Columbia. Look where we go fishing nowadays, out to the west coast.

And what is taking place -- I would like to use for an example, the area particularly to the south and the west of Calgary, known as the Porcupine Hills. And when opening day of hunting season -- that Saturday morning -- practically resembles the breakthrough of the German army through Poland. You have half of the hunters that are in Calgary out that morning. It is repeated again in the irrigation area that is open for pheasant hunting. We have quite a time in east central Alberta from Castor and Provost, and the points south for goose hunting. The deer hunting especially in east central Alberta -- that opening day of deer hunting, and of course, duck hunting throughout the better part of Alberta.

But, Mr. Speaker, after the hunting season is all over with, and you think things are going to get down to normal again, then come the snowmobiles. Now I realize there have been quite a few complaints coming in of cutting fences and especially, chasing of game. This could either be deer or coyotes, and I wish sometimes that our Minister of Lands and Forests would realize that quite a bit of game is being chased by snowmobiles.

But, Mr. Speaker, I would like to suggest several points that are today facing the owner of rural property especially. Number one, he is concerned, and deeply concerned, over the loss of livestock that are shot accidentally or purposely each year.

We have another problem in rural Alberta, that of the professional poacher. Now Division K has informed me they have approximately 1,400 calves unaccounted for in an area west of No. 2 Highway from Edmonton to the American border. Now what has taken place? They believe what is happening is that a gentleman and his family go out with a camper. They put up a tent in someone's cow pasture. They are innocently -- any bypasser would take them for fisherman -- but they are filling deep freezes. And at the high cost of meat today, we have the same problem in my own community, mature animals found shot, slaughtered and the quarters taken. One animal shot in a district -- and that is news throughout the whole district -- that farmer has taken quite a substantial loss, anywhere from \$400 to \$500. Now, of course, he can appeal to the fund that is operated by the Alberta Hail and Crop Insurance Corporation and get 80 per cent refund on that cow. But what if that cow was a purebred cow; what if that cow was carrying a calf by one of these exotic bulls?

The third point, Mr. Speaker, and I think this has to be my own personal feeling, but in our constituency the concern is the use of high-powered rifles in a fairly high density farming area. The area of Battle River that comes through Ponoka, Wetaskiwin, Camrose and then out east is prime deer hunting country. We have farmers in that area that have had to corral their livestock on weekends because of the danger of loss of cattle. Now that's getting just about too much to stomach when you have to go out and bring your own cattle in from pastures, hold them in a corral and feed them over the weekend.

Another point, Mr. Speaker, where the law allows a hunter to pursue wounded game anywhere, it's being abused more and more. More and more people are catching on to this. If there is no snow on the ground you will have a very difficult time proving in a court of the land that he wasn't chasing wounded game.

Mr. Speaker, the federal Act in regard to trespassing reads that you can use bodily force to evict unwanted persons from your property if that person refuses to leave. But what the Act does not inform you, or the property owner, is that in the process of bodily removing that gentleman or that person from your land, if that person receives a black eye in the process you are really in big trouble.

Mr. Speaker, the Act reads something as follows, that the property must be duly fenced with a two-wire fence, it must be posted, hopefully the gates are shut.

But I would like to point out that in Alberta today more and more farm land is being farmed from road line to road line, more and more fences are being taken out, the trees along the fence lines are being removed by the counties and

backslope. In other words, we are seeing more grain right up to the edge of the pavement or to the gravel. Also, Mr. Speaker, with the requirement that the land shall be posted -- what is taking place is that hunters or trespassers are coming in and removing these trespassing signs, tearing them off the trees and fenceposts. What happens then if you accuse a man of trespassing and he says, "Well, when I walked onto your property, sir, there were no trespassing signs there." That will not stand up in a court of law.

Another great concern is for the people engaged in the ranching industry, especially in southern Alberta. It is common practice to take a lease or a certain portion of land and keep cattle off of it for one year and build up a reserve of grass. That reserve of grass can either be used for the following year or winter grazing, that is his bankroll. If he loses that grass due to carelessness or fire -- you can imagine during the hunting season in the antelope areas prairies are tinder dry and I don't blame anyone for being concerned about losing his winter grazing land -- if a fire wipes out someone's grazing the feed bill is a fairly substantial expense.

Also the concern of a number of ranchers is that with the advent of track vehicles and four-wheel drives you have the destruction of habitat. Four-wheel drives going up creek beds, up through their valleys and with the destruction of habitat, of course, in many instances erosion can result. You put 10 jeeps on a trail, or 20 jeeps every year, carrying themselves up some of these hillsides during hunting season, and you can imagine what the results are.

Mr. Speaker, it is all fine and dandy to talk about the present laws we have. But how can the average property owner -- even if he is not a rural dweller, but an urban dweller who has bought an acreage, who has got a cottage at the lake, and maybe is engaged in the business of farming -- get adequate law enforcement?

I am very pleased to see that the hon. Minister of Lands and Forests just dropped in. I would like to point out to him what happened in Camrose. We have a game warden who, besides writing letters to the Edmonton Journal about what a poor city we have in Camrose, has an unlisted phone number known only to himself. He works the hours somewhere between 9:00 to 4:00 in the afternoon. Now the weekend hunting comes up. You try to phone that game warden after 4:00 o'clock on Friday afternoon and you can be guaranteed that you will not reach him until 9:00 o'clock on Monday morning. That's a fine kettle of fish if you have had a cow shot. You have taken the license number, maybe, and you have some sort of identification, but where is the game warden? Probably out hunting himself.

I would like to see these game wardens, as our RCMP and our municipal police, on a standby. If there is an infraction you can at least get hold of them on a weekend, and that is when hunting takes place.

I would also like to point out to the A.G. -- well the A.G. isn't here -- what happens when you do catch someone on your land, and you ask him to get off your land and he refuses, or he has done some damage -- he has driven across your swathes. He has taken the scarecrows and stuck them under the swathes. Just run a few of them through the combine. The game warden has gone out hunting that weekend himself. You are five miles from a phone, so your only course is to make a citizen's arrest. About the only thing the farmer can do is make darn sure he has looked at that person very closely. He had better count every gold tooth in his head because six months or eight months or a year later when he finally gets him into Court, that person he made the citizen arrest on is going to be shaven, he is going to have a new haircut, and he is going to be in a suit. He is going to have all of his relations and maybe his brother standing there alongside of him, and you will have to pick him out of a lineup. Can you imagine the confusion, say if the Minister of Agriculture was picked up for trespassing, and he showed up with all his brothers and cousins and relations?

No, making a citizen's arrest leaves a lot to be desired. But seriously, Mr. Speaker, I think the basic feeling of Alberta farmers and ranchers is that whether they rent their land or own their land, they should be entitled to say who should be on that land and they should have the right to refuse entry.

Now I know we are opening up quite a can here when we start talking about leased land, but it seems like any time you bring up an agricultural bill you get all the lawyers talking about it.

If you rent a house the law offers you the protection of refusing entry to anyone. But if you rent land from the Crown, no. That is wide open. The majority, and maybe rightfully so, of the people of Alberta believe that leased

land is Crown land and they have a right to it. We have to take a long look at this lease situation, and from discussions I have had with western stock growers they have indicated -- they know the problem -- they would like to see good land use. They're willing to cooperate on recreation use and the livestock industry. Now which one has the priority? I leave it up to your judgment gentlemen, but the livestock industry is a tremendous industry here in this province of Alberta.

I am personally of the opinion that wildlife is a natural resource and should be owned by no individual. But as our population grows and with the loss of our habitat, and with game herds dwindling, we'll probably end up some day down the road, with the same situation we have today in Europe, that hunting is for the privileged few. For those, and reserved for the very wealthy.

Mr. Speaker, yes I can certainly feel for the great number of silly -- city dwellers --

[Laughter]

MR. STROMBERG:

Well that's what our farmers call them -- that really can't afford the cost of going out hunting. Taking in an excursion, as some members opposite do, up to Alaska to hunt grizzlies, hiring a guide, taking a plane --

DR. BUCK:

How about Camrose people?

MR. STROMBERG:

After all, all of us farmers are not dentists.

But we have a majority of the urban dwellers that have the opportunity on a Wednesday afternoon -- he has probably picked up a gun for about \$30 down in some surplus store, he's got a box of shells, he's frequented the A.G.'s department for a couple of bottles, and in one hour and fifteen minutes he can be in my constituency. A pair of oxford shoes, he can get in three or four hours walking, and this is great. But look at the pressure that puts on that area?

Mr. Speaker, I am of the opinion that the great majority of the hunters and fishermen in Alberta really respect trespassing signs and have done a great deal of promotion for their own good. Public relations with the farmers, with county officials -- I'd like to mention the work that is done by the Alberta Fish and Game Association in respect to public relations -- the job that is being done by the Department of Lands and Forests in hunter training programs.

But I am positive the majority of Alberta ranchers and farmers want and desperately need better protection from trespassing. It's been brought to the attention of this cabinet and the former cabinet by farm organizations for a good number of years.

If this Legislature does not bring in good legislation in regard to trespassing, hon. members will be faced with what is happening now in the County of Parkland, where they passed a by-law. We will have this by-law passed by more and more counties.

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

HON. MEMBERS:

Agreed.

MR. SPEAKER:

I take it the hon. member has leave to adjourn the debate, and is the House ready to call it 5:30?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until 8:00 o'clock this evening.



March 15, 1973

ALBERTA HANSARD

21-905

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[Mr. Speaker left the Chair at 5:28 o'clock.]