

LEGISLATIVE ASSEMBLY OF ALBERTA

Monday Evening, May 7, 1973

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

MR. HYNDMAN:

Mr. Speaker, the hon. Minister of Northern Development would like to make an announcement.

MR. ADAIR:

Mr. Speaker, I am pleased and proud to point out to the members of the Assembly that the Alberta legislators outplayed, outwitted, outhit and outscored the city commissioners from the City of Edmonton. The final score of the game was 8 to 3, our second consecutive win. Before you is the new cup. It is called "The All-Canadian Cream of the Crop Can" emblematic of the championship between the City of Edmonton and the legislators of Alberta. I would congratulate and thank the fellows for participating, and for enduring the test; fellows like the hon. member Ralph Sorenson who hit a home run and took a long time to come around the bases.

MR. HYNDMAN:

On a point of order. I thought I might outline the bills under second reading which we contemplate going through tonight.

Before doing so, in addition to the comments made by the hon. Mr. Adair, insofar as the game tonight was between the Legislature and the City of Edmonton I would suggest that that finalizes the matter of local autonomy for some time to come.

[Laughter]

I say that kindly, Mr. Speaker.

On the bills tonight we would begin with three bills proposed by Dr. Hohol, starting with Bill No. 29, The Fire Prevention Amendment Act, 1973; Bill No. 34, The Crown Agencies Employee Relations Amendment Act, 1973; Bill No. 37, The Local Authorities Pension Amendment Act, 1973.

Then we will move to bills proposed by the hon. Attorney General, Mr. Leitch, starting with Bill No. 14, The Private Investigators and Security Guards Amendment Act, 1973; Bill No. 26, The Police Act, 1973; Bill No. 38, The Trust Companies Amendment Act, 1973.

The the hon. Mr. Leitch will move second reading of two bills as acting Provincial Treasurer: Bill No. 36, The Alberta Resources Railway Corporation Amendment Act, 1973; and Bill No. 56, The Financial Administration Amendment Act, 1973.

We will then move on appropriately to Bill No. 28, The Amusements Amendment Act, 1973, proposed by Mr. Schmid.

GOVERNMENT BILLS AND ORDERS  
(Second Reading)

Bill No. 29  
The Fire Prevention Amendment Act, 1973

DR. HOHOL:

Mr. Speaker, I move, seconded by the hon. Minister of Public Works, second reading of Bill No. 29, The Fire Prevention Amendment Act, 1973.

[The motion was carried. Bill No. 29 was read a second time.]

Bill No. 34  
The Crown Agencies Employee Relations Amendment Act, 1973

DR. HOHOL:

Mr. Speaker, I move, seconded by the hon. Minister of Public Works, Bill No. 34, The Crown Agencies Employee Relations Amendment Act, 1973.

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

Bill No. 37  
The Local Authorities Pension Amendment Act, 1973

DR. HOHOL:

Mr. Speaker, I move, seconded by the hon. Minister of Public Works, Bill No. 37, The Local Authorities Pension Amendment Act, 1973.

[The motion was carried. Bill No. 37 was read a second time.]

MR. HYNDMAN:

Mr. Speaker, I would just like to call Bill No. 31, The Alberta Housing Amendment Act, 1973, now insofar as the hon. Member for Jasper Place, Mr. Young, has to leave the House shortly.

Bill No. 31  
The Alberta Housing Amendment Act, 1973

MR. YOUNG:

Mr. Speaker, I move, seconded by the hon. Member for Edmonton Norwood, second reading of Bill No. 31, The Alberta Housing Amendment Act, 1973.

[The motion was carried. Bill No. 31 was read a second time.]

Bill No. 14  
The Private Investigators and Security Guards Amendment Act, 1973

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. Minister of Manpower and Labour, second reading of Bill No. 14, The Private Investigators and Security Guards Amendment Act, 1973.

MR. TAYLOR:

Mr. Speaker, there are two points I would appreciate information on from the hon. minister. In the bill there is a change made which excludes the private investigators if they are guarding only the property of the employer. There doesn't appear to be too much difference between the old and the new, and I'm wondering if there was some particular reason for making that change of wording. The intent was a good housekeeping one, but I wonder if there was anything more behind it than that.

But the main reason I rose was in connection with the appeal. When an appeal is made after 15 days, the first appeal is actually made to the administrator, the man who made the decision in the first place. This appears to me to be somewhat questionable if the man is going to review his own decision. Granted, there is an appeal 30 days after that, but the first appeal within 15 days is actually to the administrator who made the decision in the first place. I rather question whether this is good legislation. Even though

the administrator -- and I don't know who the man is -- is the best man in the world, it puts him in an awkward position when he is reviewing his own decision. I would think that that first appeal should be to someone other than the administrator. That's the point I wanted to raise for the consideration of the hon. Attorney General.

MR. LEITCH:

I'm sorry, Mr. Speaker, I missed the key words in the hon. member's first point and I didn't follow what section he was referring to.

MR. TAYLOR:

I was actually referring to Section 3, which may be simple housekeeping legislation or there may be something more behind it than meets the eye. That is the part I was wanting to get some information on.

MR. LEITCH:

Mr. Speaker, dealing with the second point first, that is, the question of the propriety of an appeal to the first person who rejects the application in the first instance, in principle that argument is sound. But I think we have to look here at the practice. It perhaps is a bit of a misnomer to call it an appeal, because really what happens when we get a great number of these applications is that the administrator rejects it in the first instance, but really in effect says, if you have any further information to offer me with respect to these concerns, let me have it and I will again consider the matter. I don't know if it's really critical whether you call it an appeal or whatever, because there is provision in the remainder of the section for an appeal to a completely impartial body. I would think that appeal provision is a sound one and a very major improvement on the existing legislation where the appeal provision is very complex and cumbersome. Again, this is really not an appeal; it's a matter of a reconsideration based on perhaps some further information the applicant may be able to provide.

On the first point the section is 3(f). This really deals with the part that the Act does not apply to. If you go back to the Act it says these were the exceptions. The areas that we are dealing with there are security guards, investigators in large shopping centres and things of that nature and that was the reason for the change.

MR. SPEAKER:

Are you ready for the question?

[The motion was carried. Bill No. 14 was read a second time.]

Bill No. 26 The Police Act, 1973

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. Minister of Manpower and Labour, second reading of Bill No. 26, The Police Act, 1973.

I would, Mr. Speaker, like to make a few brief comments about this legislation on second reading because there are a number of differences between this bill and The Police Act it is proposed to replace, and there are important matters of principle.

The first is the elimination of the right or authority on the part of the cabinet to form or establish a provincial police force, and we have removed that authority from Bill No. 26. The reason for doing that is really this simple. I think the establishment of a provincial police force is a very major step. I think it is one that ought to be considered and debated by this House before it is done and for that reason, Mr. Speaker, we have removed that from the authority of the Lieutenant Governor in Council, and should it ever occur in the future that a province wanted to establish a provincial police force, they could easily do so by bringing before this Legislature the appropriate bill.

The proposed act also removes the Alberta Police Commission and I want to say in this connection, that no one should interpret it as an indication that the Alberta Police Commission has not done all that was expected of it. It has. It has done very well in my view, everything that has been asked of it in the nearly two years that it has been in existence.

But really what happens: the Alberta Police Commission was patterned after comparable legislation in those provinces which had provincial police forces. We have a much different situation in Alberta because we are substantially policed by the RCMP and, of course, we are not in any sense involved in their training, their promotion or things of that nature because that is all handled by the force itself which is a federal force. They provide about 30 per cent of the total provincial policing within the province. About another 30 per cent is provided by the City of Edmonton, a further 30 per cent by the City of Calgary and the balance by several smaller forces. So that Alberta is not in quite the same position as say, Ontario, which had a similar commission.

In addition, Mr. Speaker, the Alberta Police Commission sat -- although the legislation wasn't completely clear on this -- as an appeal body from local commissions on matters of discipline or complaints against a policeman. We have introduced in Bill No. 26 which is what I think is a new concept in Canada, in the sense that we have a law review board which is entirely without policing responsibilities so they're totally removed from the police force. Now that, so far as we've been able to learn, is a first in Canada in the sense that that board will deal with complaints against policemen in respect to the way in which they did their job. And in all other comparable bodies including the Alberta Police Commission, the body that dealt with the complaint against the police force also had policing responsibilities. It had, to one extent or another, management responsibilities. And because we felt that in principle we ought to change that and go to a body which had absolutely no policing responsibilities when it was dealing with complaints about the conduct of policemen, it meant we either had to create another board -- and that's something we've been endeavouring to avoid -- or replace the Alberta Police Commission.

Many of the duties of an advisory nature, gathering information and things of that type, which were within the province of the Alberta Police Commission under the existing bill will now be done by a director.

The last important matter of principle, to which I like to call the hon. members' attention is the method of appointing the local police commissions. Under the existing legislation for those commissions that have five members, two of them are elected from the local government, and the other three are appointed by the Attorney General. For those commissions that consist of three members, one is elected by the local government and two are appointed by the Attorney General. In other words, the Attorney General, by his appointments to the police commissions, appointed the majority.

The proposed change would provide that there be three or five member commissions but that all of them would be selected by the local governing authority. There are restrictions on how many of those five can be members of the local government, which in the bill for a five-man commission is two, and for a three-man commission is one. The entire makeup of the commission is returned to the local government.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview, followed by the hon. Member for Cardston.

MR. NOTLEY:

Mr. Speaker, reading over Bill No. 26, I believe it represents an improvement over the previous Act, but there are a number of features that I have some reservations about.

Dealing first of all, Mr. Speaker, with the major suggestion that we create a Law Enforcement Appeal Board, it seems to me that one of the things we have to consider today is the establishment of a proper balance when we look at the policing of our society. The demands of modern society obviously require an efficient police force, but on the other hand equal if not greater attention must be given to the individual rights of the citizen.

I think, Mr. Speaker, all we have to do is look at the rather tragic events south of the border and we quickly realize that there must be some countercheck for police forces. This is not to say that by and large police forces do not do a good job, because they do. But there are times and occasions when appeals have to be made and when the procedures have to be provided for appeals by the citizenry. I say that because in the United States today it's obvious that one of the most respected law enforcement agencies in the world, the FBI, is under at least some considerable question as a result of the Watergate affair.

Mr. Speaker, obviously the purpose behind the Law Enforcement Appeal Board here is an effort to try to develop an adequate appeal procedure for the individual. But I suggest, Mr. Speaker, that the experience of appeal boards such as the one proposed in this act has not been a very good one. If we examine appeal boards of this kind, such as citizen appeal boards in the United States, we find they really haven't performed their duties very well. More often than not, when plebiscites have taken place the voters have thrown out these appeal boards. More often than not, the police forces in the various states have looked upon the appeal boards as something of a competitor or a threat, rather than a protector of the rights of the citizen. So at least in the United States of America the appeal board procedure hasn't been a raving success.

That's why, Mr. Speaker, I really would ask the government to perhaps consider the suggestion made by the chairman of the Edmonton Police Commission and that is, this province look at the policeman Ombudsman system which they have developed in Sweden. One of the major advantages of that system is that you develop a one-to-one relationship. One individual of outstanding ability can develop a better climate of trust between the police force on one hand and himself on the other. According to Mr. Edwards his studies have led him to the conviction that the Ombudsman approach would be more likely to work in North America than the various citizen appeal board procedures that, in effect, we borrowed from our neighbour to the south when we consider the first principle enunciated in this bill.

Mr. Speaker, the Law Enforcement Appeal Board does have, as I read over the act, some rather sweeping powers. The board can investigate and punish. In effect, it can virtually act as a Star Chamber of the first instance. Now while the Attorney General has quite rightly pointed out that the bill does not provide for the establishment of a provincial police force, Section 10 of the act gives the law enforcement board rather substantial powers of investigation. As one person in the field suggested, the Attorney General would practically have the power to set up his own FBI under Section 10. Frankly, I think that's a slight exaggeration of the purport of Section 10. But the fact of the matter is, reading over the legislation, the Law Enforcement Board is going to have substantial powers. That's one of the reasons, Mr. Speaker, why I feel it should report to the Legislature rather than the Attorney General.

There are a number of points in the personnel and procedure of the Law Enforcement Appeal Board that must be challenged as I see it. First of all, the legislation does not specify who the personnel of the board will be. It's conceivable that all the members of the board could be police chiefs, this is not likely to be the case but it's conceivable. Frankly, such a move would not be a very desirable one. It seems to me it would be wise if we specify in the act which personnel, or at least set out the categories of people, who should sit on the appeal board.

Another feature I am worried about is Section 14 where the Attorney General has the right to ask the board to hold hearings in camera. Mr. Speaker, I can visualize the occasional case where an appeal should be heard in secret, in camera. But I think it should very definitely be the rare exception rather than the rule. Frankly, I would much prefer to see a redrafting of that section, Mr. Speaker, to make it extremely difficult to have meetings in camera.

It seems to me one of the principles of our judicial system is that a man has a right to be tried in the open. Clearly secret appeal proceedings, while I grant there may be the odd exception, are not the kind of procedure which we should encourage in any legislation passed by this Legislature.

Another rather curious facet of this bill, Mr. Speaker, is the fact that the legislation does not specify that the appeal board will have regular meetings. Again, while I don't want to allege any impropriety or lack of competence on the part of the former police commission, one of the criticisms of many of the local people, and I'm sure the Attorney General will agree, was that the Alberta Police Commission did not meet on a regular basis. They felt that perhaps there was something less than the continuity of operation that one would expect from this kind of board.

Now, Mr. Speaker, the next major principle in Bill No. 26 deals with local police commissions. I'm pleased to see that the government has at least gone a step toward local autonomy inasmuch as the local levels will now appoint a majority of the members of the police commission but, nevertheless, within very prescribed limits.

Why do we prescribe these limits as to the personnel on local police commissions? Why wouldn't it be possible, for example, that a council, such as

Edmonton or Calgary, could make the police commission a committee of council? Why do we specify in a rather detailed way who can sit on local police commissions, while we leave the provincial appeal board completely up to the discretion of the Attorney General? There seems to me to be some inconsistency on that score.

While I certainly agree with the point that we should provide for local appointment, one area where I don't believe that local autonomy has any place is with respect to the rules of these police commissions. It seems to me that if we are going to have something like equality before the law, the last place where we should have autonomy is in the rules and the procedures of the local police commissions. Clearly there should be some fairly clear-cut guideline set out by the province, because a person's right before the law should be equal, whether that person is in Calgary, Edmonton, or wherever he may be. And while you leave the procedures of the commissions, as this bill does, up to the individual commissions, it seems to me that you may be moving slightly toward local autonomy. You may be moving away from the more fundamental point. But every citizen should have equal right before the law.

Mr. Speaker, the third major feature of the bill provides for the Director of Law Enforcement, and I notice under this section that the powers are rather vague. He is going to be given the opportunity to carry out necessary research and planning, and develop projects for improving standards for the selection and training of municipal policemen, et cetera, and serve as a consultant to the Attorney General on matters related to current prevention and law enforcement functions.

It seems to me, Mr. Speaker, that the act would have been stronger had we made it clear that the Director of Law Enforcement would be responsible for improving standards, coordination, and maintaining standards. Again, it all relates to the question of making sure that the enforcement of law is as equal as is humanly possible wherever a person lives in the province of Alberta.

Two or three additional points I'd like to make before I close, Mr. Speaker. As I look over the act there are cases of rather confusing draftsmanship. Section 22 says the Attorney General is responsible for the administration of justice and law enforcement. Section 25 (1) indicates what the commission is, and Section 26 says the police chief is responsible for law and order.

Well Mr. Speaker, I assume that the government really has a layer of authority which they have designated in their own mind. But the point I make in raising it during second reading is that when one reads over Bill No. 26 there is at least some confusion in one's mind as to who is responsible, when and where, for the execution of the laws and for law enforcement in this province.

Perhaps the most serious flaw of the act, in my judgment, is the method of dealing with complaints. Complaints in the first instance will go to the chief of police who will then investigate. Now, Mr. Speaker, for most Albertans that may not be a serious problem, but for many, for those people who perhaps come of Native ancestry, it may be a rather intimidating situation.

Frankly, I don't think the police chief should have the right to investigate in the first instance a complaint against his force, with great respect to our police chiefs in the province, and I think, generally we have had some pretty good police chiefs. They would find themselves inevitably in a conflict of interest position. I don't care who it is, as the chief of police it is going to be rather difficult for that individual to pursue an investigation as zealously as he or she could or should.

So that is why I think the proper approach, where a complaint is lodged, is that the complaint should be dealt with by the police commission rather than the police chief in the first instance.

Another feature that, in my view, is really not too well thought-out is the suggestion that written complaints have to be lodged before an investigation takes place. Now I know that again to many people in our society written complaints seem like a very reasonable, straightforward position. But the people, Mr. Speaker, who most obviously need the protection of this section of the act are in many cases people who are simply illiterate. I'm sure that any member of this Legislature who has a substantial case load can testify to the times and occasions when people have come asking for information or for help with simply drafting something as simple as a letter to a government department.

We shouldn't, in my view, Mr. Speaker, by legislation, lay down ground rules which make it difficult for those little people in our society who perhaps

haven't had the benefit of education, who perhaps are coming out of an environment which is totally different, to accommodate themselves to a new cultural milieu. It seems to me that to add to those problems the necessity of writing out complaints simply means in most cases the complaint won't be lodged, and a case of injustice will simply be allowed to drop. Mr. Speaker, I feel that the government should make some changes there.

I examined the legislation and I am a little disturbed that the machinery isn't set up for speedy disposition of complaints. Again this deals with younger people who may have a valid complaint against the police. But by the time the whole process finally gets into gear, they may be long gone into another part of the province or another part of the country. One of the things we should insist upon in this legislation, Mr. Speaker, as much as we humanly can, is that there be speedy disposition of the complaints so they just don't get bogged down in the morass of bureaucracy and be allowed to die, in effect, because the individual has got tired of waiting and has moved on to another jurisdiction.

I want to say just one final thing, Mr. Speaker. I know most of the members of the House have received letters from various rural municipalities and counties in the province dealing with rural police. I would just like, as a matter of record, to say that I feel the concerns raised by these people are certainly valid and I would hope and trust that the Attorney General will accommodate the requests of these people.

I close, Mr. Speaker, by emphasizing a point I made when I began. That is that while the law enforcement appeal procedure, which the government deserves high marks for, is an obvious attempt to rectify what has been a problem in the past, I really suggest they take a close hard look at the Swedish Ombudsman system. This may very well be a much more efficient and workable way of dealing with the appeal procedures from local police commissions in the province.

MR. HINMAN:

Mr. Speaker, the points I wish to cover have been pretty well covered by the last speaker. I would call the attention of the Attorney General to some of the reasons I feel the rural municipalities may require some police forces of their own.

I think we are all aware of the number of municipal parks and these are used afternoons and evenings and weekends when it is pretty difficult to get any police action from the ordinary sources. I think too, many of the municipalities have some pretty populous little summer units -- trailer camps -- where people go to enjoy themselves. We have some of the provincial parks within their jurisdiction.

It seems to me that such things as the overloading of trucks on municipal roads and the problems of people dumping things on municipal lands could very well be matters to be handled by municipally appointed police forces.

I hope the minister would look at some of these and decide once again whether or not some provision should not be made for police forces in rural municipalities and counties.

MR. WILSON:

I have several points of concern with Bill No. 26, the proposed police act. It seems that the rural municipalities and counties are being treated as second-class local governments and I don't understand why. It's very clear that the rural municipalities and counties are ignored throughout the bill until you get to the last two pages. Then they are plugged in in a manner that doesn't seem satisfactory. We wonder why the rural municipalities have been treated in such a fashion, why they have such limited scope and why they get this treatment.

Perhaps to help clear this point in closing debate, the minister would answer some of the questions that were raised in the Alberta Association of Municipal Districts and Counties. For example, why a rural municipality is not permitted to enforce the provincial speed limits in the municipality, whether or not a rural municipality could pursue and arrest somebody on a provincial highway within their municipality. Also perhaps, the minister could advise whether or not the rural municipality constable would have the power to act in enforcement of provincial statutes and sections of the Criminal Code, and why he should have to wait until after he gets permission or instructions from the Attorney General to do so. It seems to me that in the time lag in getting the authorization from the Attorney General's department, the culprit could be long gone. Also the questions raised in the publication of the rural municipalities

about driving while impaired, dangerous driving, public mischief, things of that nature. Also, do the rural municipality constables, according to the proposed new act, have authority to have uniforms?

Now, Mr. Speaker, we have some pretty sophisticated rural municipalities today. For example, the municipal district of Rocky View, adjacent to Calgary, has sent out a letter to all members of the Legislature. They have, at the moment, one policeman trained by the City of Calgary, plus two special constables. They had made application for two more and they were turned down, the reason being that it isn't provided for in Bill No. 26, which hadn't even been debated at the time they made their application.

So this does not seem exactly in the best interests of the people in the municipal district of Rocky View. Their police constable has been and is doing a good job, as far as I can determine in my investigations. Also, they point out that the RCMP has a manpower shortage and their services are limited, on occasion, to the municipal district of Rocky View.

So if Bill No. 26 is approved or passed as is, the authorities which the police force of the municipal district of Rocky View have, would in fact, be cut back. They have a man trained and with the necessary skills and so on to carry out his duties, but they would have to take authority away from him. That doesn't seem proper.

Now is it in fact, Mr. Speaker, a policy of the present government to outlaw rural police forces? Do they not desire rural police forces? Perhaps the minister, in closing the debate on second reading, could give us an insight into the present government's policy in this regard.

Another point, Mr. Speaker, which concerns me is, why would a complainant on an appeal from a decision made by the chief of police not get a full report of the investigation rather than just a letter stating that his complaint was turned down? If he is going to take the appeal to the board, is he not entitled to the full facts of the investigation that the police made?

Another point, Mr. Speaker, is of concern. The policy outlined in Section 27 is such that the council of an urban municipality can obtain information from the police department and/or their own commission with respect to almost any matter which may be under investigation by the police department or the commission. This might include information regarding a member of the city council or other citizens in the city -- and all this under the guise of an investigation of the efficiency of the police force. This section seems to be giving very, very wide and all-encompassing power, and I'm wondering if the government really intended to give so much authority and power to the local council in this regard.

Then there are some uncertainties with respect to jurisdictional problems regarding complaints against a member of the police force, and also in the area of establishing rules and regulations concerning the conduct of the police force within any particular municipality. There seems to be some confusion as to the rules and regulations the municipality may want to impose for its police force, and yet the bill points out that the Attorney General's Department can prepare rules and regulations. It seems to me that it might have been better to have coming forth with the bill the regulations that the Attorney General may make to give a clear indication to the municipal council what regulations they may draft so we don't have conflicting regulations in the operation of an urban municipal police force.

Then, we have the apparent conflict between the municipal police commission, which was given the right and duty to maintain an effective, efficient police force, and Section 43(1), under which the Lieutenant Governor again may make rules governing the conduct, duties, suspension and dismissal of all members of the municipal police forces.

Under Section 33, Mr. Speaker, any complaints received by the Attorney General "shall be directed in the first instance to the chief of police" and not to the local police commission. I wonder why the local police commission could not also get notification at the same time of the complaint, rather than having it go to the chief of police only in the first instance?

I think it's important that the municipal jurisdiction be clearly set out. In this bill it seems the municipality is charged with the responsibility of enforcing the law and maintaining an efficient police force, but it doesn't appear that it has the necessary jurisdiction to perform all of its functions.



Also, Mr. Speaker, nowhere does this bill set out specifically the jurisdiction of the board. It appears that the law enforcement board gets their jurisdiction in a backhanded way by stating throughout the act that this matter shall be referred to the board. It seems to me, Mr. Speaker, it would be much easier to follow and much more readily understood and a much fairer piece of legislation if the various councils, boards or police commissions not only were assigned their responsibilities but were assigned corresponding authority.

MR. SPEAKER:

The hon. Member for Drumheller, followed by the hon. Member for Stony Plain.

MR. TAYLOR:

Mr. Speaker, I would like to say a few words on two or three points in the act. I do not know whether the hon. Attorney General is planning to proceed through all stages of this bill at this spring session, or whether it is going to be held over until the fall, and that would certainly make some difference. I would appreciate it if he would advise us on his plans in that connection when he closes the debate.

The words "rural municipality and county" for regular police forces are left out of the act entirely. One or two members indicated there is some mention of it, but actually in Section 42 the reeve or the secretary-treasurer of a municipality apparently, under this act, without reference to its council may appoint special constables. But there is no authority in the act that I can find for a rural municipality or county to set up its own police force. It hasn't got the rights of the urban municipalities even though the population of a county or rural municipality may exceed the 1,500 stipulated in the act for urban areas.

I rather think this is a serious oversight or a serious mistake, because a municipal or county council has as many matters of police concern to worry about as does a small urban area, or sometimes even a medium-sized urban area. Without their own police forces it may well be there is going to be no one to patrol their roads for overweights and that could cost the municipality or county many thousands of dollars. Truckers who want to break the law can very easily find the roads that are not patrolled, as I'm sure the hon. Minister of Highways will testify. These may be a very small percentage of the trucking industry but there are some who like to carry the overweight, irrespective of the damage it does to the road. Many have been found to be going through rural, municipal and county roads.

That is only one case where there is a necessity for a police force under the control of the council. I don't think a special constable is satisfactory at all. A special constable can hardly do this particular type of job. It needs training and concentration in order to very carefully check the roads that may be involved. There are other items such as welfare, child molestation, various by-laws that a rural municipality or county should enforce.

I think the fact that rural municipality or county is left out of the act entirely except in Section 42 where it mentions the reeve or the secretary of a county or rural municipality, is a matter that gives great concern to the rural municipalities and properly so.

I would strongly urge the hon. Attorney General to give the rural municipalities the same rights as urban areas providing they have a comparable population. The fact that the population may be scattered over a larger area certainly may increase the difficulties of policing, it may reduce the concentration of criminals. But on the other hand when criminals now are making their exodus into Canada and their exit from many parts of the United States, it is very easy for them to settle down in a rural municipality adjacent to one of our large metropolitan areas. I don't think we should provide a haven for criminals just outside the borders of a large metropolitan area, or of a large town adjacent to a large metropolitan area. So I would strongly urge that the rural municipalities and counties be provided with a section in the act giving them the same rights as that given to urban centres. I can't see anything wrong with that; I can't see why that wouldn't be acceptable, and I certainly strongly urge the hon. Attorney General to consider that point.

Now I'd like to deal with the policing of the towns under 1,500 under Section 19, where the government is responsible for policing and maintaining an adequate and efficient police force in all other areas. Now that would, of course, include rural municipalities, but I've already dealt with the importance of a rural municipal council having similar rights when its population is

comparable to the urban areas. I don't think it's satisfactory for the government to centralize their policing to the point where they are going to look after the policing in all rural municipalities and all counties. This is almost an impossible job and we shouldn't deny the people of any county or rural municipality from establishing their own police force of one or two or three constables if they wish to do so, under the same terms and conditions as urban areas.

Now when referring to towns and villages under 1,500, another problem arises. It arose over the old Police Act and I think it's going to be just as serious under this act. And that is that the council really have no choice. They have no freedom of choice in regard to establishing their own police or accepting the RCMP. Now if they accept the RCMP, there are then a number of avenues that are not policed by the RCMP. The RCMP will not, probably because they don't have the time, look after the enforcing of by-laws, of parking, of driving on their streets within the town. These things can become very, very serious. They have to cover a large area and properly so. And so a town under 1,500 does not have the same access to the RCMP -- well, it's an unequal access. There is a number of RCMP centered in one area or a number of areas. They service a large area and they make periodic patrols, not at the same time every day or every week, but they make periodic patrols. But the hoodlums and those who want to break the law are soon able to ascertain reasonably accurately when the RCMP patrol from the next town will be in that area.

Now there was great dissatisfaction with the old act in the village of Carbon which had their own police for a number of years, which had very excellent satisfaction from their own police officer. The department paid part of it and the people paid part of it. And there was excellent satisfaction. As a matter of fact, I don't think there was a complaint. They had an excellent man. He not only enforced all laws within that village, but he also did a lot of preventive work.

The people almost to the last man and woman rose up in arms when they were told they could not have their own police force and must accept the RCMP. This was the former government that did this. The principle in this act appears to be the same. I argued then with the hon. Attorney General as to why a village, such as Carbon, should not have the right to appoint its own police officer and be given a reasonable grant, whatever it would cost to assign one RCMP constable to that area even part time. But there is no deviation from the point that they had to have the RCMP and just no ands, ifs or buts about it.

Now this appears to be the point in this act also. I'm sorry to see that because I had hoped that in the new police act there would be some choice for towns like Carbon or towns under 1,500 where the town council could have the option of appointing a policeman solely responsible in that town and receive a grant, whatever portion it would cost to take away some of the RCMP constables in that area.

No one will argue, I'm sure no hon. member of the Legislature will argue, that a number of RCMP situated in Drumheller or Beiseker can give a town like Carbon or Rockyford or Standard the same policing it would get if they had even one man there full time. There is just no comparison. If the RCMP make two or three patrols a week they are doing pretty well. There just aren't enough hours in a day for them to be spending a great deal of time. The policing has not been to the satisfaction of the people in those areas.

I would like to see this section under 1,500 amended in order to give the town or village some choice and some grant, of course. If you can say you have the choice but the department will only pay if the RCMP is the police force, that doesn't give the local council any choice at all because they just don't have sufficient money to do this all on their own. But if there was some arrangement made, at least provision made, whereby the council could persuade the Attorney General that it would not cost the people of the province more and give better policing as far as the town council or village council was concerned, I can't for the life of me understand why we would not want to do that. If the local council can't carry the judgment of the Attorney General then, of course, you would not expect it to be done. But there should at least be provision made, and I would hope the hon. Attorney General will deal with this point when he speaks on the act, to provide for some consideration because every town and village, even under 1,500, isn't the same.

There is another problem of the towns that are approaching 1,500. This again is an example under the old Act and I cite the town of Strathmore as an example. They had two police officers who were doing excellent work. When the new Act came in they were advised that they would get no grant for their two police officers. Finally, after some representations, the town was permitted to

retain one police officer and there would be some moneys paid under the basis of a special constable.

The part that worried the town council of Strathmore was that within a couple of years or within a short time -- nobody knows just how fast the population is going to grow, but the population can grow from 1,200 to 1,500 rather rapidly. It can mushroom. It may take two or three years. It may take four or five. It may just take one or two. But, if the town has to let its own police officers go because there is no money provided for the grant, and must take the RCMP as their police, paid for entirely by the province, then when they suddenly reach 1,500 they then have a choice of hiring the RCMP or at least going into a contract with the RCMP, or establishing their own police commission. This is the part that worries many towns, because they can't afford to enter into a contract with the RCMP. The costs are far higher than having their own police force, and this is pretty worrying for councillors and people in a town with a population over 1,200 but which has not yet reached 1,500.

There again, I think there should be some choice provided whereby the judgment of the Attorney General can be carried by the town council for some special arrangement. So when the 1,500 population is reached, the town is not left in a position, unable to afford the RCMP and with no police, with no trained police officers, because they can't hang around waiting three or four years to get a job. So, if there was some choice provided whereby the town council was able to carry the judgment of the Attorney General, then this would do away with a lot of the concern that is worrying the towns between 1,200 and 1,500.

Now, over 1,500, of course, there is that choice. There is that choice of providing a town has the money, and I would hope that the hon. Attorney General, when he deals with the sections of the towns over 1,500, would give some indication of how the grants for policing those towns would be, compared to what it costs to make a contract with the RCMP. If the difference is pretty wide, then most towns will probably have to go back to their own police forces. And then of course, if they have already let good men go, they are in a position of trying to start right from scratch again.

These items are very worrying in towns and villages and rural municipalities, the items I and some other members have mentioned. I think if the bill was amended to provide some judgment and some choice for the towns under 1,500, and certainly those between 1,200 and 1,500, if the rural municipalities were given the same right as an urban municipality, even based on the population figures used for the urban areas to get them equal, it would go a long way toward making this act a much better act and far more acceptable to the people of the rural areas of this province.

MR. PURDY:

Mr. Speaker, in rising to take part in this debate, I can concur with a couple of the suggestions of the Attorney General in regard to getting rid of the provisions in the old Act of the provincial police force, and also the Alberta Police Commission. But this is probably one time, and the only time, that I will agree with the hon. members from the opposite side of this House. I believe we should be looking at more autonomy for our local areas, and especially rural Alberta.

Now, the hon. Member for Drumheller spoke this evening, and he stated that back in in 1971 when the new act was brought in he'd voiced his concern with the then Attorney General. But I wonder if he voiced it in the House as I am now doing?

The particular area that I'm concerned with, is the area west of Edmonton, the constituency which I represent. In that area we have a seven-man county police force which is doing an adequate job. This force was first set up, I believe, in 1967, and it has grown from one man to a force as I stated of seven men. At the present time they have seven automobiles, all radio-telephone controlled, and they enforce all provincial statutes, summary convictions, and some indictable offences. I believe that the working arrangement that the force has with the RCMP detachment in Stony Plain is excellent. I've heard no complaints in this regard -- there isn't any conflict or anything.

The wage scale the County of Parkland sets down is excellent and it brings in well-qualified men. I think the chief of the county police force out there receives something like \$12,500 per year and the lowest paid constable about \$7,200. So it is on parity with the RCMP. This way they can attract better men. The 1972 budget allocated around \$80,000 for this police force, and I may point out to members of the Legislature, Mr. Speaker, that in the county over

1,000 complaints were investigated by the seven police constables. They convicted 96 persons under the Criminal Code, both indictable and summary convictions, and there were 225 charges under The Highway Traffic Act and about that many, 225 under The Liquor Control Act. They investigated over 30 automobile accidents and, as I stated, over 1,000 complaints.

Now in the town of Stony Plain we have a detachment of RCMP which, I think, have a complement of about 20 men. Three of these are used for town detail, 7 or 8 are used for highway detachment and the remainder are used for detachment work in the area.

In the area these detachment men must look after two Indian reserves, both reserves having about 1,200 people, the village of Onoway, the hamlet of Gunn, two provincial parks and a large number of summer villages, about 25 I would say.

At the present time there just aren't adequate men to go around and the concern I'm receiving back from the residents, the members of the county council and, of course, members from the force is that if the powers are going to be taken away all aspects of crime which we did have at one time will once again pick up in that area.

I would imagine that at this time the RCMP are not called that often to enforce various infractions of provincial statutes or the Criminal Code outside of their area. They do all the work on Highway 16 and they do a commendable job on this particular highway. That highway was known as "death row" last year, and I think the highway accident deaths are down because of the substantial patrols, being used out there right now.

The County of Parkland Reeve, Mr. Miller, in the annual report stated,

The work of the police department also continues to grow. From the number of compliments I get, I know the taxpayers do appreciate their work. Unlike other large police forces in the area, our small force has someone to call on at all times in each detachment. At night a recording will tell you the person is on call and their phone number. When you have a situation call them immediately.

I'd like to point out also, Mr. Speaker, that I did a breakdown on the costs of various towns in my area. Spruce Grove is also policed by the RCMP and the RCMP in that town are doing an excellent job, but the cost for Spruce Grove was \$10.50 per capita. Stony Plain, which is policed by RCMP, was \$16 per capita and the per capita cost for the County of Parkland was \$6. I believe this \$6 figure is fairly significant in that the county covers about 1,700 square miles and, as I pointed out earlier, has three detachments.

Another point I'd like to make to the hon. members, Mr. Speaker, is that after speaking with some senior members of the RCMP I found that at the present time in this Edmonton subdivision area alone we are 40 men short and approximately 19 men short for the Edmonton West subdivision. That takes in the detachments at Mayerthorpe, Whitecourt, Jasper, Edson and Stony Plain.

So if the powers of the county police force now serving this area are relinquished, I don't know where we will pick up the additional manpower, especially for the summer areas. We have at Lake Wabamun a provincial park which will draw up to 10,000 people on a Saturday and Sunday and you can always see a couple of the men from the Stony Plain detachment patrolling there pretty well all day. They have many other areas to police because, as I stated earlier, of the number of summer villages and various other problems we do have.

MR. SPEAKER:

The hon. Member for Lacombe, followed by the hon. Member for Calgary Mountain View.

MR. COOKSON:

Mr. Speaker, I would just like to go on record tonight and say a few words in support of some of the comments that have been made with regard to The Police Act. Some of my concerns are largely with the rural municipality.

Section 1(f) in the new act defines an urban municipality as "a city, town, new town or village." It makes no reference to rural municipalities or counties as such. Then in Section 18 (1) it starts to spell out the requirements of a municipality -- an urban municipality in this case -- of over 1,500 persons.

I just have difficulty understanding why rural municipalities or counties in excess of 1,500 would not be placed in this type of category. I think this has been raised by some of the other members and I would like to have the Attorney General comment on this.

We have a unique situation, I suppose, in rural areas. I represent at least six municipalities. They are all under 1,500. And then we have the summer villages in addition to this. It just seems an infringement to ask a police force to come in from some other area, which would be the case in ours, to police those areas. These municipalities are really concerned about the provisions in this act.

The RCMP patrol the area that I represent -- and I wish to go on record as saying that they are an outstanding police force. I am not critical of them in any way. But the physical problem that we are asking them to operate under becomes a rather serious thing. They have to work from an area outside my main municipality or county. They come into the area and under the new police act they will do most of the policing in my constituency. They are not accountable, really, to any specific municipality within my constituency. This creates a real problem as far as responsibility for policing is concerned. Our local municipal police have an accountability to the taxpayers and to the councils that are elected by the taxpayers in the municipality, and there is a direct chain of communication which deals with problems in the area of policing. But the RCMP, while they are patrolling the areas, there just seems to be no direct accountability for what they are or what they are not doing. It becomes a real source of frustration for the taxpayers in the area.

Now I might suggest to the Attorney General that I know we are getting close to negotiations for a contract with the RCMP and these are areas that require some specific understanding. That is, whether they, in fact, will be totally accountable to the province or whether they haven't really a responsibility to account to the municipalities which they will be policing. Maybe, if I might suggest, this should perhaps be a part of the negotiations with the RCMP that they have a responsibility, if they are policing a particular municipality, to meet with the council and lay out some sort of plan that makes it possible to keep tensions and concerns down to a minimum.

As I have said, I fail to understand why the exception is made to rural municipalities and counties in excess of 1,500. I might suggest that if you were to ask the City of Edmonton police to police the town of Leduc, you would, I'm sure, have quite a small revolution on your hands. This is in fact what is being asked by suggesting that the RCMP should come in and police the smaller municipalities. I recognize all the problems, and there are lots of problems, with regard to duplication of police forces and the question of whose responsibility it is to proceed under certain laws and regulations. We just can't have a number of duplicating police forces in a municipality.

But it seems to me that it would be possible to lay out very clearly for a municipality under 1,500, if they so wished, the responsibilities that a municipal police force might operate under. It just doesn't seem to me that difficult, also, that the province couldn't set minimum standards for municipal police. Certainly the City of Edmonton and the City of Calgary have minimum standards and they must abide by those standards if they wish to operate.

There is provision in here for special constables, but there is also deep concern that this is a roundabout way of saying to someone, you have provision to maintain or exercise the by-laws of the municipality and that just about limits your responsibility. We have two men in the county I represent who have minimum standards, who have taken courses under the city police. They show concern and the municipalities show concern about the new act. It's pretty clear to me that if you give a special constable only limited permission, and he's out on night duty and comes into contact with some of the problems that could occur, and he can't exercise, for example, the Criminal Code, then I think you sadly restrict his authority and it wouldn't be too long until we end up with merely a by-law officer, someone who is semi-retired or retired and who meets very few if any standards required for policing, just simply to exercise the by-laws.

I think we should personally take a good look at the new police act. I have made some suggestions on Bill No. 26 that we redefine the term urban municipality, to broaden it and include the counties and municipal districts, and that we give municipalities the option of either/or, that we delete the words "urban" all through the act and make it possible for police policing municipalities to go one way or the other. I think this would solve all the problems that we are presently faced with.

I speak really from the point of view of our own situation. I know that the Attorney General has to deal with the overall provincial situation and that makes it many, many times more complicated. But I am concerned about it. I would like to see explored, as has been pointed out by some of the members, the cost of policing. We have already I think, in the new taxation bill, made provision for \$2 per capita for policing in municipalities over 1,500 and we are picking up a good portion, we are employing a provincial force of RCMP and yet we are saying to some of the municipalities, you are required, in a way, to accept the RCMP whether they really fulfil their responsibilities or not. It just seems to me that if the \$2 per capita was made available and the municipalities had their option, then you would soon find out quite clearly which of the two forces the municipalities prefer. If they prefer the RCMP there is no real problem, but they would have this option of making this decision.

MR. LUDWIG:

Mr. Speaker, I find it rather interesting to find for a change, we have some hon. members on the government side who are taking issue with a bill in this House.

I believe the Attorney General has himself a problem since he has the responsibility of law enforcement and especially fighting crime which is a serious problem, a growing problem. On the other hand he has pressure from local bodies to be more flexible, to give them more say and therefore he has to make the choice whether he will be more centrally controlled, more coordinated, more efficient, and satisfy the greater number of people in this province that we must fight crime more effectively, or whether he will yield to all the different local needs and perhaps water down the overall efficiency, the ability of the police to fight crime in this province.

I don't wish to repeat some of the things that were said by the hon. members who spoke on the different sections of the bill, Mr. Speaker. But one concern I do have is Section 29 where it states that the chief of police of a city, town or new town having a population in excess of 5,000 persons shall be a Canadian citizen.

I believe that section indicates that the minister had a problem in making a decision. Either we should have no section specifying whether a police chief should be a Canadian citizen or make it equal for everyone, that any police chief in the province must be a Canadian citizen. I think that is the alternative we have. I'm not too set on which way we go because with a section like this, whether we abandon it or make it obligatory to make a Canadian citizen as police chief because you still have local authorities decide and they usually make the right choice.

I know it is easy to over-react to this situation that developed in Calgary but ultimately public opinion prevailed. The aldermen and the council heard the people. Apparently the public had spoken. The people did not want a foreign police chief and that is where the matter rested. They had a lot of trouble in between but nothing that was insurmountable. I believe sometimes when you have the democratic process, Mr. Speaker, you have to go through exercises that took place in Calgary.

So that section, in my opinion, is arbitrary. It sets the dividing line at 5,000. It makes two classes out of our citizens. There might be some very strong feeling in a community of 2,000 people that they don't want anyone who is not a Canadian citizen as their police chief. They might be very bitter if they had anyone as police chief who was not a Canadian citizen. On the other hand, you might have a city of 40,000 and they might just be indifferent about the whole thing. They might want a man from Scotland Yard, they might want someone like Mr. Gaines from the U.S. And I don't think that is that important an issue because the policy of how a law should be administered or enforced in our province is not entirely in the hands of a police chief.

So I believe, Mr. Speaker, that the hon. Attorney General ought to look at this section, make the decision, either throw it out or have it the same for everybody. I think the principle is the same for everyone. Just to state that over 5,000 it's different -- as if there might be some threat to have a foreign police chief, or a police chief who is not a Canadian citizen even though he may have lived in Canada for 40 years -- that there might be some threat or danger to the province or to the city or town, whereas in a smaller area it doesn't matter. So this particular section, Mr. Speaker, I believe, has no place in the act as it is. As I've stated I could live with it either way. If they want to throw it out, that's fine. If they want to make it obligatory I would also go for that, but I do believe the Attorney General must take a stand. This way it

is ridiculous and it's an arbitrary division. It's really hard to justify it, to leave it the way it is.

MR. SPEAKER:

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

MR. STROMBERG:

I would like to point out to you, sir, that where some members of this Assembly have expanded on the virtues of municipal police, at the county meeting held in the constituency where I live, a considerable number of ratepayers questioned the wisdom and financial benefits of having a municipal policeman. At that meeting it was pointed out that only seven counties in Alberta have chosen to have county police.

The county policeman costs on an average of \$11,000 in wages, and I would rather suspect that the county has to buy the car, the radio equipment, et cetera. But at that county meeting it was also pointed out that the fines totalled \$2,200, and as one ratepayer mentioned, probably the fines were mainly arrived at from fining ratepayers for burning purple gas. Now, Mr. Speaker, we have the RCMP in the province who are very well trained. In our county we have three detachments, so they're scattered very well through. These gentlemen are polite and they're absolutely free.

MR. DIXON:

Mr. Speaker, just a few words in this debate to the hon. Attorney General. I agree with the hon. Attorney General that the Alberta Police Commission that has been disbanded did a very good job. They were very dedicated people, and I think the Legislature and the Attorney General can take a great deal of satisfaction in the fact that whatever business came before that Alberta Police Commission, it was handled with dispatch and with fairness. I would like to go on record as congratulating and thanking the Police Commission for the excellent job that they did.

I can't get too excited, Mr. Speaker, with the Attorney General's statement regarding doing away with the actual setting up of a police commission within this act because I can't see too much difference between that and saying we can set it up by Order-in-Council.

If you review the history of Alberta, in 1917 we were left without a police force, and that's one of the reasons why the provincial police force was set up. If any of you had bothered to read any history, Canada had an agreement with Czarist Russia that called for the sending of military personnel to Russia if requested. And in 1917 when the revolution came along Canada was called upon to enact the promise that she had made. Well of course, as we all know, the war was 1914 to 1918 and there weren't any military troops available, so the Government of Canada decided that the RCMP would be a good force to send over. Therefore we lost that force and had to set up our own provincial police force.

I'm a great believer that the Attorney General is the number one man as far as law enforcement in this province is concerned, and there is no way that any Attorney General can disregard his duty -- and I'm not saying the Attorney General is doing that. What I'm trying to put across is, the Attorney General has to take on responsibility. Some of it, of course, we realize is not popular -- decisions at times and the hue and cry is raised sometimes of local autonomy and this and that the other. But after all he is still the man responsible for the ultimate carrying on of whatever is carried on in law enforcement. The Attorney General must assume responsibility for law enforcement so I don't see any reason why we decided to take out the setting up of a police force in the act.

I am a little concerned with this new act. If hon. members will take time out to read the Judge Morrow Report which was commissioned by the City of Calgary to investigate the problems we were having in the City of Calgary at the time -- the City of Calgary requested this investigation which was carried out by Judge Morrow. Many of the recommendations Judge Morrow placed in his report were put into the Act in 1971.

I think if we take a realistic look at this new act we seem to be just doing the reverse. We going back to an act that was there before the 1971 Act which had a number of weaknesses in it, where arguments were created as to who was the final authority in law enforcement. We had the famous schmozzle in Calgary about the rally that some group put on and there was open conflict

between the mayor and the police force. It was not something that made the public feel too easy because there were a lot of things going on, a lot of things said that would have been better not said by either the police department or the mayor at that particular time.

I'm referring to several recommendations that the Judge Morrow Report made:

That the present tendency to hold discipline hearings as "full-scale" hearings be discouraged.

That the temptation to hold public hearings in cases of discipline and related subjects be resisted - that the Police Commission should be ever aware of the position they put a policeman in if he is publicly ridiculed or reprimanded and then has to go back and carry out his normal duties in public.

The reason I'm pointing this out, Mr. Speaker, to the Attorney General and hon. members is that, as I see the new change where the Attorney General is recommending a new set-up of commissions at the local level, we may be bringing back the very thing that we hoped to discourage in the 1971 Act and in recommendations that were given by Judge Morrow after thoroughly reviewing the situation between local police commissions and elected officials within any given area in Alberta, but in this particular case it was Calgary.

It's also recommended, and I'm still quoting Judge Morrow's report, Mr. Speaker:

That at no time should the Police Commission allow itself to become involved in the day by day operation of police functions.

That all orders, directives or instructions by the Police Commission be forwarded or pronounced through the Chairman and no other.

There are many, many other recommendations and I'm not going to deal with them all. My main point, Mr. Speaker, to the Attorney General is that we should be very cautious when we abandon our responsibility, and I'm speaking now as the Attorney General. He has to be fully aware that he is responsible for law enforcement and that passing it on to the local level sometimes doesn't always guarantee that the best interests of law enforcement are being carried out. I'm not saying this could happen for sure but it's just something that could happen. I think we should have the Attorney General made fully aware of what could happen because I think what we'll do is go right back where we had all the problems before in the city of Calgary regarding police commissions.

It is the Attorney General's position to enforce the law and spell out the policy, and it's the municipality's responsibility to provide a police force, either their own municipal police force, and we have many good municipal police forces in Alberta, or to arrange for a contract with the RCMP or some other agency. But in this case, of course, it is either the RCMP or our own municipal police force.

I would like the Attorney General to assure the House that he has taken into consideration the ramifications of changing the set-up of commissions to make sure that we do not go back to the position we had prior to the 1971 Police Act so that the ground rules are well laid out; the commissions are fully aware of their responsibility and the Attorney General carries out his functions as authorized by the laws of Alberta and the laws of Canada.

Thank you, Mr. Speaker.

#### INTRODUCTION OF VISITORS (CONT.)

MP. ADAIR:

I wonder if I could have permission to revert to introduction of guests?

SOME HON. MEMBERS:

Agreed.

MR. ADAIR:

Mr. Speaker, I'm really pleased to introduce to you and through you to the members of this Assembly five of the courageous crew of cheerleaders that we have with us. We are missing a couple, and I'm not sure where they went. But



we would like to recognize the five that did survive and thank them for their contribution to our game this evening.

[Applause]

GOVERNMENT BILLS AND ORDERS (CONT.)  
(Second Reading)

Bill No. 26 The Police Act, 1973

MR. HENDERSON:

Mr. Speaker, I'd like to address a few words to the bill and speak as the Member for Wetaskiwin-Leduc.

I appreciate in this particular type of bill that no matter what the Attorney General does, he is wrong in some ways. But I'm somewhat concerned about some of the one-sided comments relative to the problems of municipal policing. I think that some of the members who have not been in the House too long may not be aware of some of the background in this regard. I would just like to touch on it for a minute or two.

I second some of the comments made about the restrictions on the responsibilities and the authorities of a municipal police force, but I will withhold any real comments on that until we get into the committee stage. I can't add anything new to what has been said by other members.

But the manner in which the RCMP became involved in municipal policing goes back to the early '60s and possibly earlier. Certainly my first acquaintance with it was in the early '60s wherein municipalities in smaller towns and villages, in representing a rural constituency, as I do -- I have some knowledge of the problem - were experiencing difficulties in getting competent men to man their police forces. There was an urging or a request -- I think it was mostly from municipal associations at the time, urging the Province of Alberta to set up a provincial police force. As I understand and recall it, the federal government was approached at that time as an alternative, to expand the RCMP -- to make RCMP forces available. The federal government declined and said they were not prepared to do it. So the province went so far as to hire a director for a training school and laid the ground work to set up a municipal police force in order to train, in order to take some steps to assure a reasonably adequate supply of competently trained men to man the municipal police forces in the smaller communities.

Those plans were nicely underway when the federal government reversed its position and agreed, instead, to make more RCMP personnel available under contract to the province. So the province at that time decided this was an alternative preferable to going directly into the establishment of what would amount to a provincial police force, the establishment of a training school and the duplication of the training courses, facilities and so forth that already existed within the jurisdiction of the federal government. The province dropped the idea of the municipal police force and the training school, and instead entered into the contracts for policing of cities and rural communities under RCMP jurisdiction. The ground rule of 1,500 in the contract and so on, which is still common to the police contracts in existence now, was evolved.

There were problems in the early stages with the lack of availability of adequate numbers of RCMP personnel. I recall very definitely that the government was under considerable pressure at that time to get more RCMP to take over more municipal police work, at a rate much faster than the federal government was prepared to make the manpower available. They simply couldn't train them that fast.

Out of it slowly evolved the system we have today with the hub policing. The hub police system is not without its faults. Nor has it eliminated the need for some form of municipal policemen in most communities. I know the community I live in, for example, a small town of 1,500 people, has had its own municipal policemen for a number of years and even though it is under the hub policing program, still has municipal policemen.

There is no doubt in my mind that even though the town has deemed it desirable to maintain a municipal policeman, with which I agree, the availability of RCMP to take care of the basic responsibility for policing the town I still think constitutes overall an improvement so far as the availability of police protection to the citizens living in this particular community.

I think where the thing breaks down is twofold. Where the community does not have a police force in it and there is somebody just commuting in and out and driving through town a few hours of the day, and in and out a few times, this certainly has led to the need to maintain a municipal police force.

But I think one of the reasons that some municipalities have been able to maintain and hang on to municipal policemen is because of the fact the RCMP contract system and the hub policing system has reduced the demand for municipal policemen substantially.

What I would be concerned about is if the Attorney General were simply to accept at face value some of the statements that have been made. I'm concerned about some of the restrictions on municipal policemen that are in the act and I hope, again as I say, we can get into this on second reading. But I think it would be a mistake not to get on record the fact that I don't think it would be desirable, in my opinion at least, to try to turn back the clock, to leave the impression that the municipalities want to take over and in the smaller areas do all their own police work. Because I think we'd be right back to where we were ten years ago where all the municipalities once again, in a very short time find there just aren't available an adequate number of adequately trained men to do the job, and we'd be right back again with the pressure coming back on the provincial government.

So I would like, as a matter of principle, to go on record as supporting the contract policing system in rural Alberta. While it very definitely has some shortcomings, I think as one looks back to the situation that existed ten years ago, it still constitutes an overall improvement, and we should continue to look to the policing of rural areas in that fashion. But I don't think it would be desirable to, as I say, leave on record any idea that we want to see the clock turned back at all to what existed ten years ago.

As far as the other principles of the bill about the change in the commission structure and what not, I don't think there is anything really magical about it. In the final analysis, the number of issues that have come before this House this year I think pretty clearly demonstrates that the Attorney General gets it in the neck for adequate police enforcement in the Province of Alberta. If it works he gets the credit for it, and if it doesn't he gets the lumps that go with it.

Of course this is in keeping with The BNA Act where the basic responsibility for police enforcement in the province is assigned to the Attorney General and becomes a matter of government policy as to the extent to which the provincial government wishes to delegate that responsibility to the municipalities. I think, and wisely so, they delegate in the larger centres the basic responsibility for practically all police enforcement. In the smaller centres there are some restrictions on it.

I suggest again in some of the smaller centres I think there are too many restrictions placed on the municipal policeman and I would like to ask the Attorney General, in considering the comments that have been made, whether on the municipal police force level it wouldn't be better to approach the problem from the other end. Instead of saying that the municipal policeman only has certain prerogatives to do certain things, we should broaden the general policy and say, unless the Attorney General restricts the municipal police force from doing certain things, it is understood they have the powers that are in the Act. This would give the Attorney General the authority to restrict the activities on an individual basis where he does not believe, or his department does not believe, that the personnel employed by the municipality are adequately trained to enforce the broader area of law, particularly, I think, as it relates to The Highway Traffic Act, offences under that and The Liquor Act. It just doesn't make sense to me to say that the municipal police forces don't have authority to deal with these problems. I think, as other people have said, that it sounds rather foolish if a municipal policeman sees somebody breaking into a building and he has to go and phone the RCMP and let the guy run away.

As I understand this concept of a citizen arrest still exists, obviously I don't think the restrictions in the act may be quite as literal as they would appear to be. But maybe broadening it and approaching it from the other end might be a better way of approaching it and alleviating the concerns on the part of -- I am directing my comments, Mr. Speaker, once again to the small rural communities that give the Attorney General power to restrict the authorities on an individual basis where there is evidence that the individual isn't competent to exercise that authority. That would protect the public interest and still leave the local police force with adequate authority to deal with the day-to-day policing problems, thereby assisting the RCMP in providing all the people of Alberta with a good, high-calibre level of police protection.

MR. SPEAKER:

May the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MR. LEITCH:

Mr. Speaker, I wish to deal first with all of those comments relating to the policing options open to municipal districts and to towns under 1,500. I think in this whole area there has been some misunderstanding, because the act and exactly how it will operate is not clear without some explanation of our intentions in that area. But I think really at the root of the matter, Mr. Speaker, is a very fundamental principle. I would like to start with that and make a few comments about it.

The fundamental principle to which I refer to is this; I think in the interests of good policing in the Province of Alberta you cannot have, insofar as it is possible not to have, what might be regarded as a dual policing responsibility. I do not think, Mr. Speaker, we can have an effective policing function if we have within any particular geographic area two entirely separate and different police forces endeavouring to perform the same function. I don't think you can have the case where the first man on the scene is the fellow who is going to look after investigating it, doing the consultations with the Crown prosecutors, carrying it through court and so on. Different police forces will have different techniques for investigating offences. They will have different techniques for dealing with different offences, and you simply can't get into a conflict of pride and all of that kind of thing that is involved if you have two groups of people carrying on the same functions within the same geographic area. I would hope that all hon. members will see the wisdom of that rule and feel that it is an acceptable principle.

I would like to quote, Mr. Speaker, the comments of the Alberta Police Commission in that area. These are their recommendations dated January 14, 1972 and made by the commission to me.

They say, and I am now quoting, Mr. Speaker, from the middle of their recommendation:

In spite of this apparent authority the Alberta Police Commission does not believe it was the intention of the legislators to create dual police responsibility with respect to the enforcement of the criminal code and provincial matters that are, by the federal-provincial agreement, the responsibility of the Royal Canadian Mounted Police.

It is the opinion of the Commission that the legislators endeavoured to eliminate the possibility for dual policing by making a clear indication in Section 9 of the new Police Act --

and they are there talking about The Police Act of 1971 --

that the responsibility for law and order rests only with the cities, towns, new towns and villages having a population in excess of 1,500 persons. There is no mention of "county or municipal district." This Commission would presume therefore that it is the intention of the legislators that the policing responsibilities in all other areas of the province not mentioned in Section 9 will rest with the Royal Canadian Mounted Police in accordance with the federal-provincial agreement. The commission would support this intent.

Then they go on a little later, Mr. Speaker, to say:

The Alberta Police Commission would therefore recommend:

that all county constables presently serving on a full or part-time basis be appointed as either special constables under Section 36 of The Police Act or by-law enforcement officers under Section 37 depending upon the extent of their involvement and,

that these appointments clearly define the duties to be performed to eliminate any involvement with the enforcement of the criminal code or conflict with the responsibilities that should rest entirely with the Royal Canadian Mounted Police and,

that all future appointments be treated on their individual merit in line with this policy.

Now, Mr. Speaker, if we accept the principle that there should be no dual policing responsibility within a particular geographic area, I think we then need to go on and examine what is really the policing arrangement within the Province of Alberta today.

I think I can sum it up pretty simply, and I'll use the word "urban", and say urban population centres in excess of 1,500 must provide their own police force. They do so at their cost. It's at their cost in its entirety except for a \$2 per person grant, I believe it is, made by the Department of Municipal Affairs in certain areas.

Also, the town that just becomes 1,500 gets grants for the first 5 years while it works itself into paying the full cost of the police force. Those population centres, of course, have a choice, whether they enter on a contract with the RCMP, establish their own force or whatever. I'll make some comment about what has happened when they have had the choice that the hon. Leader of the Opposition touched on in his remarks. But I'll deal with that in a moment, Mr. Speaker.

Then for towns under 1,500 and for all of the rest of Alberta, they get their policing service free from the provincial government. They get it without cost. In fact, Mr. Speaker, we go beyond that. As matters now stand we refund certain fines to them, even though they are not paying any portion of the policing cost.

From a practical point of view then I suppose we deal with that question, if they get the service free, why are they asking about additional policing? There is a very good reason for them doing so. It is recognized in the proposed bill and we will further recognize it in practice. What really happens is this. The towns under 1,500, or the municipal district, may feel they require some additional policing over and above that which is normally provided by the RCMP.

First of all, they need it for their by-laws because the RCMP do not at any time, either under the provincial contract or under the local municipal contract provide policing of by-laws. So they need by-law enforcement personnel. In some cases they feel they need some additional policing.

Actually, the only complaints in that area I have received over the past year and a half, Mr. Speaker, have dealt with traffic. What you will get in a small town if the RCMP on the hub-policing system arrive in town everything is nice and quiet, then as soon as their tail lights disappear out of town some of the local teenagers do some stunting and things of that nature. So we've had some complaints about that which the local people felt would be cured by having a local policeman. In fact, where they don't have local policemen, we have coped with that problem by having the RCMP go in with ghost cars. When the tail lights of the marked car disappear out of town and stunting starts, the ghost car is there and they are picked up. After that occurs a couple of times we have found there is no real problem, because those who are inclined to do that type of thing, once they are aware they can't be sure when the police are in town, don't do it.

But certainly there is a desire of the part of some communities to have some additional policing and we recognize that in this bill and intend to do it. If you will turn to the latter sections of the act it makes these provisions for the appointment of special constables or by-law enforcement officers. Now what we propose to do -- and by-law enforcement is a very routine mechanical thing -- is appoint all those persons who are now in the local, municipal forces as special constables on the request of the local government. That I am sure, Mr. Speaker, will include all those now serving in the policing capacity in the municipalities and small towns and so on in the Province of Alberta today.

We will then define the areas in which they can police. I am talking now about areas of law enforcement as well as geographic areas. For example, we may well say on the request of the local government, their local policemen should have the jurisdiction to enforce the Vehicles and Highway Traffic Acts. But we may say, if the main highway goes through there, but not on the main highway because on the main highway the RCMP will enforce it. We can't have two police forces controlling traffic on one highway. You're going to have a radar trap here, and after making your apologies to that policeman you may find one from an entirely different force a couple of miles up the road and you will have to make a second apology. I'm sure that wouldn't apply to any hon. members of the House, but I know it will occur.

So we have made that kind of exception. Then it will be very clear to the RCMP that if the local municipal special constables enforce the Vehicles and Highway Traffic Acts in the municipality, then that wouldn't be something the RCMP would do. There are other acts like The Public Service Vehicles Act and [we may] give them the authority to enforce that. There may be other types of legislation which, on the request of local government and after considering the whole problem, we will then pass to the local police force that kind of authority.

We are going to have it very clearly spelled out as to who is responsible for what in that community and it isn't going to involve dual policing. So there is no suggestion here of removing or changing really, in any way, except perhaps in one or two instances, the functions of those police forces which are now in towns under 1,500 or within municipal districts, because with one or two exceptions they do not enforce the Criminal Code. And if they are enforcing the Vehicles and Highway Traffic Acts on the main highways where the RCMP are enforcing it, it is a condition, Mr. Speaker, I have no hesitation in saying that is not a good one in the Province of Alberta.

Policing is a little different from other things. You can have local rules about building your sidewalks or things like that and they may only affect the people who live there. That isn't so in the case of police forces. You will have a small community, if its on a main highway or a main thoroughfare, where a great number of people go through who have nothing to do with the local community.

We had one, which I regard as rather an unfortunate incident in this province, a very small centre, literally a handful of people, where the local policeman recovered during a few months in the summer something like \$4,000 in traffic fines from people who were on their way through.

This harkens to a situation that used to exist in much of North America not many years ago where you travelled the main thoroughfare, the main highway at the regular highway speed of 60 or 70 miles per hour, arriving in towns where the speed limit would be down to 40 or 50 and all of a sudden you hit a small town where they had a little sign saying the speed limit was 20. Waiting two blocks beyond that sign was the local police force. They had a very efficient system where they stopped you, there was no doubt you were in breach of the law, you had been speeding.

They also had a very efficient system where you could just go around the corner, meet the local judicial officer, plead guilty, pay your \$20 fine, and in 15 minutes be on your way. It wasn't a great inconvenience but it's a bitter one to run in with the law enforcement. It was one of the ways they used to finance their communities. Now that reached proportions in the United States where rather stern measures were taken to overcome it, and they have overcome it. That problems doesn't really exist there now. But that's the kind of...[Inaudible]...run into, if we aren't careful of how we deal with the policing responsibilities within the province.

I should perhaps deal with this point, it's said, "Well, why not give these communities" -- and this on the face of it is a very sound argument -- "if a county can get its policing free as matters now stand, but if it says, we don't want the free policing, we will provide all of our own" -- you know it's hard to conceive of them doing that, but if they wanted to do that, the question I think is properly asked, "Well, why not put a provision into the act that permits them to do that?"

One of the reasons why that isn't an appropriate provision at this time, is this simple. We have an agreement now with the federal government that provides for the policing of all centres in the province that aren't in population centres of 1,500 or more, in urban population centres of 1,500 or more. That requires the federal force to do some planning. They've got to know how many people they need out here in Alberta.

We meet every year and review it from time to time during the year with the assistant commissioner who heads the force in Alberta, to review the manpower requirements for the next year. And I can say without the slightest hesitation in this House that in all my discussions with the assistant commissioner, he's said, "These are the people we need, and this is where they'll have to be, and that's the number of people that have gone under the contract." His requests for personnel have been met during the time I've been in office, primarily because I'd been impressed with the responsibility with which he approaches his duties as one of the senior law enforcement personnel in the province.

But we can't leave them uncertain; we can't leave them not knowing whether they need 25 people to police this little area of the province, and tomorrow that little area may decide they should go out of there, and they've got 25 people. Where are you going to put them? They've got to do some training, they've got to calculate the numbers of people they need to bring into their recruit training program in Regina, and pass them through their lengthy training program.

In short, they need to have some accurate assessment of their manpower needs in the future. And they can't have that, if we're to be from time to time at the mercy of others to determine how many people we need. In addition, the existing contract is up for renegotiation in the immediate future, and I'm sure that's going to be a vital factor. They are going to have to know the method which will be used to determine the manpower needs in Alberta during the lifetime of the new contract if we choose to enter into a new contract.

I should deal with the point, while I'm on this subject, which I meant to deal with a few moments ago. It's to deal with the point of the hon. Member for Calgary Bow. He said, as I recall, it was sort of silly that these people couldn't deal with impaired driving and things of that nature if they were out in the municipalities near the major cities.

If you provide them with the authority under The Highway Traffic Act, they have ample authority to deal with the impaired driver. If the special constable has the authority to enforce the provisions of the Alberta Highway Traffic Act, he has more than ample authority to deal with an impaired driver he may encounter on his rounds. Under that Act there is provision for him to suspend the driving licence, there, which means the car stays there, because he has no licence to drive it away.

There is also provision under that Act for breath tests, and so on. There are provisions for impounding the vehicle under that Act. It doesn't need to be under the Criminal Code; the charges laid under the Criminal Code, is a particular charge of driving while impaired. But he can lay that charge the next day or he can simply report it to the RCMP if they are responsible in that area and they went. But he doesn't need any other authority under the code to deal with impaired drivers.

Somebody else mentioned someone jumping out of a building that he had apparently just been robbing and the local constable having to stand there while he ran away. That, of course, just isn't so either. He has the authority under the Criminal Code to arrest anyone in the process of committing an indictable offence. He doesn't have to have any additional authority other than being an individual citizen. That exists under the Code. So many of the problems which were raised here just aren't valid -- if hon. members had taken just a little more time to look into what is, in fact, the position.

I think the comments that were made about the municipal districts and so on were justified in a number of areas because it's not clear from the act what appointments we propose to make under the authority granted in the latter sections of the bill.

I am now telling the hon. members what the intentions are in that area. It is to appoint any person who is now acting as a municipal or a town policeman as a special constable. We contemplate giving them the authority that the local government asks in such areas as enforcing the provincial statutes, those provincial statutes which it seems reasonable they have the right to enforce like The Highway Traffic Act and The Public Service Vehicles Act, then probably excluding from that authority the main highways which may be passing through those municipalities. They will have all of the authority to meet the local policing needs.

Mr. Speaker, there were a number of other points that were raised. I suppose if one gets two hon. members rising, one on each side of the point, you can feel that you have struck a pretty happy medium with the bill. I think one hon. member suggested that the Attorney General had too much authority and another hon. member suggested he didn't have enough. They were both speaking, as I recall, on Section 22. The hon. Member for Calgary McCall referred to an incident in Calgary and felt that the bill was passing off some of the jurisdiction that had normally remained, and he thought should remain, with the Attorney General with respect to law enforcement. I simply say to the hon. gentleman that that question is really answered by Section 22 of the act which says that the final person, the person it comes home to for law enforcement, is the Attorney General --

MR. STROM:

Mr. Speaker, is the hon. minister not referring to the hon. Member for Calgary Millican and not the hon. Member for Calgary McCall?

MR. LEITCH:

I want to thank the hon. Member for Cypress for drawing that to my attention. I'm surprised I hadn't heard from the hon. Member for Calgary McCall.

The jurisdictional responsibilities under the act are set up in that way and spelled out in the act so if there is any argument about it it is in the act. It's clear that is the way the position has always been in the province. Mr. Justice Morrow and the Morrow Inquiry to which the hon. member referred simply made that statement. The reason the local commissions' jurisdictions was spelled out is that they are the employers subject to Section 22 which deals with the Attorney General responsibilities. They have the responsibility for enforcement within their area.

These areas are always difficult. Again we are in jurisdictional problems. But to put in the legislation some expression of our intention as to how the policemen should work we have Section 26 which simply says that the day-to-day running of the force should be the responsibility of the police chief. We put that in because without it one might look at Section 25, which dealt with the authority of the local commissions, and think that the government intended the local commission to get into the day-to-day running of the police force. That isn't what we intend at all. That should be the police chief's responsibility. The commission should deal with larger matters of principle and policy and training and things of that nature. And they are, of course, employers of the force and act as employers. We again spell out the way in which they carry out their authority, and that is an effort to give the chief some safeguard, some control, over the use and method of the work of this force.

One of the hon. members took issue with the requirement that the chief of police for population centres of over 5,000 be a Canadian citizen. As I recall his argument, he either said "get with it" or "get out of it". Either make all or no chiefs Canadian citizens. That has a certain superficial logical appeal. But one of the reasons -- in fact, the prime reason, why that clause is there, why that decision was made by Order-in-Council some time ago, and why that number was picked is simply this: there is within Canada an intelligence group of a federalist nature and to it belong the police chiefs of major police forces. In Alberta today -- Edmonton, Calgary and Lethbridge are represented, and I think Medicine Hat is about to become represented -- that group has possession of the most confidential information this country has, because it will deal with the security of the nation.

It was our feeling, when this issue arose, that it would be inappropriate to have someone within that very small group, with that very delicate information, who was not a Canadian citizen. So the things we lost by making that requirement were more than offset by what we gained by having that requirement.

The reason we picked 5,000 was because it is conceivable that a population centre of that size, or 10,000 or 15,000, might have a member of the force that belonged to that group. Under 5,000 there is, at the moment, no possibility of that occurring.

Mr. Speaker, one hon. member raised the issue that we shouldn't have a law enforcement review board because the experience with this type of body in the United States has been absolutely disastrous, they are turning away from them, and we ought not to follow a route which they have already found unsatisfactory.

I say to that hon. gentlemen, Mr. Speaker, that he simply hasn't done his homework. He either hasn't read that bill or he hasn't looked into the kind of body he is talking about in the United States. Those civilian review boards, which is what we are talking about in the United States, were boards that had some involvement with the police function. You had the cases of someone flashing a badge -- he was a member of the civilian review board and would tell the policeman, on the scene or on the street, what to do. It was that kind of act which led to hostility toward that sort of board and their ultimate removal from the scene.

The law enforcement review board is nothing like that at all. Another comment made by same hon. gentleman - he said that he was astonished and

frightened by the authority given to that board and it seemed to be at the discretion of the Attorney General.

Again, Mr. Speaker, I would recommend to that hon. gentleman a closer reading of the act before he makes that kind of speech. Because it is this simple: the authority to which he refers is only in respect of the matters properly before the board, and the only things properly before the board, the only things before this board, are really two. One, it deals with complaints against a policeman. That's all. It provides for hearings. It will also provide for a discipline hearing, on appeal by a policeman from the discipline imposed by his chief. That will be provided for in the regulations as part of a uniform discipline code which we anticipate passing as one of the regulations. It's a code that we have spent some time reviewing over the past year and half, with various police forces in the province.

Those are the only things that board deals with. The authorities he is talking about are in respect to those two matters. Now again that hon. gentleman suggested that all of these things should be open to the public, and he made a fuss about that. If he reads that section, he'll find that the only way they can be closed is if it is in the public interest. So there has to be a judgment decision made by the board or the Attorney General that it is in the public interest to close it. Of course, if it is closed and someone complains, the court decides whether there was any basis on which that judgment decision could be made.

Now clearly, Mr. Speaker, there will be discipline proceedings which it would be absolutely fatal to have in public. We may be involved, for example, in information that would be of great, great value to criminals, to the underworld or to organized crime, and it would be absolutely fatal if in the course of discipline proceedings that became public knowledge. So it is that kind of situation, that in the public interest -- and the Act specifically says that it is only in the public interest -- when that decision has been made you can require them to be closed.

Another concern with respect to those proceedings was raised by one of the hon. members to the effect that it is humiliating for a policeman to go through discipline proceedings and be disciplined, et cetera, in public and referred to the comments to that effect in the Morrow Report. And I must say that much of what we've done here is in line with the thinking of Mr. Justice Morrow in that report, and it is an excellent report. But we're not doing the kind of thing that he was talking about in that report because here, and this is important to understand, that board makes the finding as to whether the complaint is valid but it doesn't impose the punishment. The police chief, as a matter of discipline, is the one who imposes the punishment. The reason that board doesn't impose in public the punishment is the same reason given by the hon. gentleman from Calgary Millican, that you can't have him punished in public and then have him out on the street the next day trying to enforce the law. You know, the response is if you stop someone for the ticket, oh, you're the guy who was fined \$500 last week. So the punishment -- it's important for the public to know that the policeman has been found wrong, that he has done something wrong, and to know that he will be punished. But the significance of their knowing or the importance of their knowing the extent of the punishment is, in my view overbalanced by the importance of the policeman, not the details of his punishment being made known outside of the force because of the difficulty it imposes on him doing his work.

Another hon. gentleman suggested it wasn't sufficient if the police chief simply said to the complainant, your complaint is not well-founded, or is well-founded. He should give him the whole report. With respect, Mr. Speaker, there is no doubt in my mind that that does more harm than any good it could conceivably accomplish. The complainant will be told if his complaint has been found valid.

Undoubtedly the report by the chief will go something like this: I've reviewed your complaint, I think it is valid and the appropriate disciplinary action will be taken. If he finds it isn't valid, he simply says it isn't: I've looked into it, I find it isn't valid. But he is also required, as you will notice in the legislation, to advise the complainant of his right to appeal. The appeal is a simple procedure. The law enforcement review board will extend its obligation to look into and hold a hearing, or otherwise deal with the complaint.

The hon. gentleman who was making other criticisms about the act which I said were based on the failure, in my view, to read it very carefully also made a criticism about the requirement to have the complaints in writing. And he talked about the people who couldn't read, were illiterate and things of that



nature. That, of course, is a valid complaint if that were the requirement in the act, but again I would urge him to read the act. It simply says "Where practical a complaint shall be obtained in writing ..." Of course, if a complainant can't put it in writing it is not practical to try and get it in writing.

Mr. Speaker, if my notes are accurate, I think I have covered all the comments that were made by the hon. members on second reading of the bill.

MR. TAYLOR:

Mr. Speaker, I wonder if the hon. Attorney General would deal with the one point in connection with whether the bill will be completed at this session?

MR. LEITCH:

Yes, Mr. Speaker. That is one I overlooked. The bill provides that it will come into force on July 1, 1973, and that would be currently my intention.

[The motion was carried. Bill No. 26 was read a second time.]

Bill No. 38  
The Trust Companies Amendment Act, 1973

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. Minister of Manpower and Labour, second reading of Bill No. 38, The Trust Companies Amendment Act, 1973.

[The motion was carried. Bill No. 38 was read a second time.]

Bill No. 36  
The Alberta Resources Railway Corporation Amendment Act, 1973

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. Minister of Manpower and Labour, second reading of Bill No. 36, The Alberta Resources Railway Corporation Amendment Act, 1973.

[The motion was carried. Bill No. 36 was read a second time.]

Bill No. 56  
The Financial Administration Amendment Act, 1973

MR. LEITCH:

Mr. Speaker, I move, seconded by the hon. Minister of Manpower and Labour, second reading of Bill No. 56, The Financial Administration Amendment Act, 1973.

[The motion was carried. Bill No. 56 was read a second time.]

Bill No. 28  
The Amusements Amendment Act, 1973

MR. SCHMID:

Mr. Speaker, I move, seconded by the hon. Minister Without Portfolio responsible for Northern Development, second reading of Bill No. 28, The Amusements Amendment Act, 1973.

Just in a few words, Mr. Speaker, I would like to say the reason this amendment is being introduced is to help the charitable and community-minded organizations in their endeavours to raise money from the public since collecting taxes has proved a burden to them, especially when the sales were not as much as they had expected. They had to pay out the prizes and are still unable in fact, some of them, to pay the provincial tax which they had to collect for the provincial government in their charitable endeavours.

Just to give you an idea, Mr. Speaker, the Act was introduced in 1971. It came into force, I think, on May 1, 1971. Since that time, \$300,000 became due, but only \$142,297.39 was collected. Why ask a charitable organization to collect taxes if they are trying to help the lot of our citizens in general? Therefore, Mr. Speaker, I believe it is a good amendment to have this specific part of The Amusements Act withdrawn.

MR. CHAMBERS:

In terms of the volume or number of words, this amendment might appear to be of a very minor nature. However, in my view, the amendment is of considerable significance. As all members are, I am sure, aware, bingos represent a most important way for organizations to raise funds for charitable purposes. People seem to enjoy playing bingo, and I think bingos are one of the few social events you can count on getting a large number of people to attend.

Section 7.1 of the 1971 amendment Act provided for the lottery tax, and without going into detail, the tax generally provided for a 10 per cent tax on the purchase price of a lottery ticket. This really amounted to a 10 per cent tax on the gross.

I'm sure that the former administration didn't really intend to decimate charitable bingos with this Act, but that rather the 1971 amendment really was an oversight or an error on the part of the administration of that time. The 10 per cent gross tax is really a tax that very few lotteries can tolerate.

I'd like to give you an example of some of the statistics concerning one of what has been one of the more successful bingos. It's a bingo sponsored jointly by the Northgate Lions Club and the Area One community leagues for the purpose of raising funds to build sports facilities in the community.

This is an area, in the north part of the city, located within my constituency that is desperately short of sports facilities. It is an area where young people have been, I believe, short-changed in athletic facilities of all kinds, an area where, in our typical Edmonton winters, boys and girls often get very little ice time due to the lack of covered ice rinks.

This particular bingo was started in 1971 and had gross receipts in that year of \$40,773. It had disbursements of \$27,083 for a net of \$13,735, and no tax was assessed at that time. In the spring of 1972, a similar \$20,000 cash bingo was again held in the Edmonton Gardens. It grossed \$31,858, had expenses of \$25,839, and therefore netted \$6,028 before the tax. The gross tax reduces this take to only \$2,843. In the November 1972 bingo, fortunately they had better weather and therefore somewhat better attendance and a net of \$5,749 on a gross of \$35,090.

As you can see, Mr. Speaker, these are very narrow profit margins, and of course hundreds of people are involved from the community leagues and the Lions Club. They donate their time, and it's considerable time at that, free to these projects. The bingo committee calculated they require, on the average, 4,500 people in the Edmonton Gardens to break even. All that is required to lose a considerable amount of money is some bad weather. You can see from the figures I quoted how close the April 1972 bingo came to losing money after paying that 10 per cent gross tax.

Mr. Speaker, the tax seems so pointless because in these bingos, to me, we have the ideal kind of a situation for a free enterprise province in that we have thousands of people devoting countless hours of their spare time with no remuneration entirely for charitable purposes. The money serves all kinds of charitable purposes including the building of sports facilities, and here I am talking about charitable bingos in general.

I think we should think of the money the government saves in not having to provide grants in lieu of the proceeds from these various charitable bingos. It seems to me that the money raised through the work of concerned individuals is more meaningful to our society than similar funds that are doled out in the form of grants.

Mr. Speaker, I am sure that the hon. Attorney General and the Minister of Culture, Youth and Recreation have got a bit tired of my nagging them about amending this legislation and I do recognize that it takes time to review existing legislation. It takes time to accomplish things in a logical sequence. However, I would like to express my thanks to the minister for giving this amendment priority in this session. In my view, and I will say it again, I think it is an important amendment. It will once again encourage charitable bingos and will result in the accomplishment of a considerable number of good deeds.

MR. SPEAKER:

Are you ready for the question?

[The motion was carried. Bill No. 28 was read a second time.]

Bill No. 5 The Public Highways Development Amendment Act, 1973

MR. COPITHORNE:

Mr. Speaker, I move second reading of Bill No. 5, seconded by my colleague, the Minister of Advanced Education.

[The motion was carried. Bill No. 5 was read a second time.]

Bill No. 33 The Municipal Taxation Amendment Act, 1973

DP. McCORMON:

Mr. Speaker, I move, seconded by the hon. Member for Edmonton Kingsway, second reading of Bill No. 33, The Municipal Taxation Amendment Act, 1973.

There are several fairly important features in this bill and I would like to mention a few of them. It is difficult to speak to the actual principles because there are several principles involved in this bill. So I will go through it rather quickly. There are two or three points I would like to speak on in the bill.

Now the purpose of number 2 in the bill is to clarify the assessment made to leased interest in crown leased lands or grazing or cultivating potential. In other words, the lease potential in land is the potential revenue that can be obtained from leased land. Number two clears that up.

3. To make it clear that a supplementary assessment may be made with a new building, additions to a building or renovations, or building moved into the municipality unless that building is being taxed by another municipality for that year, or assessing improvements or parts for improvements.

4. The purpose is to assure that a resident assessment must be exclusively owner occupied.

5. To bring into line as of December 31 cutoff which now applies to other types of property.

6. This one is a very important one which has been more or less in the public eye over the past few months. To remove from legislation the split assessment clause in the Act and bring about a provincially uniform assessment base for all.

Now there was in the previous Act a loophole which allowed a municipality to, by special by-law, to change the actual assessment base. This was only done by two municipalities in the province, Edmonton and Grande Prairie. This removes that right to change the assessment -- to split assessment, and make uniform assessment in the whole province. This is necessary now and it will be much more necessary in the future as taxation programs come along.

8. To clarify "where a spur track or railway siding or a part thereof is situated on land that is not owned by the [owner] of the track or siding, the track or siding shall be assessed as an improvement to the proprietor of the track or siding." One of the reasons for this is Marathon Realty. It will allow municipalities to tax.

9. Will allow municipalities to assess and tax for that portion of the year that remains after the purchase.

10. Provides exclusive exemption from assessment and taxation by municipality land and improvements owned by a foundation established under The Homes For The Aged Act, while used exclusively for the purpose set forth in that Act.

10b. To restrict property from taxation by a municipality. It removes from the Act the right now vested in the council of the municipality to, by by-law, assess such property and levy a tax for municipal purposes.

10c. Removes the right of the municipality by by-law to tax land and improvements owned and operated by a non-profit organization for the purpose of providing living accommodations for elderly persons. Basically what this means is that no longer does the municipality have the right by by-law to tax homes for the aged.

11. Refers to the moving right to tax libraries and homes for the aged.

11b. Removes the Alberta Universities Commission from the list.

12. Section 37 is struck out and refers to summer cottages used for holidays or recreational purposes. This will allow full assessment to be placed on the property and buildings but removes all educational tax. In other words, it removes the 28 mills from land assessment, from both land and buildings. Previously two-thirds of the building of a summer cottage or a summer trailer on a piece of property could be taxed, and the property itself and one-third of the building could be assessed for school assessment purposes. This removes the 28 or 30 mills from property and cottage. In other words, you can only be taxed on one residence, basically for school purposes.

13. Refers to the mailing date of assessment slips.

14. Provides for council to authorize a supplementary business assessment tax for part of the year.

15. This is an important section, and provides through a municipal council, to levy a differential or split mill rate by by-law. The assessment will be constant but the mill rate will be flexible. So it's no removal of local autonomy from the municipalities.

17. To raise the annual penalty to ten per cent from eight per cent.

18. This amendment will permit the construction of new watermains and sewer facilities when new developments would overtax the existing sewer and water mains and facilities and provide for a charge against the new development for such construction.

19 and 20 are self-explanatory.

19. Makes the assessment manuals legal from 1959 to 1967.

Thank you, Mr. Speaker.

MR. FRENCH:

Mr. Speaker, in speaking to second reading of Bill No. 33, The Municipal Taxation Amendment Act, I would hope the hon. member moving this amendment to this bill will be able to give us, in his closing remarks, the information which I requested during several of my talks these past two years. I refer to the ratio assessment between arable land and grazing land. It's not my intention to go into details tonight, but we certainly have an inequitable ratio between grazing land and arable land. I notice the hon. Minister of Lands and Forests is not in the House tonight, and I also notice the Minister of Municipal Affairs is not in the House. So I would ask the hon. member sponsoring the bill to advise the House when we can expect the ratio, which is very inequitable, to be corrected so it's more equitable between arable land and grazing land. As you probably know the ratio assessment is 1 to 3.2. I went into it in some detail and I feel, in view of the hour tonight that I probably shouldn't repeat all the statements I made two or three times this year.

MR. KOZIAK:

Mr. Speaker, I was initially concerned about the provisions in this bill that would do away with the option which is now permitted to certain municipalities to assess single family residences at a percentage of the required assessment for all other buildings. However, my concern soon disappeared when I read an article that appeared in The Edmonton Journal just a day or two ago. I don't know whether it was one of the commissioners or the chief assessor himself who stated that he agreed with the principle, particularly in line with the other provisions of the act which would permit a split mill. So that particular concern that I felt existed has completely dissipated.

I'm particularly pleased that our efforts of last year, which were thwarted then by the actions of the City of Edmonton, will now be corrected with respect to senior citizens so that finally the senior citizens who occupy homes which are operated by non-profit organizations for the benefit of those senior citizens will be relieved of the responsibility of paying property tax similar to senior citizens in other such homes which are run by different organizations.

I take this opportunity to raise a particular concern I have about municipal property taxation. That is in connection with the present provisions which require land to be assessed at value and improvements to be assessed at a percentage of value. As I indicated in previous comments to this House, the City of Edmonton has sent out a slip of paper with all their assessments indicating that they have assessed land at approximately 65 per cent of the

market value and that they have assessed improvements which are not single family at approximately 32 per cent of value.

Now what that basically means, Mr. Speaker, is that a parcel of land valued at \$100,000 and nothing on it would be assessed at \$65,000 for the purpose of municipal taxation. A parcel of land immediately next door which, let's say, is half the size but with a building on it worth \$100,000, for a total of \$150,000 would be assessed \$32,000 on the building in accordance with these figures and \$32,500 on the land, or basically \$65,000. So we have two parcels of land side by side. One, if it were sold on the open market, would sell for \$100,000. It's raw land with no improvements. The other, if it were sold on the open market, would sell for \$150,000. In this case it is land plus improvements. Yet both of those parcels of land, under the provisions of the present assessment, would pay the same tax. One is worth 50 per cent than the other, side by side, yet it pays the same tax, notwithstanding the fact that the raw land requires no police protection and no fire protection, whereas the improved parcel requires police protection and fire protection. So if any parcel should pay more, that particular parcel should.

So I say that inequity exists in our present system and should be corrected. There is no way that I can possibly justify a situation where if we are going to be using values, all property should be assessed at the same percentage of value and no particular property should be given the benefit of another, especially in the area of land to improve land. Because in most cases, raw land has no ability to pay. However, you put a 10 or 15 or 20 storey office building on it, it has every ability to pay because there is an income producing ability.

Now, of course, there are some who would say that we can use this method of taxation to ensure development, to ensure the proper and best use for land, and to prevent to this use of land at something less than its best use. To those people I would say that they should take the 50-cent trip or the 25-cent trip to the top of the AGT complex, 35 storeys above Edmonton, and take a look at how much land there is that could be used to its best and highest use. We'd have 20 million people in this city before we could possibly do that. It's an impossibility under these circumstances, and it's a social goal which I don't necessarily agree with. I'm particularly concerned about using taxation especially property tax, for the pursuance of a particular social goal because I don't think that that is the proper method to go about it. Property tax should be strictly a tax on property for that property to bear its fair share of the cost of services that the particular municipality is providing for that property. Property tax should not be used as a means of pursuing and obtaining certain particular social goals.

MR. DIXON:

Mr. Speaker, there was one important principle that wasn't touched on in this bill that we've had a problem with in Calgary in the last year. Unfortunately the Minister of Municipal Affairs is not here, but the chairman of the task force, and Dr. McCrimmon being a member of that force, I wonder if he has had any representation from the people of Calgary regarding the split tax notice that was sent out last year where the City of Calgary sent out a tax notice that said if we get further assistance from the provincial government, this is the only tax notice that you will have to pay, or the amount that is in this tax notice. Then came December 1 when the assistance that they'd hoped to get didn't arrive, they sent out a second tax notice.

I wonder if the task force had taken that into consideration, because that to me seems a very inconvenient, and not only that, a very costly duplication of a service. I wondered if there had been any thought to placing a prohibition on that type of operation in the municipal act which I can understand from what's gone on here in the last few days where the Minister of Municipal Affairs has changed his mind and for example, reduced the 30 mills down to 28. Maybe and maybe this is some of the reasons why the City of Calgary did this. But I often wondered when you think of the cost involved and the inconvenience, why we shouldn't be looking at that problem, where there is only one tax notice to be sent out as far as the payment of taxes on any given piece of property within the municipality.

MR. FARRAN:

I think, although one might deplore the practice of sending out two tax notices, to prohibit it in The Municipal Taxation Act would clearly be an invasion of local autonomy.

AN HON. MEMBER:

Oh, no.

MR. FARRAN:

In fact, there is no prohibition in the Act to collecting taxes by installment if municipalities see fit.

MR. LUDWIG:

Well, Mr. Speaker, I believe that on that point I would agree with the hon. minister who just spoke that perhaps even though it was a ridiculous exercise in Calgary, it has to do with local autonomy. But the real cause of this exercise in Calgary was the fact that they had in the past placed a lot of credence and faith in what the ministers of the government said and suggested in political speeches. They thought that perhaps they could also trust this government and they found to their regret that that was not the case, and they paid through the nose. I hope that they will know better in the future not to make such a foolish mistake.

DR. MCCRIMMON:

Mr. Speaker, on a point of order. I have those questions down if you'd like me to answer them. During the clause by clause debate, I'd be only too happy to answer them.

[The motion was carried. Bill No. 33 was read a second time.]

MR. HYNDMAN:

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

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 10:50 o'clock.]