

LEGISLATIVE ASSEMBLY OF ALBERTA

Thursday Evening, May 10, 1973

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

MR. DICKIE:

Mr. Speaker, I beg leave of the House to revert to Introduction of Bills for the introduction of a timely and most important bill.

HON. MEMBERS:

Agreed.

INTRODUCTION OF BILLS

Bill No. 53 The Arbitration Amendment Act, 1973

MR. DICKIE:

Mr. Speaker, I beg leave to introduce a bill, being The Arbitration Amendment Act, 1973. The Energy Resources Conservation Board in its August, 1972 report on the field price of natural gas found that the majority of gas contracts are for a 20 year period and that redetermination clauses, which provide for renegotiation of price, are included in approximately 85 per cent of the gas under contract for removal from the province.

The redetermination clauses normally provide for arbitration if agreement is not reached in the new price schedule. The principle in the proposed bill is that the arbitrators shall use the commodity value of gas as the major criteria in determining the field value and use the field value so determined in fixing the redetermined price of the gas.

The bill also provides that the arbitrators shall be Albertans.

[Leave being granted, Bill No. 53 was introduced and read a first time.]

GOVERNMENT BILLS AND ORDERS
(Third Reading)

[It was moved and seconded by the members indicated that the following bills be read a third time, and the motions were carried without debate:]

<u>No.</u>	<u>Name</u>	<u>Moved by</u> <u>Messrs.</u>	<u>Seconded</u> <u>by Messrs.</u>
1	The Investment Contracts Amendment Act, 1973	Hyndman for Loughheed	Foster
4	The Garagemen's Lien Amendment Act, 1973	Hansen	Batiuk
5	The Public Highways Development Amendment Act, 1973	Purdy	Jamison
6	The Agricultural Service Board Amendment Act, 1973	Batiuk	Hansen
7	The Agricultural Societies Amendment Act, 1973	Miller, J	Chambers
8	The Alberta Municipal Financing Corporation Amendment Act, 1973	Hyndman for Miniely	Foster

9	The Alberta Loan Act, 1973	Hyndman for Miniely	Foster
10	The Public Service Vehicles Amendment Act, 1973	Trynchy	Ghitter
11	The Libraries Amendment Act, 1973	Doan	Farran
12	The Motor Vehicle Accident Claims Amendment Act, 1973	Harle	Appleby
13	The Health and Social Development Statutes Amendment Act, 1973	Ashton	Zander
14	The Private Investigators and Security Guards Amendment Act, 1973	Hyndman for Leitch	Backus
15	The Attorney General Statutes Amendment Act, 1973	Hyndman for Leitch	Backus
16	The Students Loan Guarantee Amendment Act, 1973	Foster	Hyndman
17	The Department of Advanced Education Amendment Act, 1973	Foster	Hyndman
19	The Hail and Crop Insurance Amendment Act, 1973	Stromberg	Hansen
20	The County Amendment Act, 1973	Purdy	Jamison
22	The Marketing of Agricultural Products Amendment Act, 1973	Appleby	Harle
23	The Universities Amendment Act, 1973	Foster	Hyndman
24	The Alberta Gas Trunk Line Company Amendment Act, 1973	Chambers	Miller, J.
26	The Police Act, 1973	Hyndman for Leitch	Foster
28	The Amusements Amendment Act, 1973	Russell for Schmid	Backus for Dickie
29	The Fire Prevention Amendment Act, 1973	Hohol	Russell
31	The Alberta Housing Amendment Act, 1973	Young	Doan
34	The Crown Agencies Employee Relations Amendment Act, 1973	Hohol	Russell
36	The Alberta Resources Railway Corporation Amendment Act, 1973	Hyndman for Miniely	Getty
37	The Local Authorities Pension Amendment Act, 1973	Hohol	Russell
38	The Trust Companies Amendment Act, 1973	Hyndman for Leitch	Getty
48	The Alberta Property Tax Reduction Act	Russell	Farran
56	The Financial Administration Amendment Act, 1973	Hyndman for Miniely	Hohol

GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill No. 51 The Planning Amendment Act, 1973

MR. GHITTER:

Mr. Speaker, I move second reading of Bill No. 51, The Planning Amendment Act, 1973, seconded by the the hon. Member for Whitecourt.

[The motion was carried. Bill No. 51 was read a second time.]

MR. HYNDMAN:

Mr. Speaker, I move you do now leave the Chair and the Assembly resolve itself into Committee of the Whole to consider bills on the Order Paper.

[Mr. Speaker left the Chair.]

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COMMITTEE OF THE WHOLE

[Mr. Diachuk in the Chair]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order.

Bill No. 35 The Alberta Labour Act, 1973 (Cont.)

[Sections 163 through 167 of the bill were agreed to without debate.]

[Section 168 as amended was agreed to without debate.]

[Section 169 as amended was agreed to without debate.]

[Sections 170 through 201, the title and preamble were agreed to without debate.]

DR. HOHOL:

Mr. Chairman, I move that Bill No. 35 be reported as amended.

[The motion was carried.]

Bill No. 21 The Child Welfare Amendment Act, 1973

[Sections 1 through 10 of the bill were agreed to without debate.]

[Section 11 as amended was agreed to without debate.]

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

MR. LEE:

Mr. Chairman, I move, seconded by the Member for Edmonton Kingsway, that the bill be reported as amended.

[The motion was carried.]

Bill No. 27
The Livestock and Livestock Products Amendment Act, 1973

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

MR. FLUKER:

Mr. Chairman, I move that Bill No. 27, The Livestock and Livestock Products Amendment Act, 1973 be reported.

[The motion was carried.]

Bill No. 30
The Municipal Government Amendment Act, 1973

MR. HENDERSON:

Mr. Chairman, I would like to ask the minister if he would examine under this bill -- Bill No. 30? Do I understand you correctly, Mr. Chairman, it's Bill No. 30? -- the possibility of inserting an amendment in Section 21 and

Section 24 of the bill that would make it abundantly clear that the absence of this particular section in the bill is in no way to be taken as an indication of the fact that development agreements and off-site development charges, where they have been entered into between municipalities and developers in the past, are not in any way invalid or affected by the absence of this particular authority.

While I have checked with Legislative Counsel and have been told that nothing in the bill as it now stands should in principle affect any agreements that have already been voluntarily entered into between municipalities and developers, there is nonetheless the implication that it might be taken that the absence of specific legislative comment in this particular regard could be taken as a suggestion that the municipalities did not have the authority to enter into a development agreement on off-site development costs.

I would therefore like to suggest for the consideration of the House an amendment to Section 21 which would add a clause (8) to the bill, reading as follows:

That a municipality shall be deemed to have had before the commencement of this section, the power with respect to property being redeveloped to require by agreement or otherwise the payment of charges for any purposes mentioned in subsection (4).

I don't think in any way -- it simply confirms what Legislative Counsel said is the intent of the bill in the first place, but it should remove any doubt as to any question of the legality of agreements that have been entered into by the municipalities prior to this legislation.

MR. CHAIRMAN:

Does the Assembly wish to go through this bill section by section because we have some amendments here already?

MR. HENDERSON:

Pardon me, Mr. Chairman, I hadn't marked them down. I just assumed that we had got to these particular sections in this bill. We'll just hold that then until we get to the appropriate section.

MR. WILSON:

Mr. Chairman, inasmuch as I may have a direct pecuniary interest in one section of this bill I will refrain from the debate and voting. I absent myself from the House.

MR. CHAIRMAN:

Let us know what the hockey score is.

MR. DIXON:

Mr. Chairman, on this point, either to the sponsor of the bill or to the Minister of Municipal Affairs: I had a number of Edmonton taxpayers -- I believe they are called The Concerned Edmonton Taxpayers Association -- anyway, they were quite concerned about (4).

MR. HENDERSON:

Let's wait until we get there, Art.

MR. DIXON:

Isn't it 4 and 1, or is it just --

MR. HENDERSON:

We are going section by section.

MR. DIXON:

I thought you were going to do the whole thing complete.

MR. CHAIRMAN:

We are going section by section on this bill.

MR. DIXON:

Okay. I'll wait until we get there.

MR. CHAIRMAN:

Mr. Henderson, do you have extra copies of this?

MR. HENDERSON:

I only have the three copies. I gave the minister one, one to the Chair and I have one left.

[Sections 1 through 5 were agreed to without debate.]

Section 6

MR. DIXON:

Section 6(4), Mr. Chairman, which reads:

This section does not apply to a member of a council by reason only of his being a member of the board of directors of a foundation or association formed for the purpose of staging the British Commonwealth Games.

I wonder if either the sponsor of the bill, the hon. Member for Drayton Valley, or the Minister of Municipal Affairs could enlighten the House as to why this is necessary. You would think that any of these men associated with the games would be like the rest of us who realize if we are in conflict with whatever is going on. It shouldn't be spelled out in legislation.

They should know they are in conflict with it and so try to stay away from being caught in such a situation. I can see if you start this sort of thing you could go on forever adding who is exempt, to where the purpose of the section doesn't mean anything.

I am just wondering if the hon. minister or the sponsor of the bill could inform me of how much representation or who made the representation for this change in the bill? Because I think, as a member, as an elected official, I am always concerned with government at any level which is always making exceptions to cover blanketly a certain group of people.

MR. ZANDER:

Mr. Chairman, I believe the representation has been made in the case of the British Commonwealth Games where either a member of the council or a commissioner who is on the board would have an interest in the games, would have an interest in the project. Also I do believe that with most of them it is a non-profit organization really. I think the section is well intended, although I think there has also been a request from the City of Lethbridge on the Winter Games in this respect, which they would want to be covered in the act also.

MR. GRUENWALD:

Yes, Mr. Chairman. In that very instance there are two sections which are involved. I would suggest that we add to that amendment the exclusion also of Canada and Canada Winter and Summer Games.

If necessary, Mr. Chairman, I would move, seconded by Mr. Hinman that these sections be amended by adding after [British Commonwealth] "Canada Winter and Summer Games".

MR. CHAIRMAN:

That's an amendment to Section 6?

MR. GRUENWALD:

In No. 11 the same thing applies.

MR. DIXON:

Mr. Chairman, I am not going to give the speech I gave before, but this is just compounding what I was arguing about. I think you can just see what has happened within five minutes of what I said was going to happen. Even if it comes from this side of the House it doesn't change my mind. I am quite

concerned with this excluding people because I think it will just lead on to situations which get hard to handle as you go further down. Most of this work is done on a volunteer basis, they are not actually doing any business. I don't see the reason for putting in this exclusion. I am just as much in favour of any British Empire Games or any other kind of games --

[Interjections]

I heard the hon. Minister Without Portfolio, Miss Hunley -- she was saying she's in favour of all sorts of games too.

[Interjections]

MR. CHAIRMAN:

Order, order.

AN HCN. MEMBER:

Only Gordon can get away with that.

MR. DIXON:

That's right. Well, I thought I could get away with it.

Well anyway, Mr. Chairman, I do say that as a Legislature -- or whether it was a parliament or whether it was a city council -- but in this case we are the people who are excluding people under this act, we're the ones naturally who are responsible. We're the ones who make the decision.

But I'd just like to raise my objection to bills that are exempting people all the time. If you keep this up you just kill the basic principle behind legislation that guarantees to the public that there be no hanky-panky or anything else going on behind the scenes. If somebody is so involved in business that they feel they are going to get into trouble if they have anything to do with the British Empire Games or any other sort of games -- I think it is an unnecessary type of legislation. It may seem sort of a picayune argument but it is certainly one that I really believe in. I'm going to say that I oppose it, and want to go on record as such.

MR. ZANDER:

Mr. Chairman, I think we have to realize fully the extreme effort that the City of Edmonton and also the City of Lethbridge have made to obtain the games in Edmonton and in Lethbridge. Certainly I see it has some fear. Nevertheless I think they are elected people the same as we are who are going to be objective in there, they are not going to go out to get the dollars and cents for themselves rather than the interests of the games.

MR. HENDERSON:

Mr. Chairman, I think it is probably a matter of explanation. As I read Section 30, it means that a member on municipal council can't vote in council on the appropriation of funds in which he is going to have some responsibility for spending thereafter. This is the case of a grant from the city to the Commonwealth Games.

By putting in the amendment, it means that a member of council could vote in council on the appropriation to the Commonwealth Games. As I understand it the city is already committed to one-third of the funds, the province is committed to one-third and the federal government is committed to one-third. I'm not sure of the significance of whether it would leave a quorum of council to vote on the appropriation without this amendment or not.

But what's the problem, I would like to ask the Minister of Municipal Affairs, if the councillors or aldermen who were going on the Commonwealth Games committee weren't allowed to vote in city council on the appropriation? I think there is a matter of just clarifying why the amendment is required, in order to set it straight.

MR. RUSSELL:

Mr. Chairman, the history of this amendment goes back to the time when we got a letter early this year from the City of Edmonton solicitor who was concerned. This matter had been brought to his attention in view of the fact that some aldermen were going to serve as members of the board of the non-profit

foundation which is going to promote and manage the British Commonwealth Games. The solicitor pointed out to us, because of the intricacy of the interlocking contracts and agreements that the city and the foundation would in all probability have with respect to building the facilities for the games, that as insurance they would like this clause in.

I admit there was some question as to whether it is even necessary or not. We took the attitude that it was a unique situation and that it was a reasonable request. In fact, the province has been rather involved in trying to bring the games to Edmonton and on that basis agreed to it.

Following that, the City of Lethbridge wrote us and said well, we've got a similar situation with the Canada Winter Games. If the Commonwealth Games make sense, certainly the Winter Games do. I discussed this with the Member for Lethbridge West and said we would have no objection if he put in an amendment which would cover the same situation for Lethbridge. It's a little bit extraordinary, I guess, that the unique situation with respect to these games coming to these cities would both be covered at this time. But that is the reason for it.

MR. HENDERSON:

Mr. Chairman, really all it means is this amendment has no bearing whatever on the activity of the councillor who is serving as a private citizen on the commonwealth committee. This strictly relates to the question of voting in city council on the appropriation of the grant to the Commonwealth Games Committee.

MR. RUSSELL:

No.

MR. HENDERSON:

No, I'm trying to get the answer.

MR. RUSSELL:

The potential conflict comes when a councillor, who serves as a member of a non-profit foundation for the games votes on matters affecting contracts as a member of council in city council.

MR. HENDERSON:

Mr. Chairman, in my view of the matter, if failure to pass the amendment would -- if taken in the strictest legal sense, I would conclude then that no city councillor would dare risk sitting on the commonwealth committee for fear of prosecution for conflict of interest. I quite frankly have to take exception with the argument of my colleague seated to my right, because I think with the amount of money involved, it's clearly in the public interest that the city councillors be on the committee. The private citizens on the committee are accountable to no one in fact except themselves. At least by allowing city councillors to sit on the committee, there is bound to be some element of accountability, at least in a political sense, relative to the operation of the commonwealth committee and the manner in which the funds are being spent.

In that context it seems to me it is desirable to proceed with the amendment. As long as all exercises are being conducted publicly in city council, all contracts and tenders are being let as public tenders and so on, then I can see no reason for not proceeding with the amendment and thereby enabling members of city council to serve on the commonwealth committee without fear of conflict of interest charges.

As I say, in my view it is in the interest of the citizens of the city that there be this particular connection, that city councillors be on the committee. I don't think the Commonwealth Games can be staged effectively without representation from the city and input into the development of the facilities and the program to make the games a success.

While I understand some of the concerns of the people over the amendment, it's a specific instance and in my view does not otherwise basically undermine the principle of legislation prohibiting city councillors from participating in voting on matters in which they have a personal interest.

MR. TAYLOR:

Mr. Chairman, I believe a lot of the misunderstanding comes from a misinterpretation of the original section in the Act which was put in to make sure a councillor or alderman did not vote on moneys that he was going to get himself or that his firm was going to get. There was no personal interest or personal involvement. If I could see any personal interest or personal involvement where the councillor or alderman was going to secure a profit through this, I would certainly not be in favour of the amendment. But I have difficulty seeing how the alderman is going to have any personal interest or involvement in the moneys that are voted. Surely there is no way in which the alderman is going to get any of this money in his own pocket or his company is going to get any of this in its own pocket. I think that's the section which concerns a lot of people.

The fact that the amendment is in gives rise to some suspicions that somebody there is going to make some money out of this. I think this is unfortunate. The people are working without pay.

Let's just follow this through there. City aldermen are getting paid, but they cannot vote on a plumbing contract or road contract in which they or their company was involved. They couldn't even vote on a contract for a sale of books if they happened to be selling books, and properly so. That's one of the responsibilities they take and one of the things that comes up because they are city aldermen. That helps to keep politics in Canada clean and it has been very clean compared to many other places. I think most Canadians want to keep it that way.

So when the money is voted in the council for the games, certainly there is no personal involvement. When that same city alderman moves over as a director of the British Commonwealth Games, the same thing would hold good. Surely he would not then vote something that would bring something to his company or to his pocket. So again there is no personal involvement.

Consequently, I think this is the explanation that should be given loud and clear to the people: that this is not to enable aldermen to make any profit or money out of the games, but is simply to enable them to provide a public service. The sole reason it is in is because they happen to be members of city council and members of the board of directors at the same time.

If that explanation is correct, then I certainly support the amendment. If that information is not correct, I would certainly like to hear wherein it is wrong.

MR. FARRAN:

I would just like to tell a story to point out why this is the only way this can be done for these specific instances of the British Commonwealth Games and the Canadian Games in Lethbridge.

Once upon a time, there was a very honourable alderman in the city of Calgary who was seconded by his fellow aldermen to be a director of an exhibition in Calgary. The exhibition in Calgary was non-profit making. He was serving without extra reward as a dedicated citizen of that city. It came to the point where city council had to vote what was alleged to be a benefit to the Calgary Stampede. The courts held that because he was a director of the Stampede board as a nominee of the city council, he was in conflict in voting. Everything about it was honourable. It was absolutely straight. He is now a member of the Loyal Opposition on the opposite side of the House.

It has to be done this way. Unfortunately we couldn't write a four-page thing to cover all the misgivings the hon. member for Drumheller has. This is the only way it can be done. You do it for these specific events.

SOME HON. MEMBERS:

Agreed.

MR. DIXON:

Mr. Chairman, my closing remarks are these. I think if you look at this thing realistically there are going to be, say, \$9 million spent in the city of Edmonton. A great deal of that money is spent for capital expenditures, or buildings, or acquiring land, or supplying goods and services which we have gone to great lengths over the years to prevent aldermen, MLAs or MPs from having an interest in. It is not a matter of the games. Nobody in this Legislature or

out is opposed to the games. It's not a matter of just running games. It's all the services and the capital costs that are going to have to be purchased from the funds that are going to be voted by the council from whatever source it gets them. This is where the problem is going to arise.

MR. FARRAN:

[Inaudible]...a big exercise like this.

MR. DIXON:

That's right. I agree with the hon. minister. I want to make it clear. I'm not opposed to the games. The basic thing I'm opposed to is that every time you make exceptions you open the door, either for abuses if somebody wants to take advantage of it which I'm not saying is going to happen, or you just clutter up the legislative until we get to the stage where it's meaningless because there are so many loopholes in it. That's all I'm opposed to.

But I think, in a case like this where millions of dollars are going to be spent, some of these people -- as the hon. Leader of the Opposition said and I'd like to disagree with him publicly -- that a private person isn't responsible. The private person could be accountable if somebody wanted to sue him, but if we're excluding people by legislation, you are putting the elected man in a better position than the man who is sitting there unelected.

MR. CHAIRMAN:

The question has been called. Are you ready for the question?

[Section 6 as amended was agreed to.]

MR. HENDERSON:

Mr. Chairman, just before we leave this section, as a matter of record I wonder if the minister or any member seated opposite, one of the members from the city of Edmonton, could advise how many city councillors or aldermen from Edmonton are serving on the Commonwealth Games Committee?

MR. RUSSELL:

Three or four.

MR. HENDERSON:

Would I be right in assuming they have probably already voted on some matters before city council concerning the games?

MR. BENOIT:

May I raise another question? Is there a possibility that any of these directors is paid in any way, shape or form for services or are the councillors serving gratis in every respect? Nobody knows?

MR. TAYLOR:

[Inaudible]... Mr. Chairman, is that once a councillor is on the British Commonwealth Games Committee he really puts himself in the position where either he or his firm is then not going to be able to go after contracts, so he is really making a sacrifice in that respect.

[Sections 7 through 10 were agreed to without debate.]

Section 11

MR. GRUENWALD:

Mr. Chairman, we have an amendment. I move, seconded by Mr. Hinman, that at the end of the section there we add, "or Canada Winter or Summer Games" -- in Section 11 as you have it on the written motion.

[Section 11 as amended was agreed to.]

[Sections 12 through 14 were agreed to without debate.]

[Section 15 as amended was agreed to without debate.]

[Section 16 was agreed to without debate.]

Section 17

MR. TAYLOR:

Mr. Chairman, being a dog lover and not liking cats, I'm glad they equalized this thing and got liberation. Maybe they've got cats' lib or dogs' lib now.

[Section 17 as amended was agreed to.]

[Section 18 was agreed to without debate.]

[Section 19 as amended was agreed to without debate.]

[Section 20 was agreed to without debate.]

Section 21

MR. HENDERSON:

Mr. Chairman, I would at this point move that the section be amended by adding a clause 8 which I read previously. I'll read it again.

A municipality shall be deemed to have had before the commencement of this section the power, with respect to property being redeveloped, to require by agreement or otherwise the payment of charges for any of the purposes mentioned in subsection (4).

I will state again, Mr. Chairman, the amendment has been drafted by Legislative Counsel, and while the minister has stated there is really no need for the amendment, that Section 4 before us in no way interferes with previous agreements, there have, nonetheless, been questions raised as to whether the absence of Section 21, as to whether off-site development charges levied by agreement prior to the introduction of this legislation were legal.

The amendment would simply make it clear that it was the intent of the Legislature that the agreements entered into by the municipalities and developers, prior to the introduction of the legislation, were legal in the basic sense of the word.

MR. RUSSELL:

Mr. Chairman, there is, I think one important difference here. That is that both the sections that the hon. Leader of the Opposition wishes to amend specifically refer to actions carried out by council under a by-law, the passage of a by-law. I think the concern the hon. member has is that agreements that may have been reached under a development agreement which is not carried out under a by-law. I've been advised by officials in my department that this amendment is not necessary. I think the power for a municipality, anywhere in Alberta, to enter into a development agreement is well established. That may or may not be challenged in court. But both of these sections are carried out following the passage of a by-law and I think that's a distinct difference.

MR. HENDERSON:

Well conversely, Mr. Chairman, if that's the case, why do we need the Section 21 before us is the question I raise in reply. Because if everything was going according to Mcyle in the past, even under the by-law by the municipality, what has the matter been raised in the House for? I have to conclude that the matter was raised in the House, and the amendment introduced because there was some question in that regard.

I'm under the understanding that the municipal associations in the province requested it go in the bill, as a clarification. I'm suggesting, Mr. Chairman, that it's clear from here on in that if there were no problems or questions relative to the validity of the previous by-laws, relative to enabling legislation to do this, well then, there was no need for the minister to bring the amendments into the House in the first place.

So, I have to arrive at the conclusion that there were some grounds for concern as to the by-laws that exist in this regard and to that end, the minister has seen fit to bring the amendments in. I take it in that context, simply by adding Section 8, it would just make it abundantly clear that the development by-laws that were enacted prior to this particular introduction of Section 21 -- there is no question as to the authority of the municipalities who

have entered into the agreements. I'm suggesting by virtue of the arguments that, I presume, are used to justify the introduction of Section 21 in the first place, that by virtue of the same arguments, this particular amendment is desirable in the interests of making it abundantly clear. Otherwise, we might as well strike out all of Section 21 because the minister is saying we don't need any of it.

MR. RUSSELL:

Mr. Chairman, I tend to agree with his last comment. You're correct. The municipal associations did ask this, and really, as far as I can determine, it's easier for them to do it by passing the by-law. That is the procedure with which most of our municipalities are more familiar than by entering into a development agreement. But notwithstanding that, I have to go back to the original statement and say that the section under discussion specifically refers to procedures to be carried out under a by-law, whereas the amendment, as I interpret it, deals with past procedures carried out under a development agreement.

Now, it's true that once this is in, the by-law, in effect, provides the mechanism for a municipality to do by by-law what some municipalities are now doing by development agreements. I can only repeat, I've been advised this 'grandfather' clause, as it's called, is not necessary.

MR. HENDERSON:

Mr. Chairman, since a number of municipalities have used the development agreement procedure and they are in effect and you now bring in the question of by-laws, I suggest that by bringing in a section just to say it should be done by by-law basically does bring in the question of whether the basic development agreements were legal and binding.

MR. RUSSELL:

Mr. Chairman, this section is permissive. There is still nothing to prevent any municipality from entering into any number of development agreements. They may not wish to designate an old part of the city as a redevelopment area, or further on in the act, designate a part of the city as a development area.

I assume, maybe incorrectly, that the major cities will still use the development agreement procedure. But this is permissive legislation to designate one of these areas and then the procedure follows.

[The motion was defeated.]

MR. HENDERSON:

Before we leave this, are there any plans laid for municipalities?

MR. FARRAN:

What difference would it make?

MR. HENDERSON:

It's going to mean the case of a lawsuit or two. I hope the hon. members seated opposite are prepared to retroactively change the legislation to correct the matter.

MR. RUSSELL:

Just for the final time, the basis of the lawsuit will be on the legality of the development agreement, not on a by-law passed under this section.

MR. HENDERSON:

The lawsuit, Mr. Chairman, is being presented on the basis of the argument that the municipality did not have the authority to require such a development agreement in the first place. They have no statutory authority to propose such agreements and enter into them with the municipality.

I'm just hoping the minister is right. If what he says is right the amendment isn't necessary. But on the other hand if he's wrong the amendment would clarify it and remove any doubt over it. So all we're saying by doing this is that the matter will have to be settled in court presumably.

[Section 21 was agreed to.]

MR. CHAIRMAN:

For the benefit of the hockey fans the Montreal Canadiens won the Stanley Cup. Final score: Chicago 4, Montreal 6.

[Sections 22 and 23 were agreed to without debate.]

Section 24

MR. HENDERSON:

Mr. Chairman, I still would like to go through the motion at least of moving a similar amendment, that Section 24 be amended by adding a clause (10) reading:

A municipality shall be deemed to have had before the commencement of this section the power, with respect to undeveloped land that is to be developed, to require by agreement or otherwise the payment of off-site costs and the cost of municipal services.

The wording is slightly different but the basic intent is the same as the previous amendment.

[The motion was defeated.]

[Section 24 was agreed to.]

[Sections 25 through 42, the title and preamble were agreed to without debate.]

MR. ZANDER:

Mr. Chairman, I move that Bill No. 30 be reported as amended.

[The motion was carried.]

Bill No. 25
The Cemeteries Amendment Act, 1973

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

DR. PAPROSKI:

Mr. Chairman, I move that Bill No. 25 be reported.

[The motion was carried.]

Bill No. 32
The Public Health Amendment Act, 1973

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

DR. McCRIMMON:

Mr. Chairman, I move that Bill No. 32 be reported.

[The motion was carried.]

Bill No. 39
The Companies Amendment Act, 1973

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

MR. KOZIAK:

Mr. Chairman, I move that Bill No. 39 be reported.

[The motion was carried.]

Bill No. 40
The Dental Association Amendment Act, 1973

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

MR. CRAWFORD:

Mr. Chairman, I move that Bill No. 40 be reported.

[The motion was carried.]

Bill No. 41
The Public Service Pension Amendment Act, 1973

[Sections 1 through 8 were agreed to without debate.]

[Section 9 as amended was agreed to without debate.]

[Sections 10 through 22 were agreed to without debate.]

DR. HOHOL:

Mr. Chairman, I move that Bill No. 41 with amendments be reported.

[The motion was carried.]

Bill No. 42
The Senior Citizens Housing Statutes Amendment Act, 1973

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

MR. CRAWFORD:

I was waiting for you, Mr. Chairman. Sorry.

AN HON. MEMBER:

Now.

MR. CRAWFORD:

Mr. Chairman, I move that Bill No. 42 be reported.

[The motion was carried.]

Bill No. 43
The Teachers' Retirement Fund Amendment Act, 1973

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

MR. TOPOLNISKY:

Mr. Chairman, I move that Bill No. 43 be reported.

[The motion was carried.]

Bill No. 44
The Department of Education Amendment Act, 1973

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

MR. HYNDMAN:

Mr. Chairman, I move that Bill No. 44 be reported.

[The motion was carried.]

Bill No. 45
The Alberta Educational Communications Corporation Act

MR. GRUENWALD:

I wonder if the minister would care to respond to the questions I posed to him on second reading. Then we will decide whether we should go section by section or not.

MR. HYNDMAN:

Mr. Chairman, the questions posed by the hon. member were two in number. I think the first related to defining and distinguishing between the corporation the provincial authority and the advisory committees. The second question related to the make-up of the directors and the suggestion was made that there should be more detail and specificity with regard to the directors.

Concerning the first item the corporation itself provides the framework for future educational broadcasting in the province and the framework for the production of programs and materials.

Section 6 spells out the powers of the corporation. It will assume the responsibility for radio station CKUA, the Metropolitan Edmonton Educational Television Association and the Calgary and Region Educational Television. That is a corporation which is set up by the bill. The provincial authority is an entity required under Section 27 of the Broadcasting Act of Canada, whereby that federal Act requires that in the Province of Alberta there be an authority designated by the provincial cabinet as to its membership, which is in effect the agent of the Canadian Radio and Television Commission charged with the responsibility of supervising and assessing the programs of the corporation.

The membership on that authority would probably comprise the Ministers of Education and Advanced Education, and possibly the Ministers of Federal and Intergovernmental Affairs, Culture, Youth and Recreation, and Alberta Government Telephones. So that authority then does such things as supervise and assess programs, approve the by-laws presented by the corporation and it receives the budget for approval.

Now the advisory committees to the authority set forth in Section 2 (2) would be probably three in number; first a general advisory committee drawn probably from the government departments; second an advisory committee on program policy which would involve for example the director of curriculum, of the Department of Education, the director of learning resources of the Department of Advanced Education, representatives of the universities, the colleges, the school systems, from the corporation, from the public, from perhaps those interested in radio in the province and those interested in television.

Probably third, there would be an advisory committee on production facilities which would be largely composed of technical personnel, a small committee, and it would provide the authority with advice about the acquisition of new production facilities, the assimilation and rationalization of existing TV and radio facilities around the province.

Concerning the directors, they would be, pursuant to Section 3, fifteen in number, of which three or four, a minority, can be provincial government members. This is required under the federal regulations. It would seem to me that in choosing those directors -- and we'll very shortly be advertising for directors throughout Alberta in the weekly newspapers -- there are quite a number of existing and possible interest groups which will have to be represented.

I think there is geographical representation to be considered insofar as this corporation is not going to confine its interests or activities to the two major cities, but rather lays the groundwork for an expansion of educational radio and television to the rural and outlying areas of the province. So I would feel in choosing the directors that they must be broadly representative of the entire province.

Mention was made that the School Trustees Association of Alberta and the ATA should be specifically inserted as members in the act.

I think when we remember that not only those two groups, but also representation may well be sought by universities, public colleges, NAIT and SAIT, technical colleges, vocational centres, continuing education groups, certain farm groups, women's groups, labour, chamber of commerce groups, and by

groups representing parents, in the fine arts. Although it may well be that the trustees and the teachers would be represented on the board of directors -- and my immediate reaction at this time is they certainly would be and should be -- I think to try and specify that they should be on would end up with a situation where the government's ability to decide and balance out this board of directors would be materially impaired.

So what it boils down to is that the government is prepared to take the responsibility for making the right decision or the wrong one in choosing the boards of directors. Certainly the suggestion made by the hon. member is most valid and we'd look at it very carefully.

MR. CHAIRMAN:

Agreed with the amendment?

MR. BENOIT:

Mr. Chairman, I would like an explanation of why we went this route in the amendment instead of keeping it the way it was.

MR. HYNDMAN:

On the amendment, Mr. Chairman, there was some question as to whether or not once the corporation is set up the employees of it might wish to have a choice of either coming under The Local Authorities Pension Act or The Public Service Pension Act. They are roughly similar but there are differences and there are benefits in the minds of the employees.

So what this amendment will do, in effect, is enable the employees and the corporation to give voice to the best pension plan it feels it should have and then this can be put into effect. Whereas in the Act it is locked into, I believe, a local authorities pension. So it provides more flexibility.

MR. CHAIRMAN:

Agreed with the amendment?

[Sections 1 through 7 of the bill were agreed to.]

[Section 8 as amended was agreed to without debate.]

[Sections 9 through 16, the title and preamble were agreed to without debate.]

MR. HYNDMAN:

Mr. Chairman, I move that the bill be reported as amended.

[The motion was carried.]

Bill No. 46 The Farm Implement Amendment Act, 1973

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

MR. MOORE:

Mr. Chairman, I move that Bill No. 46 be reported.

[The motion was carried.]

Bill No. 47

The Land Surface Conservation and Reclamation Act

MR. MANDEVILLE:

Mr. Chairman, under Section 15 of Bill No. 47 is the constitution of a council for the reclamation and conservation board and the chairman is going to be from the Department of the Environment and the two vice-chairmen from the Departments of Lands and Forests, and Mines and Minerals. Much of this land involved in reclamation is going to be owned by ranchers or farmers or it is going to be involved with agriculture by some means or another.

I would like the minister to consider having one of the vice-chairmen from the Department of Agriculture or from one of the farm organizations. I do realize in clause 3 of 15 that the local authority can appoint two members to this council, but they will only be on a temporary basis while they are involved in reclamation in their own constituency. So I would hope the minister would take a serious look at putting someone from the Department of Agriculture permanently on this board.

MR. YURKO:

Mr. Chairman, just a few comments. The matter was suggested to me. I think, as I have indicated before, the council itself is going to be composed of a number of department officials. Presently, besides the chairman and the two vice-chairmen we envision three people from the Department of the Environment and three or more from other departments appointed by the Lieutenant Governor in Council so that the Department of Agriculture will be adequately represented in terms of the council itself. On top of that, of course, each local authority will be able to place two members and many of them will be direct representatives of agriculture.

However, I want to suggest the important aspect of the preventive aspect of this bill and the reclamation part will be associated with the regulations and standards that are established. These regulations and standards in most cases will be established by the conservation and utilization committee. This committee involves most departments of government that are directly associated with physical resources, including the Department of Agriculture.

However, I have indicated to other parties that I would take under advisement the idea of expanding the deputy chairmen to three, with the possibility of including one from the Department of Agriculture. I will certainly take that under advisement and if it is considered advisable to do so in the future, this can be brought in as a change in subsequent years.

MR. TAYLOR:

Mr. Chairman, there is one point. Under the act, it appears the minister would have approval in connection with abandonment of railway lines, and I'm wondering if this approval would supersede that of the Canadian Transport Commission insofar as Alberta lines are concerned?

MR. YURKO:

Under part two, the Lieutenant Governor in Council can structure regulations in terms of approving a project and at the same time with respect to abandoning a project, as well as under part three we may very well structure regulations in terms of reclamation of abandoned railway lines, for example.

What we are trying to do in this act, and it will be a test case, is to cover and recognize the provincial responsibility, the sole provincial responsibility in terms of land management as against the federal responsibility. You will find in here a section which intends to circumvent any powers the federal government may, in fact, in the past have given companies in terms of a chartered line, for example.

We recognize we may have some difficulty with that section and that there may, in fact, be some difficulties with railways. But we are prepared to go ahead with the situation as it is, and if necessary, accept the consequences whatever they may be down the road. I don't exactly know what these consequences may be down the road.

MR. TAYLOR:

Mr. Chairman, I don't know what the consequences may be either, but I am certainly glad to see this legislation come in, because it will enable the Alberta government to take a pretty careful look at all the economic factors of the land and communities et cetera in connection with the abandonment of rail lines. This has not always been done in the past when it has been done by bodies so far away. I think this has real possibilities in saving a number of our rail lines from being abandoned and switching the costs of transportation from the railway onto the shoulders of the people through the provincial government.

MR. YURKO:

Just briefly, Mr. Chairman, there is a cost of building an enterprise, as well as a cost of abandoning an enterprise. In this way we expect to impose some costs in terms of the abandonment of an enterprise.

MR. ZANDER:

Mr. Chairman, one question to the minister. With the passage of this bill, will the local reclamation board be disbanded or go out of existence?

MR. YURKO:

The provincial members on the reclamation council, or the Land Conservation Reclamation Council, of course will be reviewed and that part will be restructured in accordance with the act. I think you will find that in the act itself, Section 64(8) indicates that as far as the local appointees are concerned:

The appointments of all persons appointed by the local authorities as members of the Surface Reclamation Council terminate upon the commencement of this subsection.

There is a particular reason for doing this. We recognize that these local council members will have expanded responsibilities and we wish to give the local authorities an opportunity to re-examine the qualifications of all their appointees in regard to their vast and largely expanded responsibilities under this act.

MR. BENOIT:

I don't quite understand this. No farmland is to be affected in any way by this act, not even when gravel pits and oil rigs and things like that are on it?

MR. YURKO:

I think I might explain Section 2. What Section 2 says is that this act applies to all land except the following: "(a) subdivided land used or intended to be used for residential purposes." In other words, it doesn't apply to land on which a subdivision was approved under The Planning Act. But there is an exception to that. Part (b) says it doesn't apply to land used by, say, a farmer, which is residential land around his home. But that doesn't say that it doesn't apply to his farm which is not used for residential purposes, but for agricultural purposes.

However, I might say that Section 2, under 2(3) excludes Part 2 from agricultural operation. There is a difference between subsection 3 and subsection 2. I'll come back to subsection 2. Subsection 3 says here that where Section 2 which is that section where the government can structure regulations to prevent an operation from taking place -- agricultural operations can't come under that part and that farming operations basically are not subject, under this act, to some pre-approval condition by the government. Now, that's an operation. That's not farmland.

Going back to Section 2(2), it says that once land is subdivided, this act is inoperative. However, the amendment says that if a party owning that land or occupying that land wishes to request that the act apply to his land in terms of reclamation, he may do so and the act would then apply. So a person who has 20 acres, for example, and a major pipeline is going through his land, can, in fact, request reclamation protection and he will get it under the act. That's the amendment that is added.

Now, besides that, I might assure you that if a major pipeline is going through, from point A to point B, and it crosses a number of subdivisions, for example, we would have no intention of approving that entire pipeline unless the plan indicated a degree of reclamation during the entire length of that pipeline, even though it went over subdivided land.

So there is a double protection. We had that protection in initially, and now with the amendment the owner or the occupant can actually ask us to come in and regulate the reclamation. We made this exclusion because we didn't want this act to apply to every small gas line coming to a home, for example, or every water line coming to a home. It was feared that if we did we could start imposing very stringent conditions in areas we really had no business being in. And even though politicians are very well intentioned, a bureaucracy can be

built up that can start being pretty nasty in terms of its area of control. These are some of the reasons for Section 2.

I might suggest that we have some apprehensions in terms of the exclusions in Section 2 of the act and we will be giving this section a great deal of attention in the future in terms of what we really should exempt and what we shouldn't. But we wanted to be very careful to indicate that we weren't about to go out and interfere with farming operations. We weren't about to go out and interfere with a man digging a posthole to tell him how to fill that hole, and we didn't want to have any part in all these tiny operations associated with living. Really, we were interested in regulating industrial land surface disturbances.

MR. BUCKWELL:

Would this act have any control over badly eroded farmland, say, in the roads?

MR. YURKO:

Yes, I think if there was considerable soil drifting or very serious erosion which affected another portion, say a water stream for example, that could actually be brought in as a concern under other legislation or perhaps this legislation also. But that would tend to be a grey area and, as I said, this is one of the reasons we are concerned about this section -- just what we should or should not be permitted to do on it. We don't want any powers to do anything we shouldn't do, but we recognize that wind erosion, for example, may indeed be a problem and there may be a desire on the part of the owners themselves to bring that part under this act.

MR. RUSTE:

Mr. Chairman, the minister referred to digging a posthole. I would suggest that maybe if some bureaucrat came out when we were digging a posthole and had objections, we'd put him in with the post.

What I would like to make though as my concern here, to the minister, is that there is provision for Orders-in-Council and ministerial announcements on this, and I would suggest they look at those pretty carefully in light of the two sessions we have a year. Not only that, but the implications -- I mean if it comes up we can discuss it here with 75 members and look at it in many ways, whereas the minister and his staff may decide to do a certain thing without the benefit of the thinking of a lot more members. And I would ask him to take a close look at that.

MR. YURKO:

Mr. Chairman, I didn't get the section that the hon. member was referring to. Was he referring to section -- what particular section?

MR. RUSTE:

The section that refers to the provision of Orders-in-Council by the department.

MR. YURKO:

This bill is full of provisions permitting the Lieutenant Governor in Council to structure regulations. It is recognized that the real meat of Part 2, particularly in terms of regulations and Part 3 in terms of standards -- Part 2 in terms of regulations is totally subordinated to regulations structured by the Lieutenant Governor in Council. We were very specific not to give the minister substantial powers in Part 2, that this in fact was an obligation of the government in total. The government would undertake the structuring of regulations in Part 2, because Part 2 would probably require something like this for any particular operation that is designated as a regulated surface operation.

There may be a requirement for an environmental impact assessment; there may be a requirement for a cost benefit analysis; there may be a requirement for the filing of a complete development plan indicating reclamation procedures subsequently, or there may be a pretty substantial requirement for posting of a bond. These are all totally government matters, rather than ministerial matters. It is impossible to envision what would be established for any particular surface operation. But I have indicated to the House before that we will attempt to give the regulations the widest possible circulation, and

attempt to subject them to the widest possible degree of criticism, before we pass them.

[Sections 1 and 2 of the bill as amended were agreed to without debate.]

[Sections 3 through 6 were agreed to without debate.]

[Section 7 as amended was agreed to without debate.]

[Sections 8 through 46 were agreed to without debate.]

[Section 47 as amended was agreed to without debate.]

[Sections 48 through 64 were agreed to without debate.]

[Section 65 as amended was agreed to without debate.]

[Section 66, the title and preamble were agreed to without debate.]

MR. YURKO:

Mr. Chairman, I move, seconded by the hon. Minister of Health and Social Development, that Bill No. 47 be reported as amended.

[The motion was carried.]

Bill No. 49 The Health Unit Amendment Act, 1973

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

MR. PURDY:

Mr. Chairman, I move that Bill No. 49, The Health Unit Amendment Act, 1973, be reported.

[The motion was carried.]

Bill No. 50 The School Amendment Act, 1973

[Section 1 of the bill was agreed to without debate.]

[Section 2 as amended was agreed to without debate.]

[Section 3 was agreed to without debate.]

[Section 4 as amended was agreed to without debate.]

[Section 5 through 19 were agreed to without debate.]

[Sections 20 and 21 as amended were agreed to without debate.]

[Sections 22 through 24, the title and preamble were agreed to without debate.]

MR. HYNDMAN:

Mr. Chairman, I move that Bill No. 50, The School Amendment Act, 1973, be reported as amended.

[The motion was carried.]

Bill No. 52 The Public Utilities Board Amendment Act, 1973

[Section 1 of the bill was agreed to without debate.]

[Section 2 as amended was agreed to without debate.]

[Sections 3 and 4 were agreed to without debate.]

[Section 5 as amended was agreed to without debate.]

[Section 6, the title and preamble were agreed to without debate.]

MR. FARRAN:

Mr. Chairman, I move that Bill No. 52, The Public Utilities Board Amendment Act, 1973, as amended be reported.

Bill No. 54 The Alberta Heritage Act, 1973

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

MR. HARLE:

Mr. Chairman, I move that Bill No. 54 be reported.

[The motion was carried.]

Bill No. 55 The Public Lands Amendment Act, 1973

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

DR. WARRACK:

Mr. Chairman, I move that Bill No. 55, The Public Lands Amendment Act, 1973 be reported.

[The motion was carried.]

Bill No. 60

The Alberta Resources Railway Corporation Amendment Act, 1973 (No. 2)

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

MR. GHITTER:

Mr. Chairman, I move that Bill No. 60 be reported.

[The motion was carried.]

Bill No. 61

The Department of Consumer Affairs Act

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

MR. ADAIR:

Mr. Chairman, I move that Bill No. 61 be reported.

[The motion was carried.]

Bill No. 207

An Act to amend The Municipal Government Act

MR. HARLE:

I move that the title of the bill be amended by adding at the end thereof, the words: "And to repeal The Billiard Rooms Act."

[The motion was carried.]

MR. HENDERSON:

Mr. Chairman, I think this should go on record. This seems to be the sole exercise on the part of this government this year to strengthen local autonomy.

[All sections of the bill, the title as amended and preamble were agreed to without debate.]

MR. TRYNCHY:

Mr. Chairman, I move that Bill No. 207 as amended be reported.

[The motion was carried.]

Bill No. 18 The Colleges Amendment Act, 1973

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

MR. FOSTER:

Mr. Chairman, I move that Bill No. 18 be reported as amended.

[The motion was carried.]

Bill No. 51 The Planning Amendment Act, 1973

[Sections 1 through 3 of the bill were agreed to without debate.]

[Section 4 as amended was agreed to without debate.]

[Sections 5 through 12, the title and preamble were agreed to without debate.]

MR. GHITTER:

Mr. Chairman, I move that Bill No. 51, The Planning Amendment Act, 1973, be reported as amended.

[The motion was carried.]

Bill No. 33
The Municipal Taxation Amendment Act, 1973

MR. CHAIRMAN:

Section 10 was held. Agreed with Section 10?

MR. HENDERSON:

Mr. Chairman, just wait until I find the section. There were two sections held, as I recall, Mr. Chairman. I think Section 2 was asked to be held as well as Section 10. If you want to do Section 10 first, I wonder if the minister would advise as to what the results were of discussions with the department on matters raised at the last committee stage.

Section 2

MR. RUSSELL:

First of all dealing with Section 2, there is nothing in there that has anything to do with royalty rates, grazing leases, assessment or policy. It's just a word of clarification, tidying up kind of thing.

MR. FRENCH:

Mr. Chairman, with respect to Section 2, I realize there is nothing here with respect to ratio assessment and all these other things mentioned by the minister.

However, I would like to very briefly have a look at the section as it now reads: "is liable to assessment and taxation by the municipality and the interest of that person in the property shall be assessed. . ." I don't quarrel with this principle at all; this is fine.

But then we come along to "in the same manner as if he were the owner of the property ..." There's a certain amount of ambiguity in this whole section here, because when you are talking about "manner" it doesn't necessarily mean that it's the same value. When you come along to the amendment it says, "the leasehold interest of the person in those lands shall be assessed, as if the lands were grazing lands owned by him."

Now when you read this it's a principle entirely different from what it is on the present statute books. The present statute book says it can be assessed in the same manner, but that doesn't necessarily mean the same value. It's maybe a technical point.

When you really want to get technical, we have a principle involved here. The first part of this section deals with something that should be meaningful. In this particular case it's in the same manner. If we set out a rule in the first section and we set out a rule in the second section, we have to be consistent in the two sections. So I maintain that although the amendment clarifies the present situation to some extent, it still needs further clarification to be legally correct.

Now I presume from the amendment, and this is what I was asking the hon. member who sponsored the bill, if the intent is now that the grazing lands shall be assessed the same value as deeded land? If I can get an answer to my question, I'll make one or two comments, but I don't want to make my comments unless I know this is the intention of this particular amendment.

DR. MCCRIMMON:

Mr. Chairman, it's the leasehold interest. I think that is the word that you are hung up on, is it not, Mr. French? The leasehold interest shall be assessed as if the lands were grazing lands owned by him. This amendment actually doesn't change anything in policy or assessment or taxation. What it boils down to is that the value of a piece of property on one side of the road is the same as on the other, whether it is leased land or owned land, basically. I don't see what the hold-up is. As far as I am concerned, land is land and if the two land values are the same, where should the difference be in the assessment?

I am afraid I can't follow your line of reasoning because it shall be assessed the same as if the grazing lands were owned by him. Well, where is the difference? I fail to understand.

MR. FRENCH:

Well, Mr. Chairman, I am sorry I am not able to make myself more clear. But the point I am trying to raise -- and I accept your explanation and if your explanation is what I think it is, you are now going to assess the lands as if they are owned by the person. This is what you are trying to tell me. But when you come back to the section as it presently reads, it says:

Is liable to assessment taxation by the municipality and the interest of that person in the property shall be assessed in the same manner as if he were the owner of the property.

Now assessing it in the same manner doesn't necessarily mean that it is the same as deeded land. Technically speaking, when you come to deeded land -- I won't take too long -- you have a value on deeded land. It's determined on a soil value. Then you have a plus or minus factor. It could be for rocks. It could be for location. It could be for all these different things. Then when you get through you have a sum. That is the assessment.

Now when you come to grazing land, grazing land is set by a schedule which was set down by an Order-in-Council on October 31, 1968 and it is set out in what is known as a pasture schedule. In one case you have deeded land being assessed in one way. You have grazing land being assessed in the other way.

I still maintain that the whole wording should be changed in the section. But let's not worry too much about that. I realize we have been around here for three months now, or almost three months. Possibly we will be back here this fall. If the government doesn't see the point I am trying to make, then maybe during the summer it could reconsider it. Maybe this fall it can bring in an amendment and bring in some of the changes that might satisfy me.

In the meantime I want to go on record as stating that with this amendment we are now dealing with a very vital principle. We are now saying that deeded

land is the same value as leased land, or leased land is the same value as deeded land. You can take it either way.

When you go back in history and examine ownership of land in the early days, history records that all the land was owned by the Crown. The land was administered by the lords. The lords sublet the land to the peasants and so on and so forth. Following that we now get such procedures as leasing. We get hundred-year leases. We get life interests. We get fee simple and we get all these different variations we have today.

But the point I'm trying to make is that the lord himself, and I'm speaking of the Crown -- in that particular case it's an absolute ownership. When he sublets some of his interest in that land to somebody else, that land naturally is not of the same value as it was to the original owner. This is the point I'm trying to make.

It's a basic principle and we have to follow this principle through. It's the same thing as -- let's take another type of example. Maybe I have a lease on a building. Maybe I have a 20-year lease. I can sell that lease or I can assign it to somebody and it's of some value. I maintain it would have a higher value than a lease that would maybe expire in two years. When we take this whole thinking all the way through, I still maintain that deeded land must have a higher value than lease land and this is the point I'm trying to get.

Now when you come to tenure of land, as we know with leases, you have a 20-year lease or whatever you have. At the end of 20 years your tenure has expired. You have no further interest in that lease. Absolute ownership of deeded land -- you have this land as long as you have title to this land. I maintain there is a vital principle involved here. I want to be on record as expressing my opposition to this move.

Now when we come to grazing land, I think the use of the land is restricted. When you have a lease from the Lands and Forests Department, you are able to use this land for certain rights. If it is for grazing cattle this is fine. This is what it says in your grazing lease. If you use it for any other purpose your lease can be cancelled. Read the lease and you will see all these things.

With respect to deeded land: if you have deeded land -- and we heard somebody saying here a little while ago, you can dig a fence post. On your deeded land you don't have to worry, it's your land. You can do what you like with it. If it's leased land there are certain restrictions. Now as far as leased land is concerned, it's subject to cancellation. If you violate the terms of the lease it is subject to cancellation. If you have deeded land, it's your land. There's nobody who can take it away from you unless you sell it to somebody. What we sometimes say is you are king in your own castle.

Now when lease land is assigned, the Department of Lands and Forests insists on half the consideration of the lease. In other words if you have a lease and, say, it's assigned for \$6 and if the interest of the lessee is say \$2, because he has \$2 improvements, you have \$4 of consideration. The Department of Lands and Forests insists on \$2 of the \$4. So I maintain that no matter how you look at these things, the lease land certainly can't have the same value as deeded land.

We've listened to many discussions in the House this year with respect to hunting. We know with respect to Crown land that's leased, grazing land especially, there is practically no control over anybody trespassing on this land. The hunter can go over that land at will. He can do almost anything he likes. The rancher has no authority. He can do very little. He has no legal authority to regulate the recreational use of his land. The Department of Lands and Forests collects a hunting licence. This year they even collected \$1 more. Yet the hunter can go on this land at will. There is practically no control over what he can do with that land.

But let's look at deeded land. Depending on the location and so on and so forth, there are certain restrictions. I maintain there must be a difference in value because there is a difference in some of these things I'm talking about.

Furthermore, as far as Lands and Forests is concerned, it insists that the lessee every year complete a form. Inspectors come out; they roam all over his place; they insist on a form; they want to know how many cattle he's got and all these sort of things. He has to file that form with the department. With lease land, well you may have a weed inspector coming on your place, but normally speaking you don't have all these fellows running all over the place.

I think there is another point I would like to make. One of the factors in assessing deeded land is the location to a market. As far as lease land is concerned the value depends on the carrying capacity.

So, Mr. Chairman, I'm sure with these eight reasons that if anybody would just sit down and look at it, he must realize there should be a difference in value. I maintain maybe this value shouldn't be too much, but if we look at deeded land and how it's assessed, when you take a value of soil value, 7 value or 5 value or whatever you want to, it's so much money, and take your plus and minus factors -- you have a plus and minus factor for stones, irrigation, all these other factors. Then I maintain that when you are assessing grazing land or lease land, there should be the same right to have a plus and minus factor in that, the same as you do in deeded land.

If we take some of these things I am talking about, then we will come to a better equity in assessment between grazing land and deeded land. For these reasons, Mr. Chairman, I want to express my concern with what we are doing here. I think it is wrong in principle and I trust during the summer months, when there will be a little more time for the members to have a look at some of these things, maybe they can bring in some amendments.

While I am on my feet, I also want to say -- this is just a general observation -- we have been here almost three months now, and the first two months we were here we had very little legislation. The last month we have had a terrific amount of legislation. We've gone through all these bills tonight. I am not really faulting the government in this. It's been going on for years and seems to be the course we have to go.

I don't know but for some reason or other I would certainly appreciate some of this legislation coming in a little earlier. Let's have a look at it. Let's spend some time on it. I don't know what we are here for except to pass legislation. Here we are with things as important as Bill No. 33 and this difference between leased land and deeded land. It's a very vital thing. I realize the session is about over and we don't have the time. Maybe we should be looking at some of these things.

But Mr. Chairman, I've been very interested in this whole field and I want to express my opposition to what we are doing in this bill. I'm going to leave it at that.

AN HON. MEMBER:

Hear, hear.

MR. CHAIRMAN:

Agreed with Section 2 now?

[Section 2 was agreed to.]

Section 10

MR. HENDERSON:

Mr. Chairman, the minister was going to look into the question of by-passing these amendments. We will have one or two municipalities that, because they are private utilities, are in a disadvantaged position relative to taxation as opposed to publicly owned utilities. I am wondering if the minister has any -- what the results of his inquiries of today have been?

MR. RUSSELL:

I suppose to sum it up in a nutshell, the benefit or the best situation would be if these four that were involved became publicly owned. This way apparently the only one that is affected to any extent is this one in the hon. leader's constituency and that is, it affects the City of Wetaskiwin adversely in a financial manner because it loses a grant it used to get from Calgary Power as a result of the county collecting taxes. The only other one affected to any extent is Camrose, but the amount there is so small that it's negligible. The other two are Lacombe and McGrath.

MR. HENDERSON:

I'd like the minister to clarify the basic question as if they were publicly owned they would not be taxed, even though the facilities were outside the corporate boundaries of the municipalities using them. Some of the argument is

reminiscent of the case of having the Calgary Power private utility companies in the province. They were paying income tax, which put them in a disadvantaged position relative to all the publicly owned power corporations elsewhere in Canada.

We finally convinced the federal government of the fact that it was an injustice and after a lot of arguing they rebated 95 per cent of the tax money and it comes back and goes back to the taxpayers. Now here we have just one item of one or two communities that are directly under the jurisdiction of the provincial government where they can eliminate the similar inequity of putting the private utility and the users of that private utility in a disadvantageous position.

I'd like to suggest to the minister, as a matter of principle, that it's desirable to let them stay the way they are. If the municipalities of their own accord want to take them over publicly, fine. But I'm not convinced that forcing them through taxation measures in the interest of avoiding the taxation wouldn't really solve anything other than place a demand on public borrowing from a municipal finance corporation to buy out the privately owned utility, and it is simply going to result in the transfer of these utilities from the private sector to the public sector if it continues.

I would go on record as the member, since it is the County of Wetaskiwin of which a substantial portion is in my constituency, and also the City of Wetaskiwin -- I'm going to be wrong no matter what I do. But I would rather be wrong in arguing the principle of giving the privately owned utility company providing the service the same tax break as if it were a publicly owned utility, rather than see the amendment proceed and simply see the thing transferred to the public sector with no real net gain.

The City of Wetaskiwin is arguing, and I think logically to some extent, that if this argument is valid, why don't they let them tax the county buildings that are within the city limits, for example. Of course, everybody would think that was a little unjust. So I'd like to strongly urge the minister to reconsider whether the amendment is desirable in principle. To bring the matter to a head, Mr. Chairman, I would simply make a motion that Section 10(1)(b) of the bill be struck out. That would leave things as they stand now. The specific section that deals with this specific part of the bill.

MR. RUSSELL:

Mr. Chairman, we'd certainly be agreeable to that amendment. It was only put in at the request of the county. What the hon. leader's amendment does is return things to the status quo. It leaves the tax exemption for the utility system the way it was. This is the only system that is really affected to any extent in the province. It is in the member's constituency, and we'd certainly support that amendment.

MR. HENDERSON:

I would accordingly make that motion, then, Mr. Chairman.

MR. CHAIRMAN:

May I have the attention of the members of the Assembly?

Moved by Mr. Henderson that Section 10(1)(b) be struck out.

[The amendment was carried.]

[Section 10 as amended was agreed to.]

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

DR. McCORMON:

Mr. Chairman, I move that Bill No. 33, The Municipal Taxation Amendment Act, 1973, be reported as amended.

[The motion was carried.]

MR. HYNDMAN:

Mr. Chairman, I move the committee rise and report. Oh, private bills first.

MR. CHAIRMAN:

We'll take private bills first before we report.

Bill No. Pr. 4

An Act to Incorporate the Grand Chapter of Royal Arch Masons of Alberta

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

MR. RUSTE:

Just a question on the private bills. There were several amendments that have come in. Have they been before the Private Bills Committee? I take it that the bills come to us from the Private Bills Committee ready for passage. Is that right?

MR. TAYLOR:

Mr. Chairman, I move that Bill No. Pr. 4 be reported.

[The motion was carried.]

Bill No. Pr. 5

An Act to amend The Calgary Community Foundation Act

[Sections 1 through 4 of the bill were agreed to without debate.]

[Section 5 as amended was agreed to without debate.]

[Sections 6 through 12 were agreed to without debate.]

MR. ASHTON:

Mr. Chairman, I move that Bill No. Pr. 5, An Act to amend The Calgary Community Foundation Act be reported as amended.

[The motion was carried.]

Bill No. Pr. 7

An Act to Incorporate

The Grand Chapter of Alberta, Order of the Eastern Star

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

MR. ASHTON:

Mr. Chairman, I move that Bill No. Pr. 7 be reported.

[The motion was carried.]

Bill No. Pr. 8 An Act to amend The Knights of Columbus Club Act

[Sections 1 and 2 of the bill were agreed to without debate.]

[Section 3 as amended was agreed to without debate.]

[Section 4, the title and preamble were agreed to without debate.]

MR. KOZIAK:

Mr. Chairman, I move that Bill No. Pr. 8, An Act to amend The Knights of Columbus Act be reported as amended.

[The motion was carried.]

Bill No. Pr. 9 An Act to Incorporate St. Vincent's Hospital

[Sections 1 through 18 of the bill were agreed to without debate.]

[Section 19 as amended was agreed to without debate.]

[Sections 20 and 21, the title and preamble were agreed to without debate.]

MR. DRAIN:

Mr. Chairman, I move that Bill No. Pr. 9, An Act to Incorporate St. Vincent's Hospital be reported as amended.

[The motion was carried.]

Bill No. Pr. 11 An Act to amend The Alberta Wheat Pool Act, 1970

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

MR. DOAN:

Mr. Chairman, I move Bill No. Pr. 11 be reported.

[The motion was carried.]

Bill No. Pr. 13
An Act to amend an Act to Incorporate
The Mennonite Brethren in Christ Church

[Sections 1 through 4 of the bill were agreed to without debate.]

[Section 5 as amended was agreed to without debate.]

[Sections 6 through 8, the title and preamble were agreed to without debate.]

MR. DOAN:

Mr. Chairman, I move Bill No. Pr. 13 be reported as amended.

[The motion was carried.]

MR. HYNDMAN:

Mr. Chairman, I move the committee rise and report.

HON. MEMBERS:

Agreed.

[Mr. Chairman left the Chair.]

* * * * *

[Mr. Speaker resumed the Chair.]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following bills:

Bills No. 35, 21, 30, 41, 45, 47, 50, 52, 207, 18, 51, 33, Pr. 5, Pr. 8, Pr. 9, Pr. 13 and begs to report same with some amendments.

The Committee of the Whole Assembly has had under consideration the following bills.

Bills No. 27, 25, 32, 39, 40, 42, 43, 44, 46, 49, 54, 55, 60, 61, Pr. 4, Pr. 7, Pr. 11 and begs to report same and asks leave to sit again.

[The motion was carried.]

MR. HYNDMAN:

Mr. Speaker, I move the amendments be read a second time.

[The motion was carried.]

MR. HYNDMAN:

Mr. Speaker, before moving to third reading of those bills which have been dealt with tonight in committee or in second reading, I would ask for unanimous leave of the Assembly to proceed to third reading of all bills on the Order Paper tonight which were considered in committee or second reading.

HON. MEMBERS:

Agreed.

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

[It was moved and seconded by the members indicated that the following bills be read a third time, and the motions were carried without debate:]

<u>No.</u>	<u>Name</u>	<u>Moved by</u> <u>Messrs.</u>	<u>Seconded</u> <u>by Messrs.</u>
18	The Colleges Amendment Act, 1973	Foster	Hyndman
21	The Child Welfare Amendment Act, 1973	Lee	Paproski
25	The Cemeteries Amendment Act, 1973	Paproski	Lee
27	The Livestock and Livestock Products Amendment Act, 1973	Fluker	Harle
30	The Municipal Government Amendment Act, 1973	Zander	Stromberg
32	The Public Health Amendment Act, 1973	McCrimmon	Paproski
33	The Municipal Taxation Amendment Act, 1973	McCrimmon	Jamison
35	The Alberta Labour Act, 1973	Hohol	Russell
39	The Companies Amendment Act, 1973	Koziak	Fluker
40	The Dental Association Amendment Act, 1973	Crawford	Yurko
41	The Public Service Pension Amendment Act, 1973	Hohol	Russell
42	The Senior Citizens Housing Statutes Amendment Act, 1973	Crawford	Yurko
43	The Teachers' Retirement Fund Amendment Act, 1973	Topolnisky	Hunley
44	The Department of Education Amendment Act, 1973	Hyndman	Foster
45	The Alberta Educational Communications Corporation Act	Hyndman	Foster
46	The Farm Implement Amendment Act, 1973	Moore	Cookson
47	The Land Surface Conservation and Reclamation Act	Yurko	Crawford
49	The Health Unit Amendment Act, 1973	Purdy	Jamison
50	The School Amendment Act, 1973	Hyndman	Foster
51	The Planning Amendment Act, 1973	Ghitter	Cookson
52	The Public Utilities Amendment Act, 1973	Farran	Russell
54	The Alberta Heritage Act, 1973	Harle	Appleby

55	The Public Lands Amendment Act, 1973	Warrack	Hunley
60	The Alberta Resources Railway Corporation Amendment Act, 1973 (No. 2)	Getty for Peacock	Yurko
61	The Department of Consumer Affairs Act	Dowling	Adair
207	An Act to amend The Municipal Government Act and to Repeal the Billiards Rooms Act	Trynchy	Appleby

PRIVATE BILLS
(Third Reading)

Pr. 4	An Act to Incorporate the Grand Chapter of Royal Arch Masons of Alberta	Taylor	French
Pr. 5	An Act to amend The Calgary Community Foundation Act	Ghitter	Ashton
Pr. 7	An Act to Incorporate the Grand Chapter of Alberta, Order of The Eastern Star	Trynchy	Fluker
Pr. 8	An Act to amend The Knights of Columbus Club Act	Koziak	Diachuk
Pr. 9	An Act to Incorporate St. Vincent's Hospital	Drain	D. Miller
Pr.11	An Act to amend The Alberta Wheat Pool Act, 1970	Doan	Trynchy
Pr.13	An Act to amend an Act to Incorporate The Mennonite Brethren In Christ Church	Doan	Topolnisky

MR. HYNDMAN:

Mr. Speaker, I would now ask leave of the Assembly to revert to Introduction of Bills on the Order Paper and in that connection I would ask if the Clerk would provide the Minister of Manpower and Labour and the member, Mr. Lee, with the two bills to be now introduced.

MR. SPEAKER:

Has the hon. Government House Leader leave to revert to Introduction of Bills?

HON. MEMBERS:

Agreed.

INTRODUCTION OF BILLS (CONT.)

Bill No. 62 The Alberta Uniform Building Standards Act

DR. HOHOL:

Mr. Speaker, I beg leave to introduce a bill, being The Alberta Uniform Building Standards Act. The overriding and important principle of this bill is that it will provide the builders of Alberta and their clients with a uniform building standard. This standard will apply at the levels of municipalities, counties and urban municipalities or towns and cities.

[Leave being granted, Bill No. 62 was introduced and read a first time.]

Bill No. 63 The Wage Assignments Act

MR. LEE:

Mr. Speaker, I beg leave to introduce a bill, being The Wage Assignments Act. The main item in this bill is that it will invalidate the assignment of wages utilized to secure the repayment of an indebtedness.

[Leave being granted, Bill No. 63 was introduced and read a first time.]

MR. HYNDMAN:

Mr. Speaker, I move seconded by the Minister of Manpower and Labour, that Bill No. 63, The Wage Assignments Act, be placed on the Order Paper under Government Bills and Orders.

[The motion was carried.]

MR. HYNDMAN:

Mr. Speaker, I would now ask the House to revert to Filing Returns and Tabling Reports for the tabling of two documents.

MR. SPEAKER:

Does the House agree to the request of the hon. Government House Leader?

HON. MEMBERS:

Agreed.

FILING RETURNS AND TABLING REPORTS (CONT.)

MR. ADAIR:

Mr. Speaker, I beg leave to table the report of the activities of the office of Northern Development and Native Affairs.

MR. FOSTER:

Mr. Speaker, I would like to table part 4 of the response of the Department of Advanced Education to the report of the Commission on Educational Planning. This part deals with programs. Also, at this time, I would like to table part 5 dealing with learning and teaching.

Due to the lateness of the hour I will not comment in detail on both documents but I would commend them to the members of the House and say in so doing, Mr. Speaker, that I have been approached by a few members of the House on whether or not these copies could be made available to them, and my office will be happy to assist you, should you be interested.

MR. HYNDMAN:

Mr. Speaker, I would now like to ask leave of the House to move a motion to enable the Select Committee on Professions and Occupations which reported on an interim basis today to continue its work over the summer.

MR. SPEAKER:

May the hon. Government House Leader have the leave requested?

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Mr. Speaker, I move, seconded by the hon. Minister of Manpower and Labour, that the report of the Select Committee on Professions and Occupations be received and concurred in.

I might mention briefly, Mr. Speaker, that the sole purpose of this motion is to enable the committee to continue its work over the summer and report in the fall. It does not seek any concurrence of the report tabled today which was styled an interim report.

MR. SPEAKER:

Subject to the conditions expressed by the hon. Government House Leader, would all those in favour of the motion please say aye. Those opposed please say no.

[The motion was carried.]

MR. HYNDMAN:

Mr. Speaker, I'd like to ask leave of the Assembly to move the two motions of which I gave notice today at 2:30, those regarding the setting up of two select committees, one for the study of rules, the other for the study of regulations this summer.

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

I take it the hon. Government House Leader has the leave requested?

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Mr. Speaker, I move, seconded by the hon. Miss Hunley, that

(1) a select committee of this Assembly be established consisting of the following members:

Mr. Zander (Chairman)
Mr. Benoit
Mrs. Chichak
Messrs. Clark
Diachuk
Harle
Lee
Hinman

with instructions to invite submissions from the public concerning Alberta regulations, consider same and make recommendations to the fall session of this Assembly.

(2) The Committee shall meet at the call of the Chair.

(3) The Committee may incur reasonable expenses in connection with the conduct of its responsibilities. Members to receive remuneration pursuant to Section 59 of The Legislative Assembly Act. All disbursements to be subject to the approval of the Chair and charged to Appropriation 1902.

MR. SPEAKER:

Are you ready for the question?

[The motion was carried.]

MR. HYNDMAN:

The second motion, which I move, seconded by the hon. Miss Hunley:

Be it resolved that:

(1) A select committee of this Assembly be established consisting of the following members:

Hon. Mr. Hyndman
Mr. Appleby (Chairman)
Messrs. Amerongen
Dixon
Henderson
King
Young

with instructions to study, simplify, update and modernize the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Alberta and report its recommendations at the fall sitting of this Assembly.

(2) The Committee shall meet at the call of the Chair.

(3) The Committee may incur reasonable expenses in connection with the conduct of its responsibilities. Members to receive remuneration pursuant to Section 59 of The Legislative Assembly Act. All disbursements to be subject to the approval of the Chair and charged to Appropriation 1902.

[The motion was carried.]

MR. HYNDMAN:

Mr. Speaker, His Honour the Honourable the Lieutenant Governor will now attend upon the Assembly.

ROYAL ASSENT

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

MR. SPEAKER:

May it please Your Honour, the Legislative Assembly of the Province of Alberta has, at its present sittings thereof, passed certain bills to which, and in the name of the said Legislative Assembly, I respectfully request Your Honour's assent.

CLERK:

Your Honour, following are the titles of the bills to which Your Honour's assent is prayed:

[The Clerk read the titles of all the above bills to which third reading had earlier been given.]

[The Lieutenant Governor indicated his assent.]

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

SERGEANT-AT-ARMS:

Order!

[The Lieutenant Governor left the Legislative Assembly.]

GOVERNMENT MOTIONS

MR. HYNDMAN:

Mr. Speaker, I move, seconded by the hon. Minister of Municipal Affairs, that the Assembly do now adjourn until 2:30 o'clock in the afternoon of Wednesday, October 10, 1973.

[The motion was carried.]

MR. SPEAKER:

The House stands adjourned until 2:30 o'clock on Wednesday, October 10, 1973.

[The House rose at 10:28 o'clock.]