

LEGISLATIVE ASSEMBLY OF ALBERTA
Thursday Evening, October 25, 1973

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

MR. HYNDMAN:

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

[The motion was carried.]

[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. 66 The Alberta Lord's Day Amendment Act, 1973

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

MR. LUDWIG:

Mr. Chairman, I move that the bill be reported. Somebody is asleep on the other side. We haven't got all night.

MR. LEITCH:

I suspect, Mr. Chairman, that is the first time the hon. member has won a point and I don't want to take it away from him. You're welcome.

MR. LUDWIG:

I hope it isn't the last time.

MR. LEITCH:

Mr. Chairman, I move, seconded by the hon. Minister of Manpower and Labour, that the bill be reported.

[The motion was carried.]

Bill No. 71
The Attorney General Statutes Amendment Act, 1973 (No. 2)

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

MR. LEITCH:

There is an amendment, which ought to have been circulated.

MR. CHAIRMAN:

That's to Bill 73 - the amendment. Was there an amendment to Bill 71?

MR. LEITCH:

I am sorry, Bill 73.

Mr. Chairman, I move, seconded by the hon. Minister of Manpower and Labour, that the bill be reported.

[The motion was carried.]

MR. CHAIRMAN:

That was Bill 71 we were disposing of. We're too fast for the clerk here.

Bill No. 73
The Attorney General Statutes Amendment Act, 1973 (No. 3)

MR. CHAIRMAN:

Bill No. 73, The Attorney General Statutes Amendment Act, 1973 (No. 3). There is an amendment. Any questions? Title and preamble?

MR. LUDWIG:

Mr. Chairman, on the title and preamble I would like to make a few comments which I believe are generally permitted in dealing with the Attorney General's department. Generally speaking, in reviewing what has transpired in the last five months in that department, I would like the hon. minister to comment on one of his major bits of legislation and perhaps contribution to the wellbeing of this province.

I am referring not to all the many minor matters, I am referring to the one major step, one major move in that department in the way of social reform. I would like to say that although it was his major effort, it has to be one of the major fiascos of the last five or six months. Not perhaps so much in what he legislated, but in how he implemented it. I am referring to his major effort the bingo regulations. I can understand why, I hope, that was left in his department - because I don't know who else would want to be stuck with it.

I believe he ought to explain to us whether he intends to make any changes, whether he intends to answer letters in perhaps a little more intelligent manner than he has, instead of giving an arrogant brushoff to people who request legitimate information. When I say that, Mr. Chairman, I'm just making one general observation because this happens with other departments.

I also want to have the hon. Attorney General explain why, when I had written him a letter, a serious letter I wrote to him in January, complaining about serious problems in Spy Hill, to date he has not bothered to reply. The facts after that date have indicated that not only did he not reply to the letter, he forgot about the whole issue until someone brought the roof down about his ears, as it were.

I would also like the hon. Attorney General to explain at what stage the administration of jails was transferred from him to the hon. Solicitor General, because I understand she was already involved before the statute was passed. Be that as it may, that is not significant, but I also want to know why, in dealing with an issue in a sensitive area, the appointment of the commissioner was, in my opinion, obviously political. I know that sometimes this is a case of not having anyone else to do the job. But I don't believe the opposition can ignore these things because we are dealing with things that have to be entirely and clearly impartial. We all know - there are enough lawyers on that side - that justice must not only be done, it must be seen to be done.

It is not apparent to anyone that this investigation is impartial. I may not have the support of the hon. members opposite on the issue of impartiality. I believe the public believes in impartiality and we must strive for it and we must fight for it. That is the way good governments operate.

I don't think it would have been at all acceptable to the public, to the Conservatives or to anyone if Social Credit wanted to investigate some of its own problems and appointed two Social Creditors to do it. I don't think it would be acceptable. In my opinion, it's bordering on the immoral to go and do

a thing like that. If all is well, we'll get a good recommendation and if it's bad we might get a whitewash job. I don't want to have anyone jump up and feel that I'm impugning the integrity of Mr. Harradence. I believe he has to be caught in the fallout surrounding this kind of matter. This, in my opinion, is not done.

I hope, if they feel this is right, at least they will have the integrity not to do it again. They've had their warning, they've had their attack from the press, they certainly had a public reaction. Was it necessary? Did you need to put someone in there whom you can talk to privately? I believe that no investigation is worth proceeding with if a Conservative minister can go and talk to a good Conservative commissioner. It may be that it is impartial, it does not look impartial, Mr. Chairman.

I hope this will be the last time we have to become involved in criticizing the government on this issue. I can assure you that if Ottawa tried it, they would never get away with it. If they appointed a past Liberal leader to investigate some complaint, a complaint that deals with administration - I should say maladministration - no one can get away with that. Particularly at a time when attention is focused on people throughout all of North America and the world, we have to keep politics clean. I'm not saying that they are not clean, but they have to appear to be clean.

I could understand the hon. Attorney General stating that he has watched my performance here for two years and he knows what fair play is. I don't expect him to praise me when his ox is being gored and being properly gored.

I believe that in dealing with the appointment, now that I look back at what happened. When the press phoned me about the appointment of the Solicitor General, I thought perhaps the Premier made a political appointment. He wants someone who will trot to him every time she wants to say something. Since then, I can honestly say anything would have been an improvement, and it was in this case.

I believe the Premier properly reacted to the fact that the Attorney General brought dishonour to the department, brought disgrace to the administration of justice, and permitted the trampling of people's rights in this province. If you haven't heard it enough, you'll hear it more often because every sector of society pointed at the Attorney General and said, you have let this country down, you have let this province down. For a reform-oriented Attorney General, as touted by the Premier we have a reform-oriented Attorney General, his biggest catch so far was the bingo legislation.

So, Mr. Chairman, I prefer that we ought to hear in some detail from the bingo kid.

Thank you, Mr. Chairman.

MR. CHAIRMAN:

Any further comments?

[All sections of the bill, the title and preamble were agreed to.]

MR. LEITCH:

Mr. Chairman, I move, seconded by the hon. Minister of Manpower and Labour, that Bill No. 73 be reported as amended.

[The motion was carried.]

MR. HENDERSON:

Mr. Chairman, one point that I wanted to bring to the attention of the Chair, just in case I can get into an argument here later on and want to move an amendment to the committee. Seconding is not required in committee.

MR. CHAIRMAN:

The committee is attempting to do more than what is required.

Bill No. 64 The Human Tissue Gift Act

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

MR. BENOIT:

I was just going to ask the Minister of Health and Social Development if he made any progress with regard to our adoption deals, getting change of name for our foreign adoptees.

I am sorry it's not in the bill, Mr. Minister, and I wanted to make an amendment if we could.

MR. CRAWFORD:

Mr. Chairman, I think that, as anxious as I know the hon. member is to deal with that issue, there isn't any way that it could be brought in under Bill No. 64.

MR. CHAIRMAN:

No further comments?

MR. CRAWFORD:

Mr. Chairman, I move that Bill No. 64 be reported.

[The motion was carried.]

Bill No. 65
The Vital Statistics 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. ...

MR. CHAIRMAN:

Mr. Minister, one moment. Yes, Mr. Dixon.

MR. DIXON:

It is to do with this bill, Mr. Minister. We've had complaints, it doesn't really refer to Alberta, but it could affect an Albertan, and I just wondered if the minister had given it any thought. People who were born in Canada are having a hard time establishing that they were born either in Alberta or British Columbia, or wherever it might be. They're having trouble establishing that fact and cannot get a birth certificate from Vital Statistics. They have been told by the departments to then apply for Canadian citizenship. It is annoying a number of people.

I noticed the other day where an Indian person had to apply for Canadian citizenship to try to establish the fact that she was born in Canada. I know of another case where the person was born in British Columbia and cannot satisfy Vital Statistics. They claim that that is also the only way she will be able to establish the fact that she was born in Canada.

I was wondering if the government, during the next year, could give some special attention to that clause to see if it couldn't come up with an answer to that problem, because it means a lot to these people. There aren't a lot of them, but those who are affected feel it's an awful thing to have to do, when they were born here, to have to apply for citizenship in order to establish the fact that they were born in Canada or, in this case, born in Alberta. I know this bill won't take it. It's just a suggestion to the minister.

MR. CRAWFORD:

Mr. Chairman, I'd certainly be glad to indicate that that problem will be fully looked into. There are one or two cases that have not been personally brought to my attention. As the hon. member has no doubt read about them, heard them, they do seem to be a unique problem for a few people.

MR. DRAIN:

Mr. Chairman, amplifying that problem, I've run into a situation where people born in Canada cannot get a birth certificate and have no way of establishing their age. Now there are several ways that you can go. You can go

through the Department of Education. In this particular case, there are no records, except for special achievement, kept prior to 1930. Then you can go through the searching of the records of the census, but in this particular case, it seems to be amiss.

The other alternative, of course, is to check the family Bible or the place of birth. In this particular case none of these things are practical, but nevertheless the guy exists. Strangely enough, Mr. Speaker, this also applied to five brothers and one sister in the family. The guy is now 65, he is on Social Assistance and the problem that I am faced with is, one, to establish in fact that he is there, and two, that he is 65. I would certainly like some guidance in this direction. I was wondering if there would be any way, through the leverage of legislation, that an affidavit could be made acceptable?

MR. BENOIT:

Since I jumped the gun on the last one, maybe I might ask the minister on this one if there is any possible way that we might be able to do whatever he's asking for?

MR. TAYLOR:

Before the hon. minister replies, I wonder if I could mention one or two along this line too.

I have cases similar to that of the hon. Member for Pincher Creek-Crowsnest. Somehow or other I always found some way of finally proving age. As a matter of fact the federal government will, as a final resort, after checking the national registration and the statistics that were taken every ten years, the census, settle on one date if there is a conflict. This has been very, very helpful and I think that this is good. So there is a way in that regard. But I have found it easier to secure proof of age for those who came into the country than, many times, for those who were born in the country, because you always have the immigration records which are intact and pretty accurate in Ottawa. The hon. minister knows that it can be done for the federal pension through arbitrarily establishing an age by National Health and Welfare.

The other point I would like to raise while I am on my feet is that I can understand the reason for being very strict about the surname of an individual and not accepting affidavits except from certain peoples and so on, because if this was easy the birth certificate would mean nothing. I find it a little frustrating though when the same principles apply to a first name; where a person who was named Raymond and was called Ray or Roy all his life, or something to that effect, then wants his birth certificate in the name everybody knows him by, as Roy instead of Raymond. School records aren't as easy to secure today as in the early days. As a matter of fact, some of the early school registers are now found as exhibits in some of our schoolhouses, and many have been destroyed.

I am wondering if we need to be as strict with the first name, if everything else jibes, as we would with the surname. I am wondering if the hon. minister would think about that and possibly bring in some type of amendment that would make it reasonable to - where the first name has been one that has been used throughout the years but not the one that the father wrote on the actual registration of birth. This isn't common. It is the odd case, but it is certainly a tremendous help to the few who are in that predicament.

MR. CRAWFORD:

Mr. Chairman, I move that Bill No. 65 be reported.

[The motion was carried.]

Bill No. 67
The Public Health Nurses Repeal Act

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

MR. CRAWFORD:

I move that Bill No. 67 be reported.

[The motion was carried.]

Bill No. 75 The Child Welfare Amendment Act, 1973 (No. 2)

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

MR. CRAWFORD:

Mr. Chairman, I move that Bill No. 75 be reported.

[The motion was carried.]

Bill No. 76

The Health and Social Development Statutes Amendment Act, 1973 (No. 2)

MR. CHAIPMAN:

Has the amendment been circulated? Amending Section 2, subsection (8)?

Mr. Minister?

MR. CRAWFORD:

Mr. Chairman, I can just give a very brief explanation of that. I did refer to it at second reading and this is the section under which a person who receives social allowance may enter into an agreement with the minister to repay it.

What we intended to achieve in the redrafting was to make it possible for that agreement to be for all or part of the amount that the person received by way of social assistance. The previous Act had provided that it had to be all. We thought that was not practical in a lot of cases. In the redrafting there was sufficient misunderstanding that we made the whole thing permissive, as it's printed on page 3 of the bill, and therefore the result was that, although we achieved what we wanted to by having it say that the amount received could be repaid in part rather than in whole, it made it entirely permissive and left it up to the person who should pay the money back as to whether or not he'd enter into an agreement at all. So all this does is, rather than saying the person may enter into the agreement, we've asked in the amendment which has been circulated to change it to read, "may be required by the minister" to enter into an agreement and in that sense it would be similar to what the Act had been for years.

MR. CHAIRMAN:

Mr. Taylor.

MR. TAYLOR:

Mr. Chairman, I don't want to speak on the amendment. I agree with that. I did want to say a word or two in connection with welfare.

I think we are paying out thousands of dollars every year, more than is necessary, because of the way we handle our welfare in this province and the way we have handled it for some time. For instance, a lady whose husband is in jail, and he probably wouldn't support her even if he was out of jail, is on welfare with her two children and she wants to work. But she's told by a welfare worker that if she makes more than \$25 a month, then she will be cut off or she'll have to repay any addition. If the woman has a bank loan or something - I really can't see any reason why the department wouldn't say to that woman, you earn as much as you possibly can and we'll continue making sure that your children are fed, that you have sufficient welfare, and as you gradually get on your feet then we will gradually, progressively cut the welfare down. It would be some incentive for them then to get out and work. But today, we stop them from working because they're going to be cut off welfare or they're going to have to have another debt, an overpayment, to pay.

Mr. Chairman, I can't see why we don't encourage them to work to their fullest extent and then gradually cut down their welfare. This can be done and it can be done, I think, in a way that's going to save the province thousands and thousands of dollars in welfare. Today people just say, well, what's the use, I stay on welfare, I'm afraid to make more than a limited amount because I'll be cut off or I'll have another debt to pay the province for an overpayment. I think basically we need a change in the thinking of our social workers and our department of social welfare to change this philosophy to the point where we say, we'll let people work to the fullest extent, let them earn all they can make and we'll make sure their youngsters have enough to eat while

she's doing it, while she's getting on her feet, while he or she or they are getting on their feet. Then we'll start cutting it down, so that they can build up their resources to a place where they can be entirely self-supporting. I think in this connection we need a change of philosophy and our social welfare in this province.

No wonder people in every almost community today decry the number who are on welfare. They look at people who could be working, and when you go to those people they are afraid to work because if they make a little more than what is permitted under the Act they are cut off entirely. There is no incentive for them to work. If they say, yes, we'll let you work, make as much as you like and we'll gradually cut down your welfare so that they will become self-supporting and have a little dignity of life as well, I think we could not only save money, but restore the dignity of many people who today feel they have no dignity because they are entirely on social welfare.

I would suggest the hon. minister look into the possibilities of this because I think it has large potential possibility, not only of saving money but also of helping our people become self-supporting so they can have a position of dignity in the community in which they live.

MR. LUDWIG:

Mr. Chairman, I'd like to support the hon. member in the view that he has stated. In fact, in quoting Position Paper No. 10 which was tabled by the hon. Minister, Mr. Crawford, the very principle that the hon. Member for Drumheller was talking about has been supported in that paper. It made a contrast, a very clear and very good contrast, between the incentive to work as compared to the family allowances and that principle. I'm not stating that it really only applies in that one aspect and the 'disincentive' to work under welfare. I believe that that principle has been stated. I'm sure that the hon. minister would have the support of his caucus to move in that direction; to try something else, because whatever we are doing now does not work.

Welfare is not an incentive to work, and all the money we've spent and all the programs we provide have not really meaningfully put people to work. Once they get on welfare they learn to have government props; the minute they start earning they feel that they will either lose that bit of security they have or lose their social assistance, and then they have to go through all the procedure of coming, cap in hand, to some social worker to get placed on the welfare rolls again.

I'm not suggesting that there is an easy means of implementation of the suggestion made by the hon. Member for Drumheller, but the principle is recognized; it's a sound principle. Why don't we move at least partially if we can't go all the way, thinking that people will then take advantage, because there will be dishonest people who will take advantage of it.

But perhaps it's better that a few freeload at our expense than have the hundreds and hundreds of people tied or chained to a certain level, chained to a welfare level because we don't want them to work. I shouldn't say we don't want them to work, because the system really says, if you work, you then lose the security that you had to go to so much trouble to get.

So, Mr. Chairman, I urge the hon. minister to come up with some kind of experimental move at least, to see if it will work. We certainly could not have a worse mess in this regard than we have now. People who must get on welfare are told that as long as you're there, your standards are going to have to be low, the lowest that we probably will recognize. Notwithstanding that it is called social assistance, it is a guaranteed income. It is, no matter how you wish to circumscribe or avoid that definition, a guaranteed income to those people who are on welfare, notwithstanding that the standard is low.

So, Mr. Chairman, I believe that your own words, your own position paper, and certainly public opinion is requesting or demanding that something be done. It might not work, but at least you will not be criticized for having tried an experiment that is, in my opinion, long overdue.

I believe that one of the worst developments in Canada is the multiple means of obtaining help, of obtaining what I refer to as a guaranteed income, but the welfare portion of it is the worst. We have year after year after year gone along with the fact that people get on welfare and sometimes fifteen years later they haven't moved off. Well, that simply is an indication that whatever works, that does not work.

I subscribe to that position paper that the hon. minister tabled. I believe that we could move on it. We don't have to wait for perhaps someone else to move. Perhaps a deal can be made with the local authorities, with Ottawa, and perhaps with the initiative coming from the provincial government we can go into a certain area and try this out. It might just be, if not the complete answer, a partial answer. I have every confidence in the fact that the hon. minister, Mr. Crawford, could probably be the man who could start such an experiment. Indeed, it would be a worthwhile first in this country.

MR. DIXON:

I would just like to ask a question of the hon. Minister regarding Bill No. 76.

I was wondering what experience the department has had in the question of unmarried mothers. Is it increasing or is it decreasing?

MR. CRAWFORD:

Mr. Chairman, I can't answer that question offhand. I don't know the answer. I would be glad to get it for the hon. member though.

MR. CHAIRMAN:

Any further comments?

MR. CRAWFORD:

Mr. Chairman, I would like to make a few comments in respect to the statements made about incentives just a few minutes ago by the hon. Member for Drumheller and the hon. Member for Calgary Mountain View.

First of all, I do appreciate the statements they made and the views they expressed. I would agree that the area under discussion is, indeed, a matter of some concern. However, I think the concerns have been, in part, misplaced. To some extent I think the information they were based on could not have been complete.

I think this is a digression. I don't like to be in the position of following another hon. member who has digressed in the course of digression. But the reference made to guaranteed annual income by the hon. Member for Calgary Mountain View, in which he quickly said - and then passed on - call it what you will, social allowance is really a guaranteed income. That is simply not true. It never has been and it is not now.

The only people in Canada who are in the position that the term "guaranteed income" accurately describes their situation are senior citizens on GIS. Remember that anyone who is on welfare and who is receiving support that way for necessities is first obliged to meet certain qualifications. His assets can't be over a certain level. He must, in order to settle at a particular rate, have a certain number of dependants. The whole business is based on the fact that the person is in need. It is not a guarantee of anything to that person. It is a response to that person coming in and applying for help and receiving it based solely on need.

Other than that, Mr. Chairman, I also want to say that the whole question of developing an incentive, in the terms more or less outlined by the hon. gentleman opposite, is a very prickly proposition to grapple with. I don't place the greatest reliance on studies but there are studies that exist which indicate that the financial incentive is not the way to move people from welfare into the labour force. The things that keep people from being productive are not entirely based on dollar values in their lives. There are other things that cause them to fill the unproductive and unfortunate role that those few people do. There are basic problems with character, with intelligence, sometimes problems with alcoholism, retardation - mild retardation. A person outside an institution may have been in the work force at some point, but he doesn't have the staying power to stay with it throughout.

Giving a financial incentive to some of the people I've just described wouldn't be all that much help. In order to move them from their position of dependency to a little better one, something else is required. I know that other jurisdictions, for some years, have tried different and varying forms of financial incentive. I believe that when we come forward with something which may be an incentive, and I hope, in due course, that will be done, it will be a little bit more workable than some of the systems that have already been shown not to work.

The Employment Opportunity Program benefits women mainly by placing them in employment. But I would like to say that by far the largest number of family heads on welfare are women. The number of actual able-bodied men who are, because of age or some other shortcoming, very difficult to place in the labour market, is not very large. My memory is - and I don't want to be bound by this figure - but I don't think there are over 2,000 people on public assistance in Alberta who are males who are able to fill employment. The vast majority of people we are looking at to give incentives to and give training to in order to get them from dependence to independence, are women. Because the majority on the rolls are unmarried mothers or separated mothers with one, two or three small children.

I thought the House would indeed be interested in knowing that with women who are on the Employment Opportunity Program the success ratio has been very high. The number of people who fall back into dependency after that is a minority. I think that is a good record. Hon. members would be interested to know that this year more than 5,000 women were placed in employment as a result of that program. The reason the rolls of people on assistance remains fairly constant, of course, is because we have an increasing population in Alberta and more people going onto the welfare rolls.

I think there is a further danger about incentives if they are purely financial. I was talking to a minister from one of the eastern provinces who had gone into one of these experiments. He said, yes, we set our limit at \$25 and we found that everybody earned \$25 and then quit. Then he said, so we raised it to \$60 and now they earn \$60 and quit. I am not objecting, as I know the hon. Member for Drumheller who raised the point wouldn't object, to their having additional money. But to say that it can be an incentive isn't so in most of those cases. The alternative, the sort of thing that might be tried some time and which that particular province indicated they would probably try fairly soon, is not necessarily a sliding scale, which is much talked about, but maybe retention of 50 per cent of those additional earnings.

There is one other point I want to make and I think it is important. When we get into financial incentives and asking people to feel free to retain their surplus earnings we are once again raising the question of whether or not it would be more profitable to be on welfare than to be employed. We have a large number of people who fall into the classification of the working poor, who aren't that far above the income level of somebody on welfare, when you consider the person on welfare has attendant benefits including health care, for example, which is provided as long as the person is receiving partial assistance.

If you have a situation where it is sort of handy for a person who is receiving welfare - remember now that the argument is that he should be able to keep what he gets and not pay it back; that is the argument as I heard it from both honourable gentlemen opposite - what you could really be doing is saying, well, here is a fellow who is working hard, he has been working hard for 20 years. He is making \$400 a month this year. He has his three children at home and is doing his best and it is hard. Then you have a family on welfare, because they have several children and they have to have a house and the value of the rental they get is, say \$130, whatever it is for a small house, their benefit all of a sudden is \$325. Right now you have those two families - the fellow who is working is getting the \$400 and the other fellow may be getting probably a little bit less, \$50 or \$60 less. The figures I am giving aren't calculated. I'm just using them as examples. Then you allow the person on welfare to retain substantial earnings, and all of a sudden you have given him a benefit for being on welfare. You have said, you can have your \$450 a month now, part of which is government and \$100 or so is your own. The other person who has been working 20 years and has struggled hard and done his best to make \$400 a month is all at once, by comparison, at a disadvantage. What encouragement is there for him to stay off welfare at that point? Probably very, very little, and that's a damaging thing to him too.

Mr. Chairman, I know all hon. members would not say that the subject is clear or simple, and no one here this evening has said that. I just thought I would express a few thoughts on some of the varying things that have to be taken into account when a proposal is being made.

I would reiterate, to join once again into the concerns that have been expressed, that we do hope to bring in an incentive program within a matter of a few months. I think we would know that it would be only experimental. We have a lot to learn in this, to see how it works on people, how they react to it, and what effect it actually has.

MR. LUDWIG:

Mr. Chairman, I think all generalities are inaccurate, including the one I just made. The hon. minister states that generally people will not get off welfare even if they are allowed to work and earn more. I think in many cases I disagree with him entirely on his assumption: well, many won't so nobody will.

I think society would be better off if out of 1,000, only 100 went back to work. You are 10 per cent better off than you were a year ago. I know there are many people who have a guaranteed income, not from the public, not from the government, but they have some form of guaranteed income through investment, through parents, or through some other way. By and large, that is not a 'disincentive'.

There are some individuals who will be with us on welfare all the time and they may as well be physically disabled. Certainly we have more faith in people to say that, once they are on, most of them are no good, they are not going to move. The minister didn't use those words but he may as well have.

I believe that many people need a crutch to get along, to get over that first mile, get over the hump so to speak, give them some encouragement that there is a way out. Some people are in debt and every time they get out, they get in again. They either can't go bankrupt or they have judgments against them. They haven't got the incentive to come out. The minute they earn a few hundred dollars the creditors are on their backs and they keep pounding this person. He's lost his self-respect, if you want to put it that way. He just gives up. But they are not all like that.

I think that many a person who is given some help ... even after being declared a bankrupt, many people can't manage; even if they earn more they will still be broke - those people we might have to stay with. But many people need to be sort of taken out of that slump they have gotten into, probably through no fault of their own. There is a means of saving a lot of these people. I believe there is.

Now I'm not going to argue with the minister that this is going to work. Nothing works 100 per cent in this field. There are those who are probably going to be with us for several generations on welfare. Certainly if we let them earn more, some won't even try, we know that. As long as he can get meals and have his rent paid he is not going to lift a finger. I believe that person is a different problem. But many would if they had a hope, a ray of hope that they can be guided along and helped to pull up from the state they are in. I sincerely believe that many will do it.

Many respectable people, people who have good backgrounds, somehow fell economically. At a time when our economy is bouyant, the government is bulging with revenues, these people can't make [it]. I believe they can't cope with the rat race, but a lot of them haven't given up and these are the people I'm talking about. So if you had 15 or 20 per cent, if 1 out of 10 went back to work, how would we lose because some who are not deserving are earning more money.

So that's the point I make, Mr. Minister. I believe that your department probably has enough incentive and enough ability to try this experiment.

MR. TAYLOR:

Mr. Chairman, I don't want to prolong the discussion. I appreciate the point raised by the hon. minister that some are in categories where the financial incentive would mean nothing. But a good number of these people are intelligent, normal people and I'm sure the hon. minister will agree. These people want to get off social allowance just as quickly as possible.

In the illustration the hon. minister gave, permitting that person to earn another \$100 would not cost the chap next door who is getting \$400 one cent more. After he is able to get \$100 for a couple of months, you could then gradually start reducing the amount of the social development until it is all gone. So the man next door who is paying the bill also has an incentive, because gradually this man is getting off social development, whereas if you do not provide that incentive at all he is going to sit there and collect his \$300 or \$325 from now until doomsday, without any reduction. So I think the taxpayer has everything to gain by providing some incentive to those who are able to gradually get off welfare.

I just want to close by saying that I hope the hon. minister has the necessary authority and legislation to permit this in cases where we can

convince him that it's a sound thing to do, and in the interests of reducing the costs of social allowance and getting these people back where they are self-sufficient.

It may take two, three or four months to gradually get this down but I'm satisfied, particularly in a few cases and primarily in one case that I now have before me, this can be done if we have the authority to permit more than the \$25 earning. If we hold it at that, the woman has no choice but to simply stay on welfare until her children grow up, because she can't afford to take the chance of losing the little bit of security she has.

DR. PAPROSKI:

Just for the record, and so there will be no confusion regarding this particular topic of discussion, maybe I should remind the hon. members that the lack of incentive, the 'disincentive', the lack of respect for the dignity of the person on welfare, is in fact the product of that administration that has occurred over the past 36 years.

To come out tonight and bring up incentives, after all those years, is absolutely amazing to me. I just want to make a note here, Mr. Chairman, for the record. This government indeed is looking at incentives, and I am sure will have an incentive program in a very short time.

MR. TAYLOR:

I try to keep politics completely out of this. As a matter of fact I said very definitely this policy has been followed for a number of years, and that doesn't make it right and doesn't make wrong.

Surely, as we move ahead, we should be willing to try something if we think it's worthwhile. I'm not against you getting the glory for it if it will work; if we can provide an incentive and let somebody have their dignified place in the community, without their children suffering while they're trying to get back on their feet. Irrespective of who it is or which side does it, I am not really worried. I would like to see it done for the sake of the kids and those on welfare who want to get off welfare.

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

MR. CRAWFORD:

Mr. Chairman, I move that Bill No. 76 be reported as amended.

[The motion was carried.]

Bill No. 77 The Mental Health 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. 77 be reported.

[The motion was carried.]

Bill No. 78

The Nursing Homes 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. 78 be reported.

[The motion was carried.]

Bill No. 59 The Occupiers' Liability Act

MR. FRENCH:

I raised one or two points in the second reading of Bill No. 59, and in particular Section 13, subsections (1) and (2). The hon. Member for Calgary Buffalo, of course, assured me that my fears were not too well-founded, but I have another question I'd like to ask tonight.

In view of the implications of this whole section, I am wondering if the hon. member who is piloting the bill through the House has checked this with the Superintendent of Insurance. I could visualize that many people have liability insurance on their property. I could think of a number of illustrations. I am wondering whether this will or will not have any implications on existing legislation with respect to liability with insurance.

Sometimes when we bring in an act we feel that it is the right direction, and then a few years later we find that it involves some other legislation. If you haven't gone into this thing, maybe this would be a good time, before we get into third reading.

MR. GHITTER:

Mr. Chairman, in response to the hon. member. I don't believe, quite frankly, that the Superintendent of Insurance would be able to be of much assistance to us. It's not that we are trying to create new categories of liability or extend categories of liability that didn't exist before. As I mentioned on reading on principle, we are merely trying to clarify the situation. Now, that doesn't mean when the courts start interpreting The Occupiers' Liability Act, that they may not come to the conclusion that they have additional latitude from the point of view of interpretation.

I was considering the hon. member's point with his concern on the trespasser's situation that he raised the other day. An example that might assist somewhat was a recent decision in the Alberta Court of Appeal. This dealt with a trespasser, a child who was seven years old who was coming from school. The child got onto the railroad track and didn't see the train coming. The child was very severely injured. The question came as to whether or not that train was an allurement to the child and if it was an allurement, then on the basis of the laws that exist today, the CPR would have been held liable. Now, the trial judge, in that case, held the CPR liable for some \$85,000 in damages. It was then subsequently appealed to our appellate court in July and in a reported decision, the appellate court said no, the CPR was not responsible for those damages because the train was not an allurement.

Now I think if our Court of Appeal had been interpreting that particular set of circumstances on the basis of this new piece of legislation, they could have very easily come to another conclusion. I don't know. That's in the hands of the courts, of course. So there may be a situation which could arise where the courts, upon an interpretation of this legislation, could extend liability beyond areas of the common law and if that happens then that would have an influence upon insurance rates. There is no telling, at this stage, whether or not that would occur because the courts could possibly interpret this legislation in a stricter sense. As the hon. member knows, in Section 13 there are a lot of general circumstances that the court must consider and it is a matter of how the court determines those circumstances. I think it may occur, it may not. Quite honestly, I don't believe that the Superintendent of Insurance can help us. It is just a matter of the attitudes of the courts in Alberta to this legislation. I think only time will tell.

MR. FRENCH:

Mr. Chairman, to clarify the remarks I made. When I mentioned the Superintendent of Insurance, I had in mind that possibly insurance companies down the road may be quite concerned with this whole section. If you are building a new house today, whether you take out the insurance policy or somebody else does, I am quite convinced that this section will have a bearing on your premium rates. This is the reason I thought I would raise it. I think it is quite common practice today, when people are putting up a house, whether you, your contractor, or somebody else is involved in insurance, to protect against such things as may happen during the time of construction.

MR. GHITTER:

If I may, Mr. Chairman. To add to your concern. I think it is just as easily predictable that the rates, rather than going up, could either maintain their present levels or even go down.

If we were to look at the experience in England after they introduced their bill some years ago in this area, the amount of litigation involved reduced considerably. As a result there are not the legal costs which were built into the insurance costs which, of course, ultimately are paid by the consumer. By virtue of the basic clarification of the law, it could well be that the rates could just as easily go down. I doubt that insurance companies act that way in this day and age, but I think that certainly when they must go to the insurance board and prove their position, when their costs are examined, their costs may well go down because of the virtues in the clarification of the law which, at present, is very ambiguous and very complex.

Section 8(1)

MR. DRAIN:

Section 8(1), liability of the occupier under the act. I wonder if I could get this interpreted just to add to my fund of knowledge on the subject.

MR. CHAIRMAN:

Did you get that, Mr. Ghitter?

MR. GHITTER:

I believe the hon. member wishes to have clarification to the Section 8(1). I think what that might mean is, if parties enter into agreement ... for example, say you are a tenant in an apartment building and you enter into a lease agreement. In that lease agreement the lessor undertakes to do certain things for you. If he, in fact, goes beyond the ambit of this act and says that in the event that there are any traps, that stairs may be broken or things like this, whereby he may not normally be responsible but he agrees to assume this responsibility, then this act will not be a bar to those circumstances. In other words, parties to a situation can still contract or modify their positions in light of this act.

I think that happens in many avenues of the law where the law may say one thing but parties wish to mutually bilaterally contract to do something different. If someone says, I won't hold you responsible for that, or someone else says, I will be responsible, then that contract is out of the law.

I think the intent of that section is merely that this act will not stand in the way of such agreements.

MR. DRAIN:

I'm very much aware that the hon. member is a very astute person and very learned in the law. I'm wondering, when he had this legislation introduced did he ask himself the question, is this act really necessary? Frankly, as a layman, I certainly find myself very confused.

There seem to be a certain number of areas of concern. I have had this brought to my attention by some very loyal and devoted followers of his party. In fact, they have considered themselves as recruits to my cause. Therefore, Mr. Speaker, there is some merit in this. I feel very much like the fellow who bought the car from the used car salesman and after driving it one day, came back to the salesman and said, 'tell me again how good this car actually is.'

MR. GHITTER:

I believe, Mr. Chairman, the hon. member wishes another salesman job. I thought we'd already sold this to you at second reading.

I think that's a very fair question. I believe it's necessary. We're in a very technical area of the law, an area that very few people understand, including, probably, the mover of the bill. I think that we're into an area where the legal academics have a field day when they start playing around with occupiers' liability. All one need do is read the case of July of this year in the Court of Appeal in this province, and your head is spinning. We've had litigation going on and on and on and no firm rules solidified in our law in occupiers' liability. It may be a great field day for the legal academics but

it's a complete mess from the point of view of any common, practical understanding of it. I firmly believe it's necessary because it will cut down the court time. I believe it'll keep a lot of these complex cases out of our courts, if we look at the British example.

When I looked at this bill my main question was, do we need a bill of this type? This bill differs considerably from the approach they took in New Zealand. There, they didn't make any distinction whatsoever from the point of view of a trespasser. They just said there's a common duty of care. As a result this class has been maintained in this bill as a trespasser and has been left as is. I accept this reasoning because I'm concerned about the young child who falls into the trespasser category. The results, I think, of the New Zealand form of legislation, and the Scottish form of legislation particularly, are a little bit different and I think may cause hardship to the young child who, inadvertently, is a trespasser and gets injured.

I think this form of legislation is superior, particularly to the legislation followed in Scotland. I do believe there is a need for it. Any time we can clarify things that are ambiguous then I think we're doing our job as legislators. But indeed, there may be some who say, keep it as it is. I can think of a few lawyers who might prefer not to have this legislation around.

MR. HENDERSON:

Mr. Chairman, may I ask the hon. member responsible for the bill a question? I didn't hear his comments in second reading, which I understand was a very enlightened dissertation on the function and purpose of the bill, but which nonetheless has left a lot of confusion in its wake, I understand, because of the complexity of the bill.

What I am going to ask is probably a matter of technicality of law. For example, in Section 1, the definition of "premises". It includes quite a number of things. It mentions everything about a bill except a building, a home or residence or some such thing as this; I don't see any mention of those particular items in it. Does the word "premises" mean by other definitions that a building, a public building or private building is automatically included, to be understood under the word "premises"? So that this word "premises" defined here, includes but it doesn't exclude the others. If they aren't excluded, why aren't they mentioned?

MR. GHITTER:

I think, Mr. Chairman, if one endeavoured to name everything that would be known as premises, we'd end up having about 20 pages here from the point of view of buildings and whatever, as you've already mentioned. At law there are areas of confusion as to whether or not, for example, things like staging, scaffolding, poles and things like this should be included. There have been cases evolving around all of those definitions from the point of view what is a premises. The courts have held, for example, that staging, scaffolding, poles, and standards are such that there should be a responsibility from the point of view of the person who puts up that scaffolding or whatever it might be; a responsibility on their part to make sure that it's safe. So the courts readily accept the obvious in the sense of the buildings that you've mentioned. But there are areas that are more complex and that is the reason why the inclusion was made.

MR. BENOIT:

Do I understand that in your understanding of this bill there is a distinction made between the child trespasser and the adult trespasser so far as the liability is concerned?

That's fine. I thought that from the other night.

MR. CHAIRMAN:

No further question? Agreed on title and preamble?

[All section of the bill, the title and preamble were agreed to.]

MR. GHITTER:

Mr. Chairman, I move the bill be reported.

[The motion was carried.]

Bill No. 62
The Alberta Uniform Building Standards Act

MR. CHAIRMAN:

Bill No. 62, The Alberta Uniform Building Standards Act, and the amendments have been circulated.

MR. LUDWIG:

Yes, Mr. Chairman, when I look at all the new documents coming in it appears that it's never too late to make amendments to this bill. I appreciate the fact that the government is listening to some of the things the opposition is saying.

I want to ask the hon. minister a question. What type of buildings in the whole province are excluded from this act? Where can a person go and build a house, as he wishes, without having to worry that some minister might come and throw him in jail if he violates the act?

DR. HOHOL:

Thank you, Mr. Chairman.

The building definition under this act, by its very nature has to be broad to give the kind of scope that the act intends. The limitations of which the hon. member speaks will be outlined in the regulations. The particular regulation to which I think reference is being made will be something as follows: that these regulations do not apply to farm buildings other than those used as residences.

MR. LUDWIG:

Do I understand the hon. minister; that no place in the Province of Alberta, within the bounds of perhaps communication, can anyone proceed to build a house even if it's his own house, on his own land and he lives 100 miles from the nearest telephone? That he simply has to comply with some authority on these regulation; that he must build according to the way the government has set out, otherwise he can't build or he will be in trouble?

DR. HOHOL:

Mr. Chairman, I particularly appreciate getting this question early in the clause-by-clause discussion because the fundamental point of the whole act centres on that very point. There seems to be a misconception that we are talking about uniform buildings. I want to make it perfectly clear on behalf of the government that this act does not intend uniform buildings. What it does intend is uniform standards and these standards have to do with safety, stress on a building from wind, rain and snow, the quality of workmanship. It intends the standards of the building but not the building itself.

This recalls the question having to do with the matter of the 'innovativeness' of buildings in Alberta, and North America for that matter. This bill will in no way get in the way of innovative approaches to the use of materials or to design. This has to do with uniform standards and not uniform buildings.

MR. LUDWIG:

Mr. Chairman, I didn't intend to create the impression that I was talking about uniform buildings. If I did, I didn't put the question properly. I am talking about any kind of building. I am thinking of a person who lives way out and wants to build a shack for himself, as it is his privilege to do, he may not even want to finish it. The minister is telling me that he has to comply with the act now.

The other problem I have, Mr. Minister, is where in this act is there some assurance that public buildings, major buildings, will comply with the National Building Code so far as it deals with paraplegics and disabled people? I mean, if a building is not constructed in such a manner that it will provide a means of access to paraplegics, people in wheelchairs and the disabled, can that be enforced under this act?

DR. HOHOL:

Mr. Chairman, there were two questions there. In the first instance, having to do with a person building his own abode or domicile anywhere in the province,

please let us be clear that at the present time there are multitudes of codes and stances, mostly at the municipal level, which have these kinds of requirements. The intent of this act is that there be a kind of housekeeping in the matter of standards and that a person who, in fact, does have to build a house or some other kind of accommodation or a large commercial enterprise is subject to one set of standards which are uniform for the province, rather than the multiplicity of standards which have plagued the people who build schools, hospitals, municipal buildings and homes, and a lot of us in this Legislature have had extensive personal experience. So this act in no way brings in something new; it brings in something uniform.

Now, Mr. Chairman, there is no intent and no fact in this draft that would prevent a man from staging his building to provide for himself in the way that he wishes. There will not be horsemen with a mission going out to the four corners of the province to see that the intentions of the act, which are intended for the bulk of big residential and commercial buildings, are in fact pursued beyond the point of common sense or reason. On the contrary, discretion and common sense is the intent of the bill, which will make the code a uniform one rather than leaving people open to any number of standards.

With respect to the second question, having to do with paraplegics, let me answer it in this way. There will be a schedule in the appendix to the regulations, similar to that in the National Code, which will be guidelines for the building of commercial and residential apartment buildings, in particular with respect to attention for handicapped people.

MR. LUDWIG:

Mr. Chairman, the minister has strayed away from the real question I put to him. I am well aware of the fact that regulations are available, and laws are now with us with regard to building a major building. Nobody quarrels with that. I believe we need it. We can't avoid it.

I am concerned about your answer that no one can really build a house for himself now unless he gets a dispensation from someone, whoever that someone may be, that he may build his shack out in the woods as he likes, as he sees fit.

I am not concerned about people who are building houses where there might be community living where we need standards. We can't have Dogpatch-type residences. Nobody wants it. I don't believe someone should build and depreciate someone else's property, although it does happen everywhere. I am concerned about a lot of these people who have a bit of freedom, they just don't want to see a bureaucrat on their land. They just want to be left alone. There is that type. There are many like that who want to build a house and if they don't want indoor plumbing, they don't want anybody to tell them they've got to put it in this way. Or if they don't want wiring in it because they haven't got power, they are not going to wire anything. If they haven't got enough money to finish the thing, then it is their business if the roof leaks a bit.

This type of individual is with us. A lot of them are well-to-do. They are individualists. They are freedom lovers. They don't want the government to tell them anything. I understand that under this act, if they can reach him, he's got to live within this act. Is that right?

DR. HOHOL:

I appreciate very much the pursuit of the questioning because this is a new act. It is not an amendment to an existing act. So we need to be as clear as possible on the intention of the act.

I would agree with the intent of the points made by the honourable gentleman and will say that the act permits this kind of flexibility. Let me say this, though, to make certain that we are not misunderstood, if the gentleman chooses to build a house without electricity and use some other mode of lighting, then that is fine. He can do that. No one is going to say he has to have electric lights. Not at all. But if he chooses to put in electrical equipment to get his lighting, then it will have to comply with the standards set out in the act. I think this is important. It is an important distinction. If he doesn't finish it this year, he can finish it next year or the year after. It is purely his own business. It is not the intention of the act to direct bureaucrats, as the gentleman used the word, to go into the homes of people and have them do it.

I would like to mention one more thing that is really important. If a person builds his own home, and I think there was some implication in the hon. member's suggestion that if someone far away on a farmstead builds his own, remodels, reshapes, or renovates it, that he would be free of the constraints of

these regulations and this act. But if he were to bring in qualified people, tradesmen, electricians, plumbers, and so on, to do the work for him, then, presumably, and somewhat obviously, they would have to comply with the standards as required under the act.

MR. BARTON:

Mr. Chairman, one more point while we are on standards, because it is a new act. Would this affect, for example, an officious law - lands and forests officer on any trapline or trappers bringing theirs ... Will this be in the definition to exclude them in this particular area?

DR. HOHOL:

The intent, if you check the definition of the meaning of the word "building" under the national code, which we are adopting for the provincial code, as I indicated in my initial remarks, provides for the adoption of the National Building Code and supplementary regulations governing the matters under the act. In answer to the question by the hon. Member for Slave Lake, I would read again the definition of the appropriate regulation, these regulations do not apply to farm buildings other than those used as residences. The example you use, sir, I would suggest, Mr. Chairman, would be outside this definition. This would either be a cabin, as part of a trapline or a series of traplines with shacks, if you wish, for overnight lodging and then on to the next part of the trapline. No, those would be outside the act.

We are talking here about permanent residences, usually in a metropolitan [area] - anything from a village to a big city.

MR. LUDWIG:

Mr. Chairman, I gather from the hon. minister that any building, which would be exempt or beyond the jurisdiction of this act would, in fact, have to be a matter of some dispensation or benevolence on the part of someone in charge of the act because in the act the law really is not set out the way the minister states. I believe it would require some legislation to state that there is some procedure whereby people in remote [areas] might come under the act because Mr. Chairman, the hon. minister is saying that there would not be strict enforcement of this legislation where maybe it isn't feasible or desirable to do so. I take the stand that I don't go with this because once the legislation is there we shouldn't talk about what we will do. We are challenging what can be done and what has to be done once the law is there. The minister can't waive legislation like some ministers have done here. I simply believe it isn't done. The minister can say, well that law is bad, if I break it, there is no penalty. I'll put it away for now and not enforce it. That can't be done.

There should be some escape clause for people who simply are not - that there is no sense in bringing them within this. I believe everybody knows what I mean. If a person wants to dig a hole in the ground and build a little nesting hut over it, then it's his God-given right to live the way he wants. So while he's on his own land, he loves it that way and he's happy. Who am I go go and tell him, Mister, we think your standards ought to be higher, and if you don't straighten up we'll fix this for you, we'll fix you up real good and we'll make you pay for it.

Now that's in the act, so I think I would like to see the minister - after all one more day won't hurt, we've lived without this for many years now - bring in an amendment permitting some kind of exception under just circumstances. The way it is now the minister can say, well I'll violate this thing because it's proper. Maybe it will be a proper way to do it, but the act doesn't say that.

DR. HOHOL:

Mr. Chairman, I hope I don't disappoint the hon. Member for Calgary Mountain View, but I agree with the point, except to qualify it and place the following caveats: that there would be no dispensations. There would be exclusions under the regulations. Those regulations are now being prepared by an advisory committee, the names of which I read to the House, Mr. Chairman, on second reading when opening debate on this act. It is there that the exemptions will be identified.

I have to make this clear so there is no misunderstanding. The buildings that will come under the act, there is no equivocation there. They will have to meet the standards so it's not as though each individual project is going to be approved or unapproved. The intent of the act will be clear. Certain

residential, commercial, and other kinds of buildings, as defined under the act, will be within the ambit of the act, in which case they will have to meet standards. By an exclusion clause under the regulations, certain other buildings will not be included.

Now I would say this too. Because this is a new act we will have to watch it. From time to time it may be that we will have to add certain buildings to the exclusions and include certain others in the inclusions, by the very nature of the experience with the act. Some common sense and discretion will have to be used, but I don't want to leave the impression that we are going to be casual or even worse, capricious, or provide dispensations. Certain buildings of a certain magnitude, of a certain definition, will clearly fall within the act and will have to meet the standards. Those which fall outside the act will, of course, not have to meet those standards.

MR. TAYLOR:

Mr. Chairman, it seems to me that the regulations are really going to be more important - if I can put it that way - than the act itself. I think that's what we're going to have to look at very carefully. I wonder when the minister thinks the regulations might be available, because I really think the regulations are as important, if not more important, than the act itself.

As I see it, if any hon. member wants to dig a cave in the Drumheller hills and enjoy the bountiful beauties of the canyon of the Red Deer, there is nothing in this act and the regulations that will interfere with that. But if after I build a cave I want to put in electric lights, then I would have to meet the standards of this act. I think if we keep that type of illustration in mind, and the regulations go along that line, there should be little complaint.

If the act told me what kind of house I have to build, then I would certainly think we are going far beyond the requirements of safety, and secondly, if the regulations are keeping safety in mind, that again is something with which practically everybody will agree.

MR. LUDWIG:

Mr. Chairman, there is one more section I am concerned about and that is Section 12, the penalty section.

I believe there should be a dual type of penalty, one dealing with commercial buildings where they affect the public. A \$1,000 fine to a contractor who is putting up a \$3 million dollar building doesn't mean very much. But if the judge feels inclined to impose a \$1,000 fine on someone who is building a house, that could be a disaster. I believe we should separate that, because there aren't too many sections in the Criminal Code that have fines of up to \$1,000. I suppose there are many, but we are dealing with crime.

Sometimes a man does something that may affect himself and no one else. I would like to see a dual form of penalty, one for commercial buildings. I know there is discretion there, and there's jail there, but at the same time, there's a tremendous range of difference between a \$20,000 home and a \$3 million building. On the other hand, where a contractor violating the rules is a wealthy man, and someone else who is trying to build a house himself has borrowed up to his neck, this can be a hardship. I'm not saying it would be because the judges have discretion. But I believe there are cases in our society where you have to rap the contractor. You have just make it meaningful, because \$1,000 to him is just nothing.

As I have stated, the little man may really suffer. The judges have discretion, but they may not be as socially concerned as they ought to be.

DR. HOHOL:

Mr. Chairman, I would like to make two comments with respect to the last counsel by the hon. Member for Calgary Mountain View. I would like to propose, and hope to get the support of the House, that we stay with the penalty as identified on page 3 in Section 12 by the member. Watch it for a year and then see what happens. At that time we might be prepared to make a readjustment.

The initial discussion preceding that time had to do mostly with exemptions or inclusions.

I should like to draw attention of the members to page 3, which is Section 3(3) (f), that has to do with exemptions. It says,

(f) exempting

- (i) any person, class of persons, local authority or class of local authorities, or
- (ii) any municipality or class of municipality, or
- (iii) any building, material, equipment, appliances or classes thereof,

from the operation of any or all of the provisions of this Act or the regulations.

It is under this section that we will develop the regulations and though I can't, in answer to the hon. Member for Drumheller, indicate a specific date when these will be forthcoming, I can indicate this. The committee and our staff are working exceedingly hard, but we want to bring to the legislature a sound set of regulations and the intent of the act is to do just that ... [Inaudible] ... the intention to have the act purports to do, and how it would be done, and how the intent will be set into operation will be covered by the regulation.

MR. BENOIT:

Mr. Chairman, I think we are breaking new ground here in another respect, unless the minister can tell me if we have another act in Alberta that has as many regulations as this one. This act says that the Lieutenant Governor in Council can make a whole set of regulations, and then it goes on to say that the minister can make a whole set of regulations. I can't recall another act that gives both the Lieutenant Governor and the minister authority to make regulations for one act.

[Interjections]

DR. HOHOL:

I don't like to do this with my colleague, the hon. Minister of the Environment, not here, but I think in the major legislation in that department you will find that. It's for a reason. Someone has to deal with purely regulatory terms of how you manage the act. Those are ministerial. The regulations that would be passed by the Lieutenant Governor in Council have to do with policy. As I mentioned in discussions in The Workmen's Compensation Act, regulations flow out of legislation and are therefore a kind of form of legislation. They should, in all propriety, be passed by the Lieutenant Governor in Council, Mr. Chairman.

MR. DIXON:

Mr. Chairman, to the minister. I was wondering if there has been some agreement reached between Bill No. 57 and this bill. If there were an emergency, Bill No. 57, for example, allows the minister in an emergency to do certain things like demolish a building. But they would have to get a permit from you before they could do anything, otherwise they would be liable to a fine. There should be something indicated in the act or in the regulations that will exempt decisions made in an emergency, or otherwise they will have to rush to you.

Let's take the case where a building may be wedged and a lot of water is coming down. If it was taken out of the way the water could get away. They would have to go and get a permit for you or from a local authority before they could do anything to the building.

DR. HOHOL:

Mr. Chairman, the hon. Member for Calgary Millican is absolutely correct. There is a clause in The Disaster Services Act that has an overwhelming kind of relationship to other acts. What you say, sir, would be exactly the case. They would not need a permit in an emergency, from this legislation or this act or any other. That is the nature of The Disaster Services Act.

That brings to mind another important part of the act that I should mention and that is that while the standards are what have to be met for buildings under this act, this act does not remove the need of buildings to meet the statutes in other respects. The other notable pieces of legislation, for example, the national plumbing code and so on, would still apply so that this act has to do

with one set of standards. This act does not provide for and does not intend to provide for the consequential amendments of other acts.

MR. GRUENWALD:

Well, just very briefly, Mr. Chairman. The only thing that I would like is for the minister to assure us that in the regulations there is some just plain common sense applied particularly to what I was complaining about in the second reading, farm buildings.

In the cities, with one building on one piece of property, the way it is constructed and the use that is made of it certainly has an effect on neighbours and other people. This is understandable. We have to have regulations on that. But we want some common sense as far as farm buildings are concerned. That is what I want to be really sure of.

In Section 12 you have to have permission to remove, to demolish and this type of thing. As long as we get enough sense in the regulations so that if a farmer wants to move his buildings around, do with them [as he will] and build them when he wants, he can do it, for goodness sakes, without asking a lot of people. I think if the people know that is there then they will be relieved of a lot of their worries.

Another thing, the permit to build a building is really not involved here, is it? In other words, the right to build. Does this supersede the rights of the planning commissions so that they have even more people mad at them than this government. That is a serious thing. Same thing again on farm buildings which I'm referring to now. I think this is part of the problem Mr. Ludwig had - can you build a building out in the middle of nowhere? I'd say, sure. I hope it will say that.

DR. HOHOL:

Yes, I should like to give that assurance without any hesitation. The act is very specific with respect to farms. Its reference is only to the residence and the residence, too, would have to be of some consequence in terms of size. Once you do that, please appreciate that if you have a door, it does need to open in a particular way so that someone doesn't get trapped and get burned because the brake on the door is on the wrong side. We've built schools and - well, you know, sir, because they are all so much a part of your background - we've had to either turn the doors around or buy new doors. So there is a safety factor in large country homes as there is in large city homes, and big residential buildings for the farmer are no longer a rare kind of residence.

But let me say again, Mr. Chairman, that this act exempts all buildings on the farm except the residence. It seems to me, and I would hope there is agreement in the Legislature, that the farm residence, intended to house a fair number of people, does involve safety, it does involve standards, and this is intended to provide that.

As the hon. Member for Drumheller said the other day, when he goes to sleep he wants to know that he is going to be up in the morning so far as safety is concerned, and who can argue with that?

MR. HINMAN:

I have only one concern with what the minister just said. As far as farm residences are concerned I favour safety completely, but the many aspects of building codes are really there, as I pointed out the other day, to protect a prospective buyer against fraud and that applies to homes.

I can give you examples. There are homes, both in the city and the farms, that have had only 2' x 6' floor joists two feet apart; they shake and they rattle but they're safe. In the city you wouldn't want the developer to be able to sell that kind of home to an unsuspecting purchaser. On the farm it would not make that much difference, so I'm very concerned that in prescribing uniform code and applying it to farm residences built for that owner, and undoubtedly not to be sold separate from the farm, there be some leniency in demanding things which are not for safety but really in the city code are for the protection of buyers.

MR. BENOIT:

May I fortify what the two honourable gentlemen have just said with another thought. When you come to the city where houses are built side by side, your house could definitely have an effect on another house. Therefore you are

providing protection for the other fellow, not for the fellow who is building particularly.

When it comes to the country where there is only going to be one house - if that house burns down no other house burns down, this kind of thing - why should we, as government, be interjecting ourselves, always attempting to protect a fellow against his own folly or his own desires, if you want to put it that way, whichever the case may be. He has a right to his own opinion and if he wants to build a substandard house, that's his business. It shouldn't necessarily be our business. I appreciate the fact that maybe somebody's going to come and buy it, but if they're buying the farm - they're not buying the house - they've got an opportunity to inspect it and they've a responsibility to look after their own interests too when they buy it.

For this reason, I think there is a difference between rural dwellings and city dwellings because the rural dwellings only affect those who are there, whereas the city dwellings affect those on either side and all around.

MR. BUCKWELL:

I just want to ask, if you are going to include farm homes then would every prospective builder have to have a permit to start with? Would he have to have, say, a set of plans?

DR. HOHOL:

He would have to have a permit, which the act would enable the municipality to provide to the builder. This doesn't include a design or a plan, but it would, for example, include a detail of the kind of materials one would use.

This relates to the point made by the hon. Member for High Prairie. Certainly, it's a philosophic kind of question, as to what you do with the house on the farm. But again, one would have to take a look at the statistics of farm buildings which burn, burn quickly and rapidly, and sometimes tragically also because people simply can't get out.

I want to strike the right balance here in the act and the regulations, not so much to protect someone against his own folly, because that's a human judgment and not like a mistake - he knows what he's doing. The balance between that and the general interests of Albertans, that buildings in which they live and work, are safe. It's analagous to what we're trying to do with respect to safety and industry. A man who goes to work, whether in a plant, a school or in whatever commercial building, a highways plant or in a gas plant, his family knows he will be back, that there is no risk involved, in terms of safety. This is the real intent of this act.

MR. BUCKWELL:

Mr. Chairman, again to the minister. Many farmers build their own homes during the off-season, the winter. Now, they get a permit. Why should they have to have a permit, just to notify the building inspector they are building. For example, many farmers have gone ahead and built the shell of their home. Along comes the electrical inspector. How did you know I was building a home? Well I checked the lumber yard and found out who was buying lumber. They have ways of knowing. Or the plumbing ... I can see that the electrical wiring, the plumbing and gas fitting must be inspected by provincial inspectors. I think this is a good idea. But the fact that a farmer has to have a permit to build his own home and a building inspector to tell him that he has to do this and he has to do that.

I can understand it in the city where you are building highrises, or contractors building acres of homes, as the Member for Cardston says, you have to have somebody with a proper building standard to ensure that the purchaser is going to get a reasonably safe home. But when we get down to the point where the individual on a farm has to have a permit and has to have a building inspector come around to inspect for safety, I think we're going too far.

MR. RUSTE:

Mr. Chairman, I agree with the hon. member, Mr. Buckwell, as well. Certainly, if The Alberta Bill of Rights and the enjoyment of property means anything ... or is it just a farce? If we're going to have this kind of thing where someone is going to come in to an individual who has land, no connection with anybody else, it's out [in the country] and he wants to build a house on it, surely he's not going to have to meet all these regulations.

MR. LEE:

Mr. Chairman, just a question and a comment regarding the establishment of regulations on permits.

I was approached by a group in Calgary called the Unit Masonry Council of Alberta and they presented the problem of what they called "hoarding" and "heating". The situation they claimed was, in bids for tender, contractors bid on the assumption that they are not going to have to enclose or provide heating for the enclosure. One of the concerns they had was that if this were not part of the building permit requirements, then what really happens is that the contractor establishes a bid on the assumption that he's not going to have too much cold weather and if it really gets miserable, then he can just sort of shut the job down for a few days and things are going to be okay in a week or so. But their concern was that, in the meantime, what's occurring, of course, they are laying off the inside workers - in their case, the masonry workers. The concern that I have, and a question really, is that within the building permit regulations, as you have established in 3(c), or in coordination with the municipal governments, can you build in these hoarding and heating kinds of requirements as part of the building permit?

DR. HOFNER:

Mr. Chairman, I'd just like to say something briefly about farm home construction, because it concerns us generally in relation to trying to upgrade the standards of homes that we have in rural Alberta and particularly in agriculture. One of the things that we have failed to look at over the years is the fact that, quite frankly, I don't think we've paid enough attention to the needs of the farm housewife. It always impresses me that when you drive into a farm yard in some places you see a fancy combine and a pretty big tractor but the farm home isn't anything that you'd like to write home about. This is, of course, the tradition in rural Alberta, first we got the tools to farm and then we worried about the amenities. But surely, in this day and age, we should be giving some consideration to those amenities. That's the first point I want to make.

The second point I want to make is that in the past, certain contractors have taken advantage of farm home building, knowing that there were no permits required or standards that they had to meet. They went out and they put up a home for a farmer all right, but they didn't put it up to the same kinds of standards. I can take the honourable gentlemen around and show them a number of these in which they, in fact, got taken by the contractor in relation to what they got for a farm home.

I appreciate that that doesn't apply, of course, to the farmer who is good with his hands and is a good carpenter himself, that is a different proposition. But if he is, then I think that he can build to standards and that the permit shouldn't be the kind of red tape that should prohibit him from doing that.

I would like to point out that our department has been in discussions with the Department of Manpower and Labour in relation to how this applies to the farm; that our Farm Engineering Branch is willing to provide plans and design help in relation to the design and standards for farm homes. These are available now through our DA offices throughout the country. In addition to that, our district home economists are available and willing to sit down with farm families who would like to design a farm to meet their kind of situation; they are aware of the National Building Code and what they should get in a home. Not to increase the cost in any way but, rather, to point out some of these things; that, you know, taking a short cut here is going to make you disappointed within a few years. So it is not just a one-way street, but really rather an important thing.

Finally, Mr. Chairman, I would like to make this point. We have allowed our rural people to have substandard housing on the grounds that that was their God-given right to do that. On the other hand we have allowed substandard housing on farms because the equivalent kind of financing and mortgage availability just wasn't there for farm homes until very recently. We have made some changes in our Farm Home Improvement Act. We have made some changes in regard to the Agricultural Development Act, and the Farm Credit people have made some changes where certain portions can be taken out of their first mortgage so that both CMHC and Alberta Housing can come in to provide the money to build reasonable homes on our farms. I think this is an important factor, that money spent on a farm home should be well spent and that you should have something which comes up to a particular standard. There is no reason why our rural people can't have, or shouldn't have available to them, the kind of amenities that they have in other areas.

Finally, Mr. Chairman, from personal knowledge of the tragedy of a farm home fire - and I have been unfortunately associated with a couple where in the upper storey the people had no way to get out at all. With a simple design change this wouldn't have happened. I can think offhand of two families in which half the family perished because of the bad design of the house; nobody gave them any advice and they were trapped in the upper storey.

So there is more than just on the surface trying to put another permit in the way. The permits are necessary for electrical, plumbing and gas fittings and, hopefully, the new homes we build for our farmers will have those amenities. That is nothing in relation to the fellow who wants to go off into the bush and build his own cabin. Fine, let him do that and I hope he never has to apply to anybody as long as he is not interfering with anybody else.

I do think that we should think about upgrading the kind of homes we have on our farms; that a good home should be more easily available to all of our farm people; that that home should meet minimum standards of safety and design, so that they know it is going to be there ten years from now. Quite frankly, as I have said, my department has had some input and will have continuing input into the regulations as to how this applies to farm homes in relation to the bill.

MR. BUCKWELL:

Mr. Chairman, I appreciate the remarks of the minister and I believe his department is trying to do the best it can to lend money to farmers to build proper homes. I would say to him that any farmer who contracts a house to a building contractor should and must have it built to the proper building standards. Or any farmer who is going to build a house himself, who has borrowed money from, say, the government, or a grant from the government, should build to a building code. I am a little concerned that where a farmer can build I think in the issuing of a permit maybe a book of standards should be given on these safety factors. I am concerned that a man goes ahead; there could be quite a lot of building in an area and not many inspectors; his house is almost finished and an inspector comes along and says, you have got to take this wall out. I think the hon. minister will know what kind of answer the inspector is going to get.

You talk about safety on the farm - and I think he has been around long enough - how many farm homes have the front door completely blocked? They don't use the front door. There is only one door to a residence. Or, for the winter time, they board up the front door with tar paper or something. So, and this has happened hundreds of times, there is a firetrap; they are caught just like in a box.

I can't see how, with all the wishing, a set of standards is going to change the standard of living for a good many people.

I think I may have told this story in the House once before. Gray Campbell, who used to be in the RCMP and ended up as an author and publisher, was telling the story of this old couple, way down south in George Ross country. They had received a cheque from Burns and Company for their beef that had gone into five figures. At the end of the year the cheque hadn't been cashed. He was in the Mounties and was sent out to find out what had happened to this cheque. After talking to several neighbours, he finally found a little cattle trail and way down at the end of a coulee he saw a little lamp burning in a window. Sure enough, he found the old couple. The back porch was full of coal and it was the old farm home. He went in and asked them how they were. They were just fine, glad to see him. They had no inside plumbing, no lighting or anything of what we would call the modern amenities. He started talking about this cheque. The old man said, "Why, isn't the cheque good?" "Yes, but we'd like to get the cheque cashed. Didn't you need the money?" The old man looked at the old lady and said, "Well, there is nothing we really need."

So this is an attitude of life. Who can deny it, really? It's a free country.

AN HON. MEMBER:

Pioneers.

MR. CLARK:

Mr. Chairman, if I could just follow on the comments made by the hon. Member for Macleod.

I don't think anybody in the House disagrees at all with the desire of the hon. Minister of Manpower and Labour and the hon. Minister of Agriculture to upgrade farm homes. But I have to say to you that this is a very strange way of going about it.

A person is going to have to get a permit so he is automatically going to have a better farm home. There are all sorts of other ways, some have already been implemented in the housing corporation and in the Department of Agriculture. If the objective is to upgrade farm homes, no one is going to argue with you. We will help you do that.

But let's not talk in terms of this legislation as a vehicle we are going to use to upgrade farm homes. As desirable as that is, we are going to put a lot of people in rural Alberta into some difficult circumstances and we are going to have them jump through a lot of hoops they are not jumping through now. We will be pleased to bring back some of the hoops when we see the regulations and I am sure the hon. Minister of Manpower and Labour and the hon. Minister of Agriculture will be among the first to get the complaints. Because, in my judgment, this isn't going to be well received by people in rural Alberta, especially if you are going to try and sell them the basis that the government is doing it to upgrade farm homes. I think from that standpoint it is the wrong way to go. If you want to become involved in upgrading farm homes, I think there are a number of things that can be done through the housing corporation, and through the Department of Agriculture.

We can make it possible for young farm people to get mobile homes and get some assistance through the housing corporation. If that is what we are going to do, I think that's the road we should go.

I just have to say to the minister that I am not the least bit enthusiastic about trying to defend this legislation on the basis that what it is going to do is upgrade farm homes. There are problems. I recognize them. But this isn't the way to do it.

DR. HORNER:

Mr. Chairman, I just can't allow the Leader of the Opposition to distort the facts again.

What I said, and I said very clearly, was that all of us should be considering ways in which we could upgrade farm homes. One of the ways which would help to do that is to make sure that contractors are required to build to certain standards. I listed a number of things and I could go on at some length on the other things that have been done to improve the availability of good housing on our farms.

I appreciate the story of the hon. Member for Macleod, and have a lot of friends on farms of a similar nature and I appreciate them. But on the other hand, I'm sure the Member for Macleod would be the first to agree with me, one of the ways you could get young people back on the farm is to provide them with the equality and amenities that the other people have. I say to my honourable friends, don't try to make the point that we're bringing this bill in as a method of upgrading farm homes. Nobody said we were.

Well, my honourable friend from Mountain View never did listen very well.

MR. LUDWIG:

Mr. Chairman, point of order. I couldn't help hearing the minister no matter where I was sitting, so what does he mean I'm not listening.

DR. HORNER:

That's no point of order and he knows it. We're a little bit tired of him, Mr. Chairman.

What I've said and I'm saying again, all of us should be cognizant of the inequalities that are there now and have been there, in a major way, for a long time. There are a number of steps that have to be taken. Some of those steps have been taken. This is an additional step to ensure, particularly - to ensure, particularly - in the contracting of farm homes, that there are certain standards they have to meet. My honourable friend can shake his head but he hasn't lived in the country very long.

MR. HENDERSON:

Listening to the arguments about farm homes, I don't really see in principle how one can talk about having a bill of this type before the House and exclude farm homes because one of the basic purposes of the bill is to provide some basic standard of protection for the consumer as far as the standard of construction is concerned ...

MR. TAYLOR:

All buildings - except.

MR. HENDERSON:

No, I thought the minister said the farm home is included. Right, that's what he said so we're talking about farm homes. If you are going to extend this type of legislative protection to homeowners, why on earth are you excluding the farmer from it? Why on earth shouldn't he be entitled to any benefits that may come out of the bill as is the urban dweller?

I appreciate the concern about overzealous inspectors and bureaucrats and some of the things they do. I'm sure that anybody who has been around for a while has run into some of them. I've had some pretty heated debates with them and invited a few of them to leave at times. They've left and haven't come back. That's my right as a citizen of the province.

But I think, quite frankly, as far as the aspect of regulations and enforcement are concerned, it was because of this concern that some years back we changed our committee structure to have a legislative committee on regulations so that there was an opportunity for the public to have a direct input to the members of this Assembly. If in the process of regulations going through departments, administrative regulations and so forth, there were some foolish things being done in the manner in which they were being applied at the consumer level, there was a direct channel back to a committee of the House to deal with them. I think we should look at using that particular committee.

In principle, I don't see how one can talk about a bill of this type at all in the principle and really talk about excluding farm homes from it. It just doesn't make sense to me. I do agree that there has to be some common sense in the standard of enforcement in it. If I want to get around it and build a substandard home, I'd just build a granary and live in it and tell them it's none of their damn business, it isn't a house. That's fine, you can get around it if you don't want to do it that way.

But I honestly don't see in principle how you can exclude farm homes from this particular piece of legislation. It just doesn't make sense to me. If there is no benefit in it, I suggest, in principle, the bill should be rejected. But if there are some in it, they should be available and applicable to farm homes just as well as urban homes.

The question of whether they are intelligently applied though is another matter, regardless again, whether it is urban or rural

MR. TAYLOR:

Mr. Chairman, again with all respect, I'm having a little difficulty following the hon. Member for Wetaskiwin-Leduc because the regulations will likely not apply to farm buildings other than residences, and if residences are included, then they are going to meet the standards. Residences are included.

AN HON. MEMBER:

That's what he said.

MR. HENDERSON:

Mr. Chairman, that's exactly what I said.

MR. TAYLOR:

Mr. Chairman, do you want the residences included? If the hon. member is arguing that we want the pigpen and the milkhouse included, I don't agree with that. But as long as the residence is included, then it's going to meet the standards the same as any place else. That's what we want the bill to do.

MR. HENDERSON:

Mr. Chairman, I don't know how on earth this debate got going. But for the benefit of the Member for Drumheller I'd say in principle that if the bill goes forward, farm homes should be in it. That's all I'm arguing for. But I've heard arguments presented that farm homes shouldn't be included. If the bill goes ahead in principle, they should be included. I'm in favour that they be included. Never at any time did I suggest they shouldn't be included.

MR. HENDERSON:

Well, tell some of the people sitting beside you.

MR. CHAIRMAN:

Order.

MR. BUCKWELL:

Mr. Chairman, all I was asking the minister to consider was, where a farm home is built by contract or where a farm home is built by money lent by the department it should meet the building standards.

But when a farmer builds his own home, he should have the right to set his own standard. I can see a farmer - and the hon. Minister of Agriculture mentioned these little homes - who wants to tear off the back porch and put on two bedrooms. Does he have to meet the standards of the building inspector? Because the rest of the house doesn't meet it anyway. Surely he has a right to put something up without having a permit. But where, for his protection, he gets a contractor to build, that contractor must build by the building standards. Or where he borrows money from the government, a guaranteed loan from the government, he must, even if he builds it himself, build to the other standard. That is one of the stipulations of the borrowing.

Otherwise, you take away the right of the individual to do anything on his own. That's all I am asking the minister to consider.

MR. KOZIAK:

The same argument could just as easily apply in the constituency of Edmonton Strathcona or in the constituency of any urban member here.

A lot of people who aren't farmers would like to build their own homes, and in fact do build their own homes. If the same argument would apply to them, they should then be able to build a substandard home strictly because it's for themselves. But that isn't the reason for this type of legislation. The reason is, when this particular individual who has built that substandard home intends to sell it, the person who is buying is unsuspecting. Some of the standards are hidden. It is too late to find out whether it's been built to standard or not when the rugs are down, the paint is on, and the shingles are on. You can't find some these problems that exist. And it is the same with the farmer.

At one time, of course, people bought land and it didn't really make any difference what buildings were on because it was the land they were buying and rarely did the buildings matter. But now - and I think any member who represents a rural constituency will agree with me - there are homes on these farms that far exceed the homes that, in a number of cases, you will find in the city. Now what will happen is, some unsuspecting young farmer or farmer-to-be finds that there is a farm for sale. The dwelling looks suitable from the outside and he makes the purchase, not knowing that perhaps standards weren't followed and the wiring isn't correct, the plumbing isn't correct and something else may be wrong.

And this is the idea. It's not for Mr. So and So who wants to build his own farm. It's the fellow who comes along next and buys it from him, not suspecting that certain standards have not been met.

MR. BUCKWELL:

I agree with ...

MR. CHAIRMAN:

Dr. Paproski first, and then ...

DR. PAPROSKI:

... [Inaudible] ... mention by the Member for Edmonton Strathcona in response to the hon. Member for McLeod. Surely it is not only meeting a uniform or safe standard for resale. The well-meaning father building an extension or modifying his home for his family doesn't intend to cause any harm to his family, but with a wrong design or a wrong modification, any aspect of that, there could be a disaster. We know these disasters do occur across the country. Surely you wouldn't want that to happen out on a farm community any more than in the city.

MR. BUCKWELL:

Mr. Chairman, my heart bleeds. Here is a farmer who can put up a \$50,000 barn and you tell me that he can't build a house. If half the 50 year old houses in Edmonton and Calgary were sold today, in answer to the hon. member, Mr. Koziak, for wiring and plumbing they are not safe to live in. Yet you sell them every day and no standards are required at all. To tell me that a young farm lad who goes and looks at a section of land and a nice set of barns walks into the house and the house is going to fall down around his ears. I think that surely we have a little more common sense than that.

All I am asking is the right of the individual. We are talking here in this Assembly and the government has said, respect the rights of the individual. You put in a Bill of Rights so that a man will have a right. Now you've taken the very right to build his own house the way he wants. I'm not talking about building a house that is going to fall down around his ears. Most farmers have got more brains than that. They haven't got too much maybe at times but most of them have enough, a little bit of common sense. But to turn around that a man now, even to build two rooms on, and this is what I am saying, he's got to have a permit. And he has to build to a building code on a house that wouldn't even pass the building code.

The Member for Wetaskiwin-Leduc said that he would build a granary and live in it. Well, now we're going to have a granary built to the standards. All I am suggesting to the minister is that a farmer himself, if he wants to build his own house with his own money, should be allowed to do it without a permit to build because he has other regulations that he has to cover with the electricity, the plumbing and the gas fitting. He has to have, he is supposed to have these okayed by the provincial inspectors. As far as the rest, if the door opens in or out or up and down, what difference is it. You see, he has to live there.

DR. PAPROSKI:

Mr. Chairman, so that there won't be any misunderstanding of what I said and it is to be very clear. I have no doubt that the farm community and the people who are building their homes on the farm are very able and capable of building good homes. They have in the past. As a matter of fact, a lot of the members here came from this type of communities.

Having said that, the well-meaning farmer or the builder of his own home may not know the risk that he is putting himself in, in some cases. The ones who are able and capable will pass the uniform building standard very easily, he will get his permit and there will be no problem. The exceptional one is the one who causes the hazard.

MR. KOZIAK:

One of the things that we considered in this House last spring and are now going to be considering in the form of legislation, is the area where an individual puts up \$1,000, \$2,000 or \$3,000 as a down payment on a house that is to be built. All of a sudden the person either doesn't build the house, goes bankrupt or some other unfortunate incident occurs, then the people come crying to the Legislature. Now that occurrence may be 1 in 10,000 homes that are built but it is an occurrence that exists. It is an occurrence that was rightfully raised by the hon. members on that side as well as on this side of the House. As a result of that occurrence, which may be rare in terms of the total picture, legislation is introduced to protect all.

Admittedly, I would be the last to say that most of the farmers can't build better than perhaps some of the builders. A large number of the people who are now in the building industry took most of their apprenticeship, learnt most of their trade by building barns and building their own homes. To suggest that my remarks would indicate that that is not the case, that farmers are not capable

of building, is incorrect. All that I am saying is that there is the rare occasion and that rare occasion is what this type of legislation would protect.

Now, if we are not going to be prepared to protect the rare occasion here, should we be prepared to protect the rare occasion in any situation, whether it be in the deposit situation or any of the various matters that have come to the attention of this Assembly?

DR. HOHOL:

Mr. Chairman, speaking of safety. In the interest of cardiac safety possibly I could summarize some of the intents and spirit of the act and the anticipated regulations.

First, I think I understand exactly what the hon. Member for Macleod is saying. In content and spirit, the act agrees and I agree. I want to recall one thing though. In view of the fact that farm residents have to acquire permits for electrical and fire and other kinds of safety, a permit under this act would ensure that what the hon. Member for Macleod described as inspections half-way through, [the building of] a farm residence or towards the end of it would not occur. The inspections would be approved in terms of the intended and stated materials and standards the farmer or the urban dweller has in his statement of intended performance for his building. Then, of course, they'd be inspected after the building is completed. So, it does protect the building against someone coming in at the end of the building and requiring changes.

I want to mention two examples myself. On one farm, after the first big gale, a new house didn't have a roof on one side because the wind picked it off, just substandard kind of material built by someone to no particular standard and there it was. The repair bill was \$800.

I think all of us recall, even in the City of Edmonton, some years ago the matter of - what do you call the tiling which makes sure the water doesn't get through the ...

MR. GRUENWALD:

Weeping tile.

DR. HOHOL:

... weeping tile, yes, wasn't required and still isn't in most rural municipalities. I know of one case where a very large and expensive farm home had to get a twelve foot excavation around the whole house and the weeping tile supplied after the fact, a very costly business. It's this kind of thing, Mr. Chairman, ladies and gentlemen, we are talking about.

The point that the Member for Macleod makes repeatedly is one that I accept. Certainly in the administration of the act and the regulations some common sense needs to be brought in.

I want to make the point of the shift that the hon. Leader of the Opposition made. I think what we're saying is that a consequence of this act would be an upgrading of farm dwellings. It's intent is not that, and that has to be made clear. We're not on a crusade to improve farm dwellings. That is up to the farm folk and I agree with the gentleman from Macleod that they know how to get about that kind of business as they do about any kind of business. But certainly the consequence in terms of developing standards will have that kind of effect. That is what the hon. Minister of Agriculture and I are saying, not that we were intending to upgrade, because there would be other ways.

The question from the hon. Member for Calgary McKnight should not be lost. I would answer his question in the affirmative, that would be a reasonable and a sensible kind of approach to use and to have built into the permit. Would somebody tell him when he gets back.

If there are any other questions, I'd be happy to respond. If not, I'm prepared to move reporting, but I'd give an opportunity ...

MR. BENOIT:

I just wanted to make one statement. I hope that nobody is under the illusion that may have been left, that if you have a permit you are guaranteed that there will be no mistakes covered up in the house. I have seen very many houses and I know that all the inspector has to do, if the contractor wants to do it that way, is to step into the other bedroom to inspect it while something

goes haywire in the bedroom that the workers are in. So, having a permit will not definitely assure that you will have a full standard house.

MR. CHAIRMAN:

No further questions?

MR. LUDWIG:

Mr. Chairman, I remember the date in Ottawa a few years ago when the Conservatives were breaking up about the fact that Trudeau was getting into the bedrooms of the people of this country.

I'm not, nor is anyone else in this House, opposed to the raising of standards, but I also know enough about the farmer that he is very independent. There's a limit to how far he can be pushed.

I look at our Deputy Premier and he states that he believes in a minimum of government interference. Well, let him believe that. Yes, I've heard a lot of people preach one thing, then say another thing, and vote a third thing in this House. I'm not sure that he's any different.

Let's practise a minimum of interference. The farmer is independent and that's why he is sometimes accepting lower standards. He doesn't want to be told everything that we sometimes have to put up with in the city. A minimum of government interference, this bill has to endorse the principle that we know. We're going to tell a lot of these farmers what's good for them. Maybe they know but they don't want to pay for it. These farmers didn't all fall off a hay rack, they've been around, they know a good house when they see one and they can build one if they want to pay for it.

When we talk about the fire disasters and everything, well, the people who are in trouble in this regard are probably the 75 per cent who are not going to build a new home and can't afford to build a new home. So if we're going to start bleeding all over the floor for them, let's fix them up, the ones who can't afford it. Not tell them we're going to make sure you don't burn up, we're going to break you for the rest of your days because we know what's best for you. So let's not talk about raising standards for a minority. The farmer who can build a \$25,000 or \$35,000 home has just as much ability, if not more sagacity and more ability to handle a contractor than many city people I know. It's all right if you want to regulate the farmer and say, we know best. We're going to regulate you. We've got the right bill to do it. We're going to improve you. We know you'll sleep better. You'll be more comfortable in a better house, but your mortgage will be bigger and we don't know whether you'll sleep or not. But we'll tell the farmer what's best for him.

If this Conservative government, which believes in a minimum of government interference - at least it preaches that, but keeps interfering with the farmer more and more, telling him what to grow, when to grow it, how to sell it, which board to go to and if he doesn't he'll get caught and he'll be in trouble. I shouldn't be cautioning the hon. members opposite because the public will tie a can to somebody's tail in the next election and we'll reverse a bit on all these regulations. It can happen to guess who first.

But every time I turn around I talk to farmers and they are concerned that there is a march on them. We've got to tell them and regulate them because it's for their own good. There is not a single member here who would not stand up and make a good speech that it's for somebody's good. Under the pretext of the good of the public we've had a lot of bad laws passed in here. The people are tired of too much government. You haven't got a politician in the House here who will say he is not opposed to too much government. But we are supporting a bill that's going to give the people a heck of a lot more government. So let's talk about principles.

I oppose this - not that we don't need it, we have a lot of it. But let's keep extending it. Let's extend it a little bit more. Let's regulate the man and we'll get the trapper eventually. He'll probably move away and we'll never catch up to him. Sooner or later the only place to get away from bureaucracy, regulation, government inspectors, costs and mortgages is to head for the hills - as I've told some people to do long ago.

SOME HON. MEMBERS:

Question. Question.

MR. ZANDER:

Mr. Chairman, I've heard the expert right now for Mountain View. You know he still believes that the farmer, when he talks about a bull and the bull's horn, has to press a button. There is the expert who knows and has probably never been on a farm. He doesn't represent a farm community.

Most of the time, hon. members over there and probably the rural members - and I have to agree with the hon. Member for Wetaskiwin-Leduc because I think he has more common sense than that whole group there has in total for the simple reason that - how many farms have you in your constituency that have only one door leading out? I've attended four or six fires and you still have to help the people out of the top windows of their buildings. I think what the minister has said, in the regulations will be implied that if he is adding on to an old building the standards will apply as to safety, not construction. I think this is quite clear.

If the hon. member over there thinks he can blow the horn on the bull by pressing a button, then the hon. member better go out to the farm and find out what the farmers think, because I was just out there.

DR. BUCK:

Back to the unity farming.

[All sections of the bill, the title and preamble were agreed to.]

DR. HOHOL:

Mr. Chairman, I move Bill No. 62 be reported as amended.

[The motion was carried.]

MR. HYNDMAN:

No. 58, The Coal Conservation Act.

[Interjections]

MR. CHAIRMAN:

Order.

Bill No. 58 The Coal Conservation Act

MR. DICKIE:

Mr. Chairman, I move the amendments that have been submitted to the members. The amendments that have been submitted arise out of the remarks of the hon. Member for Drumheller. They required clarification of the duties and responsibilities of the board, as compared with the Department of the Environment. There have been some suggested changes here to clarify that position. We think they meet the concerns voiced by the hon. Member for Drumheller.

During the course of second reading, one or two other observations were made. One concerned the question of what is referred to as the overriding provision, that is, specifically, Section 5. Reviewing that particular section with some of the other acts involving the Energy Resources Conservation Board, it arises out of an historical background whereby it was felt that, at the time these acts involving the Energy Resources Conservation Board were introduced concern was expressed to make sure that, on the question of conservation, parties would not be able to contract out of the act. Therefore, when they did put the provisions in, there were perhaps more teeth in these than in other types of legislation involving the same concerns. I think all hon. members would agree that it is important to have teeth in the legislation when it does involve conservation.

Another suggestion made was the question of appeals. Again, this was a good point raised by the hon. Member for Calgary Mountain View. I think at the present time what we would like to suggest is, let the act operate and see if there is a concern or need for some appeals. It may be that as time progresses, certain sections should perhaps have some appeals but we would know at least what those sections were and where the necessity did arise.

MR. WILSON:

Mr. Chairman, a couple of questions to the hon. minister. He talked about the amendments that he introduced. Then he brought up the subject of appeals. As I understand it, the applicant makes the application to the Energy Resources Conservation Board, then his application is referred to the Minister of the Environment. Now somebody in that department may say no, and that is the end of the ball game. Can the applicant appeal the decision of the Department of the Environment?

MR. DICKIE:

We have the Minister of the Environment with us, Mr. Chairman, I am sure he would like to answer that.

MR. YURKO:

Mr. Chairman, under the acts administered by the Department of the Environment, the Department of the Environment doesn't have the right to say no. The Department of the Environment has the right to set conditions. The conditions can be so strict, if you wish, that the project may not proceed. But nevertheless, I want to assure the hon. member that, as far as I know, in the legislation of the Department of the Environment there is no way that the department can say no.

MR. WILSON:

Just supplementary to that then, Mr. Chairman, could the hon. Minister of the Environment advise. Under this bill, The Coal Conservation Act, when matters are referred to his department, could those strict conditions be appealed?

MR. YURKO:

Mr. Chairman, there is always room for appeal to the minister on every matter that involves the public or any company or corporation. On top of that there is always room for appeal, by letter or words or meeting, to the cabinet, and the Premier as a matter of fact, - or for that matter to his MLA - so that if the department does, in fact, become irrational in terms of its conditions or its standards, these will be appealed pronto and everybody will know about it.

MR. WILSON:

I appreciate that, Mr. Chairman, and would just like to point out that in studying a while back I noticed that Moses by divine command as he was conducting the children of Israel out of the land of Egypt and through the Red Sea stopped at the shores of the Red Sea. He assembled the masses and said: well now folks, I've got some good news and some bad news. The good news is, the Red Sea is going to open up and we can walk through on dry ground and build our tabernacle and everything will be okay, and the bad news is that first of all we have to file an environmental impact study.

MR. TAYLOR:

Mr. Chairman, I wonder if I could ask the hon. Minister of the Environment just one question. Before the hon. minister or his department sets out the conditions of the approval, does the applicant have some chance of knowing what those conditions are so that he can discuss them? If these may be discussed before the Conservation Board makes the order, then I think it is quite in order, but if the order is made before, then it is very difficult to discuss them after that.

MR. YURKO:

I think, Mr. Chairman, I went into some detail in explaining the one-window concept a week or so ago. The application is made to the board. The board then fans out the application to the various agencies and departments of government that have some say in terms of that application. The application comes to the department almost immediately. The first thing that happens is the company is knocking on the department's door, wishing to see those people in the department they will be associated with. They are always dealing with engineers and scientifically-trained people.

Where there are very specific standards, then the standards are quoted. But in most instances it is a matter of discussion and recognizing the configuration

and the distances. These matters are all discussed, and if you wish the term "negotiated" which I don't like; there is really an accord reached in terms of most of these things discussed.

Then, on the basis of perhaps half a dozen discussions and sometimes more, the department may ask for additional information and then may tell the minister that this case is so complex that an environmental impact assessment is required. So the minister, under The Land Surface Conservation and Reclamation Act, will ask for an environmental impact assessment, because the only place he can ask is through that act which gives him the power to do so.

So it is a case of considerable discussion and considerable talking before any permit is structured from the department for that particular project. They are not all the same. They all have different conditions because of different terrain, different ground water conditions, and different surface water conditions. In some cases the topography is entirely different and the soil conditions are different. So all this is taken into account by the experts. All I can say so far is that, in refining the process over the last couple of years, we have now reached the point where the process is working extremely well, and the industry - pretty well all the industry - looks upon the department in a helpful role. They do work very closely together and they have excellent rapport.

My only difficulty in terms of new legislation and new regulations is that this rapport is sometimes shattered by new procedures. This is why, as a government, we have to be very careful that we don't change these procedures. We are using this one-window concept through the structure because if this procedure is changed pretty drastically, then it takes some months and sometimes some years to establish the kind of rapport that we now have.

So I can assure the hon. members that there really has been no difficulty in the last year and we are getting our approvals and permits out just as rapidly as we can. In fact, if there is one difficulty, it's that we don't have enough men.

MR. TAYLOR:

Mr. Chairman, I would like to say I think the procedure, as outlined by the hon. minister, is excellent. As long as the applicant has a chance to discuss this with the department prior to the Conservation Board's issuing the order, I believe this meets all requirements that are fair.

MR. LUDWIG:

Mr. Chairman, I would like to comment on the remarks made by the hon. Minister of Mines and Minerals. He stated that he doesn't really disagree with the principle that there should perhaps be appeal to a court. I believe that he was one of the champions of this theory when he was in the opposition and I still think he believes in it.

But I couldn't follow his remarks that he will wait and see if there is any need in this regard, that he can always change the legislation. It shows that he believes in something, but he is reluctant to move or perhaps hasn't convinced his colleagues that that's the right way to go. But he believes that's the right way to go and many on that side believe that is the right way to go. We have a powerful board dealing with property and rights, perhaps of such great magnitude that maybe it's beyond the imagination, in some cases, as in the amount of money. But certainly it is not improper to consider the right to put in an appeal.

I would recommend that the more sensible decision would be to put in the right of appeal and see if it falls into disuse. If there are no needs for appeal, then it won't be resorted to. So that right should be there. I believe one can say that maybe it is more expeditious not to have it. We have appeals in all sorts of matters. It is our way of life almost, in the most minor matters that affect our property, our liberties or the way we deal with other people. This is a major matter and to have a section that states that the decision of the board is final and nothing more can be done is wrong in principle. I certainly commend the minister for recognizing that the principle may be wrong, but simply we'll wait and see. We'll change the law if there should be a rash of appeals or, say, one or two appeals. What difference if there is one or many, the principle with regard to one is as important as to many.

I feel that perhaps we should maybe have a discussion with those people who are affected, who may be affected and have been affected. I'm not at all

concerned about what we did 10, 15 or 20 years ago. We're dealing with the issue now and with the fact that perhaps we could set up a procedure for permitting appeals to court so that we don't have to come up with this time after time, because not too many people argue against that principle.

MR. DIXON:

Mr. Chairman, just a short question to either the hon. Minister of the Environment or the hon. Minister of Mines and Minerals. It has to do with the in situ process we may have in the near future or maybe a little longer but anywhere in the foreseeable future of coal gasification. I was wondering, what has the government done by way of research? If someone came in tomorrow and wanted a permit to apply this to either a new coal mine or an old coal mine, what position would he or the company be in? Would you be in a position to issue a permit?

MR. DICKIE:

Yes, Mr. Chairman. The procedure that the board is following at the present time is under the umbrella sections of the Energy Resources Conservation Board together with the existing Coal Mines Regulations Act and they are carrying out the procedures pending the passage of this act. So at the present time they could apply. After the passage of the act they can still apply for coal gasification or any of that type of arrangement they so desire.

I think the hon. member does get into the question then, if they do produce gas from coal gasification, whether that gas would be permitted to be exported or removed from the Province of Alberta.

MR. DIXON:

That was it, Mr. Minister, through the Chair, but the actual question too is on the environmental qualifications. In other words, because there will be a certain amount of smoke and burning from the coke - because all the process is, is limited air in a mine to create this process - I was wondering, what are the environmental regulations? I mean, even if your department said go ahead, what would be the regulations of the environmental department?

MR. YURKO:

All the regulations, Mr. Chairman, haven't yet been structured under The Land Surface Conservation and Reclamation Act and, if the members will remember, I had indicated last spring that these regulations are going to be subject to considerable scrutiny before, in fact, they are passed by the cabinet. They are structured and are being examined very thoroughly by a number of different committees within government. However, it will be years before all the regulations will be structured under that Act. The present acts, of course, don't relate to underground pollution, if you wish, in an underground mine, they only relate to surface conditions, that is the air and the water, though we have, under The Ground Water Control Act, the ability to control the quality of the ground water. But we don't have regulations at this time under the Department of the Environment in terms of controlling the environment in an underground mine, if that's what you are worried about.

However, I would like to indicate that ground water conditions and substrata conditions are an area where we have been increasingly concerned because of the injection of various kinds of fluids into lower formations. A body of information is being accumulated, and in this regard, two of our people attended a conference in New Orleans just recently to review all the American experience.

I might also say that in terms of heavy oil experimentation in the St. Paul area from a point of view of using surface waters, we for example, turned down the Imperial Oil application for using surface water out of Mary Lake because of the quality of that lake, but indicated that they could use it from a number of other lakes in the area.

MR. WILSON:

Just one question to the hon. Minister of Mines and Minerals. In preparing this bill, did he give any consideration to limiting ownership of mining leases, mining licences and mines to corporations that had 51 per cent or greater Canadian ownership?

MR. DICKIE:

Mr. Chairman, that is not really within the scope of this bill and it wouldn't really be the function of the Energy Resources Conservation Board. That would be the function of the Department of Mines and Minerals itself in issuing the coal leases.

MR. CHAIRMAN:

No further questions?

[All sections of the bill, the title and preamble were agreed to.]

MR. HENDERSON:

Mr. Chairman, has the motion for the amendments been formally moved? I heard the minister talk about it and say they were distributed but ...

MR. CHAIRMAN:

No, the minister moved them.

MR. DICKIE:

Mr. Chairman, I'm disappointed. I thought he had listened to every word I said.

MR. HENDERSON:

Mr. Chairman, the minister mumbles to himself periodically, and I wasn't too sure. I finally gathered it was the amendments he was talking about.

Quite seriously, I have raised the question because the rules really say we're supposed to go through clause by clause when there are amendments introduced, and I just want to be sure they were formally moved.

MR. DICKIE:

Mr. Chairman, they were formally moved. I'm sorry if I mumble. Please correct me if at any time you observe that.

MR. HENDERSON:

I will if I think the minister has anything worthwhile to say.

MR. DICKIE:

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

[The motion was carried.]

Bill No. 57 The Disaster Services Act

[Section 16 of the bill as amended was agreed to without debate.]

[Sections 17 through 20 were agreed to without debate.]

[Section 21 as amended was agreed to without debate.]

[Sections 22 through 24 were agreed to without debate.]

Title and Preamble

MR. HENDERSON:

Mr. Chairman, just before we leave the bill I'd like to ask the minister a question on which I exchanged some notes with him the last time the bill was up for discussion. I point out that at the provincial level, it requires an order of the Lieutenant Governor in Council to declare a disaster. But at the local level, not even a resolution of the council is required. The council may simply delegate the authority to declare a disaster to some member of council. I see it says a committee of council, but it could be a committee of one, on the part of council.

Notwithstanding the information I received from the minister, I don't quite grasp how one can rationalize at the provincial level, that a minister can't do

it, it takes Executive Council, but if its a local disaster, the local level, that not even a resolution of council is required. The opinion of one man who happens to be a member of council is required.

I suggest there is an inconsistency and I would just like to have a better understanding of how the two approaches in the legislation are rationalized. I still think there's room for consistency in the bill and I wouldn't mind giving the Minister of Agriculture the right to call a disaster. We could make him accountable for it. I really suggest to the minister, I still think at the local level, that a motion of council should be required to declare a disaster, just as at the provincial level, it takes an order of the Lieutenant Governor in Council.

DR. HORNER:

In fact, if my honourable friend will turn to page 9 and have a look at the present section of The Municipal Government Act, the consequential amendment is to remove that. In other words, up until this time the mayor or committee of council have had the right to declare a local disaster, as a matter of fact, without anybody over top of them at all. Under this bill, that declaration of a local disaster area is subject to confirmation by the provincial government, and if it isn't confirmed, it lapses.

MR. LUDWIG:

Mr. Chairman, on title and preamble I would like to state that with the attitude, civil liberties be damned, I would like to comment on the way I see the position of this side of the House, on this bill: if there was a house floating down the river with five people on it, the Social Creditors would probably shout to tell them to get off, and they wouldn't, and they probably would drown. Under this bill, and the attitude of Dr. Horner, they wouldn't get drowned if you had to shoot at every one of them. Perhaps this is an improvement.

The attitude is there, that we are going to save you, even if we have to fire at you and that is what we are with. So I hope that in the future, somewhere, we might get a few amendments to this bill.

MR. WYSE:

Just a question to the hon. minister. In the last few days and within the last week, has the minister received an increasing amount of dissatisfaction in response to the bill?

DR. HORNER:

Mr. Chairman, I have received some letters - not a great many. If you want to judge my mail as to my other responsibilities it is considerably heavier on the other responsibilities than it is on this one. I can't tell you the number offhand.

Invariably I find it is a question of some misunderstanding. My response to them has been to send them a copy of Hansard with the debates that we have had on both sides of the House in relation to their approach to this kind of legislation. I also point out the differences between this bill and the former bill and the attempt the government is making to, in fact, make it more in context with the civilian approach to disaster rather than a military approach.

MR. WYSE:

Just before we vote on this bill tonight, Mr. Chairman, I would like to make a couple of comments. It seems to me that the more I study this bill, the more I look through it, the more concerned I am with it.

I would like to make it abundantly clear that I oppose the dangerous principle in this bill. It seems quite evident to me that this bill has in it a trend that is quite evident...

DR. HORNER:

Could I ask the hon. member if he'd enunciate the dangerous principle that he is against?

MR. WYSE:

If you'd give me just a bit of time I'll get to that.

But it is quite evident, Mr. Chairman, that this bill has in it a trend that is evident in most of the government legislation. That trend and that principle as far as I am concerned, is to give more unlimited godlike power to the ministers in this administration. I think it is a dangerous trend. I don't care what portfolio you look into, it seems to me that more and more legislation is appearing, giving the ministers unlimited power.

I don't like it and I don't think that the people of this province like it. I really don't think that we can blame the ministers involved. It really isn't their fault for lusting after more power, because this is a natural instinct in each one of us. It just seems like it is showing up more in the Lougheed government and this administration.

So, Mr. Chairman, I would just like to say that as I travel across this province and as I speak to the people in my constituency, it seems to me that the people are becoming frightened, frightened about the top-heavy government that we have, also frightened about the increased bureaucracy and the big government that we have. It seems like a big stick hanging over the heads of the people in this province. When we consider that a large percentage of our dollar goes to pay for this big government that we have - it is growing by leaps and bounds.

I believe it was on October 10, when the Premier made his speech, that he mentioned that he held cabinet meetings in central and southern Alberta and that the government didn't receive the same kind of response as they were receiving from the MLAs. He was very disappointed in us.

Well, I would like to say that I am also disappointed in our Premier who allows this dangerous trend to continue. It's excessive control of power as far as I am concerned. It is nothing less than hypocrisy because a Premier who talks so much about The Alberta Bill of Rights, about the individual freedoms, the liberties - the words he used when he was introducing the bill himself were, this bill will supersede any other bill, when the other bills are introduced into this House, he must take The Alberta Bill of Rights into consideration.

[Interjections]

Is that right?

AN HON. MEMBER:

That's right.

MR. WYSE:

Mr. Chairman, since that historic day when the Premier introduced The Alberta Bill of Rights into this House we've seen legislation passed such as Bills 36 and 62, the one we debated this evening. We've seen acts performed by this government that contradict every "t" and "d" in The Alberta Bill of Rights.

I'd like to say that the people in this province aren't sheep. The Premier and some of the cabinet tend to let on that the government ...

AN HON. MEMBER:

Did you bring your notes?

AN HON. MEMBER:

Pull that string, pull that string.

MR. WYSE:

Mr. Chairman, having said that, I'm sorry for the members on that side of the House, the ones who are afraid to stand up and fight against this dangerous trend in this administration. It appears to me, Mr. Chairman, that they're afraid of Horner the Great. They're afraid to stand up against this trend that's taking place.

I might also say at this point that I'm disappointed in the members on this side of the House ...

[Interjections]

... the ones who supported this unethical, as far as I'm concerned, bill. It seems to me that the minister put a spell on or hypnotized the members he spoke to. Even the NDP member supported the bill.

One of the members on this side stated that in a time of supposed emergency we must act fast. Well, I agree. The best example I could think of was, every year people are shot because of overreaction by some irresponsible hunter. They acted too fast. I think the same thing could happen with this bill. Innocent people could be hurt by irresponsible people, you might say imbued with power, overexcessive power, and then after that not being held responsible for it.

So I'd just like to stress again that I'm against designating such widespread powers to a minister to in turn designating it down the line, possibly to his friends.

It seems to me that down through the ages men have fought for power, they've gloated over it and people are no different today than they were 2,000 years ago. We've seen in the last few months the brothers to the PCs in Alberta, the brothers in the States, how they misuse their power.

So, Mr. Chairman, I'm not so naive to think that the Lougheed government wouldn't do exactly the same thing. There's a big difference, I feel, between requiring such powers and lusting after them, as I feel in this particular case.

So, Mr. Chairman, I doubt if any province in Canada since Confederation has designated such wide, dangerous sweeping powers to the ministers as this government has. As I say, I think it's pretty dangerous.

MR. ZANDER:

Albert.

[Interjections]

DR. BUCK:

Mr. Chairman, on a point of order. If they don't want to listen they can leave. You're supposed to be in control of this House. Let him say his piece.

[Interjections]

MR. CHAIRMAN:

Order, order.

DR. BUCK:

I don't mind them at all.

MR. CHAIRMAN:

Continue, Mr. Wyse.

MR. WYSE:

Mr. Chairman, I'd like to say, with all due respect to the members on that side of the House, that this government with the ACN, the Alberta Communications Network, is using some of the same tactics Hitler himself used to gain power and to gain control in the '30s. As the Premier himself stated last week, let's lay our cards on the table.

So quite frankly, Mr. Chairman, I'd like to say that I don't trust this government sometimes any more than I would trust that government. You may ask me why. All I have to say is, let's look at their acts. Let's look at their legislation.

MR. SCHMID:

Mr. Chairman, a point of order. In fact, I would suggest a point of privilege. Hopefully the hon. gentleman across the alley here isn't referring to one government when he said "that government" to the Nazi regime government, because if it is so, I would like him to withdraw his remarks.

MR. HENDERSON:

I don't think there is anything wrong with the member's remarks from a parliamentary standpoint. I can understand the minister disagreeing with it for some probably pretty strong reasons. I quite frankly disagree with him too.

But I don't think the hon. Member for Medicine Hat-Redcliff is out of order in his remarks. If a member disagrees with him he can say so in debate, but on a point of order, there is no point of order.

MR. CHAIRMAN:

Carry on, Mr. Wyse, please.

MR. WYSE:

So Mr. Chairman, in closing I would just like to say that I think we have too many laws in this province, we've got too much control and for sure we have too much government.

DR. HORNER:

Mr. Chairman, we're extremely pleased that the hon. Member for Medicine Hat-Redcliff has got up and made his major contribution to the debates of the Alberta Legislature, because we know he's not going to be here very long. With the kind of attitudes he displayed this evening, it is really unbelievable. I suggest a couple of things for his nighttime reading. Number one, the former Act that this replaces, because it would be of interest, I'm sure, to him to know the legislation he is now operating under so that he knows what this is replacing.

In addition to that, Mr. Chairman, I know the unreasoned and totally irresponsible remarks don't reflect the general opinion in this Legislature. I'm quite willing to meet with the hon. member in public debate, on his grounds or mine, any time he would like.

MR. CRAWFORD:

Mr. Chairman, I just wanted to make one comment in reference to the speech made a few minutes ago by the hon. Member for Medicine Hat-Redcliff. That is, that having seen him and now heard him, at least he has assisted the committee to this extent - we all have a much better understanding of what a disaster is.

[The title and preamble were agreed to.]

DR. HORNER:

Mr. Chairman, I move that Bill No. 57, The Disaster Services Act, be reported as amended.

[The motion was carried.]

MR. HYNDMAN:

Mr. Chairman, I move the committee rise and report progress and beg leave to sit again.

[The motion was carried.]

[Mr. Chairman left the Chair.]

* * * * *

[Mr. Speaker in the Chair]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following bills: Bills Nos. 66, 71, 64, 65, 67, 75, 77, 78, 59, and begs to report same. The Committee of the Whole Assembly has had also the following bills: Bills Nos. 73, 76, 62, 58, 57, and begs to report same with some amendments and begs leave to sit again.

MR. SPEAKER:

Having heard the report and the request for leave to sit again, do you all agree?

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

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

[The motion was carried.]

MR. HYNDMAN:

Mr. Speaker, as to business tomorrow, we move to Government Motion No. 2 immediately after the question period for a while, then depending on time, probably move to second readings and/or continuing committee.

I move that the House do now adjourn until tomorrow afternoon at 1:00 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 1:00 o'clock.

[The House rose at 10:55 o'clock.]