

LEGISLATIVE ASSEMBLY OF ALBERTA

Thursday Evening, March 14, 1974

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

GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill No. 9

The Alberta Municipal Financing Corporation Amendment Act, 1974

MR. MINIELY:

Mr. Speaker, I move second reading of The Alberta Municipal Financing Corporation Amendment Act, 1974.

Mr. Speaker, I believe that all hon. members of the Legislature are fully familiar with this Act, which has existed for some time. On introduction, I indicated that each year we amend the Act to increase the aggregate allowed borrowing under the Act to allow us to borrow funds from the federal government under the Canada Pension Plan and in turn reloan those under a per capita formula to Alberta's municipalities.

We are increasing it by the amount that the federal government allocates to Alberta, \$100 million - increased for the year 1974.

MR. LUDWIG:

Mr. Speaker, in speaking to second reading of Bill No. 9, I'm wondering whether there are any plans on the part of the hon. Provincial Treasurer to do what the previous government had done when we had revenues coming in that were not expected. We had windfall revenues like we are having now, perhaps \$100 or \$200 million dollars more than anyone anticipated a year and a half ago. Through a cycle of years, we could probably end up not just guaranteeing loans to the municipalities but perhaps extending direct loans from the treasury or through some other channels so that we can build up a reserve

Even the most optimistic people here realize that not too many years down the line, ten, twelve or fifteen years, we might have to resort to increased taxation if we want to maintain the levels of spending and service that we have now. Although I do not subscribe to the fact that we can always balance the budget, I believe that in a province that does get easy money compared to other areas, in a cycle of years, say ten or twelve or so years, we should be able to end up with, say, a half billion in some fund - loaned out to municipalities at low rates so that our own people would use it, but we could draw on it if things ever dipped.

With the unexpected turn of events with regard to oil - even though it may have been partly expected - nobody could have forecast a year ago that we would be getting these additional revenues. No matter how careful a government is, if a government has revenues, the people will pressure the government for more and more spending. And as far as I have watched our past performance, there is nothing of less significance to the public than last year's spending. The government that has a lot of money can't say no.

We were in that position where no matter how generous we appeared to be with certain areas of services, it simply was not enough and people were found who were prepared to fan that kind of demand. So it's easier to practise economy when you haven't got it, to say, no, we haven't got it and if we want these services we have the alternative of implementing a tax. When the public is faced with the threat of a tax, in fact the certainty of a tax, they might not be so anxious to press for a service.

But when you have, for instance, an extra \$150 or \$200 million, it's just not predictable. From where I'm standing, I cannot guess how much extra revenue we would have that we didn't budget for or perhaps did not anticipate. But the public will demand it. The government will be pressured and it's easy to yield to public demands.

The position I take is that it would be good economy to be able to say within a number of years that we have something, some kind of a reserve. You will be criticized for that because, as I stated, there will always be some institutions, some well-intentioned people who will state that you have it, you are sitting on it, give it to the people. I believe that we're all guilty of that to a certain extent when we recommend the reduction of taxes. But when you reduce taxes then you are simply spreading it out very evenly over those who pay the taxes. If you provide services generally and increase grants, and perhaps say, well, instead of the university getting \$15 million we will make it \$20 million, we've got it and it's here, it's hard to say no - so it's like a wealthy father who's got to budget for times when his income may not be as good, and I believe that the government would not be criticized too much.

Editorials in some papers have already pointed out that one of the problems of this government is going to be how to manage a very generous budget. I say that sincerely. I will probably be one person who will say, well, how about more here and how about more there, as hon. members on the opposite side will also say. But I think that ten years from now if we can show that we were generous and big with our money and we haven't got any, it will then be a pretty hard situation to face. It's easier to say no, as I stated, when you haven't got it, but this government has to show the utmost economy because it's the people's money.

So that's the position I'm taking. I'm taking it as sincerely as I can, but I think that the Provincial Treasurer who no doubt is the person who watches the dollar - and I'm sure that he is very capable in watching it - has to come up and urge the government and the ministers not to yield too easily to pressure from the bureaucracy. They know they are experts. These people are experienced and know how to convince you that if they don't get an extra \$2 or \$3 million disaster will surely follow. They can do it, but if you say no and nothing happens, no one will be the wiser. I've watched it myself when there was pressure for staff and I would refuse it arbitrarily. Then three weeks later I'm told that we managed, we didn't need it.

There has to be that kind of a hard-nosed attitude toward the pressure of civil servants who in many instances are more experienced in administration than ministers are. The policy people, the elected people, are not all experienced administrators. Some may never become experienced, so the civil service generally can make its case. I believe that they even get together and pressure the government so that a minister can stand up and sell that program. I don't know whether this is done with everybody. I think ministers ought to be able to stand up to the civil service and to caution MLAs who come from a constituency that wants something - we all do - to say, I'm going to continue to pressure to reduce taxes. When we get \$150 or \$180 million more he ought to be able to say that \$100 million went into some direct lending from which the people will get interest. We could draw against it in the future and that, in my opinion, would be good management.

MR. DIXON:

Mr. Speaker, just one or two words on this bill. I was wondering if the hon. the Provincial Treasurer could enlighten the House as to whether we will get enough money from sources such as the additional revenue that we have coming in at the present time, any surplus in that field and also under the Canada Pension Plan, so that we do not have to borrow on the open market, as a government, to reloan to the municipalities.

Also, while I'm on my feet I'd like to ask the Provincial Treasurer, what is the going rate that the province can borrow money at today?

MR. SPEAKER:

May the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MR. MINIELY:

Mr. Speaker, if I might address my ...

MR. SPEAKER:

Order please. I believe the hon. Member for Taber-Warner wishes to ...

MR. D. MILLER:

In addition to the question asked by Mr. Dixon, is the money passed on to the local authority at the same rate of interest the province borrows it at?

MR. SPEAKER:

May the hon. minister now conclude the debate?

HON. MEMBERS:

Agreed.

MR. MINIELY:

Mr. Speaker, if I might address my remarks and reply first to the hon. Member for Calgary Mountain View and say that many of the comments he made on this side have been very cognizant of for some time. However, I feel the comments are premature, basically for two or three reasons.

First, when we present the budget address our plans in this area will be much more clear. Secondly, until such time as the price of Alberta crude oil and a new oil royalty system are announced, the extent of any additional revenues that the province may have are a matter of judgment at this point, and that will be clarified after those two particular items.

Thirdly, with respect to, I think, the hon. Member for Calgary Mountain View's first statement, relative to direct loans to municipalities, I feel that that also can be more adequately debated during budget debate than after the budget is presented.

To the hon. Member for Calgary Millican, relative to his question on borrowing on the open market for reloan to the municipalities - The history of the Alberta Municipal Financing Corporation in recent years has been that the municipal requirements for borrowing, based on the per capita formula, have been fully and adequately met under the borrowings from the Canada Pension Plan, and it has not therefore been necessary for the AMFC to go to the open market.

The last question was relative to rate. I can be more specific about rate if the hon. member would like me to report back specifically on the rate - it's in the neighbourhood of 9 per cent, as long-term interest rates have climbed in the last year, but if you would like specifics I can report back on that.

Relative to two hon. members' questions on the rate the municipalities are charged; they are charged the same rate as we are charged under the Canada Pension Plan.

[The motion was carried. Bill No. 9 was read a second time.]

Bill No. 12 The Public Works Amendment Act, 1974

DR. BACKUS:

Mr. Speaker, I would like to move second reading of The Public Works Amendment Act, 1974.

The principle behind this bill is to give a contractor, a subcontractor or a worker, the same regulations with regard to a notice of claim when dealing with a contract under the Crown, with the exception of The Department of Highways, as he has dealing with the private sector under The Builders' Lien Act.

MR. LUDWIG:

Mr. Speaker, I have a few comments and a question.

First, is there any special policy of the government in dealing with people, in dealing with subcontractors and perhaps employees of a contractor, in the event that they have notice of problems? Does the DPW go further than the law requires it to go, to make sure that these people are given an opportunity to get hold of their money? I mean, you can comply strictly with the legislation and the regulation, and you can still find that some people do not get all they are entitled to. Quite often they look to the government as a special type of employer, where they feel that they will be protected, often believing that they are protected from someone who has a contract with the government, that somehow the government will see that the subcontractor or someone under him is paid. Is there any particular policy in this regard, Mr. Minister?

MR. DIXON:

Mr. Speaker, I think this is an opportunity to bring up a point to the hon. minister regarding contracts and the Department of Public Works. I was wondering, what action does the Public Works Department take if there is such a discrepancy in contracts?

In going over some of the contracts; from the press releases from your department - I have one in particular - this is a small contract in the amount of dollars, but there is a terrific variation between the person who won the bid and the highest bidder. That's not really out of the way, but I was thinking of all the rest who bid. There is such a variation in price and I was wondering if you will investigate as to why a person in this case - I will use this particular case - site development, lowering of one treed creek and installation of culverts at the Alberta Horticultural Research Centre at Brooks, awarded [the contract] to Henuset Bros. of Calgary for \$18,000. The next highest bidder ...

MR. HENDERSON:

On a point of order, Mr. Speaker. I can't see how this is relevant to the question of the principle of the bill before the House at this point. I don't disagree with the hon. member's interest in bringing it up, but I really question whether we should get this far afield in debate on principle on some of the legislation. I think we're going to wander through every cornfield in Alberta before we get through the legislation if we start going that far.

MR. SPEAKER:

I have to say with great respect to the hon. Member for Calgary Millican that I do agree with the point of order. It seems to me the principle of the bill is a rather definite and specific matter which is the extension of The Builders' Lien Act benefits under the circumstances envisaged by the bill. I really don't think that takes us into the general area of how the Department of Public Works handles its contracts. Possibly the hon. member would like to bring up the same topic in the debate on the Estimates or in the committee stage.

MR. DIXON:

On a point of order, I think this is very pertinent to the case. When you talk about mechanics' liens, they come about when somebody makes a contract at a very low figure and in many cases goes broke on the job. That's when your mechanics' liens come about. This is what we are talking about, contracts or mechanics' liens.

Therefore my questions is, is there any investigation to avoid mechanics' liens being placed by subcontractors who may be working for the main contractor, in the case where there is such a discrepancy; in this contract, for example, from \$18,000 to \$80,000? Or are they throwing in bids just to say they bid? It seems they should be able to justify why they would want so much money when somebody is willing to do it for \$18,000 and the rest estimate \$80,000 to \$90,000.

MR. D. MILLER:

Mr. Speaker, I would like to ask a question. What is the reason in Bill No. 12 for exempting of highways and traffic and transport from this? Could he explain that to my satisfaction?

It says, "This amendment will bring the time limit on claims under contracts with all departments except Highways and Transport... ." I'd like to know why they are excepting those.

MR. SPEAKER:

May the hon. minister conclude the debate?

HON. MEMBERS:

Agreed.

DR. EACKUS:

Mr. Speaker, first, to answer the question raised by the hon. Member for Calgary Mountain View. Normally the APW does stick fairly closely to the law. On the other hand, if we are aware of some failure on the part of a contractor with regard to either individual workmen or subcontractors, without making it a public policy our inspector or

other individuals in the department can make recommendations to the subcontractor as to what [is] his proper recourse under the law.

We do have a reasonable hold-back which permits the payment of workers or subcontractors so that if they submit a lien or a notice of claim we always have sufficient funds to cover this. But, of course, we have to abide by the form of regulations, that is, although somebody can give advice to a person to give a notice of claim within the prescribed period, we certainly can't take sides with the workmen against the contractor and tell the contractor that he had better pay up or we'll tell the worker to submit the claim. This would place us, I think, in an unfavourable position.

If I may very quickly answer the hon. Member for Calgary Millican. It is very common to get tremendous variations of price in bids. The reason behind it is, as you suggested, sometimes people want to keep their name before the department as making bids, but they really have no desire to get it and they come in with very high bids. If the bid submitted by a contractor is a long way below the estimated cost of a particular job, we do look into it and sometimes point out to the contractor that he has forgotten some item in the specifications, which enables him to withdraw his contract.

But we here again do have to be fairly firm and stick to the regulations. If somebody does come in with a low bid and then finds that he has underestimated the cost, and if we were in a position where we could just sort of say, oh well, yes I am sorry you made the mistake, we will forget all about it, we would open the whole system of contracting. Therefore we do have to accept the lowest bid, although sometimes they can be warned ahead of time if they have missed out some of the specifications.

The Department of Highways does not wish to be involved in this particular amendment because they come under The Public Works Act. And the way it is presently written gives them a period for notice of claim between 30 and 90 days. The new amendment, in line with The Builders' Lien Act, says that a notice of claim can be submitted anytime after the work is completed, up to 35 days.

I believe the reason for the Department of Highways wanting this later period of time is because of the nature of their work. It's mostly highways construction, and sometimes the finish period of work is not as definitive as it is in the building industry. Therefore they want a little more latitude for it.

The other factor is that the Department of Highways does require 100 per cent bonding on the part of a contractor, which means that they do, therefore, have the security if the contractor fails to comply with his side of the agreement. He is bonded to the point that these liens can be satisfied without the same problems we have where we don't take 100 per cent bonding on other construction work.

[The motion was carried. Bill No. 12 was read a second time.]

Bill No. 14 The Beverage Container Amendment Act, 1974

MR. YURKO:

Mr. Speaker, I am pleased to bring before this House for second reading Bill No. 14, The Beverage Container Amendment Act. After reviewing the operation of this system after a full year's operation, and after evaluating that operation, we have concluded that a number of minor amendments have to be made to the Act to improve the system and its operation from here on in. Basically the changes are as follows: the first is to permit the depot handling fee by regulation rather than by legislation; and the second is to permit the establishment of the pick-up period, or the service to the depots by the manufacturers, by regulation rather than by legislation.

MR. YOUNG:

Mr. Speaker, I have a few questions concerning this particular bill.

The first relates to some of the difficulties that at least a few operators are experiencing, and it has to do with the particular point mentioned in the bill, which is that of pick-up. Mr. Speaker, one of the main concerns, it appears, to an efficient operation of a depot is the ability of that depot to handle large volumes of containers efficiently and effectively, and it does seem that in certain circumstances there have been, perhaps to put it in the best form, breakdowns in communication between Contain-A-Way or between the manufacturers and the depot operators.

I would like to know, when the minister is concluding the debate, whether the amendment here would be intended to try to correct some of these types of problems. They, I realize, are difficult for the manufacturers and difficult for Contain-A-Way because I am sure that all depot operators want all bottles removed on the same day of the week,

namely Monday, if not on Saturday afternoon. But by the same token, it's equally difficult for the depot operators and there should be as much accommodation as possible.

Secondly, it has been indicated that there is a problem, at least expressed by some operators, with respect to the price they are allowed for the larger containers, which seems not to be in proportion to the volume of cardboard and bulk which they must handle with respect to those. Perhaps the minister might give some indication of whether there is an intention to have a variable scaling of return to the depots, depending a bit upon the size of the container.

I would also be interested in knowing, after the term of operation which we've experienced to date, whether the depot operators have been able to consolidate their views in some kind of representative organization or organizations, because it has again been referred to me that they are caught between an act and a set of regulations which require certain actions on their part in terms of the service to the public, and that they are also caught by an oligopolistic, if not monopolistic, situation in terms of the collection of materials from them.

In other words, they are finding themselves in the situation where they have one or two buyers, and in some cases only one of their product. We have a set of regulations which we have established telling them what they must do in terms of service to the consumer. The effect of this has been to enable Contain-A-Way, I believe it is, to send out bulletins telling them how their bottles must be packed and under what conditions and effective on what date they must use certain types of cartons.

I have one of these bulletins, No. 50, in front of me at the moment. The bulletin starts out explaining why the particular operator or collector must move away from the miscellaneous type of cartons in which the depots are packaging the bottles, and sending them into a standardized format because it's too expensive and too difficult and produces too much corrugated cardboard for the operator who must collect from the depots to handle. And it is an extreme expense.

On the second page of the same bulletin it explains how this corrugated cardboard the depots will be stuck with can be sold to their advantage. All they have to do is to rent a packer which, on the first page, the bulletin explains is too expensive for the major collector of cardboard. It is a situation which stretches my understanding beyond the limits in terms of consistency. It also makes it very clear that if such and such isn't done, when the shipment comes in it will be returned freight at cost to the individual depots who have not complied with the strict order of the bulletin.

MR. SPEAKER:

Order please. The Chair is having some difficulty in relating the debate to the amendment. The principle of the amendment appears to be that certain things which are now being done by statute are to be made more flexible by being done in the future by regulation. Perhaps the hon. member can illustrate the connection between what he is saying and the principle of the bill.

MR. YOUNG:

Yes, Mr. Speaker. We are moving from a situation where we have established certain things by statute to one which allows certain things to be established by regulation. And I am pointing out that, in doing that, there are a number of problems. The point I am leading to is that I am concerned that the voice of the depot operators hasn't been adequately taken into account. The question I wanted to ask the minister and was leading up to was, is there going to be some effective form of communication which would be roughly representative of depot operators? In his opinion, has the depot operator system matured to the point where we can anticipate this development?

MR. LUDWIG:

Mr. Speaker, when I look at this bill, I believe that you've summed up in your observation about all that needs to be said about it. But when I look at this bill I look at the hon. minister and recall back two or three years. He was one of the prime movers of the attitude that it's a sin on the part of any government to do everything by regulation. Bring it out in the open and let's legislate. We are elected to do this.

Now, I don't see any difference if we took the whole bill, The Beverage Container Amendment Act, and threw it out and said that the Minister of the Environment shall be in charge of the gathering of bottles, cans, rags and bones, and he shall make regulations, period - and leave it there. There would be no difference from what we have here, and he can't go too far wrong under that kind of a bill, Mr. Speaker, except that he wouldn't have anybody to blame in case things go wrong, as they have from time to time.

When I look at the way this thing is shaping up, he may as well give this whole thing to the Minister of Consumer Affairs. He's getting blamed for everything else and one more won't hurt, Mr. Speaker.

But this nonsense about getting away from legislating. If he wants to stand up and be counted, say I want the authority to pass regulations, I don't know a week from now what's going to happen in the bottle-gathering business, even though I thought at one time that he had the ability to see far into the future when he was on this side. He possessed a wisdom, that all the industry and all the people together couldn't even begin to understand his ability to tell us exactly how this has to be done. Since he got in there, he's switching the ground rules. He wants regulation. He wants to be able to play it the way he wants as time goes by. So he's admitting that he doesn't know what the future will bring in this whole thing, but that we should rely on him as a minister who is all-knowing and all-seeing - he'll do the right thing.

So why waste time debating a bill when the minister says I want a bill that says the minister shall make regulations. He's making them anyway. He doesn't even tell everybody. By the time he makes one set and the industry becomes used to it, he switches the ground rules. And they come complaining all over the place. They find their MLAs and say, what's Yurko doing? We say, well, we don't know because he hasn't told us. Some of them tell us, well, we're sure he doesn't know what he is doing, but he looks like he's doing a lot.

But why this kind of bill, especially when the champions of the cause, or the champions of the fight against government by regulation, are the very people who now are saying, well we're now the government. To heck with what we did yesterday. Let's forget about the whole thing. It's easy for me. I don't know what to do about this whole thing, so I'll make regulations as perhaps some civil servants tell me how to make them.

So I say, Mr. Speaker, that it's all becoming a bit farcical. I just say let's get rid of the whole bill. And let's - as I've started my preamble - say that the minister in charge of this shall make regulations. And he doesn't have to account for anything as long as this ends up in the Public Accounts, as long as we see that some people from outside of the province aren't making some kind of a profit on this thing.

So it's all becoming a joke except for the fact of all this manipulation by the minister. I'm not saying manipulating the sales, et cetera. The way he's changing things, every time we turn around the kids are paying more for pop.

AN HON. MEMBER:

Hurray for Harry.

MR. LUDWIG:

So instead of making it look as if he is going to put industry in its place, let them, we'll show them how to scatter bottles all over the world. The kids and the families who buy these things are being stung more and more.

Now, he might tell me that inflation caused all this. But not quite - I have an idea that was aided and abetted by the hon. minister, Mr. Yurko. We are paying so much for pop now that it's almost cheaper to buy beer.

[Interjections]

... I'm not advocating it. It's almost cheaper to buy beer. It's almost cheaper to buy milk. I'll admit that - but not quite.

But there is another arch-mover in the milk industry. He's fighting on the one hand for higher milk prices and then he gets a little guy called the Minister of Consumer Affairs to tell the purchaser that I'm on your side. There's a couple that ought to be examined.

Mr. Speaker, it might sound like I'm poking fun at this whole thing. But it is a serious matter. We've now come to a point in our state of government where the minister stands up and says that after all this, I just want to pass regulations.

Yurko has a - pardon me - the hon. minister has a mania for passing regulations. So some of the least insignificant problems in society are going to be regulated to where we'll have state farms, we'll have state industries, state oil, we'll have state bottle-gatherers. Yes, maybe even state children centres. Then the only problem I'm going to

have is what on earth are we going to do with our friend Notley when we have everything under state control. He'll probably look for a job with the Conservatives.

So, Mr. Speaker, let's try to keep more of this stuff under legislation and less under regulation.

Thank you.

SOME HON. MEMBERS:

Hear, hear.

MR. RUSTE:

Mr. Speaker, in listening to or following the legislative program that we have had for the last - and this is going into a third - year, I am somewhat amazed to find the amount of legislation that has been changed into regulations, much as the previous speaker has indicated.

I well recall sitting in this Assembly when there was talk about open government. You don't do these things behind closed doors. Bring it out in the open where the public can take part.

Here we have - and this is a bit of an innocuous piece of legislation - here we have a request again to just give the minister a free hand, a free hand to do as he wishes, not out in the open.

I submit that the previous speaker referred to having it in the Department of Consumer Affairs. I suppose there wouldn't even be a lid on it if he had it in that department, because there was no proviso there for stopping gouging.

There is another thing that struck me in the press not long ago. It was about the Fish and Game Association. They were given a sum of money to do a report that was to be confidential. This struck me as being rather odd, too, having listened to the hon. minister when he was on the opposite side of the House talking about open government and so on. So I submit, Mr. Speaker, that this is yet another step of closed government rather than open government.

MR. SPEAKER:

May the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MR. YURKO:

Mr. Speaker, I feel privileged to close this debate, short as it has been. I must say that during the last couple of years I have been feeling increasingly sorry for the other side, and during the last few days I have found that that feeling was being intensified, particularly because the other side just couldn't seem to grapple with the issues and find an issue on which they could really criticize this government. But I am very pleased to have found that they found an issue on which they can all yell, hurrah for our side.

Now, as I was flying to Ottawa the other day, I happened to be reading the Reader's Digest and learned how the expression "hurrah for our side" originated. It originated after a considerable amount of research ...

DR. BUCK:

On a point of order, do we have to listen to that nonsense?

MR. SPEAKER:

Order, order.

[Interjections]

MR. YURKO:

Mr. Speaker, what I have to say is directly related to the remarks made by the other side ...

[Interjections]

... and if you permit me to continue I'm in a position of some difficulty, I might say, in the mind of the Speaker.

DR. HORNER:

A lot of nonsense from Clover Bar.

MR. SPEAKER:

Possibly the hon. minister could leave the lexicographer's easy chair and return to the floor of the House.

[Laughter]

MR. YURKO:

Well, as I was saying, Mr. Speaker, it's good to hear somebody get up on the other side and say, hurrah for our side, because the expression arose and there was a great yell that arose from the people who were on the right side as Lady Godiva rode down the streets.

AN HON. MEMBER:

The original streaker.

MR. YURKO:

All I can say is the quality of the argument reminded me of that little paragraph I read in the Reader's Digest.

Mr. Speaker, I must point out to the House that The Beverage Container Act was not an act passed by this government. The Beverage Container Act was a legacy given to this government by the previous government and The Beverage Container Act has to be implemented in a most efficient manner by this government, and it has done so.

However, it has had to change that Act on several occasions. The first time was two years ago and this is the second time. So, irrespective of what the hon. Member for Mountain View has indicated, we have had to retaylor the Act and readjust it to make it workable, and the changes today are just another step in that progression.

In regard to the remarks made by the hon. Member for Jasper Place, I would like to suggest that first of all, our concern with the depots is a concern more associated with the economic viability of the depots in total, rather than whether or not they are making money on any one particular container. We do not necessarily gear ourselves to relating the depot handling fee to whether they are handling large bottles or small bottles or cans or whisky bottles or wine bottles. Our basic concern is with the economic viability of the depot and the amount of money that they make in the course of a month or a year and the service they provide.

In that regard we had a number of objectives that we set out when we implemented this Act after the changes were made to instigate universal depots, and that was that we would move from non-refillable containers to refillable, returnable containers. So in the future if you see greater handling charges on non-refillable containers, the reason for that will be because we are still moving in the direction of influencing the industry to use returnable containers rather than non-returnable containers.

The second point I wish to make in regard to the remarks made by the hon. Member for Edmonton Jasper Place is that we have established this as an industry, an industry which has an overall employment of about 1,000 people, an industry which we hope will have the normal retailer-wholesaler or retailer-manufacturer relationship that any other industry has, with an absolute minimum of interference by the government. So if there is a problem of containers, or standardized containers, we have always felt that this was a matter that had to be resolved between the retailers and the wholesalers, or between the retailers and the manufacturers. We have attempted to guide them in this regard in that we have done a study on a model depot and the handling facilities in the depot to improve their efficiency, and have made this study available to all the depots. But it is again a very explicit objective of the government not to get involved in the depot-manufacturer relationship, with the exception of establishing some very basic rules and regulations that have to be met.

I might say that in implementing this Act and administering the Act the government really has only one employee, and has had only one employee during the last year. If we had had a lot more I am sure we would have been accused of a growing bureaucracy, and the government getting involved in a field which they shouldn't be in.

[Interjections]

Well, I would have hired only half a man if I could, but I couldn't hire half a man; I had to hire one whole man but he's a good man at that.

I also wanted to make one point in regard to establishing the fee, the handling fee, by regulation, and that is because the inflationary factor is very high and conditions are changing so rapidly it isn't possible to change the Act frequently enough to account for inflationary factors, particularly if there is a high turnover of depots. As a result the load changes from one depot to another quite rapidly and largely, so that it has been necessary to attempt to maintain the economic viability with the system of making changes more rapidly than the legislative process permits.

We are considering a number of changes and I will be taking up to cabinet for approval in the next few months, at the appropriate time, regulations which will lower the ten days pickup period down to approximately five days, and we hope that every depot will have a pickup from the manufacturers at least on a weekly basis. I think the hon. Member for Edmonton Jasper Place asked this specific question.

Again in regard to increasing the handling fee, we are considering an increase in the handling fee on cans because they are non-refillable containers. We are considering an increase in fee on the large bottles, but not necessarily on the 10-ounce bottles, in that we want to maintain the competitive position of the 10-ounce bottle vis-a-vis the can, and on the basis of the refunds and deposits placed on these two containers in the last year by the manufacturers, the 10-ounce bottle is at a distinct disadvantage to the can. We may also consider raising the deposit on the can at the same time British Columbia takes this move. We are in correspondence in this regard.

I think, Mr. Speaker, those were the main questions asked, and with that I would like to move second reading of Bill No. 14.

MR. LUDWIG:

Mr. Speaker, would the hon. minister permit one more question as a result of a remark he just made.

MR. SPEAKER:

The minister has indicated his approval.

MR. LUDWIG:

When the hon. minister talks about 1,000 people being employed in the industry and perhaps other requirements that have been placed upon the bottling industry, would he try to explain to us who pays for all this? I'm of the opinion that this comes from the consumer, that this is passed on to the consumer. Would he elaborate on whether that is so or whether some of this money is being paid from elsewhere other than the consumer.

MR. YURKO:

Mr. Speaker, the Department of the Environment originated the basic policy two and one-half years ago. That was to internalize the costs of pollution or litter control in the industry, in fact generating that litter or pollution. We have followed that policy almost without exception. That is what we have done in this particular piece of legislation. The costs of recycling that container or looking after the litter caused by that container are totally internalized in the cost of that commodity so that soft drink manufacturers pay the entire costs of either recycling or reusing that container or disposing of it. There are no other hidden costs except those paid by the manufacturer which are subsequently passed on to the consumer. The manufacturer, of course, has every opportunity to pass these costs on to the consumer.

With respect to liquor and wine bottles, the manufacturer of liquor and wine bottles, except where the manufacturer can be identified in Alberta, is identified as the Liquor Control Board. The Liquor Control Board has every opportunity, as any other manufacturer of soft drinks, to internalize its costs and pass on all the costs of recycling that container or disposing of it to the cost of a bottle of liquor or wine which subsequently, of course, is passed on to the consumer. So all of the costs are passed on to the consumer.

Now the annual statements of the Liquor Control Board, of course, will be tabled in public accounts. If there is a loss indicated and they haven't charged enough for a deposit and paid out more than the deposit they charged, that is simply a business decision on the part of the Liquor Control Board, maybe a wise or unwise decision, but nevertheless a decision made by that board.

DR. BUCK:

Mr. Speaker, may I ask a question? I misheard one thing he may have said. It's just a very short question. I just wanted to know if the hon. minister said that he was asking the industry to go to more uniform bottles so they can be used interchangeably, like with beer and pop as one of the local kind that people use.

MR. YURKO:

Mr. Speaker, the government through this legislation has banned no bottles, no containers of any kind. The industry can use any containers it pleases. However we are providing incentives toward movement, economic incentives towards one type of packaging. That's why I indicated that the handling charge may be increased on a non-returnable container as against the returnable container.

As you will notice, there has been a pretty dramatic movement into quart bottles as a result of this legislation and this has subsequently spread to other areas of the country. We say, without equivocation, that the consumer today is receiving far more pop per penny than he was receiving two years ago, even with inflation, because he is now not paying five cents for a disposable container. Most of his pop is obtained in quart bottles on a container that is reused 12 to 15 times.

MR. LUDWIG:

Your statistics are all wet.

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

Bill No. 17
The Coarse Grain Marketing Control Repeal Act

DR. HORNER:

Mr. Speaker, I move second reading of Bill No. 17. This repeals The Coarse Grain Marketing Control Act, which is Chapter 54 of the Statutes, 1971 I think. In any case, this Act was passed shortly after 1945 and the establishment of the Canadian Wheat Board. In essence, The Coarse Grain Marketing Control Act says that nobody but the Canadian Wheat Board can buy coarse grains in Alberta. We haven't been following that rule for quite some time. The Act does give exceptions to farmer to producer and farmer to farmer transactions. But at the same time it prohibits the feed mills and flour mills and so on from buying coarse grains, [although] we have been doing that, to my knowledge, in Alberta since 1960 in any case.

In addition to that, the reason in fact the repeal is brought up at this time is to fit into the new feed grain policy that will come into effect in August, 1974. It is essential that hon. members understand that we have had before us over the last year a number of different propositions from the federal government in relation to feed grains.

The one that is causing us so much difficulty with regard to our livestock industry is, in fact, the interim policy. The longer-term policy which Mr. Laing has suggested, and with which we agree, is to follow some of the things that we have been suggesting in relation to access of our producers to feed grain, supply of feed grains available in the Province of Alberta for our livestock industry, and equity between the grain and the processed meat in relation to freight rates.

The only question I know of that is unresolved is whether you get that equity by increasing the freight rates on grain to central Canada, or by decreasing the freight rates on wheat going to central Canada. We favour the latter ourselves, Mr. Speaker, because there is and seems to be a continuing pressure by the railways and others in relation to the Crowsnest Pass rates.

It is absolutely essential that people understand that the Crow rates have been used erroneously to transport coarse grains into central Canada for the last 100 years. That was never the intent of the Crow rates. The Crow rates were a special rate that western Canada received for export grain. I want to suggest to the Legislature that the reason for the repeal of this Act is that it is redundant and no longer necessary. We intend to see to it that the coarse grain situation in Alberta is in fact regulated by Alberta, and that the Wheat Board look after the export situation.

MR. BUCKWELL:

Mr. Chairman, I don't want to say too much on the repeal of this Act. As the hon. minister has said, these sections of the Act have been broken, I suppose, for the last 10 or 12 years and no one has paid too much attention to it.

But I am concerned in this respect - and it is more in the form of a question to the hon. minister. Does he envision, say within the next few years, a glut of barley, like we have had in the past, where farmers are almost forced to take whatever the feeder will give them? This, I think, is a pendulum. On the one hand the farmer lost money and the feeder made it. Now the feeder is crying and the farmer is happy. But the combination farmer and feeder isn't that happy either. If the pendulum could come back, say, to where barley was worth about \$1.50 a bushel, you might be able to satisfy both sides.

I am concerned about why this Act evidently hasn't helped in the past with the surplus we have had in the province. Do you envision a time when, say, with two bumper crops we would have this surplus of grain and farmers would be forced to almost sell it at fire-sale prices to the feeders?

MR. RUSTE:

Mr. Speaker, I would just like to raise a few points as well, along with the hon. Member for Macleod. I understand the minister has mentioned that this fits into the new feed grains policy coming up this year. There is reference to the interim policy and the difficulties that were created there. This gets back again, in my mind - it just wasn't that long ago when barley was sold for three bushels for a dollar. Of course that was at one end and then you get up to the other end. Now we're well over two and a half.

Certainly I think we have to move pretty carefully in this field if we're going to protect the one producing the barley, yet we have the livestock industry which is dependent on that feed. I see some of those things can happen where somebody chooses to switch from coarse grains into wheat because of some of these changes. I think it's going to get down to the dollar point - the dollar that I can make as a producer is going to determine what I can do.

Now, I would just like to leave with asking the minister, and he might comment on this, what discussions on this matter he's had with the farm organizations, such as Unifarm and others, and whether they are in concurrence with this as well?

MR. STROM:

Mr. Speaker, there's one point I don't believe has been touched by the others. I'm wondering if the hon. minister might give us some information when he closes the debate on the bill. I noted an article in the paper which suggested the feeders would now be able to do forward-contracting for the coarse grains. My question to the hon. minister then would be, does this mean it is an open market situation, and they would be buying it through the future market the same as flax and so on?

I notice he nods his head so I have the answer, but I would appreciate if he would, for the record, give us a statement also on that particular point.

MR. SPEAKER:

Will the hon. minister close the debate?

HON. MEMBERS:

Agreed.

DR. HORNER:

Mr. Speaker, in response to the hon. Member for Cypress, he may not have been in the House when I answered the question from the hon. Member for Lloydminster the other day, in relation to a response from Mr. Lang in which they had made this change: that the Canadian Wheat Board - not the commodity section of the Winnipeg Grain Exchange, but the Canadian Wheat Board - would enter into forward contracting for feeders on a 50-day basis. This is something that our feeders, and indeed others, have been asking for so they would have some idea, because the original so-called off-board pricing mechanism of the APB had a built-in spiral and it just kept going up. It was becoming pretty obvious that anybody who had any barley to sell shouldn't sell it, they should just wait for the next two weeks. And every two weeks there was that built-in spiral. At least we got the spiral stopped and we've got the ability of feedlots to contract on a 50-day basis.

We would hope that - and the other thing we've asked Mr. Lang for on the interim situation is an equity in freight rates on grain versus meat. We haven't had a response there but I've been assured by him that we will be hearing from him again very shortly in relation to the problem of the livestock industry in Alberta, because it's so essential we maintain the diversity we have in Alberta. That is really what has made our agriculture here better than in the other prairie provinces. I simply say, if we can maintain that diversity and continue our drive to have more of our products processed here, then we will have a longer-term, healthier agriculture in Alberta.

In relation to the question from the hon. Member for Wainwright, the specific question of the repeal of this Act has not been discussed with Unifarm or the NFU, but the general feed grains policy has been discussed with them on many occasions and with many of our various livestock commodity groups as well. In general I think I can say there has been general agreement between the various commodity groups with regard to the new feed grains policy that is going to become effective on August 1. I would like all hon. members to appreciate that it's different from the one in effect now.

In response to the question from the hon. Member for Macleod, we're hearing some brave words out of Ottawa now in relation to longer-term stabilization of farm prices. I hope they are more than just words. If they are, then surely we won't have this kind of up and down that we have had.

If we can get there Mr. Whelan has my support in bringing in a useful stabilization bill that will, in fact, stabilize prices, both to the producer and indeed, in the longer term, to the consumer. If he can do that I am certainly behind him. I'm hopeful we won't have that kind of situation again. Surely we should use all of our instruments of agricultural policy, both provincial and federal, to prevent that from happening. That means making use of our credit policies, our incentive policies and various other kinds of policy. We're trying to continue to have that balance in agriculture which will be beneficial to both producer and consumer.

[The motion was carried. Bill No. 17 was read a second time.]

Bill No. 18 The Clean Air Amendment Act, 1974

MR. CHAMBERS:

Mr. Speaker, I move the second reading of Bill No. 18, The Clean Air Amendment Act, 1974.

There are actually seven changes involved which amend the administrative aspects of the existing Act in order to facilitate its enforcement. For example, the minister may now make regulations prescribing the permissible concentration of contaminants rather than merely the level of density. I think concentration is a broader term and will make it easier to measure or find the amount of contaminants. An amendment with regard to prescribing the means of measuring contaminants will allow for reference to text or reports and other publications, thus facilitating the definition of the means of determining the amounts of contaminants. The Act will also now allow the minister to appoint a person to act as an analyst or expert which, I think, for example should make it easier for a court to determine whether such a witness is an expert or not.

Another amendment puts a two-year limitation with regard to prosecution for alleged offences under the Act. I believe that this rule is certainly fair to Alberta industry. Two years should surely be a long enough time period within which to commence a prosecution.

The regulations presently have a five-year term with regard to permits and licences and the amendment will permit the director of standards and approvals to issue permits and licences for a shorter period of time. This flexibility is obviously desirable since there are bound to be specific situations where a permit or licence should be issued for, perhaps, only a brief period.

A housekeeping amendment provides that payment of fees be to the Provincial Treasurer rather than to the minister.

Lastly, there is an amendment which allows for a regulation prohibiting or regulating the removal or rendering ineffective of any device or mechanism or thing which is intended to reduce air contamination, whether it be from a plant or a structure or a motor vehicle or anything else.

The overall effect of this amendment act, Mr. Speaker, should be to provide better environmental protection for the people of Alberta.

MR. LUDWIG:

Mr. Speaker, there are a few matters about this bill that are very interesting. So that I don't forget, I'm going to ask the mover of the bill to elaborate on the use of the words "or thing". I'm not trying to be facetious but he says, "... the visible emissions from any plant, structure or thing ...". That could cover a multitude of things, if I may use the word again. There used to be a song about the thing, and I don't think anybody ever found out what it really was.

I'm impressed with this kind of legislation, Mr. Speaker, and I'm of the opinion that the reason we pass this legislation is to provide cleaner air for people to breathe outside. And it's important that we measure so that we know when we are going to face extinction or some damage to our system because of something that's in the air. If we're that concerned about our health and when we're outside and we see smoke or emission coming out of a thing, and it's polluting the air, then we're concerned because we feel that we're going to destroy ourselves.

But at the same time we're all running about beating the drum for more industry. I don't care how clean it is. It's bound to bring more pollution. So we still want to take the dollar if we can get it.

A lot of people spend a great deal of their time inside a building. I'm saying that the air could get from the outside into your residence or wherever, in this place. But why don't we be serious with ourselves? We're concerned about what we breathe, not so much what we ourselves breathe, but we want to protect others from having to breathe something that they maybe don't know about or don't want to. We're not making this a right. This business of the right to clean air, to pure air - those aren't idle words anymore. Those are things that people expect.

And still we turn around and we subject ourselves and other people, and particularly children who are defenceless and don't understand, to a worse form of pollution inside the building. We get the polluted air from outside because even in the best - even under the department of the hon. minister who's just moved over - even under him there is pollution sometimes at dangerous levels. But on top of that, we will often see five or six or more adults in a room with a few children in there. They are smoking away rather heavily and they are actually forcing these people to breathe air that is polluted perhaps many more times. Many more ...

MR. SPEAKER:

Order please. In addition to any other misgiving the Chair might have as to the relevance of the debate which is now being offered to the House, as the hon. member may know, a resolution of his which has been submitted for the Order Paper has been accepted on the question of contamination by smoking in certain places. If the hon. member might refrain from following that line of debate now, it might be more appropriate to follow it when that matter comes up for debate, otherwise we'll be hearing it twice.

MR. LUDWIG:

Mr. Speaker, I did not intend to warn the hon. members - to prepare them for what is to come - but the two are relevant, and I will desist from referring to smoking as a pollution.

But when the hon. minister says here "... the concentration of any air contaminant emitted to the atmosphere from any plant, structure, or thing ...", I think I would be well within this bill if I referred to cigarettes, because a cigarette could well be described as a thing. But I will stop because there will be other opportunities.

But I wish to commend the hon. member and the government for pursuing this thing and when they get to where ...

[Interjections]

MR. LUDWIG:

I hope they don't get even with me and say that we can smoke in the Legislative Assembly after tonight.

But I am interested in what form of air contaminant measuring device are you concerned about? Are these going to be big mobile units where you ...

MR. SPEAKER:

Would the hon. member please address the Chair.

MR. LUDWIG:

Yes, Mr. Speaker. What kind of measuring devices are you referring to here and how many will be spotted over the - Mr. Speaker, to the minister - how many will be spotted all over the place and where, which cities and how will you determine - how will the hon. minister determine - where these things should go?

We've succeeded in alerting the people and perhaps scaring them that pollution is dangerous. And now we have to make sure that we can talk about it and get a lot of

devices on the market, or buy them and get a lot of staff, and keep advising them that we have pollution, because we all can see it sometimes.

We've reached the stage where we should be able to reduce it, reduce it at a time for us. In Calgary we've reached a dangerous level of pollution a few times and nobody knew what to do except hope that the wind blows from another direction. So we haven't progressed to a stage where we could do anything about it except talk and spend money and warn everybody, and now maybe we are moving into an area where we can stop something if we are reaching dangerous levels of pollution, because it can lead to dire consequences for those people who have to live in the particular area.

So I commend the government for getting more concerned about this, and some day we'll see positive results from all this - at least we know what the problem is. But I would like very much to know whether this thing in here, whether it could be defined a little better or whether that is the best we can do under the circumstances.

Thank you, Mr. Speaker.

MR. HENDERSON:

There is one particular concern I have about the bill, since in all probability I'm going to give the minister a few lumps later on in the session in one or two of his far-out propositions. I maybe would rise to his defence and help him define the question of "thing", because I was the minister who put the thing in the Act in the first place.

I would use the definition of the word "thing" as an engineer's attempt to define pollution related to anything that was so broad that no smart lawyer could talk his way around it in court. So that's the reason the word "thing" is in there, and I'll leave it to the lawyers to figure out what it doesn't apply to, because from my standpoint it was to apply to anything and everything. I have to say that the present administration, the present minister and the member introducing the bill, didn't put the thing in there. As I say, I was responsible.

One of the things I'm concerned about that is in this bill relates to the amendment giving the minister authority by regulation to prohibit the removal of pollution control devices from "... any plant, structure, motor vehicle or thing ...". I don't object in principle to the words "... any plant, structure ... or thing ...", but I really question and would like to have more information on how the government proposes to deal with the question of controlling removal of these devices from motor vehicles.

I think the department has verged on doing some rather foolish things thus far already in the field of pollution enforcement, and has come out with a broad restriction prohibiting the removal of pollution control devices from motor vehicles of any type. I think this could make the government look rather foolish, and could be almost impossible to enforce.

The whole question of pollution control relates to trying to keep the contaminants of an objectionable material or component, either in the water, air or land, below and acceptable. Of course this depends, in the case of cars, on how many cars are running around in a given area to a large extent. And an old rattletrap, somebody taking pollution control devices off his tractor or truck out on the farm in the interest of improving the operation of it, certainly isn't detrimental to air pollution in a meaningful sense. But for 1,000 people to do it in a small area in the city, very obviously it would be objectionable.

While I realize this type of amendment has been pending ever since the original legislation was introduced, it's the type of regulation which I feel, as far as it applies to motor vehicles, is going to have to be applied with a high degree of intelligence, because I think it is going to be untenable and unacceptable from the public standpoint to have a uniform enforcement of any type of regulation as it applies to motor vehicles throughout the province in general. I rather suspect, even in law, the minister would have difficulty relating it to the level of contaminants, that it's violating any level of given contaminant in an area.

I think there is also a contradiction in this whole, as it applies to motor vehicles, which is of concern to the public. On the one hand, when one tries to find out from the motor vehicle manufacturers - and I went through the minister last year or the year before in this regard - what it was automobile manufacturers had done to automobile engines to reduce mileage, what they'd done in the line of pollution control, I was informed directly, and through the information to the minister, that the industry hadn't done anything to reduce mileage on automobiles by means of pollution control measures. Yet we hear statements coming from the industry collectively that if it is to carry out the air pollution control measures that are to be enforced in the United States and projected for Canada, the mileage will drop even more on the standard automobile engine.

So I think, before the government becomes too zealous in trying to enforce this particular regulation applying to motor vehicles, there has to be some information made available to the public. Just what on earth has been done to automobile engines in order to reduce the mileage? I think it stands as a very obvious fact on the one hand that it's a real contradiction in an era when everybody's concerned about the rapidly increasing consumption of fossil fuel, and various parts of the world are faced with severe shortages of this fuel. On the other hand, in the interests of controlling pollution we have regulations coming in dealing very specifically with automobiles which increase the consumption of those fuels. Maybe the objective is to get rid of the pollution problem by depleting all the resources so we don't have cars in a few years. But that seems to be rather a drastic answer to the question of automobile pollution.

There are two questions I would like to ask the member in closing the debate, or the minister if he is going to participate in the debate. How do they expect to enforce this question of motor vehicles throughout the province, because uniform enforcement would be absolutely foolish?

Secondly, is the department, in the interests of justifying this measure relating to motor vehicles, going to make information available to the public pointing out what it is these devices have done so far as mileage is concerned, and what it is they are supposed to be doing so far as pollution control is concerned?

MR. COOKSON:

Mr. Speaker, I would just like to say that I concur almost entirely with what the hon. Member for Wetaskiwin-Leduc has said, other than his comments on the thing. I'd like the minister, perhaps in his winding up of the debate, to comment on some of the discussion that went on during his meeting with federal pollution authorities. I know there is going to be deep concern, and there is now, about the amount of cumbersome anti-pollution devices located on vehicles, and in particular the complete unreasonableness of having this equipment located on vehicles in areas that are very sparsely populated. No doubt this is going to be a problem somewhere down the line.

There is even some discussion now of taking the vapours from the exhaust pipe and moving them back into the internal combustion engine and thereby further saving or reducing the amount of pollution, but at the same time I understand that it speeds up the deterioration of the motor. So where you gain in one area, you lose in another.

Most of the new equipment in the area of vehicles, cars, trucks, has this anti-pollution equipment. I have heard some of the people in my area say that these vehicles are getting as little as seven miles to the gallon. That indicates to me that in effect we are robbing Peter to pay Paul. What we're gaining in regard to prevention of pollution we're losing in use of energy, so in effect there is actually no solution.

As I understand it, there is an organization in Calgary now that specializes in removing all the anti-pollution devices on vehicles coming out from the factory. I would be interested to know whether in fact the province will take a position on some of this so-called environmental protection on the part of people who don't really understand the economics and practicability in operation of these vehicles.

So probably I can simply concur with the two questions raised by the hon. Member for Wetaskiwin-Leduc.

MR. BUCKWELL:

Mr. Speaker, I would like to add, when he talks in here about, "... from any plant, structure or thing ...". Now last October during the session we were up and down each weekend - and I'm taking this plant not as a structure but as a plant - and in the area of the famous Calgary-Edmonton corridor, which is heavily populated from Crossfield almost to Wetaskiwin, there was an arsonist who was burning stubble as far as the eye could see. This was a tremendous pollutant to the air. No one seemed to know just who started it, the hazard, but I'm sure there were farmers out with tractors and harrows trying to put it out. In this burning of stubble, I know that down in our area you are even supposed to get a permit to burn an irrigation ditch, burn the weeds out of it, which sometimes we don't always get. We're something like these people around Olds and Lacombe.

But I'd like to know just what happens in this case, on the bus when as far as the eye can see on either side of the road farmers are burning stubble. Is there a permit for this? If you are going to allow this, then why condemn, say, a lowly little lumber plant? We'll say it has a little smoke stack from which the smell is not all that objectionable. I think if we are going to make it fair for one - and I realize I'm a farmer - but I know also that we wouldn't burn stubble down in our area because the wind would blow the soil away, so I'm on fairly strong ground as far as my own home is concerned.

With regard to this idea of burning stubble and the smoke in the air, I think, from a city person's point of view, or a town person's point of view when he is told he can't

even burn a few papers in his back yard and then sees a quarter-section going up in flames and not a word said, our credibility as far as the clean air really has to be questioned.

MR. HINMAN:

Mr. Speaker, my concern with this bill really has to do with the phrase which says at the end of (b) (e), "... by reference to any text, periodical, paper or any other publication or in any other manner ...". Now having spent a great deal of time since the last session on the Committee on Regulations, we find this is the very kind of thing that people find obnoxious. It seems to me that if the powers that be want to make regulations they can make them very plain. If you had said "by quoting from" I could understand it, but when somebody gets the regulation and it refers him to the periodical which he doesn't have, which he might not be able to find quickly, if at all, or if it is from a text of which there are very few, certainly the regulation is not clear and it isn't a legitimate way of governing. At best, regulations are doubtful ways of governing, but we all realize that you cannot possibly frame into an act every circumstance.

I know this is not the time to propose amendments, but in the committee I would certainly propose an amendment unless the member who takes the bill finds it possible to reword that some way. As I indicated, he might have said "by quoting from any periodical" just so long as those who get the regulation know what it means very clearly. And I have some objection to saying "in any other manner". That's the kind of thing that leaves the bureaucrat very free to do just as he pleases and you can't challenge it. If they had said "in any clear manner", I wouldn't object to that. Just to say "in any other manner" is contrary to the very essence of government by legislation. This is delegated legislation, and I would like the people responsible for the bill to just think that over. Perhaps they can reword it in such a way that there will be no doubt in the minds of those who must keep the regulation as to what it means.

MR. DRAIN:

Mr. Speaker, I think all of us can agree that the design behind The Clean Air Amendment Act is worthwhile and very desirable. So is the desire of all of us to enter the kingdom of heaven. Unfortunately some of us stray down the primrose path and so do not achieve this desirable goal.

Unquestionably, when we look at the subject of pollution in the Province of Alberta, we find the greatest offender we have is the private automobile. In a time of low temperatures and difficult driving conditions, such as we have in Edmonton, you walk by the noxious smell of the exhaust of a car or truck and your nostrils are offended. In fact I have an allergy to it because I have been exposed to too much of it, so I do hold my breath when I smell an exhaust from any private internal combustion engine, because it is generating carbon monoxide.

Now you have another situation - and here I believe that the hon. Member for Athabasca and the hon. Member for Drayton Valley will totally agree with me - and that is in the area of carbon dioxide. We know that the fundamentals of carbon dioxide are a plant food. A plant takes in carbon dioxide, produces oxygen and releases it into the atmosphere. What I am referring to, Mr. Speaker, is the smell of wood smoke. There is no way I or either one of these two members can find this noxious. This is perfume to our nostrils. But nevertheless it can be construed under this particular bill to be an offence, not to the health of the people of the Province of Alberta but conceivably an offence to esthetics. It is found reprehensible by these particular regulations.

I refer you now, Mr. Speaker, as an illustration of this particular subject, to a burner. It burns the refuse from the production of 10,000 feet of lumber in one particular day. Ten thousand feet of lumber has a waste disposal potential of six-tenths of a cord per 1,000 feet, that equates to six cords of disposable material. Now then, in this particular area, this burner is situated near a town, a small town. What would happen - I ask the hon. members this in all sincerity - if the good people of this particular town, because of economic conditions, because of accessibility to lumber, suddenly decided to burn wood in their stoves? They would burn the equivalent of three-tenths of a cord of wood per day in order to heat their houses. Therefore, would it then be logical, and I question this very much Mr. Speaker, that they should then be each and every one subjected to an emission control order; that in fact they should be required to spend \$150,000 per household to properly, and I am serious, control the emissions from their cook stoves?

I refer, Mr. Speaker, to putting this into proper perspective, to the reforestation program that they have in the State of Montana, which is probably one of the most successful reforestation programs that they have anywhere on the North American continent. This particular program is achieved by the processes of burning. Periodically, after the timber is cut, fire, the great cleanser, is used. It achieves several objects. One particular object is that it destroys all the fungi growth and the diseases that go with a mature forest. The heat of the fire opens the cones of the pine. It exposes the mineral soil by destroying the forest litter. You have total reproduction. In the State of

Montana, where this program has been evolved over years of experimentation, it is now out of the question to do this. The bleeding hearts have had their day. The forests will turn into deserts. The snowfall will run down the mountainsides. The valleys will erode. But the bleeding hearts will save the day.

Therefore, Mr. Speaker, I suggest that any particular development should be assessed in the area of feasibility, in the area of logic, in the area, in fact, of what is a pollutant - and I do not class wood smoke as such. I have smelled so much wood smoke that it's perfume to my nostrils...

AN HON. MEMBER:

Hear. Hear.

MR. DRAIN:

... and I think that anyone who has worked in the bush, and hauled the logs out, like the two hon. members I referred to, will stand up and agree with me and I expect them to do so.

Thank you, Mr. Speaker.

MR. ZANDER:

I'll accept your challenge. Mr. Speaker, this bill has me somewhat worried also. I had an experience, Mr. Speaker, and many of us who have pollutant controls on our motors have had it. I was the unfortunate passenger in the car and I had to pay the gas between Evansburg and Edson. I never realized that this monster could devour a whole tank of gas. When we got there we coasted into Edson to the first service station and we took on 14 gallons of gas. I couldn't believe that a motor, it was a 429 cubic inch motor, had consumed that much gas. But finally it wound out, Mr. Speaker, that the car was not performing any better than six miles to a gallon.

I had the controls on the previous car. I took them off. The car yielded 16 miles to the gallon when I had the controls on. When I had them off I could receive 21.

Now I have to agree with the hon. Member for Wetaskiwin-Leduc. Surely, I believe, in the urban ridings it might be desirable when the atmospheric conditions and the temperature are such that we will have a problem with pollutants in the major centres. But can you imagine saying to the farmer, you're going to have to put controls on your tractor out on the farm. Many of the large diesel tractors - many of us drive down the highways and we can see them out there - have just a black smoke pouring from them. Are we going to turn around and report that farmer?

I think there comes a time, Mr. Speaker, common sense will tell us whether we should, in an urban area, enforce this type of legislation. As the hon. Member for Wetaskiwin-Leduc has said, it has its place. But it hasn't got its place out in the rural areas and also on our highways. Many of the trucks that are pouring down the highways - huge motors - and many of them that we've passed are really polluting the atmosphere, if you're going to abide by Section 2(b) of Bill No. 18.

Now I have to agree with the hon. Member for Cardston when he said that what we can do by legislation we should do by legislation and not by regulation.

HON. MEMBERS:

Agreed. Hear, hear.

MR. ZANDER:

We have subordinate regulations.

We are saying, in other words, that we should give whatever legislation there is full reign in whatever manner, and we have found this in the readings that we have had. In the numerous legislations we have gone through in the various provinces of Canada, we found that subordinate legislation really sometimes is hard to understand when the act or the legislation doesn't give it that type of control. I can fully agree that we must have some controls, but I cannot readily accept the fact that it should be universal throughout the Province of Alberta.

MR. RUSTE:

Mr. Speaker, in relating to second reading of this bill, I think the amount in debate engendered here this evening on this bill indicates the importance and the concern of many of the members as it relates to the ministerial powers being given through orders in council relating to this. Certainly the hon. Member for Cardston touched on it in the

Committee on Regulations. Some of these things can be passed. The minister brings it in to cabinet. It goes on, and John Citizen who is out there and who has to live with it finds something that he can't contend with.

I am sure, Mr. Speaker, that if we, as members of the legislature here, debate this thing and spend time with it as we should, we can come up with better solutions than are done by the orders in council. And I submit, Mr. Speaker, that when we have at least two sessions a year, sometimes three, the argument the minister had earlier on - one, that the reason for the regulations rather than the legislation was because of rapid inflation - I don't think that has anything to do with this one. So with that, Mr. Speaker, I would suggest we turn down this second reading.

MR. YURKO:

Mr. Speaker, if I might be permitted to reply to some of the remarks, and then the hon. member who is moving this bill will obviously reply after I have said a number of things.

I think I would perhaps like to start with the hon. member who represents what I call the strip - the silent strip in Alberta. I would want to suggest that the kingdom of heaven is what one perceives. In the eyes of some it is somewhat hazy, and I am not at all surprised that it is hazy in the Crowsnest Pass.

In regard to smoke, I think it should be recognized that the standards or the regulations do not ban smoke in the Province of Alberta, with the exception of burning in land-filled sites, which is a Department of Health regulation rather than a Department of the Environment regulation. There are health connotations in the matter with respect to burning in land-filled sites. However, we are permitting that on a once-a-year experimental basis.

In regard to smoke or burning, there is a level of density allowed in urban areas which is somewhat more strict than in rural areas. And with respect to stubble burning, this is allowed and it is allowed by the municipality. The municipality issues a permit and it is entirely in their hands. They have a set of guidelines from the department which they go by, but they're just guidelines so that the municipalities are basically in control of stubble burning. We've suggested that they only be permitted at a certain time during the year to burn a certain number of acres at one time and so forth, but it isn't banned.

Smoke in general, as I indicated, is not banned. It's permitted for a length of time at a certain density, but if the density is too high and it's continuous, like a beehive - for example, the Crowsnest area which does, under certain weather conditions, cause a smog in the area and lowers visibility down to very low levels - then there is need, in fact, to do something about that. The Province of B.C. of course, is putting all its beehives on smokeless scrubbers and we're moving in that direction also because that type of smoke generation simply is not in accord with the regulations which permit burning over a period of time at a certain density.

I would like to suggest that when The Clean Air Act was brought in four years ago it was recognized we're entering an area of rather improperly or indefinitely defined scientific terms as well as scientific phenomena. We were working in the area of parts per million and parts per billion, in which only the most sophisticated kind of instrumentation and methods can be used to in fact measure these results.

But even more important, the validity of these results in the court of law were under considerable question. As a result, each party to a dispute could bring in its own experts and in fact, create a considerable amount of doubt in the judge's or legal people's minds as to what was what.

We had indicated very early in the game the need for certified analysis. I've spoken of certified analysis on several occasions. According to the law you can only certify analysis by certifying the analyst and the method that's used to do that analysis.

In scientific jargon the only way you can certify the method used to do that analysis - and legal description as far as I understand, - is by referring it to a published method which has been used and tried, over and over again. Generally that's why the literature is cited. Now what this Act says is really that that reference, a reference to a text or periodical or paper which was published indicating a degree of validity to the method, will be used to identify the method towards certifying the analysis.

When we specify the analysis to a company, we can always quote and give the full text. When the matter is examined in a court of law the original text or validity of the text must in fact be established. As a result, we quote in the regulation a reference to the text and the text has to in fact be accepted in the court of law.

We've tried a number of cases, and even in cases where we have had, without equivocation, a cut and dried case because of the inaccuracy of the Act and regulations under which we worked, it has been almost impossible to prosecute the culprit and the judge simply tosses the case out of court. So there is a need to certify the analyst and certify the method.

We actually considered seriously, at one point, that this type of evidence by a certified analyst by a certified method would be prima facie evidence in a court of law. But it was considered that this was going too far at this time and that we would move in that direction, if necessary, on a step-wide basis. So that, even as is, whether or not the analyst and the method is accepted by the judge would, to a large degree, be at the discretion of the court itself. But we have moved to some degree in that direction.

Before addressing myself to devices and things, I want to make sure I cover some of the other points, Mr. Speaker. I think perhaps I have and if I've missed any the member who moved the bill will pick them up afterwards.

Now I would like to address myself to the section that's involved with "things". We had actually agreed that the word "thing" would be removed and the word "automobile" or "vehicle" would be inserted so that it would be more specific.

I might give an explanation on a number of matters in this regard. We weren't thinking only of anti-pollution devices. We were thinking of mufflers on snowmobiles and on motorcycles, as well as the devices that have been and will be installed on automobiles.

Now the first distinction that I want to make is that I have been on record on many occasions, both nationally and provincially, and have indicated that the solution to the pollution problem from automobiles is a redesigned engine rather than the attachment of gadgets. However, one must live with the facts and the situation as it is.

I have also said publicly on many occasions that it is not possible nor advisable to impose requirements in areas and on people who have no problem. I couldn't see anything to gain by imposing pollution restrictions on farmers and small towns and even the bigger little centres that in fact didn't have a problem with respect to the automobile. In Alberta, if we have any problem whatsoever it really is only in the two cities. This problem in the cities is not a continuous one - it arises only when we have a particular weather pattern, and we have had some serious degrees of pollution in both cities as a result of major weather inversions.

Now I have indicated that whether or not some of the cars had these pollution devices we would have had a rapid build-up of pollutants in these two centres anyway. The extent and the degree of build-up may not have been as high, but we would have had them. If this clause in terms of automobiles is used in the future at any time, it would be entirely related to the two cities.

The question you then ask is how would it be done? If it was done we would go by registration plates. Perhaps only certain cars registered in the two cities would be asked, when the license plate is renewed on an annual basis, to present a validated sticker indicating that their devices are on the car and in proper working order. Any checking that might be done, and I'm not saying this would be done, because we are just gathering information in a very substantive way in the two cities, would only be done on the basis of a spot-checking device in the same way as the spot check program run by the hon. minister, Miss Hunley.

So this is in anticipation of some action that may have to be taken. We have, as I indicated, had several periods in both Calgary and Edmonton in which the pollutant levels have built up quite substantially. We are in process of, considering the longer term basis, some means of action in periods of this sort. We really don't have enough information on the duration of these periods, the frequency of these periods, so we are attempting to set up models. Nevertheless, this gives us the ability to act some time in the future, if necessary, if the situation gets worse than the conditions we have now measured.

Now I would like, Mr. Speaker, with your indulgence, to say a little bit about devices on cars. The legislation with respect to devices on cars is federal. The federal government has indicated to the provinces in no uncertain terms with respect to the maintenance of the devices, and regulation with respect to whether or not they are removed should be provincial legislation and regulation. I have found at this time that there is a great deal of confusion in Canada in this area as a result of the actions taken by the federal government.

First of all, the new standards for 1975 on the 1975 cars have been relaxed by the federal government. So for the first time they have differed from the American standards. The 1975 American cars are coming out and they will be on the market in just a matter of a

few months. They will have, as I indicated earlier today, new improved carburation and new improved ignition systems, as well as catalytic mufflers.

These devices will permit an increase in fuel efficiency of the order of 13 per cent or in that region, so that all measured loss because of anti-pollution devices during the last three or four years will then be overcome. However I have indicated that these cars will need to use non-leaded gasoline and it is pretty difficult to get non-leaded gasoline in the country, in the smaller centres and the farms and so forth. But I anticipate that many people will tamper with these devices and many people and garages will be removing them.

As a result, I have felt that it was necessary to approach the federal government for considerable clarity and guidance in this area. I have therefore asked the federal government to issue a policy position paper to clarify their stand on a longer term basis as to what their intentions are. I am not certain that we will get a policy position paper in regard to the longer term view of the federal government.

I have also asked the federal government to supply a technical paper, or technical papers or pamphlets, at the earliest opportunity in regard to the maintenance requirements, and if tampering is done with the devices, what the acceptable type of change might be, so that we might be able to offer the people, the garagemen, the garages, some guidance in this regard.

With the gasoline prices going up, as I indicated, there are obviously going to be many attempts at changes, and the general feeling is that unless there is some real guidance in this area there will be a deterioration in gasoline or combustion efficiency rather than an improvement. Therefore we need at the earliest opportunity, as I indicated to the federal government, some real leadership and real direction in this area.

I would say again that from our point of view we have no intention whatsoever of regulating in regard to the removal of the devices at this time. We will never have any intention to regulate with respect to the devices in areas that have no problem from the automobile point of view.

With respect to the two cities we may, but it's not an immediate thing. We have got programs of surveillance and as we go into the future we might find there is some need. However, by then it may be that the engine changes will preclude any need to take any action in this area, and this is just a precautionary measure.

However, on some vehicles like snowmobiles, high-powered bicycles, we may have a regulation at the earliest opportunity to make it an offence to remove the muffling devices on some of these very, very noisy vehicles.

I think, Mr. Speaker, that perhaps there may be additional questions during the third reading of the act, but I am sure the hon. member who moves this bill may have something to say on his behalf.

MR. HENDERSON:

May I ask the minister a question?

I wonder if the minister could explain how the section of the act dealing with automotive engines and devices relates to pollution. How is that going to relate to the control of noise? I don't quite follow the explanation of the minister as it relates to noise control under this particular amendment.

MR. YURKO:

I think the hon. member is asking whether or not noise is regarded as an air contaminant, and I guess he really has a good point. None of our legislation thus far identifies noises and air contaminant. I indicated last year that one of the acts we are still contemplating and we hope to structure before too long is a noise act, an act regulating noise. If and when that is done we would then include the device in this regulation. I was just thinking of some of the more meaningful areas where we might act in this regard. I think it could be construed that if you remove the muffler there would be contaminants, other than noise, that might become prevalent on that vehicle.

MR. SPEAKER:

May the hon. member conclude the debate?

HON. MEMBERS:

Agreed.

MR. CHAMBERS:

Thank you, Mr. Speaker. I have enjoyed the contributions of the members. I think the minister has probably answered most of the questions that were raised. However I was surprised that the hon. Member for Calgary Mountain View objected to the word "thing". I ...

MR. LUDWIG:

No. I didn't object to it.

MR. CHAMBERS:

Being an engineer and not having the vast vocabulary of our legal friends, I thought the word "thing" was rather good. I look at it and it looks like a thing, and that quickly defines it. So I wasn't really surprised when I find out that some four years ago it was a word put in by an engineer.

MR. LUDWIG:

As long as you're happy.

MR. CHAMBERS:

The point with regard to the removal of devices - I am sure the minister has satisfied everybody's query with respect to that. I happen to have one of those gas burners too. I am certain that the pollutants emitted from it, when one looks at the overall volume of hydrocarbons consumed, is probably greater than if it didn't have such devices on it. I did see an interview with a fellow from General Motors on television recently during which he talked about a catalytic converter giving 13 per cent better gas mileage. Of course, the very fact that it uses non-leaded gas would mean that there would be none of the lead contaminants emitted. One of the obvious problems which I think the minister did mention is that there may be a limitation in the availability of this non-leaded gas. Certainly many of the stations in our rural areas do not even have a tank that contains the non-leaded product.

I can see where this section could apply to many different things. For example: a power plant burning coal, where you had an electro-static separation device in the stack which made the difference between the landscape being sprayed with coal particles or not. Obviously there should be legislation to prohibit the removal of such a device. So I think that part of the Act deserves to be there in the amendment.

With regard to the point raised by the hon. Member for Cardston and also the hon. Member for Drayton Valley, I really think we are getting into semantics here. Whether it's a quotation or a reference, there are many well recognized engineering periodicals, reports, papers and texts where the particular subject is covered in a manner which is recognized by most people concerned, particularly in industry. This seems to me like a logical way to have a definition in this kind of an act, where you can refer to such a text or periodical. I really think it's a question of semantics here and that there really isn't any basic difference between what is said in the amendment act and if it happened to say "quotation".

Lastly, I thoroughly enjoyed - as I always do - the ecology lecture from the hon. Member for Pincher Creek-Crowsnest.

[The motion was carried. Bill No. 18 was read a second time.]

MR. HYNDMAN:

Mr. Speaker, I move that the House do now adjourn until tomorrow morning at 10:00 a.m.

MR. SPEAKER:

I might have the leave of the House before putting the hon. Government House Leader's motion. On today's Order Paper, Motion No. 10, Page 4, stands in the name of the hon. Member for Little Bow. Motion No. 12 also stands in the said hon. member's name. I believe the intention is Motion No. 10 should stand in the name of the hon. Member for Lethbridge West, and if the House would give the appropriate leave, we will amend the Order Paper accordingly.

HON. MEMBERS:

Agreed.

MR. SPEAKER:

You heard the motion for adjournment by the hon. Government House Leader. Do you all agree?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until tomorrow morning at 10:00 o'clock.

[The House rose at 10:06 c'clock.]

