

LEGISLATIVE ASSEMBLY OF ALBERTA

Friday, April 19, 1974

[The House met at 10:00 o'clock.]

PRAYERS

[Mr. Speaker in the Chair]

INTRODUCTION OF BILLS

Bill No. 218 An Act to amend The Wildlife Act

DR. BUCK:

Mr. Speaker, I beg leave to introduce a bill, being An Act to amend The Wildlife Act. Mr. Speaker, it's very brief, and it's legislation which would enable hunters with physical disability to hunt, if they have permission, to discharge a firearm from a boat or vehicle. They have to have written consent or written permission before they can do this for the sake of enforcement.

[Leave being granted, Bill No. 218 was introduced and read a first time.]

Bill No. 217 An Act to amend The Municipal Government Act

MR. WILSON:

Mr. Speaker, I beg leave to introduce a bill, being Bill No. 217, An Act to amend The Municipal Government Act. The main purpose of this bill is to allow municipalities to create any number of single or multiple alderman wards.

[Leave being granted, Bill No. 217 was introduced and read a first time.]

INTRODUCTION OF VISITORS

MR. TOPOLNISKY:

Mr. Speaker, it gives me great pleasure this morning to introduce to you and to the members of the Legislature, 45 members of a senior citizens group from Andrew. I commend them for their interest in watching the proceedings of the Legislature. Also, Mr. Speaker, in their trip to Edmonton they have included a visit to the Provincial Museum and Archives. They are in the members gallery. I would ask them now to rise and be welcomed by the members.

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TABLING RETUFNS AND REPORTS

MR. DOWLING:

Mr. Speaker, I'd like to table the statistics gathered by the departments of Agriculture and Consumer Affairs.

MISS HUNLEY:

Mr. Speaker, I wish to table the Alberta Check Stop Impaired Driver Program for the week ending March 31.

## MINISTPRIAL STATEMENT

Department of Education

MR. HYNDMAN:

Mr. Speaker, I'd like to advise the House of the guidelines of the Small School Assistance and Preservation Grants which were first referred to in the Throne Speech some weeks ago.

The purposes of this special grant, which is extra and over and above the existing grants to school boards, are really fourfold:

- (1) To help preserve the small, remote rural school where dropping student enrolments and rising costs have put its continued existence in jeopardy.
- (2) To assist smaller communities where residents feel strongly that their small school is an important and integral part of community life.
- (3) To reduce the need for rural school centralization.
- (4) To assist school boards in considering alternatives to introducing new, long school bus routes for "centralized" youngsters.

In defining a "small school", that would include any school in either a district, division or county of under 6,000 eligible pupils having an average of 10 or fewer eligible pupils per grade. This would exclude cities and larger towns.

As to additional dollar support, an additional \$100 for each pupil in schools where there is an average of fewer than five eligible pupils per grade, and an additional \$75 for each pupil in schools where there is an average of from five to ten eligible pupils per grade.

As to the number of districts, divisions and counties which will be eligible for this special support, about 63 is our calculation.

The money will be paid directly to the school boards, and the communities which have eligible small schools in their areas will be informed of the fact that their school boards have received these special grant moneys.

The total dollar support over a year would be in the neighbourhood of \$400,000 to \$500,000. That's the total for this special program. It will come into effect on September 1, 1974. School boards won't have to apply for the money, the grants will be paid automatically to those jurisdictions eligible.

There will be an onus on the citizens residing near a small school to indicate to the school boards their interest in having that school retained. So in any particular local area there will be partly an obligation on the local citizens surrounding that small school to make their representations known to the school board in order that the board can then act to try to preserve the school in the future.

## ORAL QUESTION PERIOD

Industrial Development

MR. CLARK:

Mr. Speaker, I'd like to direct a question to the Premier and ask if it is the government's intention to introduce legislation during this session that would spell out the industrial rules of development for Alberta?

MR. LOUGHEED:

Mr. Speaker, I think the best answer to that would be, in terms of legislation, no. There may be a position paper in the fall.

I'd have to qualify that because I presume the hon. Leader of the Opposition raised his question in general. There may be some specific aspects that fall within the ambit of that question that might be dealt with by specific legislation.

MR. CLARK:

A supplementary question to the Premier, Mr. Speaker. Is it the intention of the government to set up a system of permits which new industrial development, especially in the field of natural resources, would have to gain from a variety of government departments prior to going ahead?

MR. LOUGHEED:

Mr. Speaker, it is a matter under very active consideration by the government and by the various cabinet committees which are involved, economic planning and the energy committee of cabinet. No final decisions have been made on a general basis, although it may be possible that in a specific case there will be an immediate decision and immediate legislation.

MR. CLARK:

A further supplementary, Mr. Speaker, to the Premier. What present approval mechanism does the government use in determining if a plant that makes use of crude oil or natural gas in Alberta as feedstock can go ahead? What are the present criteria the government uses for approval?

MR. LOUGHEED:

Mr. Speaker, that's a very complicated question because there have been a number of legislative changes, of which the hon. member is aware, over the past decade. There are, of course, limitations legislatively upon a provincial government in this area. There has been in the past very little legislative control of this nature but it is certainly something we are reviewing. Rather than attempt to answer that question without further thought and consideration, I would respond to it at a later date when the thinking of the government is more developed, both in terms of the issue and in terms of the present situation.

Fertilizer Plant - Lethbridge

MR. CLARK:

A further supplementary, Mr. Speaker, to the Premier. What mechanism did the province use in the going ahead of the recently announced fertilizer plant in the Lethbridge area? What government agencies and departments were involved in this consideration?

MR. LOUGHEED:

Mr. Speaker, with the exception, of course, of the natural position that members are aware of with regard to The Department of the Environment Act and its very extensive and broad powers, I don't believe any decision has been made on that score at this time. I would state with regard to that project that I don't believe there have been any specific provincial government approvals. Quite clearly, before that project proceeds it will need the approval of the Minister of the Environment. It may need the approval of others.

MR. CLARK:

A further supplementary, Mr. Speaker, to the Premier. In the course of that project getting approval, will it be necessary for either the Minister of Mines and Minerals or the cabinet to look at the use that is being made of the natural gas?

MR. LOUGHEED:

Mr. Speaker, absolutely. That's the very point of the present consideration of an evaluation of the existing legislation and some of the previous amendments that were made, perhaps unfortunately so, some years back, and some need to have a further look at it. It's hopeful that on that specific point - because I did make an exception in my first answer - we'll have something further to say to the House either by way of legislation or ministerial announcement in the very near future.

MR. CLARK:

One last supplementary question, Mr. Speaker, to the Premier. Is it the government's intention to introduce legislation at this session which would change the responsibilities of the Alberta Energy Resources Conservation Board so that, in fact, it could have a power on the ultimate use of natural gas within the province of Alberta, and in fact, will install a project such as that if warranted?

MR. LOUGHEED:

Mr. Speaker, that's within the ambit, as I mentioned, of the very discussion that is now under very active consideration by the government. I could not give a definitive answer today but should be [able to do so] shortly.

MR. NOTLEY:

A supplementary question to the Deputy Premier, the Minister of Agriculture, dealing with the Lethbridge fertilizer project.

Can the minister advise the Assembly what the mechanism is that the government has developed to ensure that local requirements will be met, as he suggested several weeks ago?

DR. HORNER:

Further to what the hon. Premier has said, Mr. Speaker, one of the requirements is that the production of fertilizer from these plants has to satisfy Alberta and Canadian requirements before exports will be entertained.

MR. NOTLEY:

Mr. Speaker, a further supplementary question. Have there been any discussions as yet with the principals of the concern dealing with this specific matter?

DR. HORNER:

Mr. Speaker, with this specific matter I have had the assurance of the principals that it would be their intention to make sure that the production of such a plant would be available to Alberta and Canada prior to any export of the fertilizer.

MR. SPEAKER:

The hon. Member for Highwood followed by the hon. Member for Bow Valley.

Rural Gas Co-ops - Easements

MR. BENOIT:

My question, Mr. Speaker, is to the Attorney General. It has to do with the letting of easements for gas co-ops.

Is the government giving any consideration to changing the requirements for the registration of easements in the Land Titles Office so that easement by a gas co-op may be registered on a title without paying for a survey, or registering the entire quarter, whichever the case might be?

DR. HORNER:

Mr. Speaker, perhaps I could answer that question inasmuch as the easement problem we are having with the gas co-ops comes under the Co-operative Activities and Credit Branch of my department. We are presently trying to develop a form which will satisfy the Land Titles Office and accomplish what really needs to be done, and that is, an efficient way of doing it without too much red tape. We're near a solution on the matter now.

MR. BENOIT:

Supplementary, Mr. Speaker. Is the intention to provide so that the easement will not have to be on the entire quarter?

DR. HORNER:

That entire matter, Mr. Speaker, has to do with the whole question of the registering of easements with regard to titles. That is something that is being worked on in my department and through the Surface Rights Board, and through the Attorney General and the Land Titles Office. Indeed, we've had some suggestions, which have been very helpful, from the Landmen's Association with regard to this problem.

MR. SPEAKER:

The hon. Member for Bow Valley followed by the hon. Member for Lesser Slave Lake.

#### Cow Camp

MR. MANDEVILLE:

Thank you, Mr. Speaker. My question is to the hon. Minister of Health and Social Development. Has the minister had any recent communication with either the federal Minister of Manpower and Immigration, Mr. Andras, or any official of cow camp in regard to the cow camp at Wardlaw?

MR. CRAWFORD:

I have not, Mr. Speaker, and maybe I should underline again that it is my view that when the federal government has performed the simple duties it has in respect to deciding whether or not the people in question are entitled to remain in Canada, the department will be able to receive whatever application that organization might wish to make. I say again that to my knowledge there has been no formal application for anything from them.

MR. MANDEVILLE:

Supplementary question, Mr. Speaker, has the minister made any arrangements to send any official from the government down to evaluate the cow camp program?

MR. CRAWFORD:

Mr. Speaker, I think the evaluation is premature in view of the feeling I have just expressed, that the first question to be answered is whether or not the people in question are entitled, in all respects, to remain in Canada. However, I do know that my assistant has had a conversation with the representative of the cow camp today, and consideration is being given to having an official visit I indicated, I think, to the hon. member in answer to a previous question that we certainly would be willing to do that and it's a matter of working out the details of such a visit.

MR. SPEAKER:

The hon. Member for Lesser Slave Lake followed by the hon. Member for Hanna-Oyen.

#### Foster Parents ~ Family Allowances

MR. BARTON:

Thank you, Mr. Speaker. My question is to the Minister of Health and Social Development. Has his department any further information as to the foster parent situation right now [in respect to] family allowances?

MR. CRAWFORD:

Mr. Speaker, I have sort of a proposal to make to my colleagues in that respect and have not completed that consultation yet. What I'm saying to the hon. member is simply that the response to his question and to the foster parents should come within a reasonable time, but naturally I regret not having been able to get them an answer sooner.

MR. BARTON:

Supplementary question, Mr. Speaker, will this be retroactive to January 1?

MR. CRAWFORD:

Mr. Speaker, I don't know what the hon. member is talking about.

DR. BUCK:

The increase.

MR. BARTON:

Supplementary then. Will his department be passing on the amount as of January 1, 1973 - the increase in family allowance to the foster parents or the children?

MR. CRAWFORD:

Mr. Speaker, the hon. member's supplementary is the same question as the original question.

DR. BUCK:

So?

MR. SPEAKER:

The hon. Member for Hanna-Oyen followed by the hon. Member for Taber-Warner.

#### Brucellosis Cases

MR. FRENCH:

Mr. Speaker, my question is to the Minister of Agriculture. Is it mandatory for veterinarians to report all cases of brucellosis to the department?

DR. HOPNER:

I'd have to check this to be sure on technical grounds, Mr. Speaker, but certainly, it is my view that it is.

MR. FRENCH:

Supplementary question, Mr. Speaker. Are there any reported cases that have come to the attention of the department lately that would indicate a serious outbreak in any parts of the province?

DR. HORNER:

The only area that has come to our attention recently, Mr. Speaker, is a number of cattle that have come in from Saskatchewan have had indications of brucellosis. My departmental people, along with veterinarians in the area, are checking it closely.

MR. SPEAKER:

The hon. Member for Taber-Warner followed by the hon. Member for Spirit River-Fairview.

Highway No. 3

MR. D. MILLER:

Thank you, Mr. Speaker. My question is to the hon. Minister of Highways and Transport. Will the hon. minister explain if the badly-needed improvements to Highway No. 3 will continue east of Fincastle this year?

AN HON. MEMBER:

Order Paper.

MR. COPITHORNE:

Mr. Speaker, I'm not sure that ...

MR. LUDWIG:

You never are.

MR. COPITHORNE:

Mr. Speaker, if the hon. member would put his question on the Order Paper I would give him an exact answer.

MR. LUDWIG:

Good grief, man.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview followed ...

MR. WYSE:

A supplementary question, Mr. Speaker, to the hon. minister. Could the minister indicate to the House the number of miles of road construction planned between Medicine Hat and Taber this year?

SOME HON. MEMBERS:

Order Paper.

MR. WYSE:

It's a simple question.

MR. SPEAKER:

The hon. member's question may flatter the minister's memory as to statistics. It would be more appropriate to put it on the Order Paper.

MR. COPITHORNE:

Mr. Speaker, I would be delighted to answer those questions in the Estimates which will be coming up very shortly.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview followed by the hon. Member for Little Bow.

Murdoch Case

MR. NOTLEY:

Mr. Speaker, I would like to direct this question to either the Attorney General or the hon. Solicitor General. Does the government concur in the action of the Human Rights Commission requesting the Supreme Court of Canada to take another look at the Murdoch case?

MR. LEITCH:

Mr. Speaker, I am sure it is not up to members of the provincial government to concur with or disagree with the action taken.

MR. NOTLEY:

Mr. Speaker, a supplementary question then to the Attorney General. Does the Government of Alberta propose to make any representation to Mr. Lang on this matter?

MR. LEITCH:

Mr. Speaker, as the honourable gentleman has been informed on a number of occasions in this House, we are presently awaiting a report from the Institute of Law Research and Reform which will encompass the area dealt with in the Murdoch case. As the hon. Solicitor General said not long ago, we anticipate receiving it in the immediate future. Incidentally I was in contact with the institute just recently to ascertain what their latest estimate was as to when the report might be available. I am told the working paper is expected to be released in the very immediate future.

MR. NOTLEY:

Mr. Speaker, a supplementary question to either one of the two hon. ministers. Does the government make any funds available for research and publicity to various women's groups to research such areas as the Murdoch case?

MISS HUNLEY:

Mr. Speaker, not from any funds in my department.

MR. SPEAKER:

The hon. Member for Little Bow followed by the hon. Member for Clover Bar.

#### Rural Gas Co-ops - Government Subsidy

MR. R. SPEAKER:

Mr. Speaker, my question is to the Minister of Telephones and Utilities. Has the minister initiated a study into the present capital cost of installation of the distribution system of rural gas co-ops, to determine whether the government subsidy of \$1,300 is adequate to ensure that all rural gas co-ops may proceed economically? Also, as to whether the plan is an economic advantage to the respective members under the present ground rules?

MR. FARRAN:

Mr. Speaker, yes. We are studying all the time the effects of inflation on cost of material and on the cost of labour. I think, as I have mentioned in the House just a few weeks ago, we do not intend to increase the level of the routine grant of \$1,300, but the department has power to make special grants under special conditions which may be used where there are lengthy high-pressure transmission lines and things of that nature.

MR. R. SPEAKER:

Mr. Speaker, a supplementary to the minister. May a farmer opt out of the plan when he determines that the gas installation is not economic to his particular farm unit?

MR. FARRAN:

Mr. Speaker, anybody can opt out of anything anytime.

MR. R. SPEAKER:

Mr. Speaker, a supplementary question then to the minister. How does a local co-op member withdraw from the rural gas co-op when he finds that this situation does prevail?

MR. FARRAN:

Mr. Speaker, that's a legal question. The question of whether he can opt out ...

SOME HON. MEMBERS:

Oh, oh!



MR. FARRAN:

Now, just a minute. You are asking whether he can take his money out, aren't you?

Mr. Speaker, through the Chair, are you asking whether he can withdraw the funds he has put into the plan? My answer is, that's a legal question. I doubt it.

MR. P. SPEAKER:

Mr. Speaker, a supplementary question ...

DR. HORNER:

... [Inaudible] ... the Socred 'non-plan'?

MR. R. SPEAKER:

Mr. Speaker, the Minister of Agriculture has always got answers. But at this point in time he knows that his neck is on the line politically.

Mr. Speaker, my question to the minister is, would he be prepared to have his department staff check the contract that they placed in the hands of the rural co-ops, supposedly a perfect contract, and one which does not give any allowance for a local co-op member to ...

MR. SPEAKER:

Is the hon. member asking a question?

MR. R. SPEAKER:

Yes, I am. It's all part of the question. I'm asking the minister, Mr. Speaker, if he would have his staff, and would he, review the contract which he gave to the rural gas co-ops - which his department gave to the rural gas co-ops - to ensure that they would collect money from the rural gas co-op members and also ensure that rural gas co-op members could not get their funds back?

SOME HCN. MEMBERS:

Order, order.

MR. FARRAN:

Mr. Speaker, I'm surprised at the question because hitherto I thought that the hon. member was endeavouring to promote and facilitate gas co-ops in his area. However, it seems that he's not, and he has some questions about the entire plan. The co-ops are free, independent agents ...

DR. BOUVIER:

Point of order.

Isn't the minister debating the question rather than answering it?

[Interjections]

MR. SPEAKER:

As I mentioned, I believe last week, when a debating question gets past the Speaker it's hardly fair to prevent a debating answer.

MR. R. SPEAKER:

Mr. Speaker, a supplementary ...

SOME HON. MEMBERS:

Order, order.

MR. SPEAKER:

Has the hon. minister completed his answer?

MR. FARRAN:

No, Mr. Speaker.

MR. R. SPEAKER:

Are you finished?

MR. FARRAN:

I have not finished my answer. My answer was this: despite what misapprehensions the hon. member may have about the way co-operatives work, they are independent agents.

SOME HON. MEMBERS:

Order.

MR. FARRAN:

They have their own board of directors ...

MR. LUDWIG:

I rise on a point of order, Mr. Speaker. I believe that if this is a debate, then we should have leave to debate the issue. I believe there's a limit to how far a minister can go.

AN HON. MEMBER:

Sit down.

MR. LUDWIG:

I'm on a point of order. Keep quiet. Shut up.

Mr. Speaker, I believe that there's a limit to how far a minister can debate a point raised by a minister in question. Even though you have permitted him some latitude he is really indulging in debate to which we have not the right to reply. If Mr. Speaker wishes to permit the hon. minister to debate then we should have the right to engage in the debate, Mr. Speaker. I believe that's a rule that ought to be followed.

MR. SPEAKER:

Perhaps the matter might be concluded by a concluding sentence or two from the hon. minister.

MR. FARRAN:

Well, Mr. Speaker, I'll try to make it brief. Co-ops have their own boards of directors. They set their own rules and within the free-enterprise world a co-operative has a special place, but it is an independent agent and they decide the rules for themselves.

MR. LUDWIG:

That'll be the day.

MR. FARRAN:

The rules relating to grants and subsidies are decided by the government, but not their self-governing rules within their own co-op.

MR. R. SPEAKER:

Mr. Speaker, a supplementary question - he never even answered the question. My supplementary question is to the Minister Without Portfolio in charge of rural development.

Is the minister prepared to review the high cost of gas installations to rural Alberta farmers to ensure that a reasonable cost of gas installation is available to them?

MR. SPEAKER:

The hon. member's question is clearly a representation in favour of reasonable costs, which is a debatable matter, and in view of the lesson the Chair learned a moment ago, I think the question ought not to be allowed.

MR. CLARK:

Mr. Speaker, speaking to your ruling, yesterday we had enough latitude in this House to debate queen bees. This seems to me to be a darn sight more appropriate than the queen bee question and I would, with all due respect, ask that the minister of rural development answer the question.

DR. PAPROSKI:

Mr. Speaker, on a point of order. Queen bees are very important to the producers.

MR. LUDWIG:

Mr. Speaker, with reference to the hon. member's question, Mr. Speaker, I believe that it ought to be allowed. The question was posed to the minister and it's futile to hope to get any kind of answer from that minister, Mr. Speaker. We shouldn't waste time.

MR. SPEAKER:

I would respectfully suggest that hon. members read the question in Hansard and they will find the reference to a reasonable standard. That certainly is a debatable matter. I am unable to deal with the matter further, having disposed of the question as being out of order. I am unable to review that further at the moment.

I therefore call on the hon. Member for Clover Bar followed by the hon. Member for Calgary Bow.

MR. CLARK:

On a point of order, while we are reviewing the question which is posed, will you review the question yesterday and the answer that was permitted on the queen bee question?

AN HON. MEMBER:

You review it.

MR. LUDWIG:

Arrogant.

MR. R. SPEAKER:

On a point of order, would I have the opportunity of rewording that question to the hon. minister?

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

Will the hon. member then proceed to do so and we'll come to the other questions afterwards.

MR. R. SPEAKER:

Mr. Speaker, my question is to the minister of rural development. Is the minister studying the question of gas installations to the rural farmers of Alberta?

MR. TOPOLNISKY:

The answer is yes, Mr. Speaker.

MR. NOTLEY:

Mr. Speaker, a supplementary question. Can the minister advise when he will be able to table the results of this study?

AN HON. MEMBER:

Answer that one, would you!

MR. NOTLEY:

Mr. Speaker, on a point of order, I posed a question. With great respect, I would like an answer.

MR. CLARK:

Come on, come on.

AN HON. MEMBER:

When?

MR. SPEAKER:

It appears that the hon. minister has not heard the question. There has been a bit of ... [Inaudible] ...

[Interjections]

MR. NOTLEY:

Mr. Speaker, I'll give the minister the question again so perhaps he can hear it this time. Has the minister had an opportunity to carry on that study and if so, when will it be tabled in the House?

MR. TOPOLNISKY:

Mr. Speaker, whenever it will be available.

DR. BOUVIER:

When it's available. Twenty years!

MR. SPEAKER:

The hon. Member for Clover Bar followed by the hon. Member for Calgary Bow.

#### Censorship - Correctional Institutions

DR. BUCK:

Mr. Speaker, my question is on censorship and it seems to be apropos.

Mr. Speaker, I would like to ask the hon. Solicitor General if she can indicate to the House if it is true that letters that are sent out from prisoners in our correctional institutes to MLAs, through individuals or the media, are censored?

MISS HUNLEY:

Mr. Speaker, this arose last night in estimates and I believe that I did give incorrect information. I was talking about remand centres when I said that mail was definitely not censored because those people have not yet been found guilty. Incoming mail to the institutions, of course, must be censored. In other institutions, there are instances where the mail is censored.

DR. BUCK:

Mr. Speaker, I would like to ask the Solicitor General who has the responsibility of censoring the mail coming out of the institutions?

AN HON. MEMBER:

What did you do, get your dental bill checked?

MISS HUNLEY:

Mr. Speaker, the authority is vested in the chief executive officer, the warden, who has a great deal of discretion as to the administration of the particular institution for which he is responsible. And while I do not have the specific guidelines of his attitude, or each attitude in the institutions, on censorship, I am prepared to ask for those and I will then be able to provide the hon. member with the specifics.

DR. BUCK:

Mr. Speaker, a final supplementary. I am wondering if the hon. Solicitor General could indicate to the House how come letters that were sent to a local news commentator were sent in the Solicitor General's letterhead? Did that come from the warden or did it come through the hon. minister's office?

MR. SPEAKER:

The hon. member is asking a question which certainly requires a knowledge of detail referring apparently to a specific piece of mail.

MR. LUDWIG:

Don't embarrass her.

MR. SPEAKER:

Order please. I would respectfully suggest the hon. member might put the question on the Order Paper.

DR. BUCK:

Well, Mr. Speaker, with all due respect, sir, the letter that came out from the prisoner came, quite obviously to the Solicitor General's department - was sent out, so somebody in the department must have censored it or read it, because it wasn't the return address of the warden. It was the Solicitor General's letterhead.

MR. SPEAKER:

If the hon. member's question related to an ongoing practice, it would perhaps be in order. But if it relates to a specific item of mail, it surely would have to go on the Order Paper or the minister would have to have some kind of notice of it.

MR. HENDERSON:

Mr. Speaker, it's long been a custom in the House to allow a minister the opportunity of saying whether he is aware of it or not. Frequently questions of this type are asked and the minister says, I'm not aware of this, I'll look into it and report back, Mr. Speaker. But I think, surely, the Chair should allow the minister to inform the House as to whether she has the information. If she hasn't, fine. If she hasn't she can follow the accustomed practice of saying she'll investigate and report back.

But with all due respect to the Chair I don't think it's in order that the Chair should interfere in the opportunity for the minister to be asked a question. It's a proper question.

MR. SPEAKER:

With respect and without arguing the point in any way, the Chair does have to exercise discretion with regard to questions of detail which are certainly more suited for the Order Paper.

If hon. members will check the conditions under which the Chair is obliged to operate in this regard, I think they will find that is the case. Now it is true that in the question period, with regard to questions which are permissible or may not be permissible, these are always matters of judgment. With all due respect, although hon. members may at times feel the judgment has been too lenient in some cases or too severe in others, it still is a matter of judgment and this is one of the responsibilities in which the Chair is asked to serve the House.

DR. BUCK:

Mr. Speaker, I would just like to ask a final question. I'll reword it, Mr. Speaker. My question is, is the letter coming out of the institution censored or reviewed by the warden at the institution or at the Solicitor General's department, at her level here in her office. Is it at the institution or at the office here?

MISS HUNLEY:

I can assure the hon. member that I don't censor the inmates' mail.

MR. LUDWIG:

Yet.

MR. SPEAKER:

The hon. Member for Calgary Bow followed by the hon. Member for Calgary Mountain View.

The Proposed Village of Waterways Act

MR. WILSON:

Mr. Speaker, I'd like to address a question to the hon. Minister of Municipal Affairs. Could the hon. minister briefly advise on the current status of The Proposed Village of Waterways Act?

MR. RUSSELL:

Mr. Speaker, my understanding is that act is still on the statutes although it is not included in the last revised updated set of Statutes of Alberta.

MR. WILSON:

A supplementary, Mr. Speaker. Is there any current need for this act?

MR. SPEAKER:

Clearly that is a matter of opinion which might be debated on an appropriate occasion.

MR. WILSON:

A supplementary then, Mr. Speaker, to the hon. minister. Would the minister advise if any use is being made of this act currently, or contemplated in the near future?

MR. RUSSELL:

The answer is no, Mr. Speaker.

MR. WILSON:

A supplementary then, Mr. Speaker. Is it the intention of the government to introduce legislation to repeal this act?

MR. RUSSELL:

That is under consideration, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Calgary Mountain View followed by the hon. Member for Calgary McCall.

Beef Price Increases

MR. LUDWIG:

Yes, Mr. Speaker, my question is to the hon. Minister of Consumer Affairs. Has he received any information or any complaints about recent retail beef price increases in this province?

MR. DOWLING:

Mr. Speaker, I have not. In my office we try to keep abreast of what is happening in the market place. We did table some statistics today which were gathered by the Department of Agriculture and compiled by the Department of Consumer Affairs.

MR. LUDWIG:

A supplementary to the hon. minister. Has he received any complaints or any information about a dislocation in the normal retail trade of beef, and in particular following the announcement made by the hon. Minister of Agriculture recently about a possible shortage of beef in this province?

MR. DOWLING:

No, Mr. Speaker, absolutely none.

MR. LUDWIG:

Mr. Speaker, a further question. Is the hon. minister responsible for Consumer Affairs?

MR. SPEAKER:

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

Bicycle Path - Calgary

MR. HO LEM:

Mr. Speaker, my question is directed to the Minister of Highways and Transport. Has the hon. minister received a letter from the Calgary 2524 Council requesting that a bicycle path be constructed along the Blackfoot Trail extension from Eleventh Avenue to Memorial Drive?

MR. COPITHORNE:

Mr. Speaker, there may be such a request, but it hasn't reached my desk at this time.

MR. HO LEM:

Well, a supplementary, Mr. Speaker. The letter was addressed and sent March 19. My supplementary question is, would the minister be prepared to meet with the council to discuss a concept of divorcing auto traffic from bicycle traffic on major provincially-funded thoroughfares by the use of bicycle paths?

MR. COPITHORNE:

Mr. Speaker, the hon. member may be confusing the jurisdiction of the provincial government with the responsibilities of a municipality. ...

MR. LUDWIG:

He's confusing you all right.

MR. COPITHORNE:

On the roads we build and rebuild throughout the province, we build them with a parking lane and this is generally used for bicycles.

The City of Winnipeg and the Province of Manitoba have legislation restricting the use of bicycles to only those roads and those highways that have such parking lanes. Perhaps this is what the hon. member is referring to.

MR. HO LEM:

A supplementary, Mr. Speaker. I wonder if the minister would indicate to the House whether his department would consider giving municipalities assistance to incorporate bicycle paths on certain sections of the provincially-funded thoroughfares, particularly those thoroughfares that are slated for construction now or in the near future?

MR. COPITHORNE:

Well I presume the hon. member is talking about urban municipalities. We give urban municipalities a grant under which we trust their judgment to be of the best for the people who are within that municipality.

MR. SPEAKER:

The hon. Member for Calgary Millican followed by the hon. Member for Medicine Hat-Redcliff.

Oil Sands Development - Applications

MR. DIXON:

Mr. Speaker, I'd like to direct a question today to the hon. the Premier. It is to do with the recent meetings in Calgary between the Ontario cabinet and provincial cabinet members and their officials. My question is, has the Government of Alberta, the Government of Ontario or a combination of both, been approached by the Home Oil Company Ltd. and the parent company, The Consumers' Gas Company of Toronto, to assist financially in the new oil sands development that was announced yesterday?

MR. LOUGHEED:

Mr. Speaker, the answer to that would have to be no. As a matter of practice of which I am sure the hon. member is aware, in projects of that nature the approach we have taken to this date has been that an application is filed in the normal way before the Energy Resources Conservation Board, which assesses it from the standpoint of its technical, environmental and other details of an engineering and conservation point of view. And when that's completed and the recommendations are received by the Executive Council for review, then it's at that time that matters such as participation, ownership and other questions will be reviewed.

So in answer specifically on the Home Oil application, which was announced yesterday, the answer would be no.

MR. DIXON:

Mr. Speaker, a further supplementary question to the hon. the Premier. As Home Oil is anxious to keep the project all-Canadian, I wonder if the Alberta government would consider financial assistance to such a project?

MR. LOUGHEED:

Mr. Speaker, certainly there are a number of different ways in which we are going to look at these projects. But I believe that question would have to be considered as premature until we have announced our statement of guidelines during the course of the summer, or the fall, as I mentioned yesterday.

MR. NOTLEY:

A supplementary question to the hon. Premier. Will there be any decision with respect to the Shell Oil Company application prior to the announcement of the guidelines on oil sands development?

MR. LOUGHEED:

Mr. Speaker, I am not sure. We haven't yet received the recommendations from the Energy Resources Conservation Board on that particular application, although they are expected within a very short period of time. When we do, we will make an assessment. Until we have had an opportunity to look at the recommendations, it is just simply not possible to answer that question.

MR. SPEAKER:

The hon. Member for Medicine Hat-Redcliff.

Absentee Landlords--Saskatchewan

MR. WYSE:

A question, Mr. Speaker, to the hon. Minister of Agriculture. Has the hon. minister had an opportunity to study the Saskatchewan government's new absentee landlord legislation which restricts non-residents owning farm land, which will affect a large number of people who own land in Saskatchewan but actually live in Alberta?

DR. HORNER:

The short answer, Mr. Speaker, is yes.

MR. WYSE:

A supplementary question, Mr. Speaker. Is the minister or the provincial government considering making any representation to the Saskatchewan government or taking any retaliation of any form?

AN HON. MEMBER:

Short answer.

DR. HORNER:

A variety of provinces are working on the question of land use and land ownership, Mr. Speaker, and the Saskatchewan bill is being debated before the Saskatchewan Legislature at the present time. I believe it is up to them to decide that question.



MR. SPEAKER:

The hon. Member for Calgary Bow.

AADAC---Heroin Use

MR. WILSON:

Mr. Speaker, I'd like to direct a question to the hon. Minister of Health and Social Development. Could the hon. minister advise what action the minister has taken to investigate recent public charges that the Alberta Alcoholism and Drug Abuse Commission has encouraged the use of heroin in at least one instance?

MR. CPAWFORD:

Mr. Speaker, I have not heard any such allegation. I don't think the hon. member is making it. He's referring to it's having been publicized in some way outside the House. It has not come to my attention.

ORDERS OF THE DAY

[Mr. Speaker left the Chair.]

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COMMITTEE OF THE WHOLE

[Mr. Diachuk in the Chair]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order.

Bill No. 10 The Fuel Oil Tax Amendment Act, 1974

MR. CHAIRMAN:

Any questions?

MR. CLARK:

Mr. Chairman, in the course of second reading on this particular bill both my colleague, Mr. Ludwig, and myself asked the Provincial Treasurer a question concerning the 5 cent reduction in gasoline tax. Unfortunately I was out of the House, but I noticed that the Provincial Treasurer did not respond to our comments. I wonder if he would be prepared to do this at this particular time?

MR. MINIELY:

Mr. Chairman, the reason I didn't respond was solely that it was not presented in the form of a question, but rather in the form of debate. If the hon. member wishes to ask me why we did not alter the legislation I'd be happy to answer the question, but the hon. Member for Calgary Mountain View debated - it was in the form of debate.

MR. LUDWIG:

Mr. Chairman, if I in any way rubbed the hon. minister the wrong way, I will now put it in the form of a question.

MR. MINIELY:

The reason, Mr. Chairman, is very simple. We've said in the House that when the price at the pumps settles we will be considering some adjustment. We wish to retain the

flexibility of the Act, rather than having to amend the Act twice. We wish to retain the flexibility to do so, and the legislation could subsequently be amended.

Also, after the price at the pumps settles down as the result of the higher price of crude oil, it may be that the Legislature is not in session, and therefore we would like to temporarily use the vehicle we have used and subsequently amend the legislation on a permanent basis.

MR. CLARK:

Mr. Speaker, I just have to think that's so much baloney. If that had been the case, the minister would have said this when he first introduced the bill, or said it on second reading. Because when we first followed up the question in question period about further reductions in gasoline tax, we were initially told by the Premier that no, there could be no further reductions. Then that very same day the Province of Saskatchewan reduced theirs more than Alberta did, so we could no longer say we had the lowest tax in Canada. Since that time the government has taken the position of saying that they are now going to reconsider the thing.

The fact is, Mr. Chairman, on the day that we dealt with second reading of this bill, Friday, April 5, the Minister of Agriculture got up in his usual way and pointed out to the House that the last time the fuel oil tax was changed in this province it was done this way. According to research I have done through the Provincial Auditor's and also through the Legislative Counsel's offices, that's about as reliable as some other statements the minister has made, and that's not the case. In 1960, the amendment was made to the Act. In 1961 another amendment was made to the Act. In 1968 the whole Act was rewritten and changes were made then. There were some amendments made to the present Act in 1969 and some more amendments made to the Act in 1970.

Now the members across the way may think this is a rather trifling matter, but let's look at it this way. We have The Fuel Oil Tax Act, Mr. Chairman, which presently spells out the tax itself. I notice in looking at the debate that took place the day the member for, I believe it was Whitecourt, said that some portion of the Act talks about 12 cents. And he says, where is the 15 cents? Well, if he had just read the section before the 12 cents he would have found out that the 3 cents are right there. It is a 3 cent general tax, and it is a 12 cent and a 14 cent tax. The 14 cents apply to diesel fuel.

Now, this is a rather basic issue as I see it. It is a matter of, does the Legislature have the power of taxation or doesn't it? The legislation here says that there is a tax of 3 cents across the board, 12 cents and 14 cents. Now we are having an amendment in this session, and it isn't dealing with the change in the fuel oil tax at all. And I made this point in the course of my comments on second reading. I don't debate the legality of using The Financial Administration Act. I would suggest that that section of the Act was certainly not anticipated to be used in that manner, although it has the breadth to do this.

But what I would like to suggest to the Provincial Treasurer is that he give very serious consideration to, first of all, bringing in an amendment at this time that would set out in The Fuel Oil Tax Act what the Act is at this time, right now, after the Order in Council passed on April Fools' Day, April 1.

Then secondly, I would have no objection, and I'm sure my colleagues would have no objection - in fact they would be prepared to support an amendment which gives to the Executive Council the power to use The Financial Administration Act or another vehicle if you want to have some flexibility when the House isn't in session. But we sat 90 days last year and if you have to bring The Fuel Oil Tax Act back in the fall again, if you decide to lower the tax, okay, bring it back in and let's amend the Act again. But it's rather basic that this Legislature has set a tax on fuel oil. We have a Fuel Oil Tax Act which spells out the tax in it. And now, at this particular time, we have changed the tax but we are not going to change the legislation dealing specifically with this.

So the real point I make to the Provincial Treasurer is that I would ask that he hold the bill in committee, that he have the Legislative Counsel prepare amendments which accurately reflect the tax as it is now, and I'm sure all members of the Assembly will agree with that. Then if you want to add a provision to the act that the Lieutenant Governor in Council may adjust this tax as it sees fit, and then bring the amendment in in the fall session if there is going to be a further reduction - and I believe there should be a further reduction - bring it in and let's change it in the fall session.

It may be all well and good for the members of the Legislature to say, well, we've changed this by an order in council, but Mr. and Mrs. Average Albertan, when they want to get information on the fuel oil tax, where do they go? They go to The Fuel Oil Tax Act, and this is the area that the Legislature up until now has dealt with, and I would respectfully request that the Provincial Treasurer consider this route. It is rather basic, I think, to the supremacy of the Legislature. It is rather basic to the whole

principle of the Legislature having the eventual and final say as far as taxation is concerned.

MR. LUDWIG:

Mr. Chairman, I wholeheartedly support the views expressed by the hon. Leader of the Opposition. I believe these views have been expressed here and in other legislatures and in parliament very many times that the government ought not to be in a position to juggle taxation at its will. It could just do this. If this is the beginning they could do this on everything. It could be used. This government is likely to use it as a political gimmick to say that we've announced an election and consequently we are also going to announce a reduction in taxes, particularly when we are sitting here in the Legislature and the economic condition in this province and the financial situation of the treasury is such that a tax reduction - a further gasoline tax reduction - is obvious:

I am sure the government intends to bring it in but it wants to sort of bring it in as if it did it on its own initiative. I believe it is the responsibility of the hon. members on this side to push the government to make this decision because they certainly can't say that the provincial revenue is not conducive to a further reduction of gasoline tax.

I also believe that if we can't get an adequate reply from the Provincial Treasurer we ought to hold this bill in committee to see if an amendment can be brought in by someone to reduce the gasoline tax and the fuel oil tax in this province.

I wish to comment with regard to the statements made by the hon. Deputy Premier during the last debate where he stated that we had done it. I believe that he made an honest mistake. I would not impute that he had any motive in making that statement except that he had made a mistake and I believe that the minister isn't the type of person who would make this if he didn't believe what he said was true.

Mr. Chairman, I believe it behooves all hon. members on both sides of this House, not only this side, to take a look at the gasoline tax in light of the province's economy. Can we afford to reduce it more, say, by another 5 cents right now? We certainly can. There is nobody on that side who can stand up and say we can't because they just got through trumpeting about their great policy and the rapid increase of revenues in this province. We have it. The future looks about as good as possible economically. In fact, there is no reason whatsoever for the minister to stand here and say, we've reduced the gasoline tax by 5 cents and we can't do it any more.

The principle of reducing taxes, when the economy of the province is as buoyant as it is, is a sound one. I don't believe that he will get much opposition from any public sector to a reduction in the gasoline tax. Certainly, the Conservative caucus must be thinking about this. I think we should all stand and urge the government to bring in an amendment at the present time for a further reduction of the gasoline and fuel oil tax in light of the fact that it is almost obvious that the prices will go up. I think it is only logical that if we were able to reduce the tax a few weeks ago that the situation has improved even since then to the extent that we can reduce it further.

I am rather disappointed that it appears that no one on that side has either the gumption or the desire to represent their constituents properly, to stand up and make a statement on this or, in fact, state that a recommendation for reduction of the gasoline tax is not a sound one. They could stand up and be counted. I believe that they don't generally say much out of caucus. I am not sure that they say much in caucus. And they can. They have disagreed with their own party at times with some credit to the member who did.

I believe we can't just pass this one by without taking a determined stand that the minister ought to bring in an amendment to this Act, and not have the power to play around with orders in council to suit the whim and fancy of the government, that when he feels it is expedient to reduce the tax he will reduce it. This is the body that should determine the levels of taxation. That is what we are elected for. Everybody in the province believes that MLAs determine the level of taxation, not the government itself.

Mr. Chairman, I believe the minister ought to stand up and give us some very valid reasons why he is opposed to bringing in an amendment to reduce the gasoline tax in this province at the present time.

MR. MINTELY:

The hon. member's comments - I think the point is well taken. I have not said that I am not prepared to amend the Act. We would like, because of the unsettled situation as far as the prices at the pump are concerned, to retain the flexibility to amend the Act once this situation settles, as I have indicated. I am prepared to commit to the House that we will propose an amendment to the Act when this is finally settled and we finally decide what the amount of the reduction will be.

There are two comments the hon. Leader of the Opposition made that are not accurate. The Premier did not say that we had the lowest tax in Canada subsequent to the announcement of this and subsequent to other provinces' fuel oil tax reductions. We do in fact have the lowest price at the pump and had the lowest price at the pump immediately prior to reducing it 5 cents a gallon at the pump. Those [prices] are being monitored on a monthly basis and in fact the gap is widening. In other words, our price at the pump in relation to prices at the pump in other provinces is widening. We do have the lowest price at the pump.

Again I would say that I would like the act to go through as it is now, on the commitment that when we decide finally, and if the prices at the pump settle, I will bring in an amendment to the act. As far as I'm concerned in debate, because I assume and I think it's correct the opposition would like to debate the amount of the reduction, I think as the hon. Member for Calgary Mountain View just now did - is debating within the parameters of this act the amount of the reduction. However, it is premature until we make a final decision as to what the actual reduction is going to be. I think it would be more adequately debated when I could introduce one amendment after the prices at the pump settle, and I am prepared to commit to do that. I don't like to hold the act in committee now for the reasons of the two clauses that we have in that should go through, if necessary to implement and administer what we are doing under The Fuel Oil Tax Amendment Act.

MR. CLARK:

Mr. Chairman, I appreciate the commitment that the Provincial Treasurer has made, that he is prepared to bring it in when it has solidified. But I would remind the Provincial Treasurer that with the energy situation in Canada and across the world at this time, to think that that's going to be solidified within the very short period of time I think is, at the very least, extremely hopeful.

Really what I'm asking the minister to do is to even bring in a second bill. If you want the two sections in here to go through right away, bring in a second bill at this session to correctly set out what the fuel oil tax is now. Because Mr. Minister, if you look at Section 26 of The Financial Administration Act and the way you've used it in this particular situation, that section empowers the Lieutenant Governor in Council, "where he considers it in the public interest to do so," to authorize by general regulation a partial remission of any tax.

If we're going to establish the principle that you are asking to establish here, then in fact the next time we come around to any reduction in personal income tax or corporation income tax, why not use the same route that you've used here? It seems to me that it's the whole heart of the legislative process, that the Legislature is the place where we decide what the basis of the rate of taxation is going to be. If you can do this here, as you want us to agree to here, then in fact you can use the same darned approach when it comes to reduction of personal or corporate income tax, or any other particular area.

The Legislature then becomes the only place you want to come to when you want to raise the taxes, but the Lieutenant Governors in Council themselves then become the fellows who lower them all the time. Where that may be rather gratifying in some respects, it seems to me that it's very basic to the whole democratic process - to the whole custom of the British parliamentary system.

And so if the minister feels there is urgency to get Bill No. 10 through for the other section of the bill, I think we on this side would be quite prepared to say, let's go ahead with it then if there's real urgency now. But will you give us a commitment that you will get Legislative Counsel busy right away and bring in amendments that deal with the actual sections in the act that set out the amounts? If you want to change it again in the fall then we're well enough paid that we can all be here to do the changing of it.

AN HON. MEMBER:

Right.

MR. MINIELY:

I don't think there is any difference between - and I don't dispute what the hon. Leader of the Opposition is saying. I prefer not to put the amendment in until the prices at the pump have settled and we've decided what the final reduction will be. By doing that, I'm not taking away the ultimate and final prerogatives of having these matters come before the House because I have indicated to the hon. Leader of the Opposition, Mr. Chairman, and I'm committed to the fact, that once we've decided what the final reduction will be, I'll prepare to bring in an amendment to The Fuel Oil Tax Act.

With respect to your questions or suggestions - you said you didn't, and then on the other hand you said you did, question the use of The Financial Administration Act.

Temporarily, and I would stress temporarily, both the Provincial Auditor and the Legislative Counsel, who are servants of the Legislature, indicated to us that on a temporary basis that was satisfactory and that we could amend the Act subsequently. And this is what I propose to do. That is not taking away the prerogative of the House of deciding what the final amount of the reduction would be.

MR. CLARK:

Mr. Chairman, my point to the Provincial Treasurer is that I don't think the Provincial Treasurer, or anyone else, is in a position to say that this question is going to be so fixed by the fall. My point is that this is likely going to have to be an ongoing adjustment. Let's make the adjustment during this session. If we've got to make another adjustment during the fall, let's go ahead and do that. But it's very basic to who, in fact, is levying taxes and who isn't. And that's where I think the issue has to rest.

MR. MINIELY:

That's where, Mr. Chairman, the hon. Leader of the Opposition and I do disagree because, in fact, in the fall it will be settled. We have a price ...

[Interjections]

... I'm sorry. We have a price in Canada for 12 to 15 months, and what we need to see is what actually happens to the price at the pumps as a result of the price of crude oil being \$6.50, which has been reflected in some provinces but which is not settled in Alberta as far as the final price at the pump that will result from a price of crude oil of \$6.50 for 12 to 15 months in Canada. That is the only question. I would like the time to see what settles at the pump as a result of the \$6.50 price which is in effect for 12 to 15 months in Canada.

MR. CLARK:

Mr. Chairman, that's just another reason why we should do this right now. Because if the minister goes back and checks the federal legislation before the House of Commons right now, the Attorney General made reference to this yesterday, there is a section in there that says: first, when the agreement runs out, or second, if the federal government isn't satisfied that the agreement is working in the best interests of Canada, they can move in and set a price themselves. In the House of Commons the federal minister, Mr. Macdonald, indicated that they were not going to proclaim that section now. But they can proclaim it down the road if they feel the thing breaks down.

The longest this agreement that was arrived at in Ottawa will last is 15 months. But it may well be considerably shorter. If we wait until next spring to talk in terms of changing this legislation, then we're only three or four months away from negotiations starting up in Ottawa again. The minister can then use the argument, well, the whole thing is going to be unsettled again. And so we go around and around on this. That's why I think it should be done now. If we've got to do it again in the fall, if it takes us one afternoon, it would be time very, very well spent.

MR. MINIELY:

Well, perhaps, Mr. Chairman, we're arguing about something we don't need to be arguing about. It may be that within a week or two weeks, in fact, we will know what the prices at the pump are going to be; in which case, if the House is still in session, I can bring in an amendment to the bill. So perhaps my suggestion would be that for the time being we hold it in committee pending two or three weeks and perhaps the question will then be settled. And it might be that later in this current session we can bring in an amendment.

Bill No. 11 The Corrections Amendment Act, 1974

MR. NOTLEY:

Mr. Chairman, just a couple of very brief comments before we proceed with the final committee stage of Bill No. 11.

The first point I would like to make is just to follow up something that Dr. Buck said the other day with respect to the salaries received by correctional officers. I'm not entirely in agreement with his concern that perhaps we've gone too far towards being concerned about the offender and have gone overboard. But while I don't share that opinion, I certainly believe that if we're going to have a proper penal system with the emphasis on rehabilitation, we have to pay the correctional officers adequately. I think the minister would probably agree that correctional officers' salaries at this stage are

certainly not large, and that there is an area here where some definite improvement should be made.

The second point I would like to make, Mr. Chairman, is just to add my concern about the sale of Bowden and to express the urgency, which I think many people feel, that we have to get on with some other program very quickly. I know that the minister, during second reading, has advised the Assembly that the government is working on ways and means of perhaps providing a better, more decentralized approach for young offenders. That is certainly an excellent point of departure. But the problem, of course, is that we have sold Bowden in the meantime and many of these young offenders are, I'm afraid, going to find themselves just caught in the path of continued crime as a result of being put into institutions with long-standing offenders.

So, Mr. Chairman, I would just urge, and I know the minister is conscious of this problem, and I know the government is working on it, but I would certainly just add my concern and express the sense of urgency that I feel is required in developing programs very quickly that will meet the needs of young offenders.

I certainly agree with those who argue that Bowden was not the be-all and end-all in terms of an institution for young offenders. But it was at least something. I know that in talking to several people in the federal penitentiary system they were, from their point of view, not all that unhappy with the sale of Bowden, of course, but they did express the view to me that the sale leaves a rather glaring gap in the provincial system, especially as it relates to the young offender.

So I would hope that this period where we don't have Bowden will be indeed a very short one and that we can expect plans announced very shortly by the minister, I would hope over the summer, as to concrete steps for a decentralized system which will be able to take up the slack which is left as a result of the sale of Bowden.

DR. BUCK:

Mr. Chairman, I would just like to make a few additional comments to what I had to say the other day. In subcommittee on the Solicitor General's department we asked several questions on wages. I'm pleased to see, Mr. Chairman, that the Solicitor General - and I'm sure she is pleased to see that there has been a ceiling taken off in the competitions for wardens - has the right to pay what she feels the new warden will be worth. I'm pleased to see that and I'm sure she is.

I would like to come back to staff pay. I was even more appalled last evening when the man responsible for corrections under the hon. Solicitor General's purview said that the starting wage for correctional officers, the gross starting wage, was approximately \$600. Mr. Chairman, when you take off all the deductions, there is just no way that anybody can get very enthused about his job with that rate of pay. I do hope that the hon. Solicitor General will certainly review that because this is the number one crunch in recruiting correctional officers.

I know that the government has a responsibility to try to balance the budget. But there is also a responsibility to the people we employ. With the chronic shortage of staff we have, especially at Fort Saskatchewan that I'm familiar with, I don't think these conditions will ever change until we do pay these people adequately. Because they cannot build up the enthusiasm, they cannot look at this as a long-term career if they are not going to be paid more adequately. I'm not doing this as a local pitch, I'm doing this because I feel very sincerely that this is a fact.

The question of freedoms is also a two-way street. This morning we were worried about the freedom of prisoners with having their mail censored. I feel strongly about that freedom. But at the same time I feel the people who work in the institutions have some freedoms and some rights also. Possibly we have gone too far to the liberal aspect when it comes to our custodial officers handling prisoners with sometimes too velvety gloves. I think the custodial officer has a right, if a prisoner spits in his face and calls him an s.o.b. plus a few other not quite so complimentary remarks. I think the rights of the custodial officer should also be taken into consideration.

I was pleased to see that the new Solicitor General is thinking about some prison industry. As I have stated, I thought it was regressive when we took out the licence plant in Fort Saskatchewan Gaol, and I'm very discouraged to see that we had a shortage of licence plates. I don't know if it is a slowdown or a learning strike that the prisoners are on, but the licence plates were in short demand. But even though this was not going to provide a lot of rehabilitative value, it was a make-work program, if we have to put it that way. It did give them something to do.

I think possibly we have to look at maybe paying the prisoners more per day to get them to go out and work, which seems rather incongruous when they are in there paying a penalty to society, and then we have to pay them to do something in repayment of that penalty.

I would like to see more moves in the direction of the work camps. I know we do have the odd problem with the odd person drinking a little antifreeze and committing hara-kiri. I guess if you have the urge to drink that badly, if you drink antifreeze, well, you take your chances. But I think that is a good program and I would like to see more direction taken in that direction to provide more work camps.

My chronic old complaint about not using prison help out on the hon. Dr. Horner's tree farm, I would like the Solicitor General and the Deputy Premier to get together again and make use of some of this rather cheap labour. The prisoners, believe it or not, enjoy getting out. They do enjoy getting out and doing these rather mundane jobs. And coming back ...

[Laughter]

... So that some of these people who are trustees, young people - I certainly think it should be looked into and taken more seriously than it has been in the past.

The loss of programs in the jails has been appalling. There was a dairy industry at one time in Fort Saskatchewan; that was taken out. There was a farming industry in the jail; that was taken out. Last year I brought to the attention of the minister the fact that they couldn't get any help to dig potatoes and vegetables.

I think the correctional institution at Fort Saskatchewan should be practically self-supporting in the matter of production of food for that institution. It should be self-supporting. The taxpayer should not have to support that in dollars and cents. The people out there are concerned that it may go so far that we may have to bring CaterPlan in to feed them. We have cooks out there who are on staff and we have volunteer help. In my visits over there, as far as I can ascertain, the inmates, some of the ones who are interested in trying to do something with themselves and trying to have the time pass more quickly, seem to find that rather enjoyable.

Now, Mr. Chairman, there are other things, but I think we can better cover this in committee of the hon. minister's department. So, Mr. Chairman, with those few remarks that is all I would like to say now.

MR. DRAIN:

Mr. Chairman, further to the remarks of the hon. member, I had at one time an experience in working with a crew of minimum security prisoners. I think you could well conclude that they are just people, and if handled properly they will respond as people should. Therefore, my view of correction, such as it is, leads me to believe that the proper therapy is in relation to work. The psychological implications of locking a first offender up in a cage and having armed guards is not necessary when we have the land mass that we have available in this particular province.

Even in what we call the Iron Curtain countries - I was talking to a friend of mine who had come back from a visit to his home village. This was quite some time ago. This particular fellow in the village objected to Mr. Stalin, who was a man of some political significance in the area. He said it was a good thing this man had died because he did not know how to run a country anyway. He was picked up by the security police and sentenced to six months in the coal mines. When he came back after six months in the coal mines, he had enough money to buy himself a farm.

Now I don't think this man was a criminal to begin with, although there may be a difference in political viewpoints on this particular subject. Nevertheless the fact here is his rehabilitation; he has some money to go some place with. So he has now become a farmer as a result of saying Stalin wasn't a very good guy, and he was probably right about that.

My personal experience with people leads me to firmly believe that if they are given the environment where there is total physical involvement, there are no problems with attempting to run away. Anyone who travels over the main range and back every day, which I would think would be an ideal form of exercise for anyone who is thinking of going away on you, would certainly be thinking at night about going to bed.

And although it may be construed that some of these remarks are fallacious, I believe this is an area of rehabilitation that should certainly be explored because, relating back to this particular crew, the only interesting thing that struck me about this crew I worked with was that every one of them except one was in on a frame-up. I would say, what are you in for? A frame-up. So there are 29 frame-ups. Evidently there must be some miscarriage of justice in the province of Alberta. The only guy who said he wasn't in on a frame-up said he was in for indecent assault, so at least he was honest about it anyway.

So these are some of the particular things I would draw to the attention of the hon. Solicitor General. In reality I believe the answer is not incarceration under guards. The answer is an environment of good honest work, an environment where people can achieve

something and when they come out of there they have a few dollars and can re-establish themselves. There are two factors that enter: one, the fantastic cost, which is accelerating, of keeping these people; and the fact that so many people are taken out of a work force in a country where we have such tremendous labour shortages.

MR. LUDWIG:

Mr. Speaker, I would like to make a few comments further to the remarks made by the hon. member, Mr. Drain, and the hon. member, Dr. Buck.

I believe there is some urgent responsibility on the part of the hon. Solicitor General to rectify the problem of segregation of prisoners between 16 and 18 and first offenders, perhaps of an older age. There is almost a consensus of opinion in the belief that it is preferable not to put young offenders, first offenders, into the mainstream of criminal incarceration in this province. If this is the wrong assumption, then the hon. members on that side ought to get up and say that this is wrong. We ought to mix them all together. Maybe they will get an education; do a better job next time and maybe not get caught. But I believe it is a sound principle that we ought to try to keep them segregated as much as possible.

I am not at all saying this was done with some perfection in the past. But the effort was there. You can always improve these matters as time goes by. We get more knowledge, more studies, more money and we can do a better job. I believe society is prepared to pay for this kind of facility and this kind of service to the young people. I think it is not good enough for the hon. minister to say, well, we are thinking about it.

I think they should move any thinking they are doing ahead to this session, deal with this matter this session and satisfy us that this will be treated as a top priority problem in the corrections field. We will then have something to work on, maybe have money allocated over and above the proposed budget. The budget can be increased. I certainly feel, after listening to the front line of the Conservative government, that they can't plead poverty. And certainly, even if money was not as plentiful as it is, this is an item of top priority.

Bowden had some merit, notwithstanding that the building was not the best. The minister has to come up with a plan for immediate provision of alternate facilities. I agree with her that day parole and some work-type of accommodation will solve the problem partially. But I wouldn't want to see the situation develop where we are allowing day parole because we have nothing better to do with these people. Day parole in itself is not going to solve most of the problems, although I must state that I favour day parole in proper circumstances. If we are going to make the matter of conviction and punishment one of merely giving somebody a pass and maybe helping him survive the next month or two, we also may have problems in that regard.

I believe it isn't too much to expect of the Solicitor General now that she has her staff - at least part of the staff - and all the knowledgeable people on that side who knew more answers when they were in the opposition than they know now. I believe they still might have some suggestions. We would like to hear them, and to urge the minister to update and bring her program forward immediately. When I say immediately, it isn't something that is going to be solved in the next two weeks. But knowing how governments operate, even under the best of circumstances it will take time to purchase land perhaps, to acquire land, to plan and design, to tender, to construct. Sometimes this does take time. But if the government makes up its mind to do something positive and something that is necessary, time can be cut.

I know the honourable Dr. Backus is puffing away in a state of euphoria and he seems to be agreeing with me. He has that pleasant look and he appears to be in complete agreement and knowing - and I agree - that the Department of Public Works can be made to move rather quickly once the government directions are clear and once the money is made available. So this can be done, hon. minister. So the excuse that we are thinking about it and next fall you'll say we'll have something in the spring session. And four years later we will have facilities. By then somebody ought to be defeated in the next election, as far as I am concerned, if we can't move it ahead, Madam Minister.

So with those few remarks, Mr. Chairman, I believe the minister ought to give us some indication as to her intentions. I don't believe we want the run-around and explaining this thing away. We know excuses can be found if you are not ready. That's part of the things we pay to bureaucrats for; to find ministers excuses why they shouldn't do something, and also give them reasons why they should do something even though it may not have the sanction of the members.

Mr. Chairman, these are serious remarks and I believe the minister ought to treat them seriously, because if she does not, and does not give us an answer, she will hear no end of this not only inside the House but outside the House.



MR. YOUNG:

Mr. Chairman, a couple of remarks on some comments made this morning.

First of all, with respect to the Bowden institution, it seems to me we had an explanation last night in committee, which some of the members present have overlooked this morning and which some members who were not there last night, because of the number of committees functioning, might better appreciate. The Member for Calgary Millican last night quite correctly, I believe, indicated the changing nature which had occurred at the Bowden institution over a period of time, commencing some six years ago, in his estimation.

He indicated, and I think this is what the minister has also indicated, that the original program of the Bowden institution was changed and has changed in an evolutionary manner over a period of five to six years. It has changed from what I interpret to be, at the time it was commenced, an attempt to segregate youths from older prisoners, but an attempt, also, to segregate youths from the community. The very location of the Bowden institution precludes those inmates from being able to participate in the community, from being able to participate in a meaningful manner in day parole, in occupations. And as the nature of vocational training has changed over a period of time, it also meant that the vocational training opportunities were declining rather rapidly at the Bowden institution.

With respect to the nature of the physical plant itself, it was established again last night that an architect's review of the plant, which was provided to the government in 1970 - and Mr. Chairman, I would ask members to note that the government in 1970 was the government of members opposite and that the Minister of Public Works of that day was the hon. member from Calgary who has just spoken - indicated that some \$2 million would be required to update the Bowden institution. The government of that day, including the honourable gentleman who has just spoken, decided not to proceed, that it was too expensive, it wasn't worth it, that concepts were indeed changing.

The minister has indicated that the requirement of today, at least the approach to the treatment of these offenders today, would be one which would provide them with a better opportunity for placement in vocational possibilities, either in a training sense or in an employment sense or some combination of both. That cannot occur with these young people being segregated at Bowden. There just aren't the opportunities in the surrounding area. Therefore, what is required is some relocation to an area where vocational possibilities do exist and might, in fact, be generated on a day parole basis. I have to agree that this, in my opinion, is the route to go. We know the problems of people going into these institutions, being there for relatively short terms, at least in view of the need to give them a background from which they can develop some form of job security, job opportunity and economic gain for themselves.

So the institution, for a number of reasons, was no longer satisfactory. It was clearly indicated that at the time the institution changed hands to the federal government, the capacity, while still in the order of 200, I believe, was actually only at about 60 per cent in terms of use or perhaps even less than that. Many of these people were then placed in other camps and were, in fact, not thrown, many of them, into an area where they would be in contact with older prisoners. So I think that some of the criticism that has been leveled in this respect fails to take into account the evolution of treatment possibilities which has occurred over a much longer period than the two-year period that this government has been in office.

Finally I should like to express my own view, which is that young people in particular will not be enabled to move out into society by segregating them from society in a correctional situation, at least not for long periods of time. I believe that those who show some potential for reintegration into society need to be placed in a program where that is possible. I think that this involves not only the opportunity for counselling and the opportunity for overview, in order to observe them to see whether there is a potential for reintegration, but the opportunity to be near their families. Again, Bowden failed to fulfil this function, because many inmates came from either Calgary or Edmonton.

So we need facilities near the centres from which these people originate. We need facilities or opportunities which will allow them to be integrated into a job situation in which they may be able to continue after they are fully integrated into society. We need facilities which allow them access to a wide range of vocational training possibilities. I am confident from the expressions of intention the minister has given that this is exactly what we're going to get.

MR. D. MILLER:

Thank you, Mr. Chairman. I'd like to take this opportunity to remind the hon. minister that especially in the row crop area, if it could be arranged, and it has been in the past - years ago in wartime they used the inmates of our correctional institutions to assist in the row crops of southern Alberta, and I wonder if she would take this into

consideration now. This bill seems to be an opportunity to discuss it. I would hope that she would give some consideration and planning to using the inmates on day parole or day to day throughout the row crop industry of the south, and especially in the sugar beet industry.

We are very unhappy, because with the situation as it is now, farmers are resorting to some of these mechanical devices which is sort of a hit-and-miss proposition where the knives come down, why they clean out too much or not enough. It's the thinning process that takes conscientious hand labour to bring forth the individual plant. If a certain distance is left for a sugar beet and it's regulated to that extent, the beet will grow larger. Hence the production is increased, the tons per acre, and practically all these row crops are affected the same way.

I took it up with the sugar beet growers of the south before coming up after the Easter recess and asked if they would be in favour of using this type of labour again as they did in wartime and they said, certainly, take it up and see what you can do. We'll do all we can.

There is the problem, probably, of transportation if they would have to go back every night. Perhaps there are trustees that could be let out under the responsibility of the farmer, three or four at a time. This is an excellent opportunity, I think, to use these people for worthwhile production, and there is much opportunity. We're really short of help, good help, conscientious help who will do an excellent job in this regard. I'd like the minister to give this part full consideration as early as possible, because in two, three or four weeks we'll need just hundreds and hundreds of people.

MR. LUDWIG:

Mr. Chairman, I'd like to make a few comments concerning the remarks of the hon. member, Mr. Young. It seems interesting that when we're pressing for some kind of action we have a Conservative member stand up and say, well, we're quite content. We're sure a good job will be done. We're quite satisfied with the minister's thinking.

I believe that not too long ago when the election was called, they were the 'now' boys. They wanted action. Let's get something going. Now they are in and they have become very, very sadly complacent. They'll think about it. They think about it, and I'm amused by the fact that every time we pin them down and make them look like they are not doing anything and not only that, they don't know what to do, they say, well, what you did wasn't so good. This is about a Grade 1 level attitude: I know my hands are dirty but yours aren't very clean either, so that justifies me. And I don't think that's good enough.

I think the minister ought to be aware of these platitudes coming from her side: oh well, Bowden wasn't all it was cracked up to be anyway. Well, it wasn't, but it was way ahead of what you've got right now, Miss Minister. It is way ahead of whatever you've got right now. And it did call - the public wants to know what the alternatives are, if any. I don't think we can say that you can sort of sit and meditate on this thing. That there is a problem now - certainly if the Solicitor General's department is too new and perhaps not staffed enough to be able to handle the situation, it's the responsibility of the whole government. It is the responsibility of the whole government to say, well, the other government didn't do too well in this regard but we can do better. That isn't what is being said and that isn't what's being done. They say you did rather well but not good enough and so we have done away with it and we are going to do nothing.

The situation right now, Mr. Chairman, is that there are no plans that will be put into effect in the foreseeable future, within the next several months, which are going to alleviate the problem. If anyone says that there is not a problem with regard to young offenders in this province, he simply doesn't know what is going on. So, Mr. Chairman, to the minister, I don't believe she should be influenced by platitudes from her side that, oh well, Bowden wasn't that good. We knew it wasn't all that good, but it was good enough to get \$2,300,000 for it so somebody thought it was good. I'm not saying that we should have kept it and not sold it. But since we were debating and pondering the sale of Bowden for two years, there should have been something ongoing - some plans. There is no shortage of people on the other side, Mr. Chairman, who have experience in law and in dealing with corrections and with young offenders, to come up with ideas that will be acceptable to the public.

So it isn't good enough, Mr. Chairman, to have them say, well, we will think about it. Because if they think about it they will probably be proposing and still thinking and making promises of roadside inns for young offenders close to the residence of the offender. Maybe that is a good way to go, but I don't think the public is quite prepared to go that far at the present time - let's make it convenient.

Bowden was not in Edmonton or in Calgary but it was a fairly central place and many people were able to go from Calgary, Edmonton and elsewhere to visit their sons in prison. This had a very beneficial impact on all concerned. So it's well and good to say well,

what are they talking about, they didn't do such a good job themselves. The question is, can you do better? Right now from watching what I'm seeing I doubt it very much. I doubt very much whether we are going to see anything in the next year and a half, something tangible, so we can say, we did this and this and this.

Also while I'm talking about corrections and the hon. minister's department I believe that we want to get some indication of what is going to be happening with the remand centre in Edmonton. That thing has been delayed unduly. I don't know just what stage it is at, but we want to know when they are going to have a remand centre in Edmonton because they need one just as badly as they do in Calgary. So maybe there were reasons for delay.

I know that when I was Minister of Public Works we could not move until certain buildings were completed. We should be given a full explanation: were those buildings completed, can we move now? Certainly, there should be no problem about tender, about plans being completed, and perhaps there is some advantage of the benefit of hindsight with what was done in Calgary. But, Mr. Chairman, the minister has a responsibility and all we are urging from this side is that she discharge her responsibility in keeping with what the people expect today.

MISS HUNLEY:

I wanted to reply to the hon. Member for Taber-Warner because I did appreciate his comments and the work he's done with the sugar beet industry. It is one of the areas which interests me greatly and it was through a conversation I had with him last week, I guess, that encouraged him to speak with the sugar beet growers. So perhaps the hon. members on the other side might pass on my appreciation.

I have already instructed my department to do the feasibility study and preliminary investigations to find out if indeed we can make that one of the work projects, because I share the views of many of the members on both sides that meaningful work is extremely important.

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

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

MR. CHAIRMAN:

It has been moved by the hon. minister that the bill be reported as amended.

[The motion was carried.]

Bill No. 12 The Public Works Amendment Act, 1974

MR. DIXON:

Just one short question to the minister. I was wondering if the competition is keeping up for the bids, or has there been a slackening off? Are the contractors a little wary about bidding because of no control over prices due to inflation both for wages and material? Have we noticed a decline in the number of people who are bidding?

DR. BACKUS:

Mr. Chairman, actually we are rather pleasantly surprised by the response. We have been trying to get our tenders out as early as possible, but to date we have been rather pleasantly surprised by the response of contractors to our tenders. In fact the bids have been quite competitive and quite reasonable.

In quite a number of cases we have shortened the length of time between our putting out the tenders and the time the tendering committee decides on the best bid. This enables people to put in bids based on a relatively short waiting period. This makes it a little easier for the contractors to come in with fairly firm figures. We have, however, been warned by the construction industry that this is certainly going to be a difficulty. We anticipate that certainly later this year and next year we are going to face some real difficulties in this regard. We are trying to help this problem a little bit by stockpiling certain items such as steel and may be able, when we have built up a stockpile of this, to put out some of our future contracts on the basis of Alberta Public Works providing the steel for the tender at sort of the cost we paid for it, which may give them a little more stability in their bidding process.

MR. HO LEM:

One short remark to the hon. minister. I would like to caution him that the difference between stockpiling and hoarding - it's a very thin line that divides the two.

MR. BENOIT:

I'm just raising a question, Mr. Chairman, and I'm sorry if when I was out it was answered. But speaking about the notice of claim in the case of a claim arising out of the performance of contract, it says that the Department of Highways is exempt. May I ask why that particular department is exempt?

DR. BACKUS:

The reason for this is, if one looks at the original Act and the way this fits into it, one will see that the old process of claim in the Act applies to the Department of Highways as well as all these others. So we could either have amended the old Act, the total wording of that paragraph and then brought in a new paragraph saying that the Department of Highways complied with the old rule, and repeated the old rule.

But it was decided by Legislative Counsel that the best way to do this was to write in a new paragraph which applied to everybody except Highways and then carry on under the old paragraph originally under the Act. The reason for this is that Highways finds that the rather longer period before the notice of claim is put in and the waiting period is more convenient to their particular type of contract than this method of doing it which fits in more with the building construction industry and the builder's lien, whereas the highway construction industry finds the other sort of method works better for them.

MR. STROM:

Mr. Chairman, I'm sorry I missed the first part of it. I might have missed part of an answer that I want. Will the amendment that is introduced now apply to Crown corporations? Are they included under this act, or are they under a separate arrangement?

Mr. Chairman, what I have in mind is, under a subcontract with AGT a worker was given a cheque that was a rubber cheque and he was unable to get his money. He has gone through a very, very difficult procedure. He was called into court in Edmonton and still, to no avail, did not get any money. I am just wondering under what act AGT would come?

DR. BACKUS:

I think AGT would come directly under The Builders' Lien Act and not under this act or the old Act that this is amending. This doesn't apply to Crown corporations which are completely independent of the government. The Builders' Lien Act would apply to them. In fact, this amendment brings The Public Works Amendment Act into line now with The Builders' Lien Act.

MR. STROM:

Mr. Chairman, in 14(c) (2.1) (a), the amendment reduces the time in which a person can make a claim to 35 days from 90 days. Is that correct? Was there any particular reason other than just to standardize that the change is being made? Were difficulties arising because of the longer time that was provided under the old Act?

DR. BACKUS:

Yes, Mr. Chairman. The reason we changed The Builders' Lien Act originally to this 35-day figure was that although the period was 90 days - they couldn't do anything for 30 days - it was sort of 30 to 90 days that they had to submit this. This meant very often that final payment to the contractor had to be held back until the 90 days were up. It meant delay in paying the holdback to contractors. So, although this does shorten the time in which a workman or a subcontractor can put in the bid, it means that he can put it in sooner. He can put it in right away if he feels like it. But it also means that as far as the contractor is concerned, he can get the holdback paid to him sooner instead of having to wait the whole 90 days for it.

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

DR. BACKUS:

Mr. Chairman, I move that Bill No. 12 be reported.

[The motion was carried.]

Bill No. 13  
The Assessment Appeal Board Amendment Act, 1974

MR. CHAIRMAN:

Any questions or comments?

MR. RUSTE:

Mr. Chairman, to the one sponsoring the bill, my question is dealing with Section 3(4), where "The members of the Board shall, at the direction of the chairman," sit in a committee, whether it's as a board or as a division of the board or two divisions of the board. My question is, under what circumstances would the chairman make the division there?

MRS. CHICHAK:

The intent here is that because of the large number of appeals before the board now, there is a very real need and requirement to have the board enlarged so that the chairman could, I think - immediately upon the appointment of the increased board they may divide into two boards, in order to cope with the appeals without the extensive delay that is now envisaged.

MR. RUSTE:

Would there be any difference in the particular cases that are to be heard before the board as to whether they sit as a whole board or whether it is part of the board?

MRS. CHICHAK:

I would say, initially, unless there was some peculiarity that would require the entire board of six members to sit, I don't see any such requirement or incidence coming about, because with the existing board of three members there is no such peculiarity and the full board sits. So each board, in its division, would in fact perform as though it were the total board.

MR. FRENCH:

Mr. Chairman, is there any provision so that there would be continuity of the amount of assessment awarded? For instance, say you have two boards sitting, one in Edmonton and one in Calgary, hearing a very similar appeal. Is there any provision so that the two awards would bear some resemblance to each other?

MRS. CHICHAK:

I think, Mr. Chairman, that that really would not be possible because each case must be dealt with and decided on its own merits and its own peculiar situation. It would be very rare that any two cases in two removed areas would be so similar that the decision of the board ought to be similar.

MR. FRENCH:

A supplementary question. As far as the individual making the appeal is concerned, would he have any jurisdiction as to which board would hear his appeal? Could he direct it to one or the other board, or will the chairman of the board decide where that appeal will be heard?

MRS. CHICHAK:

It is my understanding - and unless the minister has some other view, I would anticipate that by the increase of the board to six members, it would be likely that perhaps if the additional members, the members who are appointed or who sit on the board, are from southern Alberta, they would hear those cases within that area. That, I don't think, would be a necessity as such, but it is logical that those members who are resident in the southern part would perhaps deal with the major applications or appeals from that area.

However, the applications at this time would follow the same route as they are now required from here on, unless the minister determined that there needed to be a separate office set up in southern Alberta, and all of those would then be dealt with in that area, but not as a requirement at this time, unless the minister has some other comment in that regard.

MR. FRENCH:

Mr. Chairman, my concern at the present time is that I understand there is just the one appeal board. Is this not correct? And from now on we could look at two appeal boards or more. As was indicated, certainly some matters from southern Alberta would be of greater importance to the people in that area than probably some of the people farther north. It would appear to me that maybe appeals from the south dealing with, say, grass assessments as an example are of prime importance to the people in southern Alberta, whereas maybe to the people farther north they wouldn't be of that same importance. I was hoping that the people who would hear the appeals would be very familiar with the conditions in that area.

My next point would be, would there be a dividing line, say through Red Deer or something like that, or where would the dividing line be between the two boards?

MRS. CHICHAK:

Mr. Chairman, in essence, the bill provides for one board under all circumstances. The fact that there is an increase in number would permit the division of that board in order that the board would be able to hear more cases at the same time. So it would only be a division, but it would not be construed as two different boards. It would still be one board and the chairman of the board, in requesting a division because of the need to sit in one total board, would appoint a chairman for that particular time of sitting where there is that division.

But there would not be, in essence, two separate boards, nor would there be a requirement to have a dividing line, that is a division of the board, and automatically this section of the board, or these members of the board, will hear cases only relating to southern Alberta from an imaginary line drawn, whether it's Red Deer or whatever. To my knowledge, there is not that kind of intent at all. There may be times when the number of appeals before the board is minimal and so the entire board may sit on any one case, but not out of necessity. It should not be construed or interpreted that we will now automatically have two boards. It would still be one board.

MR. FRENCH:

Mr. Chairman, when I first read the bill I was quite enthused. This is a positive forward direction into looking after the assessment appeals which crop up from time to time. I felt it was certainly a step in the right direction, but after listening to the comments from the sponsor of the bill, I'm just beginning to wonder why we are doing this if we're not going to be able to have the two boards carry out appeals.

Let me give you a case in point. I well remember a general assessment in a municipality in the province not too many years ago. This is a municipality of about 20 townships. It's not that large. Out of the general assessment I think there were some 400 appeals which, I think we would all understand, would be quite a number of appeals. Certainly I support the intent of Bill No. 13 to look after these appeals because I understand with assessments that, from time to time when you get 300 or 400 appeals from a small municipality, it is quite a volume of work and I appreciate that we're now going to have some facility to speed up hearing these appeals. But now when the intent is that we're just going to have one board, I just don't quite understand it and so I have to come back and say, why can't we do it the other way and speed up some of this work?

MRS. CHICHAK:

Well, Mr. Chairman, I think it should be very clear that the intent of this bill was not to create additional boards. The intent of this bill was to increase the number of members on the board in order to enable them to sit in division of quorums and in order to hear more appeals. At the time I brought the bill forward on second reading the appeals from Edmonton alone, because of the general reassessment in 1973, were in total some 1,500. In other words, 900 appeals. Since that time there has been an increase in addition to that from across the province, out of the annual assessments where the board was receiving appeals. There is no peculiarity which should be recognized at this time, that because of the nature of an appeal from southern or northern Alberta now we should have a special board to sit and deal with it, because up to this time we have had a board of three members who have heard appeals, irrespective of the type of property, and the board has had to take these matters into consideration - the type of property, the problems with respect to that particular appeal.

It should not necessarily be interpreted that because the board will be increased to six members it would then divide into two and sit in different parts of the province. The board may divide itself into two divisions and sit on the appeals within the City of Edmonton alone for a period of time to catch up on the backlog. So there isn't the kind of distinct division in which one board covers one area and another board covers another. It should be clear that the intent is, in order to be able to have a sufficient quorum and a sufficient number of individuals in a minimum of three, or in a maximum of three with a

quorum when it is in division of two members, to hear these appeals. I fail to recognize the problem the hon. member opposite has.

MR. HENDERSON:

... [Inaudible] ... concern raised by the Member for Hanna-Oyen. I think that while theoretically there may be some concern over uniformity in decision-making if the board is split into two parts, in actual practice it really isn't a major concern because the board itself, in order to preserve some semblance of public acceptance, has to have a degree of uniformity in the rulings it makes. Obviously, if the board, sitting as two different units simultaneously hearing related cases, issues a contradictory ruling, it is going to basically discredit the function and purpose of the board. I think it's implied in the manner in which the board operates that, in spite of the fact the board may sit separately, on contentious issues the members of the board will be consulting before they render judgments.

I think this system has already been in effect for many years, for example, with the Right of Entry Arbitration Board - the new land entry board - where the board may have three hearings going on simultaneously in three different parts of the province. Very obviously, in the interests of protecting the integrity and the public acceptance of the board, on contentious or debatable points or points where drawing the line may be difficult and fine, I think it can be left to the common sense and practical judgment of the members of the board that there will be prior consultation amongst themselves before they render a ruling. Any other modus operandi would be foolhardy on the part of the board itself. In actual practice, any significant concerns on the question of uniformity of decision-making on the part of the board, I don't think are in fact significant.

It's also my general understanding that the board has the prerogative of reserving judgment when it hears these issues - on any of these issues where they are concerned about what the decision of the board should be. So while theoretically there may be some cause for concern on uniformity, I think in actual operation one can expect that just the practical aspects of the operation will take care of those particular concerns.

MR. COOKSON:

Mr. Chairman, just to add to what the Member for Wetaskiwin-Leduc has said. I think the Member for Hanna-Oyen misunderstands the wording or the interpretation. If you look at Section 3(4), it gives the board the power to split up into three kinds of groups: one, the total board; two, a division of the board, and three, two divisions of the board. It also, under Section 3(5), makes provision that two members would constitute a quorum of any one of those three groups. The intent then is to permit a sitting, made up of two members or more, in possibly two or three different parts of the province at the same time.

Then, if the Member for Hanna-Oyen reads Section 3(8) on page 2, it spells out quite clearly that that quorum, whatever it is, two or more members, has - and if I read it carefully for you:

Where a division of the Board, at which a quorum is present, sits, whether by itself or simultaneously with the other division of the Board, any decision or action of the division is the decision or action of the Board and binds all members of the Board.

So there is really no problem there. It is spelled out quite clearly that two or more have been given power to make a decision and it becomes binding on the total board.

MR. FRENCH:

Mr. Chairman, I'm assuming that there is no appeal from this assessment appeal board. Is this not right? Once an appeal is made by the appeal board there's no provision for an appeal from that board. Is this not right?

MRS. CHICHAK:

Well, it is my understanding there would be an appeal only on a point of law.

MP. FRENCH:

This is the point that I'm trying to make, Mr. Chairman. Theoretically as the Member for Lacombe pointed out, the board can sit as a board of six people or whatever would be sitting - a division of the board or it's possible to have two or three sittings of the same board at the same time in different locations - and a decision from any two sitting as a group of two is binding on the whole board. I completely agree with what we are trying to do in Bill No. 13, but I think we should take one more step. We should have some appeal provision from this, where we need an appeal.

I will go back to my illustration before. In southern Alberta, conditions are not always the same as they are in other parts of the province. I think it's most essential that an assessment appeal board be uniform in its decision. Theoretically, I think you'll have to agree that I'm making a valid point. Now in practice maybe it isn't necessary, but I think if we have legislation we have to be careful that where it's possible, in theory, we have to provide for that possibility, and this is the point I'm trying to make. I'm not trying to quarrel with the intent of Bill No. 13. I support it completely, but I am voicing some concern that I think may come as a result of Bill No. 13. And I think maybe we should make some provision to try to clear that up when we have it before us.

MR. GHITTER:

Mr. Chairman, might I have the permission of the House to revert to Introduction of Visitors? I have some bright young boy scouts who would like to sit in on the Legislature.

MR. CHAIRMAN:

Is it agreed?

HON. MEMBERS:

Agreed.

#### INTRODUCTION OF VISITORS (CONT.)

MR. GHITTER:

Thank you, Mr. Chairman.

It is my pleasure to introduce to the members of the Legislature some 40 young boy scouts, sitting in the members gallery, from the 21st and the 76th Boy Scout Division in the City of Calgary, both in the constituency of Calgary Buffalo and in the constituency of Calgary West.

I should add that the 21st scout group has also had the Premier's son as a member, and I also understand that the Premier at one stage was a member of the committee that was organizing and working along with these young boys.

With them are a number of their leaders, led by Mr. Lamond and Mr. Olsen who are with them. They've come to view the Assembly and I know the debate will be brisk and crisp and worth while. I ask you all to stand and be recognized by the members.

#### COMMITTEE OF THE WHOLE (CONT.)

Bill No. 13

The Assessment Appeal Board Amendment Act, 1974 (Cont.)

MR. HENDERSON:

Mr. Chairman, I would just like to draw attention again - I think the point that's raised by the Member for Hanna-Oyen is really answered by Section 3(7) as the Member for Lacombe has pointed out. That's one of the reasons why it's written that way, that:

Any decision or other action of the Board made or taken at a sitting of the Board at which a quorum is present is the decision or action of the Board and binds all members of the Board.

And as I said earlier, the reason that's in there, "binds all members", is to ensure that all members of the board are cognizant of their responsibilities and they are not issuing contradictory orders. Because what it means is that if two members of the board sitting as a board issue an order, it's implied that the order they are making has to be supported by all members of the board, the total body of the board. Yes, that's what the wording says, it "binds all members of the Board."

Now surely, as I said before, the practical implications of it are such that if the board is sitting as three different entities and they're hearing at three different



locations, it's the same issue in three different places, and if it's a contentious issue - it's liable to be a point of any contention, the precedents that they have to go on are not too well established - all members of the Board, I am sure, are going to collectively consult before they render a judgment. Because the board would look completely asinine in itself and destroy any semblance of public credibility if it did not render judgments that have a degree of uniformity.

So I have to come back and say I think it's implicit under Section 3(7) - and common sense dictates the manner in which the Board operates - that there will have to be a degree of uniformity coming out of the board judgment, because if there isn't the board rulings are not going to be accepted. The board is going to be very badly split up; it will lose its public effectiveness and the legislation would have to change again.

So I suggest again that the actual operation of the board, the question of uniformity of decision-making on the part of the board being split up into two or three parts, become self-disciplined. While theoretically it's possible, in actual practice it's highly improbable, because the board destroys itself if it starts rendering contradictory decisions in different parts of the province and at different hearings. So the quest of uniformity is implicit in the manner in which the Board has to operate, notwithstanding the theoretical implications of it.

MR. STROM:

Mr. Chairman, I appreciate what has been said about the responsibility of the board and the fact that its decision must have uniformity, but I think the point the hon. Member for Hanna-Oyen is making is valid, and that is that we are dealing with individuals who have a personal input or a personal judgment factor that they must exercise when hearing an appeal.

I've had some experience in this matter of appeals and I know that individuals are not necessarily happy with the decision that has been rendered, but if they have had an opportunity of talking to all of those who make that decision, they are happy. On occasion they have said to me, you know, I don't want somebody else interpreting what I was saying to a second party. And this is really what will happen with this approach.

Now the hon. Member for Hanna-Oyen has suggested that in his view, if we're going to go this route - and I agree that it is a necessary step - the workload is such that it is impossible for one board to handle it all. And so appeals will have to be handled in a different manner.

But I suppose what we are really looking at is, there is a chance then for an appeal from the appeal and there wouldn't be that many of them that would go to a body in which all of them would be involved in hearing the case. Because it's about this individual judgment factor that people become concerned. They say, well, we only talked to two of them. There are six on the board. Six are going to make a decision but only two of them heard me. Now, in many cases that won't be a factor. But from personal experience, I know that in some cases it is a factor.

All I'm suggesting is that the problem is not as simple as just simply saying, we must have uniformity, the decision on the part of the two who were there and heard it is binding on all of them. It doesn't really totally solve it. I'm merely suggesting that somewhere down the road we may have to look at something else again that keeps in mind this personal judgment factor that I think is so important in the whole matter of appeals.

MR. BENOIT:

All I wanted to say was, what the hon. Member for Wetaskiwin-Leduc said is theoretically correct, that they're going to have to come up with the same type of consistent judgment. But that isn't the way it works when human beings get together unless they do have some kind of guidelines, as suggested by the hon. Member for Hanna-Oyen. I think that if we can't get a change, or something added to the amendment here before us, certainly what has been said must be taken into consideration by the six members of the board.

Because if there is no appeal from the decision of two members of the board who sit as a board, and the other members of the board haven't had an opportunity to review the situation, then I hardly think it could be a fair decision. Well, I wouldn't say it wouldn't be a fair decision, but it wouldn't be fair to the person who didn't have an appeal. Particularly if it's true - what the hon. Member for Hanna-Oyen has persistently insisted on - that all things being equal, the decision should be the same regardless of whether it's in Timbuctoo or Lethbridge. It should be the same all across the board. Unless there are some very specific guidelines for these members when they break up into different boards, you're not always going to get that kind of consistency and there's nothing to keep the people who get decisions handed down to them from making comparisons wherever they are. So I think his point is definitely a valid point. Theoretically, it should work fine the way it is, but I'm not certain that they are going

to be getting together enough to ensure that there will always be consistent rulings, and if there aren't, then there needs to be some kind of an appeal process of some kind.

MR. ZANDER:

Mr. Chairman, in looking at Section 3(7), I think the concern that is expressed here is not really a concern with which we should concern ourselves that much, because I can look at other boards established by the former government sitting on the other side now, where one man sitting in judgment could make a decision and it would bind the board. We're saying that a board of two can now exist. If you have a board of two and it binds the total board, as the hon. Member for Wetaskiwin-Leduc has said, I think there is really no concern that we won't have at least two members of an existing board who will give judgment on assessment.

I think we should be more concerned about Section 18 which did not exist before, and that is where an assessment has been made by the assessors and it conflicts - I should not say conflicts - but rather it is not in conformity with the existing assessment within the area. Now Section 18 says that all those lands that are not now under appeal can also be considered. And this, I believe, Mr. Chairman, is one of the valid points that have never existed before. I can vividly recall some cases, when sitting on assessment in Courts of Revision, whereby decisions were made by the Courts of Revision which entirely upset the whole area. Therefore, the land that was under appeal got the revision and the land that was not under appeal remained the same until the following year.

I think Section 18 is probably the most important in the bill, and I would certainly not be too much concerned about Section 3 where we are so concerned that one or two members are going to make a decision that is not in conformity with the balance of the province.

I can vividly recall the old surface rights act which had one member who could make and pass judgment. It would also bind the board and there was no appeal therefrom. Under Section 21 of the old act there was no appeal to the courts. Here at least in this Act, if it is a point of law then it is appealable to the courts - not that two men, who will be part and parcel of one-third of the board, will make a decision that it will not conform with the balance of the province. I don't see where the problem lies.

MR. HENDERSON:

Mr. Chairman, I would just like to add a couple of further comments. I think, first, the members of the committee have to appreciate that this is an appeal procedure; that the party involved has already gone to the local court of revision. He has already been through that procedure. It has been assessed, he hasn't agreed to the assessment, his assessment notice has gone out and he has disagreed. So he has gone to the court of revision locally. The court of revision has not gone along with him, so then he has appealed to the provincial appeal board.

Now it's argued that the provincial appeal board is not going to go along with him and he should have another appeal. I suggest there has to be some degree of reason here. Let's not forget that this appeal is the third go-around at the assessment - the original assessment, the Court of Revision, and now this appeal.

I would like to suggest to the members that if one wanted to encourage a lack of uniformity in rulings one would do exactly what we are talking about, what the Member for Hanna-Oyen - particularly the practice of litigation, of advocating they want another appeal, because you take out the words in Clause 3 (7), where it says, "... any action of the Board binds all members of the Board." - he'd let each section of the board rule independently. Then they'd all have to get together as a group and review the decision of the other two because that is the only way you could have another appeal. You have to have another legal entity involved in it. Clearly it would be a farce to have the board as a whole - six members - review a ruling that was made by two members of the board in the first place.

I think it is only logical that the Act be written the way it is and the procedure be outlined the way it is. I just cannot go along with the concerns that were expressed about another appeal, because this is the second appeal of the assessment, and this is the full purpose and function of the appeal board in the first place. I'm at a loss to know what is supposed to be forthcoming by stacking another appeal board on top of this and then having the court on top of that, because the individual who is appealing is never going to be happy. He is always going to want another appeal until he gets the answer he thinks he is entitled to. I think the question of reason has to prevail. Two appeals, I think, are reasonable, with the third provision for appeal to the courts on points of law.

I come back to the question that is being raised about uniformity. While theoretically this is correct, the practical implications of it are such that the major

variations in rulings which would come out because of the break-up in the committee sitting as three separate entities, in actual practice cannot be a serious problem.

As far as the question of uniformity, I think a far more serious area, if members want to be concerned about that, is that one simply wants to look at the question of what the courts do in Calgary in jailing prisoners, compared to what the courts do in Edmonton. Here they sit and operate as separate entities, and you look at how many people go to jail out of Calgary courts.

You know, if I had to go before a judge for something that was going to imply a jail sentence, the last place in Alberta I'd want to go to is Calgary. I'd insist on getting the case transferred to Edmonton one way or another in hopes of getting the answer I want. You know: no jail, not guilty.

So I appreciate the sentiment of the individual wanting the answer that he's looking for, and that means he wants the assessment changed in keeping with his wishes. But this is his second appeal. He's had the opportunity to state his case and I suggest that the proposition that there be a third appeal superimposed upon the exercise is a little bit difficult to swallow by anybody who is looking at it in a reasonable manner.

MRS. CHICHAK:

Mr. Chairman, I would just like to say that the hon. Member for Wetaskiwin-Leduc summarized very, very well the very points that I felt needed to be made - the review of the existing or the current board as it functions; to remind that there is the appeal; that we're not dealing with an appeal board, and heaven knows how many more appeals we can go through or set up mechanisms. And there should be no expectation that the enlargement of the board would then suddenly begin to function in a different kind of way.

Insofar as the hon. Member for Drayton Valley indicated the importance of Section 18, it has a very real and valid purpose and I'm very pleased that we have it in this.

I think we should be ready for the question.

MR. FRENCH:

Mr. Chairman, before we close Bill No. 13, I want to thank the hon. Member for Wetaskiwin-Leduc for his strong support in favour of my argument.

He cited the case between Calgary and Edmonton. Now I think we all realize that we do have appeals. So if there is an injustice done in Edmonton or Calgary, there is a route of appeal. But in this bill there is no appeal from this decision. This is the point.

Now if the members of the committee are not prepared to have an appeal from this board as it presently exists, all I can say is that we do sit twice a year and experience will probably bear out what I have indicated to the committee. I have faith in the Legislature and I would look forward to an amendment this fall or next year that will take care of the problem that I have brought to the committee.

But with respect to assessment, I think we have to go back and see why we have assessment. It is necessary to have assessment on property, and assessment alone is important. But it is also important to take into consideration the mill rate. It is the assessment and the mill rate that determine your tax. I think we have to realize that with assessments we have to have uniformity of assessments in a given area, in a municipality or a city, because you have a uniform mill rate. So it comes back to a basic point that we must have uniformity in assessments.

Now when you have a large area, a large county or municipality, whatever you have, and you have assessment in that municipality, it is most essential that you have some resemblance to uniformity in that assessment. I think this is important, and anybody who has had anything to do with municipalities or assessments will realize what I'm talking about.

Now we are going to have two or three different sections of a board sitting down hearing these appeals and it is most important that we do have uniformity of assessment. Without some provision to take care of discrepancies - now mention was made that we have the assessments made and then there is the local appeal and all these sorts of things - yes, certainly, sometimes there is a mathematical error and where it comes to the attention of a local appeal board these things are adjusted. But invariably these assessments are turned down. They go to the senior board. This is the point I'm trying to make, Mr. Chairman. I've made my point and I think only time will tell that maybe we will have to improve this bill, maybe this fall or next year after we have had some experience with it.

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

MRS. CHICHAK:

Mr. Chairman, I move that Bill No. 13 be reported.

[The motion was carried.]

Bill No. 15 The Alberta Housing Amendment Act, 1974

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

MR. KING:

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

[The motion was carried.]

Bill No. 16  
The Forest Development Research Trust Fund Act

MR. RUSTE:

Mr. Chairman, I just want to link this piece of legislation to what is in the budget. I don't think we've been through the estimates for the Department of Lands and Forests yet, but I'm not aware of any vote in there to back up this legislation. I would like to have that clarified if I could.

MR. TRYNCHY:

Mr. Chairman, I'm not sure if there is an appropriation or not in the votes this year on this. I'll have to check with the minister. I'm not sure of this.

MR. RUSTE:

Well, Mr. Chairman, can we hold the bill then until we get that clarification please?

MR. CHAIRMAN:

Mr. Ruste, do you wish to place that question again?

MR. HYNDMAN:

If the hon. Member for Wainwright could address the question to the Minister of Lands and Forests who might have more details on that. I believe it is in the Estimates.

MR. RUSTE:

Mr. Chairman, I addressed the question to the individual who introduced the bill. But my question is with reference to Bill No. 16, The Forest Development Research Trust Fund Act. I am not aware of anything in the votes for this bill, to back up this bill this year. Is there anything in there? We haven't been through your estimates [so far] as I am aware of at this time. What is the amount?

DR. WARRACK:

Fifty thousand dollars, and we will deal with that on Monday night in the estimates.

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

MR. TRYNCHY:

I move that Bill No. 16 be reported.

[The motion was carried.]

Bill No. 17 The Coarse Grain Marketing Control Repeal Act

MR. CHAIRMAN:

The amendment has been circulated. Has everybody got a copy?

MR. BUCKWELL:

I think we brought this up in second reading, dealing with the coarse grain act. The Act that is being repealed - the purpose was dealing with coarse grains locally within the province. We have had several letters and comments from farmers and farm organizations. Some of them I think are under a little misapprehension that this coarse grain act means the Canadian Wheat Board will no longer be responsible for the selling of grain. I'd like to know just what - in the minister's mind - they have in repealing this Act. Is the intent for the moment for the Alberta Grain Commission to take over the control of coarse grains within the province or to take the wheat board's place?

One of the ideas I have on The Coarse Grain Marketing Control Act itself is that it really hasn't been working, say, for quite a number of years according to the Act. I don't know just who made the regulations to say it wasn't going to work this way, but what we are doing today is actually in total contradiction of this Act, as far as feed mills and everything else. So I think in some ways there would be almost civil war if you really turned around and made the farmers live up to the Act that is being repealed.

I would just like to ask the minister - we realize there is going to be a change probably in coarse grain marketing boards within the province and within the Canadian Wheat Board. I notice the amendment now says this act will come into force on proclamation rather than on being given Royal assent. So you have a period of time there where this Act still could be used if possible.

Those are some of the comments I'd like to debate, Mr. Chairman.

MR. NOTLEY:

Mr. Chairman, I was going to ask the specific question that the hon. member asked, but I wanted to make several comments. Then I have several questions which I would appreciate the minister's answering.

Just by way of introduction, Mr. Speaker, I have no hesitation in standing in this committee and saying I fully support the concept of the Canadian Wheat Board marketing of feed grain.

I think we all know, Mr. Speaker, that the expansion of the Canadian Wheat Board in Canada came about not so much because of government decisions but as a result of long-standing pressure from farm groups, really dating from almost the beginnings of Alberta and Saskatchewan. If one cares to look over some of the representations made to Ottawa by the UFA or by the AFU or the FUA or the various groups in Saskatchewan, you see running through their representations the insistence on orderly marketing through the wheat board.

So, Mr. Chairman, that's just a statement of my personal philosophy on it. I feel very strongly about it.

I gather that some of the people who argue for the open market make the argument that wheat board regulations really stand in the way of agricultural processing within the province. I certainly agree that no regulations of any board are sacrosanct. But I think the approach I would see, Mr. Chairman, would be to try to change some of those regulations.

I think all of us in this House certainly support the principle of greater agricultural processing within the province of Alberta. But, Mr. Chairman, I don't see that wheat board control over feed grains policy and agricultural processing within Alberta are mutually exclusive. I think they can work together, albeit there may have to be some changes in the regulations. But it is my view that the advantages of the wheat board concept, the equal delivery opportunities, the pooling of the price, the advantages to the grain producer, especially at a time when we have a surplus of supply, are really pretty important.

Of course, when you have a demand for grain produced in Alberta and we can sell all we can produce, that is a different matter. But it has not always been that way, Mr. Chairman. We look back two or three years and we can see the problems of surplus. It's when you have a surplus that you need orderly marketing more crucially than when your product is in demand.

Another point I would like to make, Mr. Chairman - and I'd invite the minister's response - is that it seems to me that if Otto Lang is going to implement what I would call the final solution this summer, because we have the interim feed grain policy .... I thought perhaps the best comment on the interim feed grain policy was made by Mr. Diefentaker who said it was about as simple to understand as Einstein's theory of relativity. It is a very confusing proposition, the interim policy. But it appears that at the end of the path on August 1 one of the options that is very definitely in the works will be to put feed grain on the open market, although I understand the president of the Alberta Wheat Pool, for example, has suggested there may be several other options.

In any event it seems to me, Mr. Chairman, that if Mr. Lang is going to achieve his objective of putting feed grains on the open market, the various coarse grains acts that have been passed in the late forties in Manitoba, Saskatchewan and Alberta, are really impediments. They are obstacles he has to overcome. He can overcome them in two ways.

One, as the Member for Macleod has pointed out, he can assume the government won't enforce the coarse grains act anyway. We all know that as far as feed mills are concerned this Act hasn't been enforced, although the coarse grains act did allow farmers to buy and sell farm to farm. But as far as feed mills are concerned, since 1960 this Act has not been enforced. So he can assume we won't enforce the Act.

The second option is that he can engage in some constitutional battle to try to override the provincial legislation. Mr. Chairman, that would be rather unpopular, especially when Mr. Lang has enough crosses to bear from the viewpoint of western Canadian farm politics now. I don't think he'd want to do that.

So that it occurs to me the best solution for him would be to get the provinces voluntarily to repeal their coarse grain acts. Then that allows the federal program to go ahead unhindered on August 1.

Now I know the minister has already stated, I believe it was March 15, that he doesn't believe there should be a vote among permit holders on this question in Alberta. But I think perhaps there should be because, Mr. Chairman, the wheat board and the whole concept of orderly marketing and bringing feed grains under the jurisdiction of the wheat board, as I said before, came as a result of pressure from a large number of farmers and almost every major farm organization in western Canada. It seems to me that if we are going to take that right away from farmers, the orderly marketing, then there should be a vote. I would say there should be a vote federally.

You know, last fall we had a vote among rapeseed producers as to whether rapeseed should come under the jurisdiction of the Canadian Wheat Board. Well, if you are going to have a vote to decide whether or not a particular type of grain should come under the board, surely it is equally defensible and equally arguable that you should have a vote of the permit holders to decide whether or not grain should come out from under the jurisdiction of the board. Surely if the arguments apply in one case for bringing grain under the jurisdiction of the board, they must equally apply for taking grain away from the jurisdiction of the board. I say this not in a political fashion, Mr. Chairman, but because I think that the arguments for a vote contain a good deal of merit and I would ask the minister to consider them.

Now, the specific questions, in addition to the points raised by the hon. Member for Macleod, that I would like to place before the minister today: first of all, in his statement of the fifteenth he suggests that the Alberta Grain Commission, which we know at the present time doesn't have regulatory powers, could either act as an agent of the wheat board or do the job itself. Now, Mr. Chairman, I would ask the minister to perhaps expand in his response as to just exactly how he would do this, what kind of regulatory authority he would like to see the Alberta Grain Commission have, whether or not he's thinking in terms of the same sort of proposition that was put to the permit holders in Manitoba, which they supported.

By the way, I think the feed grain vote in Manitoba is perhaps worth noting, Mr. Chairman. In that province, the permit holders were asked what their position was on wheat board marketing of feed grain: yes, 93.1 per cent of the people voting; no, 6.9 per cent. Another question was, if the domestic market for feed grains is taken away from the Canadian Wheat Board, do you wish a provincial agency to take on the job? There, a very close vote: 51.9 per cent said yes; 48.1 per cent said no.

But my question to the minister is to ask him to expand upon his statement of the fifteenth. Exactly what does he mean by an agent of the wheat board, or if the Alberta Grain Commission is going to do this itself, to what extent will there be the continuation of the regulations that farmers have known under the board?

The second question I'd pose to him is with respect to the Alberta statement on feed grains policy. While it may surprise the minister, most of this I agree with. But it seems to me that the question of whether or not we're going to get freight rate concessions on red meat going east is pretty crucial, and also, what the reaction of the federal government has been with respect to the suggestion here that we take away the feed freight assistance. Mr. Chairman, it seems to me that unless we get some freight rate concessions nailed down, we're going to be putting our livestock producers in a very disadvantageous position, because if the large feedlot operators adjacent to major centres can now purchase their feed at almost the same price that people can in the west, and on top of it have feed freight assistance to get the feed down there, they're going to have an enormous competitive advantage which is going to seriously undercut the position of feedlot operators in the province.

I noticed when the minister introduced the bill he said there hadn't been any conclusion with Ottawa yet as to Ottawa's position with respect to the freight rates on red meat going east. I would ask him specifically in this debate whether he could bring us up to date on this and advise us just where Ottawa stands.

Again, looking at the provincial statement, point no. 5:

... to ensure that there is a proper balance between the livestock farmer and the grain farmer, the federal government should pay into the coarse grains pool the difference between the Canadian Wheat Board domestic selling price in store in Thunder Bay and the export price, Thunder Bay, for coarse grains moved into the domestic market.

Fair enough. But Mr. Chairman, in reading that statement over and in discussing it with people in both farm organizations, it would seem to me that that presupposes the existence of the board, or giving the Alberta Grain Commission precisely the same authority as the board.

Otherwise, I would judge that if we're simply going to work out a stabilization plan, based on either the open market or contractual arrangements between individual farmers and the feed companies, it seems to me that you are going to have a raid on the public treasury. The only way you can really work a proper, sensible stabilization plan is through the board or some sort of government regulatory agency. I find it very difficult to see how we can get around that. It strikes me, in reading point number five, that that presupposes the continued existence of the board.

But then, Mr. Chairman, we have rumors, and they are just rumors, that perhaps that is not the policy of the provincial government. I've had brought to my attention that at a meeting one of the members, the Member for Camrose, advised NFU people in the Camrose area that an agreement is made between Byers Feeds and Cargills. I would like to know from the minister just what that agreement is and what role he sees for major concerns such as Cargills in the feed grain policy of the Province of Alberta.

The final point I would make, Mr. Chairman, again relates to the wheat board. I know there has been a lot of criticism of the board. But I think, in large measure, that that criticism has been unfair. I think some of the criticism that has been levelled at the board could more properly be aimed at the politicians involved, rather than the board itself. I think the board has done a good job in nailing down export contracts for us. One of the reasons they've been able to do this is because when they control the whole operation, or in large measure control it, they are in a position to have a good idea of what their supply will be so they can make forward commitments. It seems to me that if Otto Lang's policy goes into operation and we have the whole feed grain industry taken out from under the direction of the board, they are going to be in an almost impossible position to properly estimate the reserves on hand so that they can make long-term agreements.

These are some of the concerns that have been expressed to me, Mr. Chairman. I close by just reiterating what I said when I began, that despite the defects of the board, it has nevertheless been, I think, an extremely useful mechanism in maximizing the proceeds to the grain producers of this country. If we are going to be, in any way, shape or form, dismantling the board or undercutting the board or reducing the effectiveness of the board, it seems to me that that is a decision which should be made by the permit-holders in Alberta.

DR. HORNER:

Mr. Chairman, very briefly to the hon. Member for Macleod. The entire question really is covered by the Canada Grains Act, 1970. My honourable friend from Spirit River talks about the constitutional clash that Otto Lang might get involved in. He doesn't need to do it. It has already been done. It was done in 1970 with the passage of the federal Canada Grains Act. As a matter of fact, that legislation supercedes provincial legislation in the field and was one of the reasons why the coarse grains act, as a matter of fact, hasn't been used.

The other thing that I think is pretty important to say, and I appreciate that my honourable friend from Spirit River has now got up in the Legislature and said some of the things that he's been saying outside. I welcome that opportunity to put him straight, because ordinarily he gets away with saying things that he shouldn't be saying out in the country when nobody else is around, primarily because of a complete lack of knowledge of the subject.

AN HON. MEMBER:

Agreed.

DR. HORNER:

The situation, of course, as I've said, Mr. Chairman, is that the Canada Grains Act ensures that the Canadian Wheat Board is going to be a continuing and able force in the marketing of grain in Canada. It's a twisting of the facts and, in my view, a deliberate twisting, to suggest that the repeal of The Coarse Grains Act is in any way going to affect the Canadian Wheat Board whatsoever. Let's put that one right on the table, because it won't and it can't and it hasn't affected the Canadian Wheat Board for a number of years now. So I don't see how repealing it is going to affect the Canadian Wheat Board in any way whatsoever.

Insofar as the question of orderly marketing - and I appreciate that he is searching for strength wherever he can find it in a political way, but I want to suggest to him that being on the side of orderly marketing is like being on the side of motherhood and we all appreciate what he's attempting to do. The simple fact is that we need, in Alberta, some flexibility and some leverage to ensure that our ability to process grain in Alberta is met.

That's not to say for one moment that we want to see the Canadian Wheat Board abolished or anything like that. It does say that we need some leverage. As a matter of fact, Mr. Atkinson of the NFU and I discussed this and he was in agreement with me, in case my honourable friend would like to know, because I'm sure he depends on that source for some of his information. We did need that leverage to get some of the regulations changed so that, in fact, we could do some of the processing here in Alberta.

Indeed, one of the major stumbling blocks in the malting industry is that here we have Canadian barley being shipped to the United States, turned into malt and then transported to Europe as malt because of Canadian Wheat Board regulations that are now in existence. German brewery firms that want to buy Canadian malt have to buy it from American maltsters, and they have made it out of Canadian barley most of which comes from Alberta.

Indeed, if we are going to try to do something for the ag. processing industry in the hon. member's own constituency, then we need some changes in the Canadian Wheat Board regulations in relation to that kind of processing which could very adequately take place in the Spirit River and Fairview areas. And that in essence is what we are doing with this bill.

To clear up another matter, there has been no request from Otto Lang to us for the introduction of this repeal bill. Insofar as the question of Cargill is concerned, Cargill, of course, has bought out National Grain which has had a series of country elevators in western Canada for a long time. Provided that Cargill is, and certainly has been, to date, a good corporate citizen in Canada, I don't think we can even bring the question of economic nationalism into the buying out of one American company by another. In my observations and discussions with the head people at Cargill, who are Canadians now and who have a very different and innovative approach to grain buying and the entire grain delivery system, I think they will be a useful addition to the mechanics of grain buying and [will] add a little bit of competition in the market place that, in fact, is not there when our pools control such a large percentage of the grain which is being bought.

The question then with regard to the feed grain policy - and there is a distinction that should be made very clearly here - the Act that we are talking about is, of course, The Grains Act which relates to all coarse grains and doesn't just relate to feed grains. I think that is important to remember. The question of the feed grain policy at present, as I have said before, hasn't been finalized. We're only agreeing with that policy if those five points are there. Unless we get that quid pro quo with regard to freight rates on meat products, then we may have to do something different. We have to have that kind of flexibility to protect our grain producers in Alberta in regard to that.

Insofar as the question of feed freight assistance is concerned, we have no objection whatsoever to the federal government giving money to the Maritimes and allowing the Maritimes to do their own thing. If the Maritimes want it in the form of feed freight assistance, that's fine with us too. We have some serious doubts as to whether or not the feed freight assistance is, in fact, the major point of discrimination against western Canada. It is the use of statutory rates in an improper way which is many, many times more discriminatory against western Canada than feed freight assistance. But as I say, we are not extremely concerned about the feed freight assistance, particularly to the Maritime provinces. It may well be that if that's their priority, then that's the way it should be.

So, Mr. Chairman, in closing may I just say we don't see this as an infringement in any way whatsoever upon the Canadian Wheat Board. Anyone who would say that the repeal of this Act would affect the Canadian Wheat Board in any way whatsoever is not aware of the facts of the situation, because it will not. We are hoping we can continue our discussions with the board and Mr. Lang because we can discuss all we like with the board, but that won't get us very far unless we get the cabinet approval from Ottawa with regard to what they might do. We have had some good discussions with the wheat board in relation



to some of the problems that I am trying to resolve. To suggest again that this is in any way an infringement on orderly marketing - we are hopeful that it's a step in improving the orderly marketing so that our farmers in Alberta will get a fairer deal than they have had in the past from both the Canadian Wheat Board and from the federal government.

MR. NOTLEY:

Mr. Chairman, first of all I don't think that I or anyone else said that this in fact would do away with the Canadian Wheat Board, and any suggestion of that is really a misstatement of the facts. I think the concern that I expressed and the concern that has been expressed, Mr. Chairman, as the members of this committee should know, and as the minister must know, from rural areas, from a large number of farm people and from farm organizations, is that the passage of The Coarse Grain Marketing Control Repeal Act is, in fact, going to weaken the orderly marketing system as developed by the Canadian Wheat Board. That seems to me to be the issue at stake. And to stand up in the Legislature, and although it was done in a very calm way as opposed to the usual style of the hon. minister, suggest that people are deliberately distorting the record because a concern is expressed, is just so much nonsense.

Mr. Chairman, I have several other questions I would like to raise and it's going to take a little longer than we have time available, so I would beg leave to adjourn debate.

MR. CHAIRMAN:

Is it agreed?

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Mr. Chairman, before moving that the committee rise, as to Monday's business, during the afternoon we will continue with committee study of bills on the Order Paper. On Monday evening we will continue with four Estimates subcommittees; in Subcommittee A the continuation of the Department of Health and Social Development estimates; Subcommittee B starting Department of Lands and Forests; Subcommittee C, the Department of the Attorney General, and Subcommittee D, the Department of Education.

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

MR. CLARK:

I wonder if I might ask the Government House Leader if he is in a position to indicate when we would be discussing Bill No. 32, The Alberta Energy Company Act. If he would let us know Monday it would be all right.

MR. HYNDMAN:

We will let the honourable gentleman know on Monday, Mr. Chairman, but it looks like probably the middle of next week. Possibly Wednesday will be the date for second reading on that bill.

MR. CHAIRMAN:

Is it agreed that we report.

HON. MEMBERS:

Agreed.

[Mr. Diachuk left the Chair,]

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[Mr. Speaker resumed the Chair.]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly has had under consideration the following bills; Nos. 12, 13, 15 and 16, and begs to report same. The Committee of the Whole Assembly has had under consideration Bill No. 11 and begs to report same with some amendments, and the Committee of the Whole Assembly has had under consideration the following bills; Bills No. 10 and 17, and begs to report progress on same and asks leave to sit again.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 1:00 o'clock.]