

## LEGISLATIVE ASSEMBLY OF ALBERTA

Tuesday, April 23, 1974

[The House met at 2:30 o'clock.]

## PRAYERS

[Mr. Speaker in the Chair]

## INTRODUCTION OF BILLS

Bill No. 47 The Oil Sands Technology and Research Authority Act

MR. DICKIE:

Mr. Speaker, I beg leave to introduce a bill, being Bill No. 47, The Oil Sands Technology and Research Authority Act. Mr. Speaker, I would also like to advise you and all hon. members that I have a message from His Honour the Lieutenant-Governor. The message states that it is his pleasure to recommend for our consideration Bill No. 47.

The bill provides for the establishment of the Alberta Oil Sands Technology and Research Authority. It sets up the fund to receive the government's commitment of providing \$100 million over the next five years for research and technology of the Alberta oil sands.

[Leave being granted, Bill No. 47 was introduced and read a first time.]

Bill No. 55 The Northeast Alberta Regional Commission Act

MR. RUSSELL:

Mr. Speaker, I beg leave to introduce a bill, being The Northeast Alberta Regional Commission Act. The purpose of this bill, Mr. Speaker, is to make it possible for the government to proceed as expeditiously as possible with the activities necessary for the development of the oil sands region of Alberta. I'm referring to activities related to planning, building, arranging financing and arranging for local administration.

The bill also has powers incorporated in it which would permit local authorities to transfer responsibilities to the commissioner's office in cases where it is necessary for expeditious reasons.

Mr. Speaker, while I'm on my feet I'd like to table a government organizational chart that reads with the two bills that have just been introduced.

[Leave being granted, Bill No. 55 was introduced and read a first time.]

Bill No. 220 The Community Property Act, 1974

MR. TAYLOR:

Mr. Speaker, I beg leave to introduce a bill, being The Community Property Act, 1974. This bill will give the court authority in dissolving a marriage or in decreeing a separation of the parties to divide evenly between the spouses the real and personal property that has been acquired during the period of the marriage.

Since it would be a little ridiculous to give the man half the dresses and the woman half his suits, there is provision in the bill for a substantially equal division of such objects.

[Leave being granted, Bill No. 220 was introduced and read a first time.]

#### INTRODUCTION OF VISITORS

MR. HO LEM:

Mr. Speaker, may I, on your behalf, introduce to the Assembly a visitor from Hong Kong, Mr. Paul Fok, who is a member of the senior branch of the Hong Kong Law Society, accompanied by Dr. Ellison Fok, a former member of the Hong Kong Urban Council. Mr. Speaker, Dr. Fok was the first lady member ever to be elected to the Hong Kong council.

They are seated in your gallery and I would ask them to please stand and be recognized by this Assembly.

MR. YURKO:

Mr. Speaker, I take pleasure in introducing some students of St. Gabriel who have come to visit with us today to witness the performance of the House.

I might say that St. Gabriel is a junior high school in the constituency of Edmonton Gold Bar. Eighty-five students have come with their teacher, Mr. Paul Stewart. They are in the public gallery and I'd ask that they stand and be acknowledged by the House.

MR. DOAN:

Mr. Speaker, I'd like to introduce to you and through you to the members of this Assembly, 19 school children from the Spruce View area which is in the Innisfail constituency. They are with their teacher, Mr. Nelson, and they are in the members gallery.

They have already been to the Provincial Museum and Archives and are now here to observe the working of our Legislature. I wish to commend them for their interest in Alberta government. I would now ask them to stand and be recognized.

MR. TRYNCHY:

Mr. Speaker, it's my pleasure today to introduce to you and to the members of the House, some 23 social studies students from my constituency from the Niton Central School, Grades 10 and 11. They are accompanied by their teachers, Mrs. Cook and Mr. Bob Price, and driver, Mrs. Huggins. I would ask them to rise and be recognized by the House.

#### TABLING RETURNS AND REPORTS

MR. DICKIE:

Mr. Speaker, I would like to table two reports, the returns requested by the Assembly: one, Return No. 134 on a motion by the hon. Member for Spirit River-Fairview, and the other, Return No. 148 on a motion by the hon. Member for Wetaskiwin-Leduc.

I would also like to table a reply to Question No. 154 on the question by the hon. Member for Wetaskiwin-Leduc.

MR. RUSSELL:

Mr. Speaker, I would like to file, for the information of hon. members, an estimated summary of expenditures or investments to date by the provincial government in Fort McMurray and for the next five years as well.

DR. HOHOL:

Mr. Speaker, I should like to table a reply to Question No. 110, requested by the hon. Member for Calgary Bow.

## MINISTERIAL STATEMENT

MR. HYNDMAN:

Mr. Speaker, I wish to advise the House of the specific date for the observance of Farmers' Day in the province of Alberta in 1974. This morning the cabinet passed an order in council declaring Friday, June 7, 1974 as a holiday to be known as Farmers' Day in all the schools of the province, with the exception of schools in Edmonton, Calgary, Lethbridge, Medicine Hat and Red Deer, those exceptions being made on the request of the school boards concerned. There are certain other small school districts which are exempted and a further provision that any school board, which passes a resolution excluding its schools from observance, may do so.

So that is Friday, June 7, 1974, Farmers' Day in the province of Alberta.

AN HON. MEMBER:

About time.

MR. TAYLOR:

Mr. Speaker, will it be a holiday for the legislators?

## ORAL QUESTION PERIOD

Labour Act - Work Week

MR. CLARK:

Mr. Speaker, I'd like to direct a question to the Minister of Manpower and Labour. Does the government plan to introduce legislation this session which will be amendments to The Alberta Labour Act?

DR. HOHOL:

Mr. Speaker, at this very time it is not our intention to introduce amendments to The Alberta Labour Act. That doesn't indicate at all whether that may or may not happen, depending on circumstances in this area or any other one.

MR. CLARK:

Supplementary question to the minister. Has the minister received complaints from workmen at the Gold Bar Imperial Oil refinery being built just east of the city of Edmonton where the workmen are having to work eight hours a day, five days a week, and then having to go back for a full day every other Saturday, rather than being able to work nine hours ...

MR. SPEAKER:

Could the hon. member please come directly to the question.

MR. LUDWIG:

He did.

MR. CLARK:

Has the minister had representation on this matter?

DR. HOHOL:

Yes, Mr. Speaker, I did, just on Saturday.

MR. CLARK:

Supplementary question to the minister. Did the minister tell the workmen involved that he wasn't able to do anything about this particular matter?

DR. HOHOL:

No, Mr. Speaker, far from it. I said I'd look into it. I did that yesterday with the department officials and the Board of Industrial Relations.

If I can explain very briefly, there is a standard work week which is specified and spelled out in The Alberta Labour Act, and that isn't subject to anyone's judgment. The matter of board orders deals with the extended work week. Such an application was before the board and the information will go to both management and labour in this instance.

MR. CLARK:

Supplementary question to the minister, Mr. Speaker. Is the minister prepared to recommend to the Legislature legislation which would make it possible for workmen, on their own choice, to work nine hours a day for four days a week and eight hours for one day a week, thus allowing them to get in their 44 hours within five days, on the choice of the workmen?

DR. HOHOL:

I'm afraid, Mr. Speaker, that the hon. Leader of the Opposition intends the question to include the proposition that the choice would be on straight time rather than time and a half for four hours exceeding the 40 hour work week, in which case the answer is no.

#### Misleading Advertising

MR. CLARK:

Mr. Speaker, a second question to the Minister of Consumer Affairs. Has the Minister of Consumer Affairs made up his mind as to whether he'll introduce legislation at this session concerning misleading advertising of companies licensed here in Alberta?

MR. DOWLING:

Mr. Speaker, the matter of misleading advertising is a federal matter. However, we are contemplating a number of legislative measures for the fall. The session, as you know, Mr. Speaker, lasts some considerable number of months and concludes in the fall of 1974.

MR. CLARK:

Supplementary question to the Minister of Consumer Affairs, Mr. Speaker. Is it the government's position that the area of misleading advertising is completely beyond the purview of legislation by the Province of Alberta?

MR. DOWLING:

No, Mr. Speaker, not totally. There is some involvement, but at the moment the matter does fall under the purview of the federal government.

MR. CLARK:

Supplementary question, Mr. Speaker. Is the Minister of Consumer Affairs satisfied with the way the federal government, through its combines legislation, is handling complaints that he forwards to the federal government?

MR. SPEAKER:

Order please. With great respect, the hon. member is asking for a question which would lead to considerable debate.

MR. CLARK:

Supplementary question, Mr. Speaker, to the minister. Has the Minister of Consumer Affairs from Alberta been in touch with the federal authorities to check what progress has been made in investigating the complaint brought to the minister's attention by the Alberta Floor Covering Association, which the minister himself supposedly referred to the federal government?

MR. DOWLING:

Mr. Speaker, it is not a case of "supposedly". The matter was referred to the federal authorities and we are in constant touch with them regarding this matter and others and do keep abreast of them as best we can. I'm certain that their Box 66 is extremely busy as

our Box 1616 is, acquainting people with all of the wonderful things that Consumer Affairs can do for the consumers of Alberta.

MR. CLARK:

Supplementary question, Mr. Speaker. Would the minister tell me how the mail is getting into Box 66 today?

MR. DOWLING:

That, Mr. Speaker, of course, is a federal matter.

[Laugheter]

MR. CLARK:

The minister won a round.

Supplementary question, Mr. Speaker, to the minister. What specific progress has the federal government made on investigating the complaint regarding the Alberta Floor Covering Association?

MR. DOWLING:

I can't answer that specifically, Mr. Speaker, but I will take it as notice and will have an answer by tomorrow I suspect.

MR. SPEAKER:

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

#### School Year

MR. STROMBERG:

Thank you, Mr. Speaker. My question is to the Minister of Education. I was wondering if he could advise if his department is giving consideration to standardizing the school year in Alberta?

MR. HYNDMAN:

Mr. Speaker, if the suggestion is that there be one single and rigid date for school opening and closing in Alberta, no we are not. We are looking at some suggestions which have been advanced and which are now being studied by the ATA and the ASTA, and those relate to a fixed spring break. The interest is there - instead of having a spring break that varies with Easter, it would be on a fixed week, perhaps the end of March or the first week in April.

Otherwise, we are not making specific requirements or looking to a standardized school year, although members will recall in The School Amendment Act, 1974, there is a requirement for reporting by school boards of the various opening and closing dates so we can see the various patterns that are developing. I think members will appreciate that if there were 120 different school opening and closing dates, the government would have to be involved.

MR. SPEAKER:

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

#### Landlord-Tenant Relations

MR. NCTLEY:

Mr. Speaker, I would like to direct my question to the hon. Minister of Municipal Affairs. It flows from last night's city council meeting in Edmonton.

Can the minister advise the Assembly whether or not his department is now reviewing substantial changes in the powers of existing landlord and tenant boards in the province?

MR. RUSSELL:

No, my department isn't reviewing those at the present time, Mr. Speaker.

MR. NOTLEY:

Mr. Speaker, a supplementary question. Is the minister giving any consideration to asking his departmental officials to review substantial changes in the role and the powers of landlord and tenant boards in the province?

MR. RUSSELL:

No, we haven't been considering that, Mr. Speaker. We have been watching with some interest the functioning of these locally appointed boards and I will await with interest the City of Edmonton's proposal.

MR. NOTLEY:

Mr. Speaker, a further supplementary question to the hon. minister. Can the minister advise the Assembly whether the government is now studying the 'rentalsman' concept as introduced in both British Columbia and Manitoba?

MR. RUSSELL:

Mr. Speaker, there is no way this government wants to get involved in rent controls.

MR. KING:

Mr. Speaker, a supplementary. Could the Attorney General advise whether or not the Institute of Law Research and Reform is presently engaged in any study of landlord-tenant law in the province?

MR. LEITCH:

Yes, Mr. Speaker, they are.

MR. NOTLEY:

Mr. Speaker, a supplementary question to the Minister of Municipal Affairs. Can the minister advise whether or not the government is considering the concept of a 'rentalsman' which is totally unrelated to rent controls? It's two different things.

MR. RUSSELL:

I'm sorry, Mr. Speaker, I missed the question.

MR. NOTLEY:

Mr. Speaker, the supplementary question to the hon. minister is with respect to the job created of a 'rentalsman' which is not related to rent controls as such, but is in effect a renter's ombudsman?

MR. RUSSELL:

Mr. Speaker, my understanding is that most of those functions are now carried out by the landlord and tenant boards in various centres in the province. I think I advised the hon. member that we're watching the efficiency of those boards and will await, with interest, a submission from the City of Edmonton.

MR. SPEAKER:

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

#### Rural Gas Co-ops

MR. R. SPEAKER:

Mr. Speaker, my question is to the Minister of Telephones and Utilities. Has the minister had the opportunity to review the contract used by rural co-ops with special reference to the possibility of a member opting out?

MR. FARRAN:

Mr. Speaker, I never cease to be amazed at the constant opposition by the hon. member to the rural gas plan. I received a delegation from his riding the other day which is one of the most successfully organized co-ops in the province. They had some problems which were mutually solved and I told the member last week that although anyone could opt out ...

MR. SPEAKER:

Order please. The hon. minister appears to be getting to the nub of the question now.

MR. FARRAN:

Mr. Speaker, I apologize, and I refer the hon. member to my answer to exactly the same question last week. He can read it in Hansard.

MR. SPEAKER:

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

Calgary Court House

MR. LUDWIG:

Mr. Speaker, my question is to the hon. Minister of Public Works. Has he made inquiries as to the disposition of the ...

AN HON. MEMBER:

Marble?

MR. LUDWIG:

... marble slabs of the courthouse. Mr. Speaker, I do believe it's a valuable item I'm dealing with and we wouldn't want it to be lost in the shuffle to some Conservative supporter. I'm asking a question. I think we should have a little more respect from the hon. members.

Mr. Speaker, my question is to the hon. Minister of Public Works. What is the disposition of the marble slabs from the courthouse in Calgary which are worth many thousands of dollars ...

MR. SPEAKER:

Order please.

AN HON. MEMBER:

You can't have it Albert.

DR. BACKUS:

Mr. Speaker, I'm glad the hon. Member for Calgary Mountain View has given me the opportunity to restate this problem because apparently the other day, when I was accused of having lost my marbles, it was my pearls of wisdom that were lost.

[Laughter]

The green marble in the reveals on the east and west faces of the building is very badly deteriorated and because of this deterioration it broke up when being removed and therefore is not salvageable. The salvage rights were, however, given to the contractor when the contract was let but, in fact, he is not going to get anything for it. All the other stone is to be returned to the Alberta Public Works for future use.

MR. LUDWIG:

Mr. Speaker, who was the contractor who was involved?

AN HON. MEMBER:

How many pieces of marble?

DR. BACKUS:

The contractor is William Wearmouth Holdings.

MR. LUDWIG:

Mr. Speaker, the only concern I have is that the minister was reluctant to reveal it and I insisted on ...

MR. SPEAKER:

Order please.

The hon. Member for Drumheller followed by the hon. Member for Taber-Warner.

Sulphur Production

MR. TAYLOR:

Thank you, Mr. Speaker. My question is to the hon. Minister of Mines and Minerals. Are we able to sell all the sulphur that we produce now?

MR. SPEAKER:

The question is one of those that we seem to have very frequently, asking ministers for general market information. Unless the question can be related in some way to the official function of the minister, it would not appear to fall within the scope of the question period.

MR. TAYLOR:

Well, I'll rephrase the question because it does come under the hon. minister's department. Are we stockpiling sulphur in Alberta at the present time?

MR. DICKIE:

Yes, Mr. Speaker, we're still stockpiling sulphur.

MR. TAYLOR:

Do we have substantial stockpiles of sulphur?

MR. DICKIE:

Mr. Speaker, I don't have that figure exactly. I would like to take notice of that question and advise the hon. member.

MR. TAYLOR:

One further supplementary. Has there been any success in securing a stable and reasonable tariff with the railways for hauling sulphur, rather than them charging all the market will bear?

MR. PEACOCK:

Mr. Speaker, maybe I can answer that question for my honourable colleague because I have been dealing with the railroads on it. I can inform the House that we are making some progress. As a matter of fact, we are having a meeting in the next two weeks with the CNR and the CPR about that very subject. We anticipate that we will have some progress to report.

MR. NOTLEY:

Mr. Speaker, a supplementary question to the hon. Minister of Mines and Minerals. Can the minister advise whether or not there has been any significant change in the price of sulphur?

MR. DICKIE:

Yes, Mr. Speaker, the price is continually rising, much to our satisfaction.

MR. SPEAKER:

The hon. Member for Taber-Warner followed by the hon. Member for Calgary McKnight.



Milk Pricing Formula

MR. D. MILLER:

Thank you, Mr. Speaker. My question is to the hon. Minister of Agriculture. What consultations has the minister initiated with consumer groups in the development of the new milk pricing formula?

DR. HORNER:

Mr. Speaker, as I think I've said before, in developing a new milk pricing formula in conjunction with the Public Utilities Board ample opportunity will be given to consumer organizations. We'll be working closely with my colleague, the Minister of Consumer Affairs, as well as the producer organizations that are involved in relation to what we think will be a step forward in milk pricing.

MR. D. MILLER:

A supplementary question, Mr. Speaker. Will the formula incorporate the concept of price parity for consumers throughout the province?

DR. HORNER:

That's one of the things that we hope will be incorporated in the final formula, not only price parity to the consumer but price parity to the producer as well.

MR. SPEAKER:

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

Fish Creek Provincial Park

MR. LEE:

Mr. Speaker, I have a question for the Minister of Lands and Forests. Has the minister as yet received any report of the results of a recent survey undertaken by the Fish Creek advisory committee relating to the opinions of Calgary citizens on the nature of the development of the new Fish Creek park in Calgary?

DR. WARRACK:

A preliminary report only, thus far, Mr. Speaker. About 30,000 returns came from people largely throughout southern Alberta, not only from Calgary, in response to the questionnaire that was made available to the public. On the basis of an analysis of slightly over 10 per cent, there are some pretty clear trends developing with respect to what the public wants in the development of that important provincial park on Fish Creek in Calgary.

We do have those initial returns now and if desired, Mr. Speaker, I could certainly elaborate as to what some of those trends are.

MR. LEE:

A supplementary question. Has the minister received any indication from the committee as to when a preliminary plan might be prepared for the public?

DR. WARRACK:

Yes, Mr. Speaker. The advisory committee on the Fish Creek planning development is, of course, conducting this questionnaire analysis and on the basis of that will prepare a physical concept plan for viewing by the public, and also as a basis for public hearings that will be held later.

Then on the basis of all of this information, inclusive of the public hearings, they will complete their report by way of finalizing the public-involvement phase of planning for the provincial park on Fish Creek in Calgary. The timing that we expect on this is the summer of 1974.

MR. SPEAKER:

The hon. Member for Calgary McCall followed by the hon. Member for Sedgewick-Coronation.

Calgary Ring Road

MR. HO LEM:

Thank you, Mr. Speaker. My question today is directed to the hon. Minister of Highways and Transport.

My question, Mr. Minister, deals with a report titled The Calgary Parkway Ring Road, commissioned by your department and prepared by the engineering firm called DeLeuw Cather. The question is, Mr. Speaker, would the hon. minister advise members of this Assembly when the report will be available and tabled in this House?

MR. COPITHORNE:

Mr. Speaker, that report is still under consideration and there is no date set for it to be tabled in this House.

MR. HO LEM:

A supplementary, Mr. Speaker. Could the hon. minister advise whether the present proposal of the ring road would bisect the community of Bowness?

MR. COPITHORNE:

Mr. Speaker, the hon. member is trying to divulge information from that report that I am not at this moment prepared to give him.

MR. LUDWIG:

No, he's asking you to do it.

MR. HO LEM:

A supplementary, Mr. Speaker. Would the hon. minister inform the House if the proposal deals with relieving traffic congestion on 16th Avenue N.W.?

MR. COPITHORNE:

Well, Mr. Speaker, any kind of report deals with the relief of traffic congestion in many parts of the City of Calgary, including the 16th Avenue one.

MR. HO LEM:

A final supplementary, Mr. Speaker. Has the City of Calgary been involved in the initial planning of this proposal?

MR. COPITHORNE:

Mr. Speaker, this was an independent study and the patterns of the city's traffic projections have all been taken into consideration.

MR. SPEAKER:

The hon. Member for Sedgewick-Coronation followed by the hon. Leader of the Opposition.

T4 Slips

MR. SORENSON:

I would like to address my question today to the hon. Provincial Treasurer. It's a follow-up question that I asked the Minister of Consumer Affairs some weeks ago concerning the practice of T4 discounting.

Is the hon. Provincial Treasurer considering allowing treasury branches or chartered banks under government supervision to make advances on T4 slips at bank rates of interest by next year?

MR. MINIELY:

Mr. Speaker, in reply to the hon. member, I think I indicated that certainly individuals on a normal basis of borrowing, subject to other factors that any lending

institution would examine before they would loan money to an individual, have the freedom to go to the treasury branches on that basis and to the chartered banks.

The specific matter which the hon. member refers to is clearly a matter of federal jurisdiction relative to income tax, and the fact that the individual, under his own free will, signs a power of attorney while most of us - not most of us, all of us on this side and I'm sure all of you on the other - agree that it is questionable morally. It turns out that the Department of National Revenue of the federal government has indicated with respect to this item that in fact it is legal that the individual has signed a power of attorney. So in short answer to the question, other than the normal loaning that would be available to individuals, I think it is a matter of individual choice.

MR. SORENSON:

A supplementary to the Minister of Consumer Affairs. Could a comprehensive educational program be instituted, aimed at people who patronize these firms, such as old-age pensioners and lower income people, warning them of these questionable and exploitable practices?

MR. DOWLING:

Mr. Speaker, that is part of our educational program. As you may have seen from some of the items in the document we are putting out some five or six times a year, this is the type of practice that we are rather hitting at, showing the consumer of Alberta what in fact his rights are and the methods he should use in approaching income tax, housing contracts and things of this nature. So the matter is under way.

MR. SPEAKER:

The hon. Leader of the Opposition followed by the hon. Member for Drumheller.

#### Petroleum Administration Act

MR. CLARK:

Mr. Speaker, I would like to direct a question to the Premier and ask if the government has arrived at a decision on whether it will make a presentation to the House of Commons committee hearing representation on the Petroleum Administration Act, known as Bill C-18?

MR. LOUGHEED:

Mr. Speaker, yes, the Leader of the Opposition made that inquiry on April 18. We've been giving some consideration to that within the energy committee of cabinet and the cabinet concurred today with the energy committee view that we anticipate receiving an invitation to appear before the Natural Resources Committee of the House of Commons with regard to that particular bill, the Petroleum Administration Act. We've decided that upon receiving the invitation we will appear in the person of the Attorney General of the province because of the constitutional nature and also because the Attorney General is a member of the energy committee of cabinet.

In addition to that, it is my intention to express some concerns we have with regard to the legislation, in direct communication to the Prime Minister, and I intend to frame the letter in a way which will permit me to table it in the Legislature so all members will have an opportunity to see the nature of the views that we are expressing.

MR. SPEAKER:

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

#### OPEC - Crude Oil Prices

MR. TAYLOR:

Thank you, Mr. Speaker.

My question is to the hon. Minister of Mines and Minerals. Does the provincial government have any direct contact or negotiations with OPEC?

MR. DICKIE:

No, Mr. Speaker.

MR. TAYLOR:

A supplementary. Can the minister advise whether he knows if the Canadian government has made any representations regarding the price for crude to the OPEC organization?

MR. DICKIE:

Mr. Speaker, I don't think I would be in a position to answer that. I do know that the Hon. Don Macdonald has made a trip to the Middle East, but I haven't been advised of the full content of the discussions they have had.

MR. SPEAKER:

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

#### Oil Revenue - Surplus Funds

MR. NOTLEY:

Mr. Speaker, I would like to direct this question to the hon. Provincial Treasurer. Can the Provincial Treasurer advise the Assembly whether any determination has been made yet with respect to the allocation of the surplus funds the province will receive as a result of the higher petroleum price between diversification of industry and physical resource development on one hand, and human resource development programs on the other?

MR. MINIELY:

Mr. Speaker, this is a matter which requires a great deal of consideration and thought and which is very important to all citizens of Alberta. It is under consideration. No final decisions have been made.

MR. NOTLEY:

Mr. Speaker, a further supplementary question to either the Provincial Treasurer or the hon. Premier. Can either advise the Assembly whether or not it is the government's intention to allocate some of the surplus funds to human resource programs?

MR. LOUGHEED:

Mr. Speaker, I have no doubt that the answer to that would be yes. I think hon. members have a tendency perhaps to categorize too abruptly the nature of what are economic allocations of funds and which funds are allocated from a social nature. I think there is a very considerable overlap in terms of the benefit to people and the quality of life we have in this province because quality of life, from my point of view, and I think from most members' points of view, involves the total environment in which we live.

MR. NOTLEY:

Mr. Speaker, one final supplementary question to the hon. Provincial Treasurer. Is the Provincial Treasurer in a position today to advise the Assembly when we might expect the supplementary estimates as a result of the higher crude prices, as promised in the Budget Speech?

MR. MINIELY:

Mr. Speaker, I cannot give a firm date, but it should be within the next two weeks.

MR. SPEAKER:

The hon. Member for Taber-Warner followed by the hon. Member for Vermilion-Viking.

#### Fertilizer Supply

MR. D. MILLER:

Mr. Speaker, my question is to the Minister of Agriculture again. In view of the critical fertilizer shortage, would the hon. minister give consideration to a direct announcement to explain the problem and future prospects to Alberta farmers?

DR. HORNER:

Mr. Speaker, I thought I had attempted to do that in the Legislature on previous occasions. I'm quite willing to do some additional work on the matter. Very simply, two years ago the fertilizer industry was in a surplus position and today it is in a short one, and they didn't have enough lead time to develop extra facilities. I expect that would happen within the next year or two.

MR. D. MILLER:

A supplementary question, Mr. Speaker. Can the minister advise if any foreign sources of phosphate, other than in the United States, are being explored so that fertilizer exports to the United States can be reduced?

DR. HORNER:

Mr. Speaker, we're looking for phosphate anywhere we can get it, including Mexico, the Pacific rim and indeed right here at home. We've had some discussions with our own Department of Mines and Minerals to have a look at some of the phosphate deposits we have in Alberta.

MR. D. MILLER:

One more supplementary, Mr. Speaker, to the hon. minister. Does the department monitor fertilizer prices to ensure price gouging is not occurring in view of the shortages of supply?

DR. HORNER:

Mr. Speaker, I think I said a day or so ago that we had set up a monitoring system for all farm cost inputs right across the province on a county basis, in conjunction with Unifarm.

MR. SPEAKER:

The hon. Member for Vermilion-Viking followed by the hon. Member for Sedgewick-Coronation.

#### Small Enterprise Counselling

MR. COOPER:

Mr. Speaker, my question is directed to the Minister of Industry and Commerce. Could the hon. minister inform the Assembly if the federal government's counselling assistance to small enterprises is being utilized extensively in Alberta?

MR. PEACOCK:

Mr. Speaker, that program has just recently been embarked upon by the federal government. It's a little premature to determine just how effective it is. They are having problems in recruiting people and as a consequence, we in the Alberta Opportunity Company have been offering that service for a considerable length of time. As far as the federal program is concerned I cannot say anything more on it.

MR. COOPER:

A supplementary, Mr. Speaker. Is the federal assistance offer restricted to counselling or is ...

MR. SPEAKER:

Order, please. I would again respectfully draw to the hon. members' attention that questions must deal with the official position of a minister or the working of his department. We have, perhaps, gone a little too far in the last few weeks in allowing questions which deal with market conditions or with activities of other governments. The purpose of the question period is to deal with matters of policy affecting this government and its departments. Possibly questions affecting the federal government should be addressed to that government.

The hon. Member for Sedgewick-Coronation followed by the hon. Member for Calgary McCall.

Telephone Operators

MR. SORENSON:

Mr. Speaker, my question is to the hon. Minister of Telephones and Utilities. In order to become telephone operators, individuals must conform to certain weight requirements. Could the hon. minister state the reasons for this?

MR. FARRAN:

Mr. Speaker, I don't know if the hon. member is talking about vital statistics or dimensions of a telephone operator ...

DR. BUCK:

Weight.

MR. FARRAN:

... but I will look into this question and see if we have any figures on it.

[Laughter]

MR. SORENSON:

A supplementary. If madam is a little overweight, she better look elsewhere. But would the hon. minister agree that weight has no bearing on a job where one remains seated most of the time? Would you consider removing this requirement?

MR. SPEAKER:

Possibly the hon. member might seek the hon. minister's agreement some time during debate.

The hon. Member for Calgary McCall.

Horse Industry

MR. HO LEM:

Thank you, Mr. Speaker. My question today is addressed to the hon. Minister of Agriculture. It relates to the previous question regarding the high and escalating costs of livestock feed.

Has the hon. minister received representation from the Alberta Horseman's Benevolent and Protective Association, along with other organizations, requesting that a further portion of the provincial pari-mutuel taxes be designated for assistance to horsemen by way of providing a larger purse and additional breeders' bonuses?

DR. HORNER:

Mr. Speaker, I really think I should refer that question to my colleague, the Solicitor General, who has the racing commission under her purview.

MISS HUNLEY:

Mr. Speaker, I wasn't concentrating too much on the hon. member's question since I thought it related to feed or something. Perhaps he would repeat the question.

MR. HO LEM:

My question is, hon. minister, has the government received representation from the Alberta Horseman's Benevolent and Protective Association and other horse organizations requesting additional assistance by way of pari-mutuel taxes?

MISS HUNLEY:

Mr. Speaker, the racing commission, I believe, has received some submissions. They have also made some recommendations to me as the minister responsible that some consideration be given to subsidizing the purses for Alberta horses and Alberta-bred horses in an attempt to upgrade the horse industry in Alberta. While no decision has been made definitely on this, I am rather favourably inclined to the racing commission's recommendations.

MR. HO LEM:

A supplementary, Mr. Speaker, to the hon. minister. Can the hon. minister advise if the House may expect a response this session to this submission by way of the racing commission?

MISS HUNLEY:

Mr. Speaker, it depends on how long this House session lasts.

AN HON. MEMBER:

All year.

MR. GHITTER:

Mr. Speaker, on a supplementary question to the hon. minister. I am wondering if she has received any submissions, Mr. Speaker, from the Alberta Pari-mutuel Bettors Benevolent Association to subsidize them?

MR. HO LEM:

On a point of order, Mr. Speaker. I think the last speaker has a vested interest.

[Laughter]

MR. SPEAKER:

The hon. Member for Calgary Millican.

Calgary Drug Information Centre

MR. DIXON:

Mr. Speaker, I would like to direct my question today to the hon. Minister of Health and Social Development. I'm wondering if the minister could tell the House when the drug centre in Calgary can expect its grant? Apparently it's having difficulty financing with the bank until the grants arrive, either from your department, Mr. Minister, or from the Department of Culture, Youth and Recreation.

MR. CRAWFORD:

Mr. Speaker, my understanding of the way these funds are drawn by any organization operating through Preventive Social Services is that they deal with the City of Calgary, and the City of Calgary bills us for amounts that we've agreed to pay which, in this case, is 80 per cent of the proposal made.

MR. DIXON:

Mr. Speaker, a supplementary question to the hon. Minister of Culture, Youth and Recreation. Is your department ...

MR. SPEAKER:

Would the hon. member please address the Chair.

MR. DIXON:

Yes, Mr. Speaker.

Mr. Speaker, to the minister, is your department reneging on its grant?

MR. SCHMID:

Mr. Speaker, first of all, the member was asked to address his question to the Chair and I guess he wasn't quite able to do so. However, I will be pleased to reply.

Maybe I should state first of all that, in the offices of the hon. Member for Edmonton Parkallen, it was discussed that the Department of Culture, Youth and Recreation would help the Drug Information Centre in Calgary to find ways and means of financing the operation. At no time was a commitment ever given, in any way, shape or form, that would mean actual financial contribution by this department.

Maybe I should also state that it was up to the people - and naturally they can do so - to submit a request for funds to the Department of Culture, Youth and Recreation. However, we have not, within any of our appropriations, any moneys for this type of program, because it was decided by this government two years ago that such applications should be handled through the Alcoholism and Drug Abuse Commission.

MR. CLARK:

Supplementary question, Mr. Speaker, to the minister. If the government made that decision two years ago, why isn't the money now coming from the commission rather than Preventive Social Services?

MR. SPEAKER:

Perhaps we might terminate the debate at this point.

MR. LUDWIG:

Saved by the bell!

MR. SCHMID:

Mr. Speaker, may I revert to Introduction of Visitors?

HON. MEMBERS:

Agreed.

#### INTRODUCTION OF VISITORS (CONT.)

MR. SCHMID:

Mr. Speaker, it is a pleasure to introduce to you and through you to the members of this Assembly, 18 beautiful young ladies from the Westgate High School, Ontario. Especially, of course, it is a pleasure to be Minister of Culture, Youth and Recreation. I'm sure that all of us would like to welcome these charming visitors to sunny Alberta and wish them happy memories upon their return. Their chaperone is Mr. Bowles. I would like them to rise in the members gallery and be recognized by this Assembly.

#### ORDERS OF THE DAY

#### WRITTEN QUESTIONS

157. Mr. Taylor asked the government the following question:

1. (A) How many groundsman are employed in Edmonton by the Provincial Government?
- (B) How many groundsman are employed by the Alberta Government in Alberta as groundsman?
- (C) Is there a maximum period in which a workman is employed as a groundsman before being promoted?
- (D) What is the hourly pay for a groundsman
  - (a) at the commencement of his employment?
  - (b) after one year?
  - (c) after ten years?
2. What is the hourly pay for labourer, Class I?
3. What is the hourly pay for a gardener, Class I?

DR. BACKUS:

I accept that question, Mr. Speaker.



158. Mr. Clark asked the government the following question:

What is the amount of money spent by the Department of Highways and Transport on road construction and maintenance in each town, county, municipal district and improvement district in Alberta for the fiscal years 1970-71, 1971-72, 1972-73?

MR. COPITHORNE:

Mr. Speaker, this question - the information that the hon. member asks for is all in the annual reports that are available in the library and I do not think it is necessary.

SOME HON. MEMBERS:

Agreed.

MR. CLARK:

Mr. Speaker, then I understand under the rules that we can't debate the matter at this particular time, but we will resubmit the motion on Motions for a Return.

MR. SPEAKER:

If the information is, in fact, available in a form which is readily available to the public, the motion for a return would infringe on the rules.

MR. CLARK:

Mr. Speaker, we'll put the motion for a return on the Order Paper and we'll debate it then.

159. Mr. Wilson asked the government the following question:

1. Is the provincial government planning any construction additions, alterations or changes in the traffic pattern at the complex commonly known as 4020 Bowness Road N.W., Calgary?
2. If so, what are they?

MR. COPITHORNE:

Mr. Speaker, No. 159 I will accept and I would like to table the answer now.

160. Mr. Notley asked the government the following question:

1. Does the government provide matching grants to agencies involved in international aid only if they are members of the Alberta Council of International Agencies (ACIA) and/or if they have had their application approved by this body?
2. What agencies and how many agencies in total have had their applications for matching funds for international development projects turned down on the basis of the fact that they were not members of ACIA; and specifically did the Tuberculosis Society of Alberta and the United Nations Association branch have their applications turned down on these grounds?
3. How many agencies applying for matching grants for international development have informed the government that they are prevented by their respective constitutions from joining the ACIA or are unable or unwilling to join it on other grounds?

MR. SCHMID:

Mr. Speaker, I accept the question.

162. Mr. Notley asked the government the following question:

1. During the period since September 10, 1971, how many applications for access routes to drill sites by petroleum exploration companies in Alberta forest areas have been unacceptable to the government in their original form?
2. What proportion do the initially unacceptable applications referred to above comprise of the total applications?

3. How many of the applications referred to in (1) have been approved by the government after revision or alteration by the companies concerned?

DR. WARRACK:

Mr. Speaker, I would like to move that No. 162 be made a motion for a return. In so doing, I would just comment very briefly. First of all, appreciating that the hon. member did reword the question as previously framed, it now is in such a form that it will be possible for me to supply the answer through the department.

Secondly, some 4,000 plus applications are involved so it will take a substantial amount of time and cost to provide the answer.

Third and finally, with respect to this motion for a return, Mr. Speaker, now that the matter of original application is a matter of definition inasmuch as for the most part the way the process is initiated is with companies coming to the department and asking for advice on how to file it in the first place, in that sense original applications are almost all rejectable in their initial form.

In any case, Mr. Speaker, I will do the best I possibly can to supply information for the hon. member.

MR. SPEAKER:

I'm wondering whether the hon. minister intends to say, "motion for a return" or "order for a return". It is my understanding of the rules that if a question is accepted, it then has the effect of an order for a return as if it had been passed by the Assembly and is beyond debate.

DR. WARRACK:

I may have inadvertently infringed on the rules in the way I handled this question, Mr. Speaker. It was my intent not to accept it as a question, but rather to move it as a motion for a return, because I think its content would demand that it be handled in that way.

MR. SPEAKER:

It then would be up to the hon. member who raised the question to decide whether he wishes to proceed by way of a motion for a return.

MR. NOTLEY:

Mr. Speaker, as far as I'm concerned the suggestion made by the hon. minister is quite acceptable.

#### MOTIONS FOR A RETURN

155. Mr. Wilson proposed the following motion to the Assembly:

That an order of the Assembly do issue for a Return showing:

1. Copies of all policy papers and position papers of the Alberta Alcoholism and Drug Abuse Commission with respect to operating and treatment procedures.
2. Copies of all correspondence and documents between Collingwood Acres Ltd. and the Alberta Alcoholism and Drug Abuse Commission for the years 1973 and 1974.
3. Copies of all correspondence and documents between Collingwood Acres Ltd. and the Alberta Health Care Insurance Commission for the years 1973 and 1974.
4. Copies of all departmental guidelines issued by the Alberta Alcoholism and Drug Abuse Commission to its staff regarding referral procedures to Collingwood Acres Ltd.
5. Copies of research or feasibility studies commissioned, ordered or prepared by the Alberta Alcoholism and Drug Abuse Commission on the operation of Collingwood Acres Ltd.
6. Copies of all policy papers with respect to the relationship between the Alberta Alcoholism and Drug Abuse Commission and the Alcoholics Anonymous Organization.

7. The number of referrals from the Alberta Alcoholism and Drug Abuse Commission to Collingwood Acres for the years 1973 and 1974.
8. Copies of policy papers of the Alberta Alcoholism and Drug Abuse Commission with respect to volunteer involvement in the Commission's administered and commissioned programs.
9. The terms of reference and job description of the Chairman of the Alberta Alcoholism and Drug Abuse Commission.

MR. CLARK:

Mr. Speaker, on behalf of the hon. member, Mr. Wilson, I'll move Motion No. 155. It is my understanding, with reference to last week, that the minister has some amendments that he would like to introduce to this motion for a return. Basically those amendments have been discussed with the hon. member, and if so, the minister would propose the amendments.

MR. CRAWFORD:

Yes, Mr. Speaker, the hon. Member for Calgary Bow and I did discuss the matter. My understanding is that he has no objection to the slight amendment proposed. I'll read it and provide copies at the same time, Mr. Speaker.

The suggestion or the amendment proposed is that in paragraph 4 where it says, "copies of all departmental guidelines", the word "policy" be inserted after "departmental" so that it would refer to "copies of all departmental policy guidelines issued by the commission".

Then the only other change proposed is, at the very end of the motion after paragraph 9, the words "subject to the consent of Collingwood Acres Ltd. and the Alcoholics Anonymous Organization, where applicable".

MR. LUDWIG:

Mr. Speaker, in dealing with the amendments proposed by the hon. minister, the amendment in clause 4, "copies of all departmental policy guidelines", gives him just about all the latitude he wants to state what a policy guideline is. It is a judgment matter. He can rule out everything that was ever given by way of guidelines. They may have been giving directives that we would like to know. And if directives were not policy directives, what were they?

I believe that we should get this position clear. We don't want the ministers to sort them out and say, well, we would like them to know this one and this one we don't want them to know. It's really not putting your hands right on the table, Mr. Speaker, as far as I'm concerned. We want the whole thing. If they're concerned about directives if they concern an individual person then they might be confidential, but otherwise nothing else should be concealed. But this matter of always having to get up and debate to get the whole truth and nothing but the truth is getting to be monotonous, Mr. Speaker. But we will insist on pushing it. Why do they want only policy directives? What other kind of directives do they have?

With regard to the addition of [the words following paragraph number 9 of the motion] I'm taking the position, Mr. Speaker, that if they're going to hide behind the matter of getting consent from individuals, firms or organizations for what they can table here, they should at least take this step, that we want to see a copy of the letter sent to the parties involved - the terms under which they're requesting this permission and the reply. Because, in my opinion, a word to the wise is sufficient. They can phone up and say these people are digging and we don't want to give them this. All we want from you - and I'm not impugning the minister's integrity, but when they are fighting that hard to keep things from us, we have to fight to get this information.

I am of the opinion, Mr. Speaker, that the question of the government trying to give you as little as possible has become a major issue in this country. It has become a major issue in the U.S. and it is becoming a major issue here. The more the government wishes to conceal, the more we are obliged to push them to reveal everything if we can get it, unless there are real reasons given in this Legislature as to why they ought not to give this information.

Governments have become very suspect. People have become suspicious of governments for not being open, for trying to tell you, and push too much to you, what they want you to know, fighting with all the means and technicalities at their disposal not to give you information. These are the items of many articles in Canada and the United States today. People have not only become distrustful of governments, they have become distrustful of government institutions because they can't get the information they want - especially when we are dealing with a new government, a government that is preaching openness and is

spending millions of dollars to tell the people what it wants them to know, making it appear that they are open about everything. But they are not.

When we want some information we get this kind of dodge - copies of all departmental policy guidelines. So there will be other kinds of guidelines that will not be revealed to us. And the question is, why not? It is a good question. That is what the constituents sometimes want. They phone us and say, find out what is happening to the marble in the courthouse. Where is it disappearing to? I asked the minister and they laughed. This is concealment, Mr. Speaker.

The principle I am talking about, Mr. Speaker ...

MR. SPEAKER:

Order please. The hon. member is not entitled to comment on an answer given by an hon. minister.

MR. LUDWIG:

Mr. Speaker, I am using examples to establish a principle and I will not pursue this matter of trying to establish a principle further. But when we want information from ministers, we don't want them to dodge behind anything. We want the whole picture. Sometimes half a picture isn't any good to anybody. We want the whole thing. This has been a practice with this government which preaches openness, but they can't possibly come and say, we'll give you everything possible or what we think you ought to have.

This is a new approach where we are going to ask permission from those on whom we might want to do a little investigating, leading to the position where, for instance, we might have to stand up here and demand inquiries because we can't get information. It's much easier than to go through this routine over and over again, for the minister to stand up [and say], I will accept the motion for a return and give you all the information we have and not screen - we are not interested in ministers screening information.

If they feel they have given directives or have had correspondence between themselves and the Alcoholism and Drug Abuse Commission, then it is our job to find that out. If we don't get it directly we will have to use such means as are at our disposal to find it out. We have had success in getting information when the government refused.

The government says we will have to seek consent of those people involved, so we went to the people who were involved and they said, here it is. You can have all the information you like. Do we have to resort to this? Is this going to become a practice? If it is, this will continue to increase and it does lend the opportunity to the public to feel that the government doesn't want to give them something as wholeheartedly as might be expected, because perhaps they don't wish us to know the whole picture, Mr. Speaker.

This is a principle involved, and I must point out that Mr. Baldwin in the federal House has not only fought for openness and opposed secrecy on the part of government - he's fought it very relentlessly and has brought in legislation to cover this point that it is an issue in every parliament in every legislation.

It might appear to be a minor point, Mr. Speaker, but the principle is not minor. The principle is important for the hon. members on this side to be able to get everything they can when they have a question or a motion for a return. Frankly I'm disappointed and I shall continue to resist this kind of attitude because the government has displayed over and over again that they'll overwhelm us with information they want us to know, but if they goof a bit or if there is something a little bit embarrassing, the answer is, try to get it. This is not good enough. If they want to try to conceal things they have done then don't go around spreading a false front by advertising that we're open - we want your information. Come to us and we'll tell you everything. That is not true. The attitude of the government has been to dig in and not give the hon. members anything more than they absolutely have to. That is not consistent with open government. I say that if they want to be that way then quit spending public funds and saying that is in keeping with our open policy, because that is an untruth and, worst of all, the taxpayer is paying for it.

So for those reasons, Mr. Speaker, I believe the minister ought to tell us that he'll give us everything he feels it is possible to give us, and if it should be embarrassing for the government, well, that is their problem. We get no shortage of information about the things they want us to know, telling people what money they gave them - how much of their own money they are giving to the people. They go on and on and on, but try to find out something.

The opposition has a job to do, to probe and to see if there is something going by the board, to see if government property is being managed properly, to see if boards and commissions are discharging their responsibilities properly, to see if there are problems. The answer is, try to get it. If they can find a technicality, a means of getting around

it, Mr. Speaker, they will, and worst of all, they agree with what I'm saying but they are going to continue to do it. My position is that as long as I'm on this side, I'm going to keep pressing for openness and get all the information I can. Because that's our job and that's what we're paid for and sent here to do, Mr. Speaker.

DR. BACKUS:

Mr. Speaker, if the hon. Member for Calgary Mountain View wants his questions to be more than half answered his questions should be more than proportionately witted.

To use the example that ...

MR. LUDWIG:

Could the minister repeat that? I didn't hear him. He seemed to be mumbling, Mr. Speaker. Would the hon. minister repeat that. I didn't hear the remark.

MR. SPEAKER:

Order please.

DR. BACKUS:

To use the example that the hon. member chose as characteristic of his problem, when he tried to make out that I was reluctant to answer the question of the name of the contractor with regard to the marble, he will notice that he never, either on a previous occasion or on this occasion, asked me for the name of the contractor, but merely asked whether the contract included the marble. It wasn't until, in fact, I answered the question that he asked that one, so I think this illustrates the state of the questioning of the hon. member.

I'd also like to point out that although again the hon. member is trying to make something out of our reluctance on this side to breach the common courtesy, and I think a certain degree of security on the part of private individuals or groups by saying that we wish to ask permission from them for releasing their correspondence or their information, I think it's very remiss of the member to try to make this out as the government trying to hide something.

I know that whenever the confidentiality of private individuals is brought up in the House the hon. Member for Calgary Mountain View is usually one of the leading speakers. Mind you, he's one of the leading speakers for almost anything, but he is one of the leading speakers in defence of the confidentiality of private individuals. Now for him to completely reverse his attitude and try to turn it into something the government is trying to hide, I think again illustrates the standard of questioning of the hon. member.

MR. CLARK:

I hadn't planned to get involved in this debate, Mr. Speaker, but perhaps I'll just make two or three comments following the comments made by the Minister of Public Works and say that with regard to this Motion for a Return No. 155 and the amendment dealing with departmental guidelines and inserting the word "policy", an attempt to construe that there is something to do with security, as far as that's concerned, is a small stretch of the imagination, to say the very least.

Might I say, secondly, in his attempt to jumble the arguments of the Member for Calgary Mountain View, the Minister of Public Works conveniently neglected the point that the Member for Calgary Mountain View said he would think it appropriate if the letters which were sent to Collingwood Acres and the AA organization, asking for their concurrence, be filed with the reports.

Now as I say, I hadn't planned to get involved in this debate, but when the Minister of Public Works stands in his place and tries to say that for reasons of security we should be accepting an amendment like this, that's really stretching the point.

[The amendment was carried.]

[The motion as amended was carried.]

156. Mr. Clark proposed the following motion to the Assembly:

That an Order of the Assembly do issue for a Return showing:

A copy of the report outlining the recommendations of the Early Childhood Services Coordinating Committee.

MR. CLARK:

Mr. Speaker, I move Motion for a Return No. 156.

MR. HYNDMAN:

The motion is acceptable. I think we can prepare the reply very quickly.

161. Mr. Notley proposed the following motion to this Assembly:

That an Order of the Assembly do issue for a Return showing:

Copy of the minutes of the meeting held between the Executive Committee of the Alberta Council of International Agencies and the Hon. Minister of Culture, Youth and Recreation held on December 10, 1973 as well as the letter of refusal of the matching grant requested by the Tuberculosis Society of Alberta relative to international aid.

MR. NOTLEY:

Mr. Speaker, I move Motion for a Return No. 161 ...

MR. SPEAKER:

Order please. I suppose we should go through the procedure of putting the question on the motion, No. 156.

[The motion was carried.]

MR. HYNDMAN:

Mr. Speaker, I would be pleased to table the answer.

AN HON. MEMBER:

He just finished saying it wouldn't take very long.

AN HON. MEMBER:

He'll just write that up now.

MR. NOTLEY:

Mr. Speaker, I move Motion for a Return No. 161 standing in my name on the Order Paper.

MR. SCHMID:

Mr. Speaker, at a time when the several prominent members of different churches of Canada made the presentation to cabinet, they left behind them a group which calls itself the Alberta Council of International Agencies, and then, as such, representing these different church leaders, met with me in ...

MR. SPEAKER:

Order please. Is the hon. minister intending to debate the motion?

MR. SCHMID:

Mr. Speaker, yes, since I am going to oppose the motion for a return.

MR. SPEAKER:

Perhaps we should - the hon. Member for Spirit River-Fairview has moved the motion. As a matter of fact, strictly speaking, that concludes his right to speak except at the conclusion of the debate, unless he has leave of the House to continue to debate the motion now that apparently it's not going to be accepted.

MR. NOTLEY:

Mr. Speaker, I think perhaps what I will do then is just speak at the conclusion of the debate. I would like to hear what the hon. minister has to say because it will probably have some bearing on what I have to say.

MR. SCHMID:

Mr. Speaker, so at that time of course, an agency which was appointed by the different leaders of the different churches of Canada met with me in my office, which I strongly believe should be the privilege of any person or group, without then having to table or make public the contents of the meeting.

Also, the second portion of the request for a motion for a return contains the request for the letter of refusal of the matching grant. A letter of refusal, Mr. Speaker, was never sent. It may have been a letter of referral to that agency of the Alberta Council of International Agencies. Also, of course, this letter from the Tuberculosis Society of Alberta would be available to the hon. member.

So under these conditions, Mr. Speaker, I'm unable to accept this motion for a return.

MR. LUDWIG:

Mr. Speaker, in making comment on this motion, I believe that the hon. minister, instead of saying why the motion ought not to be approved, is saying why he cannot answer some of the questions on it. I believe he may not have the material. He didn't object to the motion for a return. He merely tried to explain away why the letter of refusal was never sent. Then why doesn't he state that in his answer, Mr. Speaker?

A motion for a return is an effort to seek certain information, and if it was not sent or if some of the information requested is not available and never has been available, that would constitute the answer, Mr. Speaker. But the minister made no objection whatsoever to the motion for a return. He tried to explain away the fact that maybe it isn't seeking enough information or isn't quite seeking the information that is available. He can state that this is not available and that's the answer. But I believe the motion for a return ought to be passed, Mr. Speaker.

MR. SPEAKER:

May the hon. member conclude debate?

HON. MEMBERS:

Agreed.

MR. NOTLEY:

Mr. Speaker, I think the hon. Member for Calgary Mountain View has made some of the comments I wanted to make. I would just like to conclude my remarks by advising members of the Assembly that this matter was brought to my attention by one of the leading people in the city with respect to the whole international aid question, who was very concerned about it and wanted the information. As a result of the discussions I had with this particular person, I felt it would be in the public interest if this information were made available.

So for the reasons that the hon. Member for Calgary Mountain View has already explained, as well as just a little background as to why I moved the motion in the first place, I would urge the members to pass it. But perhaps what might be considered, - and I just put this to the minister - perhaps we could hold it or withdraw it and reword it if that would be suitable to try to get the essence of the information. If you have some objections to the wording I could rephrase it and put it again in a different way.

MR. SCHMID:

Mr. Speaker, in reply to the hon. member's question, as I have said before, there is no way I could possibly agree to tabling the minutes of a meeting which was held by a private individual or group in my office who met with me in confidence [in regard] to their problems.

As far as the second portion is concerned, I agree with the hon. Member for Calgary Mountain View. That question, of course, could be withdrawn anyway because there never was a question of the refusal of a matching grant.

[The motion was lost.]

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

1. Moved by Mr. Diachuk:

Be it resolved that our universities and public colleges be encouraged to:

- (a) grant a preference in favour of Canadians rather than non-Canadians in hiring academic staff, and
- (b) ensure that non-Canadian students have access to all programs of study provided that Canadian students occupy a very high percentage of the spaces available in each program.

[Adjourned debate: Mr. Taylor]

MR. TAYLOR:

Mr. Speaker, at the outset may I thank you, the hon. Member for Edmonton Beverly and the hon. members of the Legislature for permitting this resolution to hold its place. I appreciate this very much indeed.

When I was concluding my talk previously I got down to the place where I had moved an amendment to the motion. Briefly to lead up to that again, I would like to say that I support the spirit of the motion. I think the objective of the motion is good but there are certain items in it which I think can be improved. Consequently I am going to move an amendment that deals, first of all, with the words, "grant a preference ..."

Be it resolved that our universities and public colleges be encouraged to:

- (a) grant a preference in favour of Canadians ...

As pointed out by one hon. member, this appears to be contrary to the spirit of The Alberta Bill of Rights - granting certain favouritism or preference because of race, colour or creed. I think it would be very ill-advised for the Legislature to ask our colleges and universities to do something that is contrary to the spirit of The Alberta Bill of Rights. Consequently, I think that wording should be improved.

The point in item (b) to which I take some exception is:

ensure that non-Canadian students have access to all programs of study provided that Canadian students occupy a very high percentage of the spaces available in each program.

It's quite conceivable that there would be less than a high percentage of the spaces occupied by Canadians. There may well be 75 or 80 per cent of the spaces entirely left vacant if the universities and colleges were to follow this particular decree.

We are suffering from a reduced number of applications in our universities particularly. Consequently, I think what we want to do is make sure that all the spaces available in universities and colleges are filled, but that Canadian students have the first choice for those particular places. Once Canadian students, qualified Canadian students, have been accepted in our universities and colleges, then if there are empty spaces certainly we should fill those with students from other countries rather than leave them empty, with the thought, of course, that these students would be paying their way and I think that is the case.

So it is the wording of (a) and (b) that bothers me somewhat. Consequently, in order to ensure that we continue to have excellence in our colleges and universities, and are able to ensure that we continue to have the best available instructors, irrespective of where they come from or what their colour or creed happens to be, in order to make sure that our universities are filled so that the highly qualified instructors can be fully utilized, I am suggesting that the motion be amended by:

- (1) striking out (a) entirely and substituting therefor the following:

hire Canadian teachers providing they have equal or better qualifications than non-Canadians, and

- (2) strike out all words after "that" in (b) and substitute:

no qualified Canadian student is denied entrance.

With reference to the first amendment, this would ensure that instructors or professors of the highest calibre, the highest training and the highest qualifications were secured irrespective of the country from which they come. If Canadian teachers do not equal the excellence of the qualifications or the ability to teach of someone from another country, then certainly our students should not be denied the benefit of that better instruction. But where Canadian teachers do provide equal or better qualifications than those who come from other countries, then certainly the Canadian teacher should be



hired for that same reason that the students may secure the very best instruction possible.

Then secondly, to re-emphasize the fact that we want our university spaces filled and not with classes half or three-quarters empty, where no qualified Canadian student is available, then certainly the non-Canadian student should have access to all programs.

So the resolution will now read, as amended:

Be it resolved that our universities and public colleges be encouraged to:

- (a) hire Canadian teachers providing they have equal or better qualifications than non-Canadians, and
- (b) ensure that non-Canadian students have access to all programs of study provided that no qualified Canadian student is denied entrance.

MR. DIACHUK:

Mr. Speaker, I just want to make a few comments on the amendment and I want to indicate to the hon. Member for Drumheller that I appreciate that he gave me sufficient notice to consider his amendment, as I have had the wording of the amendment for several weeks.

I have given it a lot of thought and I only conclude that to a great extent the amendment does, as he has indicated here in the wording, change the intent of my original resolution.

If I may take the two sections one at a time, I refer to Section (a). The wording of the amendment restricts the resolution and does not give it the latitude that I feel my wording did. The amendment states "... equal or better qualifications ..." while the original resolution just states that "a preference" be given or granted by the university or public college, in this way permitting the university or the public college to choose any area it may wish to give preference in selecting its staff from Canadian applicants.

In my humble opinion - and lacking legal training - I often wonder whether The Alberta Bill of Rights applies to non-Canadians, even though this is raised by the hon. Member for Drumheller.

As to Section (b), the second part of the resolution, the amendment basically states "... that no qualified Canadian student is denied entrance", which could very well restrict any enrolment from outside, contrary to what some of his colleagues from his side, Mr. Speaker, had argued initially when the resolution was introduced. As I indicated, the wording of the resolution in its original instance indicates that there be "a very high percentage" of Canadian students, in this way guaranteeing some percentage of non-Canadian students.

In the hon. member's presentation today, he indicated it is conceivable that a high percentage of spaces may not be available under the original resolution. This is difficult for me to accept, Mr. Speaker, and I, as the originator of the resolution, would have to disagree with the amendment and indicate that I would not be prepared to vote for the amendment and would urge that it be defeated.

MR. LEE:

Mr. Speaker, in commenting on this resolution and on the amendment, I want to express my reservations on aspects of both the resolution and the amendment and my concurrence with other aspects of them. I want to, at the outset, express my concurrence with those remarks of other members when they have stated that the primary objective of our post-secondary institutions must be excellence and that in striving to obtain this objective we must recognize and accept the contributions of both Canadian and non-Canadian staff and students. Because exclusive of any considerations regarding the general ability of staff or students, there are two main benefits we can gain by accepting staff from other jurisdictions.

The first of these is the cross-cultural stimulation which can be applied within our post-secondary programming. I believe this was termed cross-cultural crossbreeding by the Member for Edmonton Kingsway in his comments. But I see this additive effect as the very converse of the kind of academic inbreeding that might occur if we were to adopt a very restrictive kind of policy in not allowing non-Canadian involvement.

A second plus to this kind of participation, this kind of accessibility for non-Canadian staff, is the special capability these people can bring, a unique point of view from training they have received in other jurisdictions and from the background they have gathered through experiences which may not have been available to potential staff in Canada.

For example, within various schools in other countries, strong, specialized programs have been developed, both within research and instruction. When we attract staff from these sources we add capabilities which we may not have developed in Canada. And to ignore these sources is really to encourage mediocrity in our schools. Witness the cross-cultural stimulative effects of various medical breakthroughs and we realize the positive international linkages which can occur in knowledge, discovery and expansion. Many, I might add, have originated in Canada and been sent outside to other countries.

But having said this, I want to share the basic concern which is recognized in this resolution and in the amendment; that there can be an overwhelming effect if we allow an excess of non-Canadian influence. And I want to say at the outset that in examining the extent of Canadian participation by staff and students, we are really looking at two different questions. We are looking at the effects of non-Canadian staffing on the one hand and at the effects of non-Canadian student accessibility in our post-secondary institutions on the other. The concerns over staffing relate to the influence which this kind of policy can have on our post-secondary institutions, an influence not only on departmental policies but also within the actual teaching function.

On the other hand, with student acceptance the concern isn't so much one of non-Canadian influence, but one of accessibility for Canadian students. So I share the concern that is expressed by my colleague from Edmonton Beverly and by the Member for Drumheller, that students from Alberta not be turned away from training within our Alberta institutions by the fact that foreign students, not Canadian students, are accepted into limited training places. And I repeat, the question here again isn't one of influence by non-Canadian students, but one of accessibility or lack of accessibility for our own Canadian students.

Consequently, I personally endorse some kind of preferential acceptance of Canadian students, some kind of quota, if you will, within post-secondary programs. And I am encouraged that this policy is, in fact, functional within our various advanced education jurisdictions, within our technical institutes, within those institutions which fall directly within the responsibility of the Department of Advanced Education.

I would hope a more global policy, applied within all post-secondary institutions in the province, within our universities and colleges, would also be applied in this same manner. I think we owe it to our own students, who may come through high school and undergraduate training only to be turned away, not because they lack the eligibility or the prerequisites for entrance to the programs, but because, through the application of some screening program which does not reflect on their potential success within the program, they are consequently rejected.

Having said this, however, I would not extend this same kind of reasoning regarding quotas, regarding restrictions, in the same way to non-Canadian staff. And thus, I want to express my reservations regarding part (a) of this amendment.

I think one of the greatest concerns that has been expressed in reports on the subject, the Moir Report in Alberta and also in the interim report of the Select Committee in Ontario on Economic and Cultural Nationalism as it applies to colleges and universities in Ontario, is not so much that Canadians are to gain preference in employment in these positions, but a very real concern that the opposite might occur, that within our institutions preference might be given to non-Canadians. In the Moir Report this practice was termed "old-boy networks", where a particular department within a university, within a school, can become dominated by staff from an outside jurisdiction. Consequently, in further appointments to the staff, preference might well be given to those individuals from a home training jurisdiction, simply because of the personal knowledge of an individual's reputation, the fact that the staff may have worked together as colleagues in a particular jurisdiction. Consequently, this potential staff member might be invited to apply for a staff position. This invitation might well be given to a potential candidate from outside Canada.

Now this can probably occur because of inadequacies in the hiring policies of an institution, factors like inadequate composition of selection committees, inadequate advertising and publicity for positions, a reliance on appointment through invitation rather than seeking out from all countries the best instructor for a particular position. Consequently, an appointment may be undertaken not so much by the university or even by the school itself, but by a department within, where teaching ability, in addition to the personal reputation and the knowledge through past 'colleagueship' often outside our borders through personal acquaintances, leads to an appointment.

Mr. Speaker, in expressing my concern I want to say that I feel there are policies we can follow which are of better service than the ones that are expressed in this amendment and in the main motion, reasonable policies in the appointment of staff, both Canadian and non-Canadian, not applying restrictive policies of limits and quotas, but assuring that our Canadian potential staff has equal access with non-Canadians.

I want to propose for the Assembly's consideration five suggestions which might be applied to fulfil this objective in the development of a conscious policy in recruitment where we avoid an insular approach, where we avoid outright quotas, where we avoid outright elimination of non-Canadian influence, but one in which we establish a policy for the manner in which we recruit for instructional staff positions. I might add before proceeding with these recommendations that many of them have been mentioned in both the Ontario report and the Alberta report on the subject. In giving many of these recommendations I am endorsing, in fact, certain of the recommendations from these sources.

The first proposal is this, that prior to actual employment for a staff position we determine very carefully the job description and, flowing from this, the job specifications that we wish to apply in this employment, and that these specifications and prerequisites be established through participation, not only by the academic staff in a particular department, but by applying a wider participation by students and other staff from within the university or college at large. In this way we can ensure that restrictions limiting equivalent Canadian training sources would not be reflected in particular appointments and advertisements.

A second suggestion, that selection committees, whether these are elected or appointed, should consist of individuals both within and outside the department in which the staff is to be employed, and once again, that student representatives be involved.

Third, that prior to selection, positions be advertised extensively in Canadian journals and periodicals prior to the closing of applications. I'm not recommending that this be the sole method used to recruit staff, but that advertising must be extensive enough to ensure that available people, particularly in other Canadian jurisdictions, have an opportunity to apply for these positions and that this availability of application be very widely publicized.

My fourth recommendation, to ensure that we do have the available manpower potential resource within Canada for our own Canadian staff, our own Canadian potential, that strong undergraduate and graduate professional training be expanded within Canada. We're going to need substantial efforts in Canada to develop appropriate graduate programs, both of an instructional and a research nature in a national context, to secure a more formidable Canadian presence in our colleges and universities, because it's through a stronger preparation of our graduate programs that we're going to have a stronger potential staff capability in Canada. This was a concern that was expressed very well in the field of optometry by my colleague from Ponoka.

At present it's logical - it's actually logical - to look outside our borders for much of our expertise, because we know that much of the training has just not been made available in Canada, but has been widely developed in both specialized and general schools in other countries, especially in the United States.

Mr. Speaker, my final suggestion, that in the recruitment of staff for our universities, colleges and technical institutes, active consideration be given to short-term exchange programs with other schools and universities throughout the world so that we might more adequately benefit from, as I stated before, the cross-cultural stimulation that we can gain from other countries. I'm not proposing a full-time employment of staff, but simply a trading, for a short period of time, similar to what we now do in CIDA and CUSO where our Canadian staff are employed, usually for a two-year period, in some of the developing countries. With this kind of exchange program we can assess, in a professional sense, through this policy, our own Canadian staff, but we can also benefit at the same time through recruitment of staff from other countries in the world to stimulate their domestic academic programs and our own.

In summary, Mr. Speaker, my suggestion is really this, that we establish the framework by which we can benefit from the very strong bonuses, the strong additions, that non-Canadian staffing can bring to our post-secondary institutions. Through advertising, through a strong recruitment policy within our post-secondary institutions and governmental jurisdictions, we can ensure that this actually does occur. The provincial government can take the lead in these kinds of policies by enacting, within those institutions under direct governmental jurisdiction [such as] technical institutes and vocational centres, particular policies, perhaps as I have suggested, for the employment of both Canadian and non-Canadian staff.

So, Mr. Speaker, I have given my reservations regarding both the amendment and the main resolution. I do want to congratulate my colleague from Edmonton Beverly for bringing to the attention of this Assembly this very important issue and I urge other members to enter the debate and express their concern in this regard in order to assist the department in the development of a policy in this very important issue.

MR. SPEAKER:

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

MR. LUDWIG:

Mr. Speaker, it is rather interesting that most hon. members who speak on the motion and on the amendment - and I'm supporting the amendment - tend to agree that we don't want to discriminate against output from foreign countries, because we need it, we have had lots of it and we have benefited greatly by that influence from outside the country. Nevertheless, when I read the motion I have no choice but to support the amendment, because the motion is discriminatory. It's urging a policy of discrimination. Much as you'd like to get around it, and it's nice in some instances to make sure that someone Canadian gets in when someone from outside doesn't, we are now a much bigger country. We have had our own teachers and students go abroad, and we would feel very badly if they said, sorry, but your chances are very slim because you are a Canadian. Therefore, the amendment comes a lot closer to what one can support.

Where we have equality or where we have Canadians more qualified, naturally we would appreciate getting more qualified people in. I'm sure that not all positions would be filled by Canadians, so there is always some room for input from other universities. Through such things as sabbatical leave exchanges we do get the benefit of learning institutions elsewhere, and it has made our institutions worth while. Other people have a tendency to come from abroad to our universities because they rate our universities rather highly. And this wasn't done strictly by sticking to local input and local content. There has been a good mixture; there has been a good development, a good evolution, in this regard and we should be proud of it.

I think the hon. member who introduced the motion had an opportunity to sort of, perhaps, save face a little bit. We just can't tolerate anything that is discriminatory, least of all in Alberta, because we have had all kinds. And when we have somebody, whether he be black, whether he be of a different skin colour or whether he speaks with a foreign accent, in all likelihood he is a Canadian. Many of them have come here and become Canadian citizens. So we have that advantage now in choosing from a tremendous cross section. People have come here, some of these professors, and have been here many years. So we must avoid any indication that we are sitting pat, we've got it made, so let's keep it all to ourselves. That can't possibly be supported and I'm sure the hon. members opposite - maybe they don't read that motion the way I do - but they would not support any discrimination against others when we are doing rather well, nor would they want to feel our students could not get a break because we were crowded out. It is a question of degree, Mr. Speaker.

I think the amendment, as proposed by the hon. Member for Drumheller, takes a middle-of-the-road course and, as I stated, I thought the hon. member who proposed the motion would take advantage of a better-worded motion, a motion that expresses more broadly the views of the hon. members here, and would have been gracious enough to state that he perhaps didn't think his motion out too well and that this is an improvement.

It is as far as I'm concerned, and I have no hesitation in stating that I will support the amendment in preference to the motion. One can probably read and keep improving the wording of a motion or an amendment to perhaps have a better policy statement. But I believe it's the pronouncements and the attitudes of the hon. members here that will determine what, in fact, will happen.

So, Mr. Speaker, with those few comments I do not believe that we need to review the recommendation of the Moir Report. It's well-known to most hon. members. Nor do we need to rebut some of the remarks that were made, quite sincerely, by the hon. members on either side of the House.

Mr. Speaker, I urge hon. members to support the amendment as being far more explicit of the views we support in this Legislature. Thank you, Mr. Speaker.

MR. GHITTER:

Mr. Speaker, I rise to express a few comments relating to the amendment, because quite frankly I don't share the enthusiasm of members opposite. I also don't share the enthusiasm of the mover of the motion itself, from the point of view of what has been said here today and in past debate.

I think the first approach I would like to mention, Mr. Speaker, is that indeed I think I do support a portion of the motion as well as the amendment. Yet I don't think it is an area of great concern when one examines the opportunity for Canadian students within our Canadian post-secondary educational institutions. I would submit that our own citizens in Canada should have the benefit of our post-secondary educational institutions,

and if they are not getting it and they are being deprived of the opportunity of going to our universities and colleges, indeed they should be allowed this opportunity.

So from the point of view of that aspect of the motion, as was stated so well by the Member for Calgary McKnight, certainly no one really disputes the priority of our Canadian students to our Canadian institutions. But after all, Mr. Speaker, it's not unusual throughout this world that post-secondary educational institutions give priority to their own first, and if there is room left over then they welcome non-Canadian students. So I think that particular area is really being covered today by the practices of our institutions here in Alberta which I think, subtly and indirectly, certainly give benefit to their own first.

But what does disturb me in a sense, Mr. Speaker, is the second part of the amendment and for that matter the motion itself. Part (a) of the amendment talks in terms of the hiring of Canadian teachers, providing they have equal or better qualifications than non-Canadians.

Mr. Speaker, first, I would propose that this amendment, Part (a), in my judgment clearly offends some of the provisions of The Individual's Rights Protection Act, not the Bill of Rights as has been mentioned, but The Individual's Rights Protection Act. Honourable members may recall Section 6 of that Act which states, and I'm quoting from it, Mr. Speaker:

- (1) No employer or person acting on behalf of an employer shall
- (a) refuse to employ or refuse to continue to employ any person, or
- (b) discriminate against any person with regard to employment or any term or condition of employment,

because of the race, religious beliefs, colour, sex, marital status, age, ancestry or place of origin of that person or of any other person.

It would seem to me, Mr. Speaker, that if priority were to be granted to potential teachers at our institutions which was based upon the place of origin, in that event we would be offending The Individual's Rights Protection Act. Mr. Speaker, this only really applies in an area where we are talking about equal qualifications. For certainly if someone has better qualifications than another, if they are bona fide occupational qualifications, then of course The Individual's Rights Protection Act takes that into consideration.

But from the point of view of the portion of the amendment that talks about "equal qualifications", if there are equal qualifications - albeit how one would come to that conclusion - but if that does occur and the decision is then made on the basis of Canadian versus non-Canadian, then I would submit for hon. members' attention that it would clearly offend the provisions of The Individual's Rights Protection Act that we all supported within this Legislature.

Now one might say in counter-argument, Mr. Speaker, that we should amend The Individual's Rights Protection Act in that particular area, but I don't know that that would really be the wise thing to do at this stage.

But on top of that, there are additional problems in allowing priority to hire Canadian teachers over non-Canadian teachers. As set out in the Moir Report, which has been referred to a number of times in this debate, one must put one's mind to the basic problem and that is, what are the best and acceptable standards? For as the Moir Report stated on page 18:

Universities, departments and courses within universities, as well as professors, vary in quality, just like most other institutions and groups of people. It is a great mistake to deal with university education as if one institution, course or professor were just as good as another. There is no way to standardize them. Indeed if standardization were possible, it would be frustrating and fruitless.

It is my submission, Mr. Speaker, that the only criteria that should be applied by our colleges and universities in this province are quality, ability and expertise, none of which have anything whatsoever to do with nationality.

In making a judgment of quality, the hiring staff must take into consideration a number of factors. These factors, of course, include the necessity for familiarity with things Canadian if the professor is teaching Canadian history or government or literature. And in this regard I think one of the finest Canadian history courses I have ever taken was, oddly enough, given by an American citizen who had come to the University of Calgary and who was engaged in a most stimulating and most interesting course showing great understanding of Canadian history.

Mr. Speaker, indeed it is the quality that requires this consideration and the ability of the professor to communicate with his student and his familiarity with the language. And all of these matters must be taken into consideration by those who have the responsibility of hiring the teachers who will be working in our institutions. For after all, Mr. Speaker, what really is a university all about? Surely it is not merely a location to force feed concepts into eager young minds and pour them into the community, all thinking alike. Surely a university, by its very nature, must provide the very broadest scope in thought, experience and concept so its students will be stimulated against a background that has no national character, unlike our folk songs or our hockey games. For what distinguishes academia from any other areas from the point of view of the evaluation of who should be employed is not so much the colour of the hair, the strength of the body or an ideology, but it's rather the quality of the minds of the individuals who will be our educators. There are fine educators, there are excellent educators, there are incompetent educators and there are brilliant educators, but none of these criteria have anything whatsoever to do with the nationality of the educator.

In fact in my submission, Mr. Speaker, we should be most grateful that our province is attractive to academics from across this globe. If we can attract the world's foremost scholars, the world's finest educators - no matter what their country of origin or training - the better will be our institutions of learning, the better will be our graduates and the better will be the development of our province and of our nation. What difference does it really make where the teacher comes from? What difference can there be - in terms of mathematics, sciences and technical areas - if an educator happens to come from Great Britain rather than Canada?

Surely, Mr. Speaker, if one were to look at the problem, if it is a problem, and if one were to look at the statistics we have seen, it seems that since the date of the Moir Report, if anything, there have been more and more Canadians working in our post-secondary educational institutions. I am advised, for example, that as of December 1, 1973, of 9,278 students at The University of Calgary only 1,241 were non-Canadian. But more important, in dealing with the teaching side of it, I am advised that when the Moir Report was prepared, some 46 per cent of the faculty at The University of Calgary was Canadian, when now over 50 per cent is Canadian. I think if one were to examine the statistics in the Moir Report or if one were to examine the statistics of the select committee in Ontario, he would find that more and more the statistics are showing a greater influence by Canadian scholars who are teaching in our post-secondary educational institutions.

Quite frankly, Mr. Speaker, I find the concept of restrictive employment practices at our universities based on citizenship to be far from the best interests of our institutions, the life, the viability and the growth of our colleges and universities. Sometimes I think, Mr. Speaker, that I am more concerned with the strong emphasis which is placed by many of our educators in the humanities on the somewhat idealistic gibberish of socialism that seems to creep into our universities, and particularly the attitudes and ideologies of many of those who are teaching in our university system.

But as I think of that, and as I think that the university students should get a more well-rounded point of view in the areas of these concepts and should not get this heavy emphasis of socialism that seems to creep into our institutions, I also come to the conclusion that that is really what university training is all about. I often think that this is an area where we as legislators should stay away and let the students enjoy their idealistic opportunities within a university system while they may, for they have lots of time to become pragmatic in the materialistic world when they get out. Surely this is an area for free-wheeling thought and a non-pragmatic point of view.

So, tempting as it is, Mr. Speaker, to suggest to this Assembly that our teachers and our university courses should give less socialism, I think we had just better stay away from that in this Assembly. We'll let the hon. member to my right in the far corner talk in terms of matters of that nature, and we will let our university professors do it. When people get out into the world they will realize how unrealistic such approaches really are, and time will cure all those frivolous areas of thought in any event.

AN HON. MEMBER:

Hear, hear.

MR. GHITTER:

Mr. Speaker, may I suggest that it seems to me there still exists a great problem in acquiring such talent in our universities from the point of view of education. I am personally aware of a number of faculties where the competition for the calibre of man or woman required is still very acute. It's just not that easy to get the expertise required to maintain high standards within our university system. There is a great competition for these individuals out in academia. Where, for example, a competent potential educator will be brought into the province, it's almost like dealing with an athlete to encourage him to come into Alberta when he is competing with many other universities.

Surely, let's not hamstring our universities with some concept of nationalism at that stage when this is not an area where nationalistic concepts should really be encouraged.

Mr. Speaker, it would seem to me that if we end up with a situation where we are encouraging our universities to hire their own, or as they say in academia, eat its own young, or the academic inbreeding that the hon. Member for Calgary McKnight referred to, we will be really, in effect, restricting our universities and ending up in a situation where the diversity of background and tradition which is required in our university system will be forgotten and our level of programming will be going backwards instead of forwards.

Mr. Speaker, as a result, as I look in terms of this amendment and as I look in terms of the motion itself, I must stand opposed to both of them insofar as they apply to the area of restrictive approaches on the basis of nationalism and the point of view of the hiring of our educators within our institutions, although I do support the intents of the motion insofar as they apply to insuring the maximum opportunity for Canadians in our post-secondary educational institutions.

Thank you, Mr. Speaker.

MR. MCCRAE:

Mr. Speaker, I would like to enter the debate on this resolution. The University of Calgary, sir, is in the Foothills constituency - the constituency I represent. Mr. Speaker, we are rather proud of our university down in Calgary and particularly in the Foothills area.

This resolution, Mr. Speaker, I am sure is well-intentioned, and I am sure the amendment is well-intentioned. Mr. Speaker, I don't have much enthusiasm for either. I think it goes without saying that all Canadians and all Albertans would encourage some sort of preference in favour of Canadians rather than non-Canadians in hiring academic staff. Or they might prefer to hire Canadians provided they have equal qualifications, or just whatever the exact wording was.

Mr. Speaker, I would like to take a slightly different attack on the resolution and the amendment. That is the question of local autonomy. I think this legislative chamber has competence in the area of legislation. I don't really know, sir, whether we have any competence in the area of directing universities as to what their hiring practices for staff, or enrolment practices should be. I think, as individuals, we can all have our likes and dislikes and our preferences and non-preferences. Surely, as I have stated, it would not be too difficult, individually, to support the main motion or the well-intentioned amendment.

But I think, sir, for this body to express direction, even if it only be by way of encouragement, to our universities at a time when they are particularly concerned about their autonomy, would not be in the best interests of the universities or the people of Alberta in general.

Our students have gone to other universities across Canada and indeed across the world. We have hired professors from around the world and inasmuch as travel is broadening - I am sure the fact that we are able to hire people from around the world has a broadening impact on our students at the universities. Also, that our students go to other universities has got to have some very significant impact on the education they acquire in the university.

Mr. Speaker, we have appointed or elected bodies to administer and run the universities. It is my firm belief that unless there is a very severe problem none of us here is aware of - if we are aware of it we certainly have not mentioned it during the debate - I think that unless there is a serious problem in the universities of hiring staff or in the enrolment sector, we should, Mr. Speaker, leave it to the university governing bodies to handle their house as they see fit. That presupposes there is no difficulty in this area at this time.

For that reason, Mr. Speaker, I cannot support the amendment or the motion, as well-intentioned as they may be. As one of the speakers has just indicated, we often do hire people of different political persuasions in our universities and very often we find they are teaching socialist gibberish, as the hon. Member for Calgary Buffalo has just said. But even if that is correct, I think that is part of the maturation or growing process for a student, and I don't necessarily think it's a bad thing or a thing that should encourage this Legislative Assembly which does have, as I have said, authority in the legislative field. I don't think it should encourage us to enter or intrude into the area of university hiring practices or university student enrolment practices. I think we should leave that authority where it presently rests and that is with the university authorities themselves.

Mr. Speaker, might I move to adjourn debate on this question.

[The motion was carried.]

2. Mr. Harle proposed the following motion to the Assembly:

Be it resolved that this Legislature have regard to the implications of the law set forth in the Supreme Court of Canada decision in Murdoch and Murdoch and ask the Government of Alberta to carefully consider the introduction of legislation to empower the court in a divorce action to divide the property of the spouses between them and to consider the contribution in dollars and effort made by the spouses in arriving at the division.

MR. HARLE:

Mr. Speaker, I move Motion No. 2 on the Order Paper under Motions Other Than Government Motions.

Mr. Speaker, before giving some of the background to this particular motion I'd like, first of all, to point out some of the parts of the wording of the resolution which I feel are important in this particular debate.

The first point I want to make is that it is the implications of the law in the Murdoch and Murdoch case that are important, not the Murdoch and Murdoch case itself. That is a case which I'm sure is very easily distinguishable upon its facts and it becomes then a question of legal interpretation, and it would not help this debate at all to consider the particular facts in the decision itself.

The next point about the wording of this particular resolution is the need for legislation. I think it is quite evident to all of us that the courts themselves cannot make new law in this area. They have tried on a number of occasions, but it appears that the law is fairly well set out in previous decisions and it is up to the Legislature to make whatever changes are needed.

The next point I'd like to refer to is that it's important to realize that we're dealing with a divorce action in this particular resolution, not with general property law, not with the law of property on death, but purely with what is to happen to property in a marriage breakdown situation, in a divorce action.

Another word which I find is important in this resolution is that the property is to be divided. I haven't said "equally", and this is important because there are those who feel that upon the breakdown of a marriage the property, or some of the property, should be divided equally between the parties. There are other people, however, who feel that this is not always the situation which should occur, and I find myself of the view that it should be left up to the court and to the judge who hears the evidence as to whether it should be an equal division of property or a division on some other basis.

The last part of the resolution which I think is very important is that the court must consider and must be directed by the legislation to consider the contribution in dollars and effort made by the spouses in the acquisition of their property. The subject matter of this resolution is not necessarily new, of course, to this Legislature. There was a resolution which was debated in this House in 1971 which asked,

... the Institute of Law Research and Reform to study the feasibility of legislation which would provide that upon the dissolution of the marriage each party would have a right to an equal share in the assets accumulated during the marriage, otherwise than by gift or inheritance received by either spouse from outside sources.

That resolution produced the needed effect on the Institute of Law Research and Reform and they are presently studying this whole area as requested by that resolution. The institute recently called upon Downey Research Associates to do some work on people's attitudes and that survey has, I believe, been done, although at the time I last contacted the institute they hadn't received the information.

We're not the only province in Canada that's having problems with this area of the law. In Ontario there has been a massive report by the Ontario Law Reform Commission which basically has recommended that marriage should be viewed as an economic partnership. Equal share of combined assets accumulated during the marriage should take place so that the property will be divided on an equal basis. The Ontario Council on the Status of Women has been pressing the Ontario government, during recent months, for legislation. Saskatchewan has had a rather similar set-up. Their law reform commission has also been conducting a review and amendments were recently introduced in the Saskatchewan Legislature to their Married Women's Property Act, which suggests expanded rights for women along the lines of 50 per cent of the assets accumulated during the marriage belonging to the woman on divorce. This, of course, has been brought about in Saskatchewan by the Rathwell case which was rather similar to Murdoch and Murdoch.



In Manitoba there have been some recent cases which have gone to their Court of Appeal following the Murdoch and Murdoch case and that particular case could also go to the Supreme Court of Canada because of the fact that the lady in question received some of the property of the husband.

This problem of what to do on divorce is getting to be more common. I noticed recently that statistics show Alberta has the highest rate of divorce in Canada, with some 227.8 divorces per 100,000 population. The Canadian statistic is 148.3 divorces per 100,000. In the United States it's estimated that half of all marriages end in the divorce courts. For this reason alone there is a crying need, and in fact I submit it has almost reached crisis proportions, that something be done with the problem of property in divorce.

I'm not sure it is necessary for us to consider property rights generally at this stage of development. I would like to see that something is done to ensure both spouses receive equity upon their divorce.

I submit the stage has been reached when it is agreed by people generally that something must be done, and in this regard I'm rather encouraged by an editorial which appeared in The Financial Post on February 9 of this year. The editorial writer points out that, "The statute law is woefully inadequate to deal with the problem." The statutes or the lack of statutes have been obvious to the courts and yet the courts have been really powerless to deal with the problem. The editorial writer pointed out in The Financial Post that the reasons for judgment in the Murdoch case make it necessary that legislation be brought forward. This legislation is needed to enact justice and to end the "insidious discrimination against women", in the opinion of the editorial writer.

The law in Canada in this area of property, divorce and marriage is of course based on the English law which, until recently, was really exactly the same as we have in Canada. There is really no such thing in English law as family property. There have been moves made by Parliament over the last hundred years which eliminated the grosser injustices inflicted by the common law upon married women. There also, the job of reform could only be done by legislation and that occurred in 1970 in an Act called The Matrimonial Proceedings and Property Act.

This provided that all property available for the support of members of the family in need of support - the result is that it doesn't matter where the property is or what kind of property it is, the property itself is available to support not only the wife but also the children. The Act conferred power on the court to transfer property from husband to wife, vice versa, and to children. This means that if one spouse has the property in his name the court can direct a transfer. The Act in England called upon the court to have regard to the contribution made by the husband and wife to the welfare of the family, and the important words in the Act were, "... including any contribution made by looking after the home or caring for the family".

However, the English Act only applied to marriage breakdowns and was not itself a property statute. It does not alter the rules of ownership. Property, of course, includes all kinds of things from homes, furniture, car, cash savings, insurance policies, bank accounts, savings certificates, shares, bonds and pension funds. It was felt, in England and in Canada, that in this area the opinions of members of the public were of great importance. It is no use having a law in this or any other area which does not find ready acceptance among the majority of people and this is most important in this particular field.

The present law in England, of course, is based on a principle of separate property, as it is in Canada. That is, each spouse may acquire and deal with his or her property as if single. The marriage relationship itself of course gives rights to certain obligations, the right of support for example. It also places limits on the spouse's liberty to deal freely with property and those limitations have also been placed in Canada. I am referring to The Dower Act and The Family Relief Act.

But separate property in England was not always the rule. The old common law provided that a husband had extensive rights over his wife's property. This was changed in 1882 in The Married Women's Property Act and we, of course, have that statute on our books as well, which enabled married women to own and control their own property.

Historically, the concept of separate property was part of the movement for emancipation of married women and I suggest that this move is a continuation of that movement for emancipation.

But separation of property ignores that in practice married women do not have the same opportunity to acquire property. It takes no account of the fact that marriage is a form of partnership to which each spouse contributes, each in a different way - each is equally important. The basic criticism of the present law in England and Canada is that it is unfair. For example, a husband who earns the family income may have a wife who gives up her employment to raise children. All the assets are in the husband's name. If

the marriage breaks down or the husband dies, the wife can wind up with no property rights except as determined by a court on death. The law in England and Canada is uncertain.

For example, what happens in this type of situation? The wife can use her income to make some mortgage payments, pay installments on the purchase of a car or washing machine or for household expenses. In each of those situations the problem is, what happens, what is the legal effect of the wife making those payments?

At present, the law in England is this: a spouse who has contributed to the acquisition or improvement of the other spouse's property may thereby acquire an interest in the property. The spouses are entitled to an equal share of savings from housekeeping allowances made by the husband or wife, or property acquired from those savings. Property purchased by a husband in a wife's name is presumed to be a gift to her in the absence of evidence to the contrary, just as in Canada. The spouse is entitled to a substantial interest in the other spouse's estate if the latter dies, and the situation is the same here. A wife has power to contract on her husband's behalf for the purchase of household necessities, the same situation as in Canada. A spouse's property may be affected by support rights, enforceable through the courts, and we have a very similar situation here.

Neither the Act of 1970 - that is the one that gave the power to the court to transfer property and take into account not only dollars, but the effort made in the accumulation of property - nor the family provision legislation affects the spouse's property rights during marriage. The court now has power, by the 1970 Act, to deal with property when a marriage is terminated by a decree of divorce, judicial separation or nullity, but not when a marriage ends naturally by death.

Of late it has been popular, I think, to believe that the situation in Quebec is better than here. This may not be the case. In Quebec - and I am speaking of the law as it existed at one time - the law did not impose a rigid and uniform system on married persons. It preferred to allow the married persons to choose by the contract of marriage the regime which suited them. But the Legislature felt it was necessary to designate one form, the so-called legal regime, that would apply in the absence of a marriage contract. And in 1866, it opted for community of movables and acquets, which leaves to each of the parties the ownership of immovables he or she possesses on the day of the marriage. But it appropriates to the needs of the household a communal mass composed at the start of all movables and to which, during the marriage, is added the proceeds of their private property. The mass is subject to the husband's administration. This was changed in 1964, giving the wife the control of property that she acquired even during the marriage.

The regime of community of movables and acquets had fallen into complete disfavour. In the period prior to 1968, some 70 per cent of married persons in Quebec preferred to marry under a different regime. In other words, they did not agree to accept on marriage community of property.

The majority of Quebecers apparently oppose the idea of sacrificing through marriage part of their judicial autonomy and they do not believe that the union of their persons must necessarily involve a total or partial merging of their properties.

There was proposed, and I believe there is now in Quebec, a regime of partnership of acquets which was adapted from the law in Sweden, Denmark, Germany and from the 1932 French draft. Sweden apparently has a multiplicity of patrimonies, in other words different categories of property, a total of five. In other words, various properties have to be categorized as either forming part of what will be divided between the spouses and some that do not form part of this community of property. In Germany they take the value at marriage and at the moment of dissolution. Then the spouses have half the increase.

Mr. Speaker, the Alberta situation, until the decision in Murdoch and Murdoch, was encouraged by a case called Trueman and Trueman which occurred in 1971. In that case the court, in effect, found that a wife could be given property by the court which was in the husband's name. Unfortunately the method by which this is done is a legal creation, not very easily understood, a concept which is very difficult to apply. What it basically is is a resulting trust. A trust is created and what the court does is say that when property is taken in the husband's name and funds used by the wife, or she has worked and the product of that work has been put into the acquisition of the property, the courts by a process whereby the spouses themselves have agreed that that is not a gift to the other party - and this can be established - the court can then say that that property is being held by the husband in trust for the wife. It's a very complicated procedure. It was referred to in the Murdoch and Murdoch case and that resulting trust could not be found.

Then occurred Murdoch and Murdoch which, of course, is a case from Alberta. Part of the decision in Murdoch and Murdoch which caused the greatest concern to women generally was in the decision of Mr. Justice Martland when he said, and I quote:

In Trueman the trial judge found a substantial contribution by the wife toward the acquisition of the farm home. In the present case the trial judge has made no such finding, but was of the view that what the appellant had done while living with the respondent was the work done by any ranch wife.

It was those words, "work done by any ranch wife", which caused the greatest amount of concern to women generally, and particularly to women in the various farm organizations in the province. That resulted in a resolution by the women of Unifarm which asks that upon dissolution of a marriage, either by divorce or legal separation, the assets accumulated during the marriage must be divided on a one-half and one-half basis.

Mr. Speaker, the whole area of property and how that should be dealt with in a family is going through a period of development. My resolution today does not really touch or solve the problems which we presently have. I submit that we should try at this time to come up with a solution to the problem, which really is a crisis at this time, and that is, what to do with the property of spouses on the breakdown of their marriage in the divorce courts. My resolution, in effect, asks the government to bring in legislation which will empower the court to divide the property, leave it up to the court as to how that division should be [made] and ask and direct the court to consider not only the contribution in dollars, but also the efforts made by the spouses in the accumulation of that property.

I am afraid that because of the Murdoch and Murdoch case many women will be prevented from receiving what is a just and equitable division of their property because of laws that have been built up over the past and that come from a period of history which just simply is out-of-date in the context of today. This does not mean that the past must be denied, but it does mean that in today's society I think we have reached a stage where people generally feel that merely because a wife has worked at home, looked after the children, has not had the opportunity of earning money, has not been wise enough to make sure there is property in her name, she should not be denied the right, when it comes to a breakdown of their marriage, of receiving some property.

Thank you, Mr. Speaker.

MR. FRENCH:

Mr. Speaker, in rising to take part in this debate I want to make it clear at the very outset that I certainly agree there is a great deal of public support today for the need of legislation "to empower the court, in a divorce action, to divide the property of the spouses between them, and to consider the contribution in dollars and effort made by the spouses in arriving at the division."

I certainly want to say, Mr. Speaker, that I enjoyed the remarks of the mover of the resolution, and I'm quite confident that he is aware that the Murdoch and Murdoch case was a matter of judicial separation and not divorce. But when I first read the resolution some weeks ago I thought possibly that there might have been some confusion in the mind of the mover of the resolution when he referred to the Murdoch and Murdoch case and then went on and talked about divorce.

I also noted today that he is very concerned with the implications of the law involved, and so I feel that maybe as far as his remarks and my remarks are concerned, we will be somewhat similar.

However, I must say I was a little bit baffled by the decision of the mover to cite the Murdoch and Murdoch case rather than to use the reference to The Domestic Relations Act, because actually the Murdoch and Murdoch case was a decision made under The Domestic Relations Act, which is in the statutes of the Province of Alberta. In my reference today, I would rather distinguish between The Domestic Relations Act and the Divorce Act as two separate entities. Because I think we all realize The Domestic Relations Act is a provincial Act. It deals with matters of separation whereas the Divorce Act is federal legislation and it only deals with matters of divorce.

Coming back to the Murdoch and Murdoch case, it is quite clear - I think we should distinguish in the first place that although I am sympathetic to the Murdoch and Murdoch case, I want to say it was really a claim to a beneficial interest in a ranch owned by the husband, together with a claim for separation and the custody of the infant child.

So when we talk about the Murdoch and Murdoch case, I think we want to keep it clear that it is separation and not divorce. And we should also point out that there is also the possibility that the Murdoch and Murdoch case may eventually go into the divorce courts.

I trust, Mr. Speaker, in view of the wording of the resolution, that we can have a wide latitude of discussion with respect to all matters of division of property following dissolution of marriage.

I feel that in dealing with this whole matter we have to keep in mind judicial separation and also divorce action, although in some effects there is a great deal of similarity. I think we also have to keep in mind that there is, in fact, a great deal of difference as far as law is concerned.

I also want to say that there has been a great deal of publicity given to the Murdoch and Murdoch case. In most cases the reference has been to divorce. It was somewhat amazing to me when I picked up The Edmonton Journal of April 16 and noted the Alberta Human Rights Commission wants the Supreme Court of Canada to take another look at the controversial divorce decision. I am wondering, Mr. Speaker, what area our Alberta Human Rights Commission is getting into. As far as I am aware, our legislation which would set up the Alberta Human Rights Commission indicated that it would require a letter or some report to the commission before they take action. And I am just wondering whether our Human Rights Commission is really aware of some of the problems we do have with respect to divorce and separation. But be that as it may, it only indicates that there is quite a bit of public opinion with respect to the Murdoch case.

Now, Mr. Speaker, I would like to point out that there is some similarity between separation and divorce. They both result in the breakup of the home and the custody of the children. I should also say that for religious reasons many couples may decide to use the route of separation. In many cases the couples may decide on the terms of separation, and in such cases it only requires the services of a lawyer to draw up the proper documents and to complete the action. In other cases, they are not able to decide on the terms of separation and so the matter is dealt under The Domestic Relations Act.

When I refer to Sections 22 and 23 of The Domestic Relations Act, I would like to refer the members of the Assembly to Section 22 - and I am reading from The Domestic Relations Act:

Where a husband has obtained a judgment of judicial separation or a decree of divorce for adultery of his wife, the Court may order such settlement as it thinks reasonable of any property to which the wife is entitled in possession or reversion for the benefit of the innocent party and of the children of the marriage, or either or any of them.

Then we go on to Section 23. I should also say, for the benefit of the members of the committee, that we did amend Sections 22, 23 and 24 last year. I am referring to the wording in The Domestic Relations Act previous to the amendments that we had because this would be the decision on which the decision was made in the Murdoch and Murdoch case. I am quite convinced that this law was passed before our amendments in making that decision.

And now I am going on to Section 23. It says where a judgment of divorce or

... nullity of marriage has been obtained, the Court may order that the husband to the satisfaction of the Court secure to the wife such annual sum of money for any term not exceeding the lifetime of the wife as the Court deems reasonable having regard to the fortune, if any, of the wife, the ability of the husband to pay, and the conduct of the parties. ...

When I am dealing with this, I would just refer the members to the amendment we made last year in The Domestic Relations Act. I refer to the 1973 Statutes, page 408, and it extends the privileges that were previously there insofar as the original Act only dealt with an individual. It now deals with two parties. In other words, while previously it only dealt with the wife, it now deals with the wife and the husband. So it is now broadened to cover both cases, which makes me wonder why the Alberta Human Rights Commission took the action it did. Because the present Act today deals with both spouses, the husband and the wife. And the only reason it may have taken the action it did, would be that it was based on injustice towards the wife as such.

And so, in coming back to Sections 22 and 23, I think there are two or three things we have to recognize. Number one, the court may secure "such annual sum of money". It also deals with "the ability of the husband to pay" and it also deals with such monthly or weekly sum as the court thinks reasonable.

I should also point out with respect to The Domestic Relations Act, when we come to Section 21 it says, "An order or judgment for alimony, whether interim or otherwise, may be registered."

There is no provision in The Domestic Relations Act today to register an order for maintenance. And so, when I look at The Domestic Relations Act, Sections 22 and 23, irrespective of the amendments we made last year, I want to say it is very ambiguous. Here the Act says "... having regard to the fortune ..." and it also refers to the entitlement in "... possession ... for the benefit of the innocent party and of the children of the marriage ... "

Now really, Mr. Speaker, this is very cumbersome. Why didn't they refer to ownership of land or something we could understand? I would certainly feel that when you are dealing with such matters as property there could have been a better way of referring to ownership of land. And this is really part of the problem we did have in the Murdoch and Murdoch case. I think, in any rewriting of this present Act, they could talk about joint tenancy or tenants in common - in other words establish the ownership in the land instead of leaving it very ambiguous.

Now in dealing with the federal Act just very briefly, I want to clearly point out that the federal Act - and I am quoting from Section 11 of the Divorce Act - states:

Upon granting a decree nisi of divorce the Court may, if it thinks it fit and just to do so, having regard to the conduct of the parties and the condition, means and other circumstances of each of them, make one or more of the following orders, namely:

- (a) an order requiring the husband to secure or to pay such reasonable lump sum or periodic sums as the Court thinks reasonable for the maintenance of
  - (i) the wife, and
  - (ii) the children of the marriage.

Then it goes on and deals with an order requiring the wife in similar terms.

With respect to the Switzer and Switzer case which is one that was dealt with some time ago, it clearly established the fact that there is no power in the court to order a sale of property. I think we must keep that in mind. So although there is a great deal of similarity between separation and divorce, there is a great deal of difference, by law, between the two. In the first place I think we must recognize that following separation the provisions of many of our Alberta laws still hold. I'm referring to The Dower Act where the law has gone so far as to state the exact amount the dower could be worth, The Intestate Succession Act, where there is no will, that states what a wife and children can receive from a deceased person in the case of death. I'm thinking of The Family Relief Act, which provides very comprehensive protection for the dependants, irrespective of whether a will has been made. Then we have the new federal Estate Tax Act which provides there is no gift tax between the husband and the wife where the property moves from one to the other. I am also familiar with the provision we have in Alberta with respect to these such matters.

But what I am going to say is that as far as separation is concerned, after separation the two couples still enjoy many of the benefits that we have under provincial legislation. As far as divorce is concerned, in the minds and the language of the common person today, they refer to it as "game over". That's it. They're through. It's true, they may start all over again. They could marry again. They could start up again. But nevertheless, the spouses under the previous marriage are no longer permitted to receive many of the benefits after divorce that we do enjoy under provincial law. I think this is very important to keep in mind.

So when we're talking about this particular resolution and talking about the division of property following the dissolution of marriage, in any discussion that we have it is most important that whatever we do with respect to divorce must also apply to separation, because what you do for one you must do for the other. I think this is very clear. As I say, although I am sympathetic to what happened in the Murdoch case, I only want to indicate this is only one of a number of cases where the laws have certainly not kept pace with modern social conditions. I would rather refer to this whole matter as divorce and as separation without referring to any particular individual cases.

It may be interesting to know that when we go into the matter of The Domestic Relations Act it is very interesting to read the Morasch and Morasch case which went to the Supreme Court of Canada as reported in the western weekly journals. It clearly indicates that there is power in the court to order the disposition of joint property. But there is no power in The Domestic Relations Act to divide property where ownership is not established. So when we come back to the Murdoch and Murdoch case, it is actually dealing with a business arrangement more than any other aspect of the whole matter. I think we must keep these matters all in mind.

Now, Mr. Speaker, I am sure we will all agree that there is no question marriage in this modern age is certainly a partnership of husband and wife. The accumulated assets are the result of both partners working together towards a common goal - that of providing for the future security of both of them and the children.

I should also point out, Mr. Speaker, that once a woman's security depended upon her husband. Her role in marriage was to provide him with children and to serve his spiritual and physical needs. Today the authority in the home is usually divided and shared.

It is true that many of the women today are content with the role of wife and mother, knowing that they have contributed a great deal to the success of the family. Surely any legislation we devise with respect to property should recognize the contribution each has

made to the partnership of marriage and should remove, as far as possible, the ancient barriers to equal opportunity.

Indeed, under our system of separate property, a husband's earnings and savings are his exclusive property. If a marriage ends in divorce or separation, she [the wife] is entitled only to maintenance. A wife under our present law is not able to claim wages for housekeeping services because in law there is no contract of service between spouses. Surely our laws should acknowledge the married woman's economic contribution to the household.

It was for these reasons, Mr. Speaker, that I moved in 1970 a resolution in this Legislature which was first debated on March 5, 1970. It was debated again on March 26. Then it was left on the Order Paper when we adjourned April 15. Then again, I moved a resolution which was first debated February 18, 1971 - that was the following year. This resolution was again debated and finally carried on March 18, 1971.

I should say, Mr. Speaker, that before moving the resolutions which I did move, I felt that I should bring this matter to the attention of the House because a number of cases have come to my attention which were of a pathetic nature which I felt we should be looking at.

Very briefly, I'm going to read the resolution which was finally passed in 1971. I believe the hon. Member for Stettler did refer to it.

Be it resolved that the Government of Alberta request the Institute of Law Research and Reform to study the feasibility of legislation that would provide upon the dissolution of a marriage each party would have a right to an equal share in the assets accumulated during the marriage otherwise than by gift or inheritance received by either spouse from outside sources.

It was following this resolution that the matter was then sent over to the Institute of Law Research and Reform. As we all know, an announcement was made the other day in the Legislature that this report is expected shortly and we will then be able to have a look at it to see what has happened.

Now, before moving these two resolutions which I did in 1970 and 1971, I wanted to find out whose responsibility it was to deal with matters of property. So I went to the BNA Act and I found that in Section 92 of the BNA Act exclusive powers of the provincial legislatures includes subsection 12 of Section 92 which states the solemnization of marriage belongs to the province. Property and civil rights are the jurisdiction of the province. Subsection 16 deals with all matters of a merely local or private nature in the province.

Again, in checking the BNA Act, I find Section 91 is the section that deals with divorce. It is this section which provides the federal government with sole jurisdiction in the matter of divorce.

Now, coming back to the matter of the Divorce Act of Canada, there is no question in my mind that the power for divorce is vested solely in the federal government which they have exercised in the present Divorce Act of Canada. As far as property rights are concerned, there is no question in my mind that the power to deal with civil rights and property is vested exclusively in this Legislature and, as such, if we have some responsibility in this Legislature we must take some action and deal with this privilege that we do have.

I see my time is getting on, Mr. Speaker. I would just like to refer, very briefly, to a number of other matters. I would like to refer very briefly to a recommendation from the Royal Commission on the Status of Women, and I refer briefly to Recommendation No. 107 with the permission of the Legislature. I trust you will give me permission to read it:

We recommend that those provinces and territories, which have not already done so, amend their law, in order to recognize the concept of equal partnership in marriage so that the contribution of each spouse to the marriage partnership may be acknowledged and that upon the dissolution of the marriage each will have a right to an equal share in the assets accumulated during the marriage, otherwise than by gift or inheritance received by either spouse from outside sources.

Now, Mr. Speaker, the Report on the Status of Women is a very comprehensive document. It was the result of many hours and much consideration. So when we look at this whole matter I think we must agree, and I think the mover of the resolution referred to this, that there has been a great deal of interest during these past few years with respect to the matter of the division of property following the break-up of the home.

And I would also like to refer to a massive document which was just tabled in the Ontario Legislature about a month ago and it deals with some 299 recommendations. It's a very massive document of some 943 pages. And so when I look at this whole area, knowing

that the Alberta Institute of Law Research and Reform's report will be coming out very shortly, and when I look at the Ontario report, I must say that there has been a great deal of thought in this whole field. I should also say, Mr. Speaker, that when I first read the resolution some weeks ago, I thought I would be tempted to move an amendment in this whole field to be sure that there would be no ambiguity in the wording of the resolution, because I felt that whatever amendment we made in this Legislature to any of our acts must include separation and divorce.

But after giving the matter some thought, I felt that the matter of divorce, the matter of separation, the matter of family break-up is so important to all of us. It's so important to 25 per cent of the people of this province, and to even a greater number in other parts of the world. When we see the increasing number of divorces, year after year, we have now reached the point where we have the highest per capita rate in Canada - this is a very important subject. So rather than move an amendment, I'm going to make some recommendations to the government about my views on this whole matter.

I don't want this whole matter to be caught in the web of party politics because it is too important. When we are dealing with people, when we're dealing with their lives and the break-up of families, it's too important to be in the web of party politics and I would hope that this whole [Assembly] would keep that in mind, that we get away from partisan political decisions and bring in recommendations and laws that will go on and provide for the protection of the unfortunate people who have been subjected to some of the legislation, or lack of legislation, that we have today.

Now in making my recommendations, number one, I would hope that the government would study the recommendations of the Institute of Law Research and Reform when they are made available. In the reply to the question that I asked the hon. minister on the first day of the session, I was informed that the report would be made public shortly, it would be going out to get a public reaction and we would be getting legislation possibly this fall. And I certainly agree with that approach. I think it's important that this information go out to the people. We should get feedback from the people.

I would also hope that the government would take the recommendations of the Ontario Law Reform Commission and study them because the Ontario Law Reform Commission certainly recommends that both husband and wife have equal shares. This is a matter we are all going to have to have a real look at. The mover of the resolution said he had some reservations about the word "equal". As far as I'm concerned, I feel we should have a study on this whole matter and after we have had the study we could have a look at it, because I can see some problems with respect to the word "equal".

I can also see another thing. I think it's important, Mr. Speaker, that when we prepare legislation we must be sure that our legislation will provide, upon the dissolution of the marriage, whether it be by divorce or whether it be by separation, that each party would have a right to a share in the assets accumulated during the marriage. I would hope, Mr. Speaker, that the government will be able to act, that the people of this province will be able to act, that we will be responsible in our duties in this House and that legislation will be made available, introduced and passed in the 1974 session. I don't think it's a matter we can leave in abeyance much longer. It's far too important. It affects too many lives. If the government would like to have a list of what has happened in some of the other countries of the world, I would be very pleased to tell them what has happened in France, Germany, Australia, Greece, Holland, Switzerland, East Germany, Belgium and even some of the acts from some of the other areas.

I am sorry, Mr. Speaker, that I didn't have time to go into some of these areas because I see my time is limited. I would like to again express my appreciation to the Legislature and to you, Mr. Speaker, for giving me the courtesy in dealing with separation and divorce. Because I don't think - although there is a great deal of similarity between the two, by law and our decisions in this Legislature, we have to keep in mind that there is indeed a great deal of difference.

Under separation, as I said, there is still a great deal of protection to both parties under existing provincial law, but under divorce it's game over. It's all finished. When you have that situation I think it's most important that we know what the implications of the law are for the people of this province. I hope Alberta will be able to take the leadership in this whole field. We have been leaders in many, many acts which have provided the groundwork for the Dominion of Canada and I hope Alberta will again continue to keep the leadership in this whole field.

I thank you.

MR. SPEAKER:

The hon. Member for Edmonton Norwood.

MRS. CHICHAK:

Mr. Speaker, I move to adjourn debate.

MR. SPEAKER:

May the hon. member adjourn the debate?

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Mr. Speaker, before adjourning, as to business of the House committees this evening and the House tomorrow: this evening only two subcommittees will meet, Subcommittees A and B, insofar as Subcommittees C and D have completed their review of the Estimates. Subcommittee A will continue with the Department of Health and Social Development followed by health commissions, Subcommittee B on the Department of Mines and Minerals.

Tomorrow the House will continue with Committee of the Whole study of bills, beginning with Bill No. 17, The Coarse Grain Marketing Control Repeal Act, followed by Bill No. 23, The Attorney General Statutes Amendment Act; and then those bills on page 2 except for Bills No. 21, 28 and 29.

I move that the Assembly do now adjourn until tomorrow afternoon at 2:30 o'clock.

MR. SPEAKER:

Before putting the motion for adjournment, may I mention to hon. members that the amendment which was moved this afternoon to Motion for a Return No. 155 by the hon. Member for Calgary Bow may cause some difficulty in arrangement. The intent seems to be that the condition which is added by the second paragraph of the amendment is intended to apply to the whole motion. If the House agrees, I would like to have leave for the Clerk to make the necessary changes in arrangement, punctuation and capitalization to give it that effect.

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 5:32 c'clock.]