

LEGISLATIVE ASSEMBLY OF ALBERTA

Wednesday, May 1, 1974

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

PRAYERS

[Mr. Speaker in the Chair]

READING AND RECEIVING PETITIONS

MR. ASHTON:

Mr. Speaker, I beg to move that the following petitions be now received:

An Act to Incorporate Alberta Motor Association Insurance Company
The Alberta Stock Exchange Act
An Act to Incorporate The Calgary Convention Centre Authority
An Act to amend An Act to Incorporate The Canada West Insurance Company
An Act to amend The Edmonton Community Foundation Act
An Act to amend The William Roper Hull Home Act
An Act to Incorporate Stockgrowers Insurance Company of Canada Ltd.
An Act being The Society of Industrial Accountants of Alberta Act, 1974

Mr. Speaker, I brought to the attention of the Assembly yesterday the non-compliance by the petitioners of some of the petitions with the time limitations of Standing Order No. 76.

In view of the time limitation changes which took place by virtue of implementation of the new standing orders for this session of the Legislature, I further seek the unanimous leave of the Assembly for waiver of such non-compliance so that the petitions may now be received - of course, on the clear understanding that this waiver not be considered a precedent for future years.

MR. SPEAKER:

Does the hon. member have the unanimous consent of the Assembly, as requested?

HON. MEMBERS:

Agreed.

MR. ASHTON:

I further beg to move, Mr. Speaker, that whereas the petitioners for An Act being The Society of Industrial Accountants of Alberta Act, 1974, wish to withdraw their petition, that said petition be referred to the Private Bills Committee for a recommendation as to whether or not fees paid by the petitioners be refunded.

[The motion was carried.]

INTRODUCTION OF BILLS

Bill No. 41 The Expropriation Act

MR. KOZIAK:

Mr. Speaker, I beg leave to introduce Bill No. 41, being The Expropriation Act.

Mr. Speaker, the hon. members will recall that last fall Bill No. 89 was introduced as The Expropriation Act and was left over the winter for submissions. Submissions were received and studied, and improvements were made to the form of the bill which is presented this afternoon.

I might say again, Mr. Speaker, that the act contains these very important principles; first, the principle that upon expropriation of a home, the owner be compensated on a home-for-a-home basis, and secondly, it provides for the inquiry procedure before expropriation proceedings are taken.

[Leave being granted, Bill No. 41 was introduced and read a first time.]

MR. HYNDMAN:

I move that Bill No. 41, The Expropriation Act, be placed on the Order Paper under Government Bills and Orders.

[The motion was carried.]

Bill No. 58
The Department of Agriculture Amendment Act, 1974

DR. HORNER:

Mr. Speaker, I beg leave to introduce Bill No. 58, The Department of Agriculture Amendment Act, 1974.

This is an amendment to the Department of Agriculture Act which will allow the provincial Department of Agriculture to enter into a joint arrangement with Manitoba and Saskatchewan with regard to machinery testing.

[Leave being granted, Bill No. 58 was introduced and read a first time.]

Bill No. 221
An Act to amend The Individual's Rights Protection Act (No. 2)

MR. WILSON:

Mr. Speaker, I beg leave to introduce a bill, being Bill No. 221, an Act to amend the Individual's Rights Protection Act (No. 2).

The main purpose of this bill is to prohibit discrimination against any person because of his or her legal and social status resulting from being born.

DR. WARRACK:

Start right at the beginning.

AN HON. MEMBER:

Back to Adam and Eve.

[Leave being granted, Bill No. 221 was introduced and read a first time.]

INTRODUCTION OF VISITORS

MR. SCHMID:

Mr. Speaker, I would like to introduce to you and through you to the members of this Assembly, 48 young ladies and gentlemen who are sitting in the members gallery. They are accompanied by their teachers, Mrs. M. Rennebohn, Mr. Norman Hougau and Mr. M. Tobert. I would like to thank the principal and the teachers for allowing the students to take part today in our session. Hopefully this will encourage the students to have more interest in

the political life of their province. I would like to ask them now to rise and be recognized.

MR. COOKSON:

Mr. Speaker, it's a real pleasure this afternoon to introduce to you and through you to the members of the Assembly a group of young people from the Canadian Union College, at College Heights in the constituency of Lacombe. Canadian Union College is a private college, primarily supported by Seventh Day Adventists throughout our country. They are here to observe the proceedings of the Assembly. They are accompanied by their teacher, Larry Brendel. They are seated in the members gallery and I would ask them to rise and be recognized by the Assembly.

MR. FLUKER:

Mr. Speaker, it is my pleasure this afternoon to introduce to you and to the members of this Assembly, some 40 Grade 8 students from the Glen Avon School in St. Paul. They are accompanied by their teachers, Dennis Zukuksky and Edwin Sangier, and their bus driver, Walter Krawchuk. They are seated in the public gallery, Mr. Speaker, and I would ask them to rise and be recognized by the Assembly.

MR. NOTLEY:

Mr. Speaker, it gives me a great deal of pleasure today to introduce to you and through you to the members of the Assembly, 37 Grade 6 students from the Grace Shepherd School in Hines Creek, Alberta. They are accompanied by teachers, Mr. Holdaway and Mrs. Godberson, and one parent, Mrs. Mier Zewski. They are seated in the public gallery and I'd ask them to stand so they could be welcomed by the members of the Legislature.

MINISTERIAL STATEMENTS

Department of Agriculture

DR. HORNER:

Mr. Speaker, as all hon. members are aware, in the past crop year we have had extreme difficulties in a large area of Alberta. I'm sure that hon. members join with me - in the real, basic harm that this has done to farmers in that area, particularly north of Highway 16, in a broad band right across the province, and including a lot of the Peace River area. In that area, Mr. Speaker, there is something close to two million acres of crop which was not harvested last year.

As an interim measure and to provide them with the cash flow that was required, we have made interim loans available to them, interest free for a year. As a government, we have now loaned \$40 million on that particular program. In addition to that, we will have paid out, when all the bills are in, something in the neighbourhood of \$2 million in regard to feed freight assistance. A portion of this is shared with the federal government.

Additionally, Mr. Speaker, during the past winter our winter works program on farms has helped those people. It is expected that the cost of the livestock facility program will be in the neighbourhood of \$5 million.

However, Mr. Speaker, as I'm sure we're all aware, those areas which didn't get their crop off because of the early snow are also the areas in which we've had a major amount of flooding this spring. In the past week I and the members of the Legislature from most of the affected areas have been surveying these particular areas in the province by helicopter and plane, to get an assessment of the actual damage. As I've mentioned previously in the Legislature, Mr. Speaker, the damages could run as high as \$30 million.

Because of the critical nature of the situation, I am able to announce today that the government will make an additional form of payment with regard to the crops lost due to snow and flood. The cost to the province will be in excess of \$10 million. Where no crops can possibly be salvaged, the government will pay \$30 per acre for the first 100 acres and \$20 for the next 100 acres. The maximum compensation per farmer is \$5,000. We intend to urge farmers to harvest as much crop as possible. We believe that upward of 50 per cent of the crop that is now out may still be salvaged, and indeed, the program will work on a net basis of salvaged crop.

Applications for such assistance will be handled through the district agriculturalists' offices, the county offices, the M.D. offices, and by the local agricultural development committees.

I might add, Mr. Speaker, that farmers generally, of course, would much rather have been able to harvest their crops and would have been substantially better off if they had. There will be some details to be worked out, but the application forms and the guidelines of the program are being sent out this afternoon to all district agriculturalists' offices in the areas that have been affected.

We intend to take advantage of the offer of Unifarm for some of their officials to help in the major job of assessment which now has to be done. That assessing job will start just as soon as we can get people into the field. It will be handled, as I've said, under the local agricultural development chairman in the area.

Finally, Mr. Speaker, I want to say how pleased I am by the cooperation that I've had from the farm organizations, and particularly Dobson Lea, the president of Unifarm, in arriving at a program which I think will ease some of the burden of the farmers who have been so adversely affected.

[Applause]

MR. CLARK:

Mr. Speaker, in commenting on the announcement made by the Minister of Agriculture regarding emergency assistance to farmers in that part of Alberta where they have been either badly hit by floods or failed to get their crop off last year, I would say that I concur completely in the comment the minister made that these farmers would have been much better off had they been able to get the crops off themselves. It's most regrettable, and not their fault either, that it should be in a year when prices were as high as they were that they weren't able to get their crops off.

Secondly, might I say, Mr. Speaker, I hope that the minister, in making the announcement today, will do all he possibly can to see that the money is received by the farmers as soon as possible, through the Department of Agriculture in cooperation with the Provincial Treasurer, and once the amounts have been agreed upon and processed that the money should be in the farmers' hands at the earliest possible date.

The next comment I would like to make, Mr. Speaker, is that we welcome the announcement of \$5,000 maximum. Given the tremendous increase in the cost of machinery, the cost of seed grain, the \$5,000 amount has been eaten away by inflation and increased costs to a very great degree. We welcome the amount of \$5,000 but I'm sure there will be many farmers who will certainly wish that that amount was somewhat higher, perhaps in the vicinity of \$7,500.

The last point I would like to make, Mr. Speaker, in commenting on and welcoming the announcement, is that I would hope the Minister of Agriculture would use all the influence he has with the federal Minister of Agriculture, so that the federal government of Canada picks up a portion of this very badly needed assistance that will be going to farmers in these unfortunate circumstances.

Department of Culture, Youth and Recreation

MR. SCHMID:

Mr. Speaker, it is indeed a pleasure to inform the hon. members of the support the government will provide this summer to amateur performing groups which have been invited to perform at Expo '74 in Spokane.

The government will pay 50 per cent of the actual travel costs based on return bus fare, either for an individual or charter service. That assistance will apply to one-day performances.

In addition, 25 per cent of travel costs will be paid for extra performance days by these groups. It is our hope that this assistance will ease the financial burden on these groups or individuals who will so ably take the spirit and the talent of Albertans to so many thousands of fair-goers.

ORAL QUESTION PERIOD

AEC - Marketing Scheme

MR. CLAFK:

Mr. Speaker, I would like to direct the first question to the Minister of Federal and Intergovernmental Affairs, the minister responsible for Bill No. 32 which we discussed last evening. My question is a result of the comments made last evening when he referred to the marketing scheme, for making the shares available to Albertans.

Has the government or the Alberta Energy Company commissioned studies, or do you have studies available which would outline to the members of the Assembly the marketing scheme which either the government or the energy company is now looking at?

MR. GETTY:

Mr. Speaker, it is something on which we might be able to go into in more detail in the committee study of the bill. But in the government's initial look at the problems in a marketing scheme, we had an investment advisory committee, made up of a variety of people in the investment business, to advise the interim board of directors of the Alberta Energy Company on the best possible scheme. We have also been discussing the matter with other investment groups. We have finalized on an investment-management group which will now be responsible for coming up with the final marketing program for the Alberta Energy Company shares. That group is now working on the variety of problems that we will have to anticipate that may come up. We hope we can get into more detail on this when we discuss the matter when the bill is in committee.

MR. CLARK:

A supplementary question, Mr. Speaker, to the minister. Is the minister in a position where he could announce, or indicate to the House, the name of the firm that is going to handle that responsibility for the government?

MR. GETTY:

Mr. Speaker, to give as full a coverage as possible, we have commissioned four companies to jointly manage the sale of this investment. They are Richardson Securities, Midland Doherty Securities, Cochrane-Murray Ltd., and McLeod, Young and Weir.

MR. CLARK:

A further supplementary, Mr. Speaker, to the minister. The minister indicated that a report had been made available to the government. Is that report considered confidential, or would the minister be in a position to make it available to the members of the Assembly?

MR. GETTY:

Mr. Speaker, it was in the form of advice, discussion and, in some cases, written material. I don't believe it is something that would be suited to tabling in the House as a report, as such. But as much of the information in it that I can pass on to the hon. member, I would be pleased to do so during committee stage.

MR. CLARK:

One last supplementary question to the hon. minister, Mr. Speaker. I welcome the minister's offer of the information. Would the minister be prepared to consider making the information available to us before committee stage, so we would have an opportunity to look at the information and perhaps be more able to participate in the debate at committee stage?

MR. GETTY:

Mr. Speaker, it was not my intention to pass anything physically to anybody but to try to provide the information. It may be that I can summarize a possible marketing scheme framework. If I can do that in a sensible manner which I feel would be of assistance to the hon. members, I'll do it in advance of the bill reaching committee stage in the Legislature.

Kananaskis Highway

MR. CLARK:

Mr. Speaker, a second question, to the hon. Minister of Highways and Transport. I would like to ask the Minister of Highways and Transport what program does the Department of Highways have for the Kananaskis road this year?

MR. COPITHORNE:

Mr. Speaker, in regard to the Kananaskis highway, this year we intend to complete the grading that has been projected in the original project.

MR. CLARK:

A supplementary question to the minister. Does the minister plan any construction work or paving programs in the Canmore-Exshaw-Seebe area this particular year?

MR. COPITHORNE:

Mr. Speaker, there is no major program other than the completion of the middle section that was graded on the Kananaskis highway last year. Some of that was paved last year and the project will be completed this year. That's the middle section.

But there is no major program anticipated at this time for the area unless we get clearance from the federal department in regard to a railway separation at Morley. Tentatively, if we are able to get clearance, that project will be under way.

Also there has been a restructuring of the bridge on the Ghost River this winter and there is a slight change in the road alignment in that area with regard to the bridge that has been reconstructed this winter.

MR. CLARK:

Mr. Speaker, a supplementary question to the minister. Then, other than the work on the Kananaskis road this year, there will be no other major projects in I.D. 8?

MR. COPITHORNE:

No other projects to my knowledge at this time, Mr. Speaker.

MR. CLARK:

One last supplementary question, Mr. Speaker, to the minister. Why was the information dealing with road construction and public expenditures in I.D. 8, which is on the western edge of the constituency of Banff-Cochrane, not included in Motion for a Return 108?

MR. COPITHORNE:

Mr. Speaker, that was an oversight and I intend to table that information tomorrow along with two other overlapping I.D.s., one in the Drumheller area. That information will be forthcoming tomorrow.

MR. SPEAKER:

The hon. Member for Wetaskiwin-Leduc followed by the hon. Member for Hanna-Oyen.

Floods - Federal Assistance

MR. HENDERSON:

Mr. Speaker, I wonder if the Minister of Agriculture could advise the House whether the federal government is going to make any contribution to share in the costs of this additional assistance program you just announced?

DR. HORNER:

Mr. Speaker, we expect the federal government to share in the program. I would like to point out to the House that the proposition we intend to put before the federal government will include all the costs of the flood this spring. The crop program, if you like, is one part of that. In addition to that there will be costs that are involved from

a municipal and Department of Highways basis and we're in the process of assessing those damages now.

The third area that will be part of the total package which we will put before the federal government will be compensation that might be paid to individuals for loss of property or personal effects.

MR. HENDERSON:

A supplementary, Mr. Speaker. I wonder if the minister could also advise the House as to what effect or influence, if any, the crop insurance program has on eligibility for this type of compensation, and supplemental to that, even the availability of crop insurance in an area?

DR. HORNER:

Mr. Speaker, to be fair to all - and that has been difficult in the area because of the marked contrast from one area to another in relation to the total amount of damage - we have decided that whether or not they have crop insurance will have no bearing on this particular payment.

I might say that in the future, it's my view that we must start to spend much more money ahead of time to try to prevent these kinds of disasters by having a much better and improved crop insurance scheme.

MR. HENDERSON:

A final supplementary, Mr. Speaker. I rather doubt the minister's capability to foretell the future [is] any better than anybody else's, but in that regard, since the government is apparently going to make increased payments for crop losses under this program to those who have and do not have crop insurance, will there be some refund on premiums to those who were insured under crop insurance in order to equalize the treatment to the recipients?

DR. HORNER:

No, Mr. Speaker. I would expect those people who have been covered by crop insurance will receive that in addition to any payment that we might make.

MR. BAPTON:

A supplementary question, Mr. Speaker, to the hon. minister. Could he explain the reason the maximum in the spring was \$7,500 and today it's \$5,000? Is there a logic? If it's good in the spring it should be in the fall too.

DR. HORNER:

I'm sure the hon. Member for Lesser Slave Lake is always trying to be logical.

Mr. Speaker, the logic was simply that the loan program remains in effect. It is for a maximum of \$7,500 to allow the farmers in the area to have the working capital and the cash flows to carry on. We are now taking additional steps and the payments in relation to those people who have taken out loans will be paid to the farmer and the lending agency. We have taken steps to have some discussions with the banks so that any payment we make can only be applied on that emergency loan and not on other loans that the farmer might have in relation to the payment.

MR. BARTON:

Mr. Speaker, a supplementary question then. What was the logic, if we're talking about logic, of \$7,500 in the fall and \$5,000 in the spring?

MR. SPEAKER:

The hon. member will recognize that matters of logic are also matters of debate.

MR. BARTON:

Thank you, Mr. Speaker. Seeing though that it's an open government, I appreciate it.

MR. NOTLEY:

Mr. Speaker, can I ask a supplementary question to the hon. minister? Can the minister advise the Assembly what percentage the government is going to propose to the federal government for their cost sharing? Will it be a 50-50 proposition?

DR. HORNER:

Mr. Speaker, the rule of thumb for flood damage is pretty well set out by the federal government. In that, the province is expected to pick up the first dollar per capita and the next two dollars per capita are shared equally. I think the next two dollars are shared 25 per cent provincial, 75 per cent federal. After that two dollar per capita is worked out, anything over that is 90 per cent federal and 10 per cent provincial.

MR. SPEAKER:

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

Matrimonial Property

MR. FRENCH:

Mr. Speaker, my question is to the hon. Solicitor General. Has the minister additional information with respect to the distribution of the working paper on matrimonial property which was prepared by the Institute of Law Research and Reform?

MISS HUNLEY:

Mr. Speaker, the initial printing was 1500 copies of which some have been distributed here. We have asked for 50 for the Women's Bureau for distribution from that bureau, for those who are interested. Other copies will be available upon individual application to the institute. We have been advised by the institute that they will keep a supply on hand. If the original [supply of] 1500 is depleted, they will immediately have others printed in order that we don't ever run short.

MR. FRENCH:

A supplementary question, Mr. Speaker. What arrangements have been made so that the members of the Legislature can pick up copies for distribution? Should they pick them up from the institute, or could arrangements be made so that we could pick them up at this building?

MISS HUNLEY:

At the Women's Bureau we have 50 on hand. It would depend, I guess, on the demand for them from members of the Legislature. Or, if they wish to phone the institute, perhaps they could drop them off in bulk.

MR. SPEAKER:

The hon. Member for Lesser Slave Lake has asked his question.

The hon. Member for Sedgewick-Coronation followed by the hon. Member for Whitecourt.

Flooding --- Road Damages

MR. SORENSON:

Mr. Speaker, my questions are to the Minister of Highways with regard to compensation to municipalities or counties for flood damage. Will municipalities or counties be compensated for road damages caused when traffic is detoured from a provincial highway onto municipal roads?

MR. COPITHORNE:

Mr. Speaker, as yet I have had no claims from the municipalities. But I forwarded a letter to each and every municipality throughout the province of Alberta to state their costs involved in the heavy water run-off this spring. As yet, I have had no answer from them.

MR. SORENSON:

A supplementary to the minister. Will municipalities receive increased financial assistance to purchase the unexpected number of culverts that will be necessary as a result of the washouts?

MR. COPITHORNE:

Well, Mr. Speaker, the number of washouts that have occurred this year will be part of the appraisal that we have been asking the municipalities for.

MR. SORENSON:

A further supplementary. Has the government taken steps to stockpile culverts in an effort to protect the municipalities from the inflationary cost?

MR. COPITHORNE:

Well, Mr. Speaker, we're not going to buy all the world's culverts to beat the cost of inflation. Each year we assess the number of culverts that are needed, as do the municipalities, and purchase only one year in advance.

MR. SPEAKER:

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

Rapeseed Processing Plants

MR. TRYNCHY:

Thank you, Mr. Speaker. My question is to the Deputy Premier and Minister of Agriculture. With the recent announcement of yet another rapeseed crushing plant for the Province of Alberta, can the hon. minister advise the House if his department has done a survey as to the number of acres that will have to be seeded to rapeseed, to supply these plants?

MR. SPEAKER:

The hon. member's question is clearly one for the Order Paper unless the hon. minister happens, by coincidence, to have the answer at his fingertips.

DR. HORNER:

Well, Mr. Speaker, I can answer it in a general way. I might say that the latest announcement by the Alberta Wheat Pool is, I think, an excellent one and we now have our major farmer-owned grain co-operative involved in processing in Alberta. I understand from the president that it was passed unanimously by their delegates. So I personally feel very pleased about that.

In response to the question from the hon. Member for Whitecourt, I believe, quite substantially, that we have the necessary rapeseed acreage in Alberta to supply these plants and, indeed, have some left over for the export market if required.

I might say, Mr. Speaker, one of the things that may help in the area that has been flooded will be the planting of additional acres of rapeseed, because of the lateness of the season.

MR. TRYNCHY:

A supplementary question, Mr. Speaker. It seems we did get the answer.

With the number of acres that will be sown to rapeseed, can the hon. minister tell the House what effect, if any, this will have on coarse grain production and supply for our hog and beef industry?

DR. HORNER:

I wouldn't expect any shortage in those areas, Mr. Speaker, provided the weatherman cooperates with us in the coming year.

MR. NOTLEY:

Mr. Speaker, a supplementary question to the hon. minister. Does the hon. minister concur with the statement this morning of the president of the Alberta Rapeseed Association that the wheat pool project ...

MR. SPEAKER:

Order please. If the hon. member will refresh his memory as to the contents of No. 171 of Beauchesne, he will find the question is clearly covered there in a negative way.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview with a question, followed by the hon. Member for Lethbridge East.

MR. NOTLEY:

Mr. Speaker, perhaps with your leave I can rephrase that supplementary question so that it is satisfactory. Can the hon. minister advise whether or not he sees room for any more rapeseed plants in the province of Alberta?

DR. HORNER:

Mr. Speaker, I'm very pleased that we have achieved our target with regard to the expansion of the crushing industry in Alberta, and that we have a variety of people involved in that industry so that no one company, or indeed one country, has control over our crushing industry in Alberta.

Insofar as additional plants are concerned, it would seem to me, Mr. Speaker, that we should now concentrate our efforts on increasing our production of rapeseed and perhaps then we could support an additional plant later on.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview with his question, followed by the hon. Member for Lethbridge East.

Dow-Dome Complex

MR. NOTLEY:

Mr. Speaker, I would like to direct this question to the hon. Premier. Can the Premier advise the Assembly whether in light of the NEB modification of the Dow-Dome proposal, the government has reviewed the impact of that NEB decision or recommendation to the federal cabinet, and what the government's position is?

MR. LOUGHEED:

Mr. Speaker, I am not in a position to deal with that matter today.

MR. NOTLEY:

Mr. Speaker, a further supplementary question to the hon. Premier. Can the Premier advise the Assembly whether the government has had any discussions with the principals of the Dow-Dome proposal subsequent to the recommendation of the National Energy Board?

MR. LOUGHEED:

Mr. Speaker, not as yet.

MR. SPEAKER:

The hon. Member for Lethbridge East followed by the hon. Member for Calgary Bow.

MR. NOTLEY:

A further supplementary question, if I may, Mr. Speaker, to the hon. Premier. Mr. Speaker, could I ask the hon. Premier, in light of the NEB decision which now classifies ethane as a gas, whether or not the same yardstick that he [used] in replying to the hon. Member for Calgary Millican on Friday as far as natural gas is concerned, also applies to the export of ethane?

MR. LOUGHEED:

Mr. Speaker, I believe the hon. member would have to elaborate slightly on that question because the hon. Member for Calgary Millican has asked me a couple of very closely-related questions.

MR. NOTLEY:

By way of explanation, Mr. Speaker, this refers to the question posed on Friday by the hon. Member for Calgary Millican concerning the removal of natural gas from Alberta, and the decision of the government to withhold any further licences to remove, until the ERCB report this summer on the future requirements of natural gas in Alberta.

So my question is, Mr. Speaker, would the same yardstick or rules apply to the export of ethane?

MR. LOUGHEED:

Mr. Speaker, no, it wouldn't, because of the sequence of events which occurred. Shortly after taking office in the fall of 1971 the government received an affirmative recommendation from the Alberta Energy Resources Conservation Board with regard to the Dome project, and in due course after some conditions were analyzed that project was in fact approved with regard to ethane.

So it would be in a different position, because I believe my answer to the hon. Member for Calgary Millican was that the government, since assuming office, had not approved the export of natural gas permits of any nature whatsoever. So that would have to be in a different position. That's the only one that this government approved, the Dome application regarding ethane - I believe in the early months of 1972.

MR. NOTLEY:

Mr. Speaker, one final supplementary question to the hon. Premier. Can the Premier advise the Assembly when the government will be in a position to make an announcement as to their reaction to the NEB modification of the Dow-Dome proposal?

MR. LOUGHEED:

Mr. Speaker, it's a very complicated matter and it's very difficult for me to give the hon. members an answer to that question. All I can say is that when we have reached a conclusion, that we can usefully advise the House of some step or some position of the government, we certainly would do it without delay.

MR. SPEAKER:

The hon. Member Lethbridge East followed by the hon. Member for Calgary Bow.

Fertilizer Plant - Southern Alberta

MR. ANDERSON:

Mr. Speaker, my question is directed to the Minister of Agriculture. Has there been any further development which the minister can report with regard to the fertilizer plant proposed for southern Alberta?

DR. HORNER:

I suppose, Mr. Speaker, I might ask the hon. member, which one, because there have been several that I know of.

MR. ANDERSON:

Mr. Speaker, it's the \$400 million ammonia fertilizer plant.

AN HON. MEMBER:

Where at?

MR. ANDERSON:

In southern Alberta.

DR. HORNER:

Mr. Speaker, I know of at least five, and four of those are in southern Alberta.

MR. ANDERSON:

This one here is proposed for the Raymond district.

DR. HORNER:

Frankly, Mr. Speaker, I'm unaware of what project the hon. member is talking about unless he can give me the name of the company that's involved.

MR. SPEAKER:

Possibly the hon. member might work out the detail and include it in a question on the Order Paper.

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

Calgary Ring Road

MR. WILSON:

Mr. Speaker, I'd like to direct a question to the hon. Minister of Highways and Transport. Could the hon. minister advise when and where the minister made public the DeLeuw Cather Calgary parkway ring road study?

MR. COPITHORNE:

Mr. Speaker, I did not make the DeLeuw Cather report public.

MR. WILSON:

Supplementary, Mr. Speaker, to the hon. minister. What assurances will the minister give Bowness residents that they will not have another artificial barrier bisecting their community?

MR. COPITHORNE:

Well, Mr. Speaker, I can give the community of Bowness no assurance because as yet a decision has not been made where the road might go, or if it will go in that area at all.

MR. WILSON:

Supplementary, Mr. Speaker, will the government hold public hearings in the Bowness community before any decision is made to construct the ring road through their neighbourhood?

MR. COPITHORNE:

Well, Mr. Speaker, the hon. Member for Calgary Bow is making some assumptions again. I have just said that there has not been a decision made, and until there is a decision made, you don't make any plans for hearings or so forth until such a plan is devised.

MR. WILSON:

Supplementary, Mr. Speaker, is the government studying alternate routes?

MR. COPITHORNE:

Mr. Speaker, when the government devises routes anywhere in the province there are many alternative routes looked at.

MR. WILSON:

A supplementary, Mr. Speaker, does the minister still favour girding the city of Calgary?

MR. SPEAKER:

It's true that a moment ago a question asking a minister's opinion did get past the Chair but I don't think we should do it again in this question period.

AN HON. MEMBER:

Agreed.

MR. SPEAKER:

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

Shaganappi Village Highrise

MR. HO LEM:

Thank you, Mr. Speaker. In the absence of the hon. Minister of Municipal Affairs, I would like to direct this question to the hon. the Premier.

Has the hon. Premier been advised that the Alberta Housing Corporation-sponsored Shaganappi Village public housing highrise which is located in your constituency in Calgary, was severely damaged during last weekend's weather conditions?

MR. LOUGHEED:

Mr. Speaker, I was aware of the damage, but as to the other portion of the hon. member's question I'll have to take it as notice and review it with the Minister of Municipal Affairs.

MR. HO LEM:

Supplementary, Mr. Speaker. Will the hon. Premier order an investigation into the damage in conjunction with the one proposed by the City of Calgary?

MR. LOUGHEED:

Mr. Speaker, I am not sure of the appropriateness of that request and would have to take it under advisement.

MR. HO LEM:

Supplementary, Mr. Speaker. Will the hon. Premier assure the members of this House that there will be an investigation into the reports that the project does not meet with the specifications required by the building standards?

MR. LOUGHEED:

Mr. Speaker, again, there may be an assumption in the hon. member's question that is not accurate. I think, before I respond, it is something that would have to be evaluated by the officials of the Alberta Housing Corporation, both in terms of the assumption, their degree of responsibility, whether or not it's a local matter and if there is any provincial responsibility involved. When that is completed I'll advise the Minister of Municipal Affairs, who I'm sure will report to the House.

MR. HO LEM:

Supplementary, Mr. Speaker. Can the hon. Premier advise who the architect for this project was?

MR. SPEAKER:

That would seem to be a question that should certainly be placed on the Order Paper. It is also doubtful whether it is of sufficient urgency to require that it be dealt with under oral questions.

MR. HO LEM:

A final supplementary, Mr. Speaker. Can the hon. Premier advise whether or not it was the Minister of Municipal Affairs who was responsible for this project?

MR. SPEAKER:

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

Oil Sands - Foreign Investors

MR. D. MILLER:

Thank you, Mr. Speaker. My question is to the hon. Premier. Has the hon. Premier received representation from foreign governments concerning direct participation in Syncrude development or the Athabasca oil sands?

MR. LOUGHEED:

Mr. Speaker, for me to answer, I believe the hon. member will have to be more precise with regard to that question. If I understood the question, he lumped together both the Syncrude project and the Athabasca oil sands. Whether it was an "or" or an "and" - it would help me in attempting to answer the question. I didn't quite hear him.

MR. D. MILLER:

Mr. Speaker, it was "or".

MR. LOUGHEED:

Mr. Speaker, I believe the Minister of Mines and Minerals could elaborate on the matter of the oil sands generally, regarding interest by foreign governments in terms of participation, although I believe he's done so to some extent previously in the House with regard to the Syncrude project. I'm just not clear as to how the hon. member relates that to foreign governments.

MR. D. MILLER:

Supplementary, Mr. Speaker. Has the government considered issuing a request for a proposal to interested Canadian investor groups concerning the development of the oil sands?

MR. LOUGHEED:

Mr. Speaker, as I'm sure hon. members are aware, there are a number of options being considered by the government with regard to the development of the oil sands. Amongst the many alternatives is the particular suggestion or comment made by the hon. member. But hon. members should be aware that the government is in the position of established leases which were granted by the previous administration and which very clearly restrict the freedom of action of this government in that area.

MR. D. MILLER:

A final supplementary, Mr. Speaker, to the hon. Premier. Has the hon. Premier received a reply from the federal government concerning the proposed treaty with the United States for the sale of Syncrude from the oil sands?

MR. LOUGHEED:

Mr. Speaker, I'm having trouble with that question, too. Perhaps the hon. member could elaborate.

MR. D. MILLER:

Synthetic crude from the tar sands. The sale of the synthetic crude from the tar sands.

MR. SPEAKER:

Does the hon. member wish to repeat the question or put it on the Order Paper?

MR. D. MILLER:

I'll repeat it, Mr. Speaker. Has the hon. Premier received a reply from the federal government concerning the proposed treaty with the United States for the sale of synthetic crude from the oil sands?

MR. LOUGHEED:

Mr. Speaker, perhaps the hon. member could elaborate. Proposed by whom and when?

AN HON. MEMBER:

What's that research assistant doing?

MR. D. MILLER:

Mr. Speaker, I'd prefer to put it on the Order Paper.

MR. SPEAKER:

The hon. Member for Drumheller.

MR. CLARK:

A supplementary question. Could I ask the Minister of Mines and Minerals if it is still his intention to have the question of the revision of the leases in the Alberta oil sands completed within the next three months? I think that was the commitment he gave the subcommittee on estimates.

MR. DICKIE:

Mr. Speaker, I believe the statement was made in estimates that the department that is working on the review should have the review in my hands some time in June. We anticipate that after that there would be some time for review by the energy committee and subsequently by the cabinet. So that might not be available until some time in the fall.

MR. LOUGHEED:

Mr. Speaker, just so the record is clear. The question dealt with revision. The answer dealt with review.

MR. SPEAKER:

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

Semen Export

MR. TAYLOR:

Thank you, Mr. Speaker. My question is to the hon. Minister of Agriculture. Is bull and boar semen being exported from the province of Alberta?

DR. HORNER:

Mr. Speaker, I'm not sure with regard to the boar semen. I'll have to make some inquiries. But certainly cattle semen is being exported in a major way from Alberta.

MR. TAYLOR:

A supplementary. Do the requests for this come directly to Alberta, or through the federal department?

DR. HORNER:

Well, it's handled on an ordinary business basis. In other words, we have about six organizations which are involved in the sale of semen. They are very active in the export area and they, of course, would follow federal regulations inasmuch as they are there. In addition, they use the federal Department of Industry, Trade and Commerce in their contacts with foreign countries for the sale of semen.

MR. TAYLOR:

One further supplementary. Is the industry a lucrative one now for Alberta, and has it prospects of becoming very lucrative?

DR. HORNER:

I'd say it's a very useful part of our total agricultural industry. The total sale of semen abroad last year, I would think, off the top of my head, was in the neighbourhood of \$5 or \$6 million and could be expected to expand to triple that, or more.

MR. HO LEM:

Supplementary, Mr. Speaker. Could the hon. minister advise whether any semen is being imported to Alberta, and whether or not the imported semen is permitted as a proper registration of the animal thus produced?

DR. HORNER:

Well, Mr. Speaker, I'm sure there is some semen coming into Alberta from certain countries, more particularly the United States and perhaps England. I'd have to check the federal regulations in that regard. But they are very strict regulations, controlled by the federal Veterinary Director General, with regard to disease.

In regard to recording or registering the offspring from the use of semen, that might vary from one breed association to another and these are, in fact, part of the by-laws of

the breed association, as to whether or not, with the use of A.I., they can have their animals registered.

MR. TAYLOR:

Supplementary to the hon. Minister of Culture, Youth and Recreation. Has the hon. minister any information about the semen called Horst that comes into Alberta?

MR. SCHMID:

Mr. Speaker, I understand it's for German Fleckvieh and is available for \$5 a shot.

MR. SPEAKER:

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

Civil Servants - Pay Increases

MR. DIXON:

I would like to direct my question today to the hon. Minister of Manpower and Labour. It's in reference to the announcement today by the federal government that they are going to increase the allowances for armed forces and federal civil servants, even though civil servants are now under a wage contract that has not run out.

As many of these people are living in Alberta, I was wondering if the provincial government, Mr. Speaker, was giving any consideration to a pay increase to our Alberta civil servants the same as the federal government is doing?

DR. HOHOL:

Mr. Speaker, there have been other notable signs that Ottawa is aware of Alberta and this is one of them. We made our increase to the public service some weeks ago retroactive to January 1, 1974.

MR. DIXON:

A supplementary question, Mr. Speaker. Maybe the hon. minister could clarify for me whether the liquor board people would come under that same category, and their wages go back to that time?

DR. HOHOL:

Yes, sir. I would be most happy to do it. For the record - and this isn't generally understood - the employees of the Alberta Liquor Control Board received the same increase as the public service of the Government of Alberta, which was \$25 a month or 2.5 per cent, whichever was the higher.

MR. DIXON:

One final supplementary question to the minister. Is your department, sir, giving any indication that they are going to go beyond that as far as the workers under the Alberta Liquor Control Board are concerned?

DR. HOHOL:

Mr. Speaker, this would be a proper question for the hon. Solicitor General. But it is commonly known that following the injunction and the period of time in which both parties examined the meaning of it, it was the intention of both parties to get together again to continue discussion on the outstanding matters between them. It is our report, as a government, that that is the case at the present time.

MR. SPEAKER:

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

Licences - Impaired Drivers

MR. WYSE:

My question, Mr. Speaker, is to the hon. Minister of Highways and Transport. Are any restricted drivers' licences being granted to individuals who have had their licence suspended for impaired driving? I believe it is under Section 234 or 236 of the Criminal Code.

MR. COPITHORNE:

Mr. Speaker, at the present time no restricted drivers' licences are being issued to anyone who has been charged and convicted of impaired driving.

MR. WYSE:

A supplementary question then. Are any restricted licences being granted to individuals charged under Section 235 of the Criminal Code, which is, refusing to take a breathalyser test?

MR. COPITHORNE:

No, Mr. Speaker. The same code exists. If they are charged and convicted under the act which involves impairment and their licence is suspended, no restricted licence is issued.

MR. WYSE:

A supplementary question. Isn't it possible for an individual who has been charged with refusing to take a breathalyser test, to appeal to the government for a restricted licence and receive one?

AN HON. MEMBER:

Get a lawyer.

MR. COPITHORNE:

Yes, Mr. Speaker. I have had many appeals for a restricted licence. The policy was changed approximately [in] the middle of December. Up until that time it was possible for a magistrate or a judge to grant a restricted licence to a person so charged. But that legislation was challenged by the Ontario government and was upheld in the Supreme Court of Canada, and the restriction of drivers' licences came into force at that time.

MR. SPEAKER:

The hon. Member for Calgary Bow.

Calgary Ring Road (Cont.)

MR. WILSON:

Mr. Speaker, I would like to direct a question to the hon. Minister of Highways and Transport. Will the minister advise when a decision will be made by the government on the recommendations for the first stage of the Calgary ring road system, as outlined in the DeLeuw Cather study?

MR. COPITHORNE:

Mr. Speaker, it's a very large decision to make. It's being weighed by the cabinet and by this government. We'll be making that decision in due course.

MR. WILSON:

A supplementary, Mr. Speaker. Would the hon. minister advise when the breakdown for the \$15 million urban transportation system in Calgary and Edmonton will be announced?

MR. COPITHORNE:

Mr. Speaker, that, too, will be announced in due course.

MR. WILSON:

A supplementary, Mr. Speaker. Is the government considering financing the southward extension of the Shaganappi Trail, to the Sarcee Trail in Calgary?

MR. COPITHORNE:

Mr. Speaker, that also will be announced at the time the urban transportation policy is announced.

MR. LUDWIG:

Loyal to the last!

MR. WILSON:

Well, another question then, Mr. Speaker, to the Minister of Highways and Transport. Would the minister advise the reason for the plethora of survey stakes on the site of the Calgary Motor Vehicles Branch?

MR. SPEAKER:

The hon. member is again attempting to entice the minister into debate.

MR. CLARK:

The minister doesn't know.

MR. WILSON:

A supplementary, Mr. Speaker. Could the minister advise [as to] the purpose of the extensive survey stakes on the site of the Calgary Motor Vehicles Branch?

MR. COPITHORNE:

Mr. Speaker, the hon. member, I think, asked a similar question here the other day.

MR. LUDWIG:

He got a similar answer.

MR. COPITHORNE:

Certainly we have survey stakes at different locations all over the province. A few moments ago one of the hon. members asked me if we ever considered any alternate routes. I said that we considered quite a few and the reason for the survey stakes is the consideration. In the particular area that the hon. member is speaking of, they may well be city survey stakes, too.

MR. WILSON:

A supplementary, Mr. Speaker, to the hon. Minister of Highways and Transport. Would the minister give his assurance that the Department of Highways is not planning a skid pad for driver testing or training on the site of the Calgary Motor Vehicles Branch?

MR. COPITHORNE:

Well, Mr. Speaker, again you're full of assumptions today ...

[Laughter]

... and it seems to be 'Assumption Day' for the hon. Member for Calgary Bow.

[Laughter]

ORDERS OF THE DAY

[Mr. Speaker left the Chair.]

* * * * *

COMMITTEE OF THE WHOLE

[Mr. Diachuk in the Chair]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order.

Bill No. 30 The Wildlife Amendment Act, 1974

MR. RUSTE:

Maybe the minister has the answer to the question that I asked the day before?

DR. WARRACK:

As we terminated the previous discussion on third reading of Bill No. 30, Mr. Chairman, the hon. Member for Wainwright posed a question about the maximum amount per acre [payable] under the cereal crop damage program for damage due to migratory birds. I was going to answer that, unless he would like to restate the question.

MR. RUSTE:

No, you have the question.

DR. WARRACK:

The question had to do specifically with the maximum amounts per acre, relative to the price of agricultural products at this particular time, and the answer really, Mr. Chairman, is two-fold. First of all, in the early '60s when this program was undertaken - and incidentally, completely paid for by the sportsmen of Alberta for a number of years rather than by any other funds - when the program was undertaken the maximum amount per acre was on a production cost basis rather than a price of product basis. So the concept, in fact, does not relate to the price of agricultural products but rather relates to the cost of agricultural production. That's the first point.

The second part of the answer that I would give to that particular question, Mr. Chairman, is that in late October, 1973, we did make a very major increase of some 66.66 per cent, from a maximum of \$15 per acre to the present maximum of \$25 per acre. In other words, one year ago, it was still at the \$15 per acre level and it is now at a \$25 per acre maximum, relative to the program.

MR. RUSTE:

To the minister then. There's no thought of changing it at this time?

DR. WARRACK:

No, I didn't say that at all, Mr. Chairman. On all these matters, particularly such volatile kinds of matters as these, I'm open to suggestions at all times.

I might add a couple of other points to it. In the calculation of the damage that's paid, in the event that the funds are a shortfall as compared with need - and I think this occurred during the ministerial time of the hon. member - then they are prorated so that even if the maximum was higher than the number of dollars going to the farmer on his claim, it would not be changed.

Secondly, we also have the Lure Crop Program and the bait station program which I could describe for members if they wished. These programs are for prevention. The higher the payment of damage compensation per acre, the more economic sense it makes to do more prevention. And we are doing that. We're increasing our preventative program pretty quickly and substantially both with respect to lure crops and bait stations.

MR. RUSTE:

Mr. Chairman, another question dealing with Section 89(1) which - I think it's going a long way - reads as follows:

Any person, when requested to do so by a wildlife officer or game guardian, shall forthwith produce and permit inspection of any firearm in his possession or subject to his control.

And that is added, of course, to Section 89, which said:

A person shall produce and show to a game guardian or wildlife officer his licence or permit when requested to do so by the game guardian or wildlife officer.

Now I take it that by this he can be requested to do this having no regarding for hunting at all? The previous section dealt with hunting and his licence and so on. Is that right?

DR. WARRACK:

It's two parts. It's the observation the member makes, Mr. Chairman, and also the fact that when it comes to the legal technicalities of enforcing the provision of the Act regarding firearms in vehicles, there's no doubt that it is illegal under certain circumstances to have a loaded firearm in a vehicle. But it turns out that what was in doubt was that we had the right as wildlife enforcement officers to look. So we lost the case, even though it had occurred. It was contested on the basis that we didn't have the right to look.

I might point out to all hon. members the kind of really difficult and sometimes literally nonsensical problems we have in trying to do an equitable and effective job of enforcing wildlife provisions. In this particular instance we lost the case because we didn't have the right to look, not because there was any dispute about the fact that the firearm was loaded. So we're amending the Act to close that loophole.

MR. RUSTE:

Mr. Chairman, further to that then, I'm just looking at the extremes that could possibly happen. We'll say that according to this new section a wildlife officer could actually come out to a person, on his farm or some place, on the assumption that there is a firearm there and demand to see it as required by this part. Is that right?

DR. WARRACK:

I'm afraid I'm not with the import of that question.

MR. RUSTE:

What I was getting at was: let's assume that I have a firearm in my home on the farm. A wildlife officer under this act can come out and ask to see this gun, or whatever you want to call it, without any search warrant or anything else. Is that right?

DR. WARRACK:

I think the member will find, in looking at this amendment along with the Act itself, that the entire section deals with matters of loaded firearms in vehicles. So it does not have the ominous broad powers that it might appear to have, just looking at it as an amendment. I'll check that point and if my answer is not correct, I'll let you know.

MR. RUSTE:

Just a final question, and this one was raised on second reading, I believe. It was a matter of local autonomy. Has that been solved with the municipalities involved? My concern here is that under Section 22 of The Municipal Government Act, any of the by-laws that have been made by any local government are null and void upon the passing, I think it is, of this act. And then if there are any more to be made, they have to have the concurrence of yourself, as minister, and the Minister of Municipal Affairs.

The first question then, has that been cleared with the municipalities involved? And secondly, do you foresee any by-law so passed by local government that you would concur in?

DR. WARRACK:

A very good question, Mr. Chairman. The answer is affirmative in all cases. As I described in second reading, we had had requests, not only from sportsmens groups, but also from the Alberta Association of Municipal Districts and Counties asking for standard,

enforceable, fair firearms protection provisions by provincial legislation so as to deal with this problem once and for all. In the discussions that ensued, [we] then came up with the three-part firearms package, one part of which you are referring to in your question.

If it is the desire of the Legislature that this amendment be passed, then indeed we'll deal with the enforcement provisions. But I'm not terribly concerned about dealing with them prior to the feelings of the Legislature being expressed in third reading of the bill, because in any case the enforcement problems can only be easier than they are now.

I would add that I have talked to the president of the Alberta Municipal Districts and Counties since their last annual meeting on this very point, and there was no difficulty expressed to me at all.

MR. BENOIT:

Mr. Chairman, to the minister. I used to assume, from what I was told, that any statutes of the province that required law enforcement could be enforced by any official law enforcement officer, regardless. Is that still binding? Can any uniformed law enforcement officer, or probably even without his uniform on, enforce The Wildlife Act? Not just the wildlife officers themselves, but other police as well?

DR. WARRACK:

I'm tempted to answer a flat yes, but the broad scope of the preamble makes me worry a little bit about definitions of policemen and enforcement officers, for example, relative to The Police Act and county and municipal district police forces and so on. So that makes me a bit cautious. But if you are referring to the RCMP for example, the answer is definitely yes.

MR. TAYLOR:

Mr. Chairman, during second reading I mentioned the matter of confiscation of guns, boats, et cetera. I'm wondering if the hon. minister has had a chance to give some thought to this.

I personally think this should be taken out of the Act. It's most unfair, it's not justice at all. A person can have a \$30 or \$50 rifle and he can have a \$1,000 rifle, the penalty isn't the same. It isn't fair and it isn't justice. A person can borrow a really good rifle from a friend and that rifle can be confiscated. The person who committed the offence is not punished. The person who loaned the rifle is the one who is punished, he who had nothing whatsoever to do with it.

While in most cases I suppose these guns, rifles, boats, or whatever you have, are returned, it certainly causes a great deal of inconvenience and it's not comparable with other offences in other areas. Under the Criminal Code I can commit an offence of criminal negligence with my vehicle, and my vehicle is not confiscated - that takes the lives of people. While I admit confiscation was carried out by the previous administration, that doesn't make it right. I would hope that we could view this matter of confiscation of guns, boats, and almost anything under the game act and I suppose it doesn't really fit under this act.

But I would like to know if the hon. minister is giving some consideration to the removal of that power of confiscation. If a person commits an offence with a rifle, or while he's out hunting or shoots across a road, then I think there should be proper punishment for him. But justice should be involved and the method of confiscation, in my view, does not provide justice, or at least a very, very small semblance of justice.

DR. WARRACK:

I think I would react to that question - and I recall our discussion very well - in two ways. First, so we're clear, as the hon. member has pointed out, this is, in fact, not really a comment on an amendment here but is really a suggestion that an additional amendment beyond the ones we have here, should be considered to perhaps deal better with that particular problem. I've really viewed his comments, rightly or wrongly, in terms of that rather than in terms of doing a pretty quick amendment of a difficult area at this time. That would be my first reaction.

Secondly, there is an area in the amendments where we are, in fact, allowing for some relief for this kind of problem with respect to it being decided in court as to whether the confiscated items can be returned or not, whereas in The Wildlife Act, as it reads now for certain offences, there is no choice at all. You can have the situation in the one instance, a \$25 gun might be confiscated, in the other instance it might be a \$5,000 vehicle. The inequity between them was just so vast that we felt we needed to even that out.

So it's a relatively small step in the direction that the member is suggesting, but nevertheless I think one to be noted. But it may very well be that perhaps across all enforcement legislation - I honestly am not fully aware of other areas of enforcement legislation, but that same principle might need to be addressed on an across-the-board basis.

MR. LUDWIG:

Mr. Chairman, in speaking on this point, I also support the hon. Member for Drumheller on this very issue. I think it's overdue that we should provide proper penalties. Quite often an offender under the game laws might be a fairly young person, and for some minor offence that might irritate the warden, he might say okay, I'm going to take your boat and I'm going to take your fishing rod and whatever you have. It's the kind of decision that ought to be made by a court as to the amount of penalty he ought to have.

I know it's been done because there have been some serious violations under the game act of, say, killing game and if you do that they can confiscate what you have. This was a deterrent, but I think we've now come full circle to where we should look at this. It isn't good enough for someone who may be just a new warden, to decide that because - inadvertently sometimes - you have fished and violated some act which is constantly being amended and revised and say, if you violate this he may take your sporting equipment.

I think this is harsh. I don't think it's fair. Sometimes elderly people don't know. We have a special form of punishment for offences in this area. I think there are many offences that are much more serious. As the hon. member stated, you can go on the highway and you can violate the law and maybe kill somebody but they are not going to confiscate your car. You might lose it eventually through some other means. But in confiscating, say, a boat in which a person, improperly, had a rifle, that's a pretty heavy decision to make, although judges should have the responsibility to see what the penalty is.

If the penalties are not high enough, then raise them if that is the judgment of the government, of the Assembly. But to state that even for some very, very minor infraction we're going to hit you - there is no means for any kind of uniformity of treatment of people under this. I'm not concerned at all that we had it on our books. I felt this was unfair in the past. This is as good a time as any to take a look at it and to bring an amendment so that we can have a fairer means of dealing with imposing penalties.

As I have stated, it's quite often the judgment - the game warden has this discretion sometimes. He even has the discretion of taking an explanation from you, if you left your fishing licence in the car, he can say, well, let's go and look. The car is three miles away. Some other persons say the law requires you to have it on you and you're stuck and I'm going to charge you. So for this reason, Mr. Chairman ...

I believe Mr. Chairman, Mr. Chairman, you're not running a very orderly House in this place. Would you call the rabble to order so that we can carry on with the business of the House?

MR. CHAIRMAN:

Thank you.

[Interjections]

MR. LUDWIG:

Mr. Russell, I didn't have you in mind. The whispering that you're doing with madame is quite private; I'm not trying to interfere with any of your extra activities ...

DR. WARRACK:

Mr. Chairman, questions now, or is this going to keep going?

MR. LUDWIG:

I didn't hear the hon. minister. He will have a chance to speak later, I presume, Mr. Chairman, won't he?

But I want to finish this ...

AN HON. MEMBER:

Nonsense?

MR. LUDWIG:

... address with a very important issue. We have on our books legislation that permits the confiscation of hunting equipment, sporting goods in the event of even minor offences. I believe that it's timely that we take a look at it unless the minister objects, unless he feels that this ought to remain on the books. I believe that we have no alternative, Mr. Chairman, if we can't budge the minister to hear some of the hon. members on the other side perhaps address themselves to this question. This is the kind of problem that leads to private bills. If we can't convince the minister that this is unfair, we ought to try to do something about it.

Thank you, Mr. Chairman.

MR. TAYLOR:

Mr. Chairman, I believe the hon. minister said that he was prepared to look into this and to study it in relation to other legislation, et cetera. If I understand this to be correct, that's satisfactory as far as I am concerned. I don't want suddenly to start introducing an amendment that may have repercussions elsewhere. I would be quite happy if the hon. minister and his department would look into the possibility of removing this at the fall session or at some time in the future. I realize it should be studied carefully in relation to the Legislative Counsel, and that's why I'm not introducing an amendment at this time.

DR. WARRACK:

Mr. Chairman, I appreciate very much the remarks of the hon. Member for Drumheller because it's a matter of importance and should not be lost in the frivolous discussion that came about later by the hon. Member for Calgary Mountain View. I certainly apologize for the fact that no one seems to listen when he speaks. I wonder why that is?

MR. LUDWIG:

A point of order. I am of the opinion that not too many hon. members are listening to the hon. minister. If he wants to be cheeky he can reserve it for some private time and not when he's dealing with his own bill.

MR. CHAIRMAN:

Order. Order. Continue.

DR. WARRACK:

He loses again.

With respect to the point about confiscation, though, in seriousness I ought to have added this but it escaped my attention when I was responding to the Member for Drumheller. There is the situation regarding a very large percentage, something less than 100 per cent, admittedly, where there is no possibility of prosecution of the guilty [party] unless you are in a position of holding evidence for presentation. None the less there is still the problem in the instance that the person is found not guilty if he has had some property held during the intervening period, there is an unfairness involved there.

Finally on this matter I invite the Member for Calgary Mountain View to read the Act since he is obviously under the incorrect impression that all offences involve confiscation. This, of course, is incorrect.

MR. MCCRAE:

I would like to make two comments on the act, sir. One has to do with the point raised by the Member for Drumheller. I too, as a sportsman, have been seriously concerned over this particular section for a number of years. It appears to give the arresting or searching officer the power of determining what will be finally confiscated by the magistrate when the trial is held. Really that can be less than lacking in uniformity. I think it is something that should be taken under consideration by the minister and after serious study possibly an amendment could be brought in at the fall session.

The other comment I had, Mr. Chairman, has to do with Section 22. That is the section dealing with the requirement that two ministers - Lands and Forests and Municipal Affairs - agree to any closing of an area to hunting before a municipal by-law will become effective in that area.

I wonder if the minister might advise us what the criteria or standards are that will be used before consent is given to a municipality?

DR. WARRACK:

I would be happy to indicate a direction on that, Mr. Chairman. This is one of the areas which, as I described on second reading, was a difficult kind of consensus to hammer out with the sportsman's view on the one hand and the landowners and the municipal districts and the county people on the other.

In any case the one thing that was clear to all was that there are certain instances when it's very clear that there's a need to prohibit the discharge of firearms in an area. For example, a garbage dump or a golf course might serve a region or local community but happen to be located in a municipality or a county, very clearly this is an instance where all would agree that discharge of firearms and hunting need to be prohibited. So it's these kinds of instances that all were thinking of, but it was found to be very difficult to set out written criteria that might be in such a rigid form that some unfair closures might come about. On the other hand there might even be concurrently some instances that clearly ought to be closed that would not be allowed for in the written rules.

It was therefore put on this basis, that with the mutual judgment and concurrence of both the Minister of Municipal Affairs and the Minister of Lands and Forests, both sides of the issue felt comfortable with this as a source where representations could be made and after discussion, final judgments are given.

MR. McCRAE:

Mr. Minister, I wonder could you advise whether this is the section that municipalities use in closing road allowances? You refer to garbage dumps and golf courses.

DR. WARRACK:

No it isn't. It's a different section.

MR. McCRAE:

Supplemental then. Mr. Minister, do the municipalities still have authority to close road allowances, say, adjacent to the Calgary area without reference to your department or the Department of Municipal Affairs?

DR. WARRACK:

The answer is yes. The way it works is that a local government, municipality or county for example, will make a decision that they would like to close a certain road allowance. Having made that decision in their local municipality or county, they then seek concurrence of the Department of Highways as to whether they can close it or not. If the concurrence is forthcoming, then it is closed. If the concurrence is not forthcoming, then it is not closed.

This does not involve the jurisdiction of the Department of Lands and Forests, although we have established coordination with the Department of Highways and Transport so that in all proposed road allowance closures we are given the opportunity to comment and we do so.

MR. HENDERSON:

Mr. Chairman, I would just like to speak briefly to the same question under 94, Section 22 that is being amended, about the closure of an area for hunting. It can't be done in future without the minister's approval.

I can appreciate the problem of trying to set up criteria, but I can also hope that the government is going to err in favour of the council, the municipal by-laws if anything. For example, I have had quite a bit of pressure in my own constituency to bring in a private bill to try to have a certain area closed to hunting. I have to say that I think the problem relates to proximity to large urban centres, in this case, Edmonton. Because of the hunting by-laws people are literally afraid to go out in the field after dark. People are charging around up and down roads, around the Wizard Lake area to be specific, road hunting. If somebody goes to try to talk to them a little bit it's an exercise in intimidation. The local people find they're almost afraid to do anything about it - even complain about it. I have referred them to the appropriate section under the municipal act.

I think the question of the judgment being exercised by the provincial government in the matter should be only under extenuating circumstances where the action is very arbitrary and highly discriminatory, et cetera, that they see fit not to approve the motion of the local authorities. It seems to me that where the predominant number of people who own the land in a district, regardless of who owns the deer, do not want hunting on the land, that means no hunting. They can't hunt and nobody else can hunt.

They petition their municipal council and the municipal council defines the area and closes it. Where there has been a significant percentage of the people in the area requesting that the area be closed, I, for one, feel that the provincial government should concur with that request. If there is any question about it, it should be put to a vote of the people in the area.

But I just want to say that while I go along with the amendment to the Act as proposed here, I do feel very strongly that judgment should be weighted in favour of compliance with the by-law request of the municipal authority and only under extenuating circumstances should the provincial government rule otherwise.

MR. TAYLOR:

A comment on the same thing before the hon. minister speaks. I support this section, possibly for different reasons. In the first place, while I believe in local autonomy I don't think we ever want to get hunting in our province or in our country down to the way it is in some parts of Europe, and some parts of England, where you have private game preserves.

I was stationed near Hereford one time with the R.A.F. and the chap who owned the area came to me and said, since you're a Canadian you can fish on this beautiful area or you can hunt if you have a gun, but none of these fellows in the R.A.F. who come from England, Scotland, Ireland or Wales are going to have that privilege. I didn't take it, much as I wanted to, because I felt it was most unfair to those who were in the same barrack room. This can be seen in many parts of England where hunting became the privilege of a few. I don't think we ever want that to develop in Alberta and in Canada. Consequently, I support the authority being given to the minister to authorize or not authorize requests of this nature.

It could well be that it's justified in an area where people are shooting machines, and anything with hair or feathers is shot at. It may well be that the request would be approved. But in many other cases I think it has to be checked by someone, and I can't think of anybody better to do that checking than the Minister of Lands and Forests who has the interests of the entire province before him, not simply the interests of a small group of people.

Close to our cities life is almost unbearable for some people. They shoot holes through combines. They shoot holes in seeders. There is a lot of really bad behaviour and I don't think we should expect our people to put up with that. If that can't be remedied, then I think the minister would be justified in acceding to a request from a municipality in that area. But if the request simply comes because a municipal council wants to reserve the hunting in that area for a private few, then it's a different matter entirely and I would hope that it would not be approved. I believe in local autonomy but not when it sets precedents for the entire province. That should rest with the provincial government, not with the local council.

So I support this section very, very strongly. I think it's a move in the right direction and I would hope the knowledge that this action can be taken by the municipal council and the minister would not only do away with private game preserves, but that it would also preserve life and reduce damage to people, machinery and so on.

I think the section is very, very well put. For a number of years I wondered how this thing could properly be handled and I think this is the answer. I think this will give pretty general satisfaction throughout the province.

MR. HENDERSON:

Mr. Chairman, on a point of clarification, I just want to say that certainly I don't disagree in any way with what the Member for Drumheller said, but the section the amendment relates to has to do with a total ban on hunting and has nothing to do with selectively restricting who shall hunt and who shall not hunt. It's a total ban that is applicable, as I understand it, in an area. Well, I repeat again, I think the government should err on the side of favouring the by-law. I endorse 100 per cent what the Member for Drumheller said, that, in effect, the by-law relates to a complete ban on hunting. I think I made that plain at the time, no one could hunt - not the owner of the land - no one could hunt in the area. I don't think there can be any compromise in that regard.

MR. LUDWIG:

Mr. Chairman, I want to go back to the point that we did not quite finish which deals with the amendment to laws which permit confiscation of sporting equipment in the ...

MR. CHAIPMAN:

Mr. Ludwig, I wonder if ...

MR. LUDWIG:

No, I didn't finish that one, Mr. Chairman. I wanted to speak then and you permitted an intervention. I want to finish this one now, Mr. Chairman. Let's do this thing in an orderly way and then you won't get too many issues before you at once.

The position I want to get clearly from the hon. minister is: is he now saying that he will look at it with the intention of perhaps bringing in amendments in the fall, or is he just going to sort of review it and then determine what needs to be done? Because the position I'm taking is that I think it's timely that this issue be dealt with now. If the minister is undertaking it with a view to perhaps bringing in an amendment, it would prevent some of us from bringing in a bill to amend and to repeal those sections which provide for confiscation.

DR. WARRACK:

Mr. Chairman, I plan to look at it in a sensible way within the terms of my responsibility. If the hon. member felt that strongly about it, why didn't he do something about it when he was in the government?

With respect to the very balanced and useful remarks of both the hon. Member for Wetaskiwin-Leduc and the hon. Member for Drumheller, I think basically what we've had is an opportunity to really hear both sides of the argument and the starting place where we all sat down and tried to reach the consensus amendment that is reflected in the bill. I think the final remarks made by the hon. Member for Drumheller came to this point, if there is a better way I'd like to hear about it. But we did look at a lot of the things that would have been possibilities, in the search for a consensus on the matter.

Perhaps I could take the liberty of just a bit of explanation of how I interpret the meaning of the comments of the hon. Member for Drumheller relative to the question of local government having control over all game which, after all, is a public resource. I think the hon. Member for Drumheller was really saying that if we have a situation which is very easily closed off from any kind of hunting and public access, on a unit by unit basis, this would tend to have a domino effect across the province and as the many closures came about, the areas that were not closed would become even less bearable because of the additional hunting pressure. Then they would want them closed too and you would arrive very quickly at a position where the only possible way to have hunting would be by private preserves. I think that's really the point he was making. He was basically saying, let's have very good and valid reasons for any area of blanket closure in order to leave as much of the area as possible open for public access, so as to distribute the hunting pressure. Hopefully we can have an opportunity available for people and at the same time have a livable situation in terms of the landowner conflict.

MR. LUDWIG:

With regard to the remark by the minister, why wasn't this issue dealt with when I was in the government - I was going to tell him that I didn't have the benefit of the intelligent advice that he's getting now. I think he ought to look at these things seriously and not try to be cute about them. If he's a nice boy I'll get him a teddy bear by the time the next election comes, Mr. Chairman.

MR. DOAN:

Mr. Chairman, I've listened back and forth to the comments here about who shall and shall not have control of the discharge of firearms on different road allowances. I've always felt that the local county or municipal district probably should have the main say in whether or not firearms should be discharged on road allowances. However, I believe at the same time, Mr. Chairman, we have to have some kind of uniformity. If a hunter is going from one area to another and he has to stop and find out what the regulations are before he discharges a firearm ...

Then again, I'd like to agree with the hon. Member for Drumheller that there is a great lack of common sense among some young people - I presume they are young, they have pretty young ideas anyway - when they go about the country shooting up the farmers' machinery. If you could bring in some kind of regulations regarding that, Mr. Minister, it would be worth while.

AN HON. MEMBER:

Agreed.

DR. WARRACK:

Yes, in response to that; that point is right on in terms of some of the difficulties that we face in that you have a situation, if it's not uniform, where the citizen who is out there simply trying to enjoy himself is in an unfair position to obey the law he wants

to obey - except that he can't find out what it is. Having uniformity of this relative to the matter of road allowances will go a long way toward the objectives of the municipal districts and counties, and yet at the same time have something uniform and therefore enforceable.

I might draw to the members' attention also that in the third part of the three-part firearms protection package which I described in second reading, in the one part we have not discussed yet here today, there is the restriction against the discharge of firearms on occupied land, whether for hunting or not. And the "or not" is an increase in the effectiveness of the legislation to prevent the non-hunting use of firearms, often called "plinking", that you're referring to. Generally speaking the property damage that comes about tends to be in the area of the occupied land near the farmstead and will have the additional protection offered in this act for that kind of problem.

MR. DRAIN:

Mr. Chairman, this is one thing I'd ask the minister to consider in future amendments and that is the consideration of a reciprocity treaty between provinces in the matter of fishing licences. In the Crowsnest Pass most of the people fish in British Columbia. Prior to the NDP government we were allowed to fish for \$2, which was the conventional rate, but now we have to pay \$20. I was wondering how a British Columbia resident is treated in Alberta? He is treated as a non-resident, I presume?

DR. WARRACK:

No, as a matter of fact, this is an excellent opportunity to point out that it is the intention of this government to treat the people of Canada the same and not foster the kind of balkanization that's being fostered by British Columbia in the way you suggest.

MR. BENOIT:

This question may have been answered, but I don't recall. In this Section 19 of the amendment dealing with Section 104 regarding the confiscation, why was Section 45 omitted from the list of three?

DR. WARRACK:

Mr. Chairman, that is a pretty complex matter. I don't think it was necessarily answered fully before. The basic point is this: rather than have a situation by statute where the confiscation of any items used in that particular wildlife offence, which is nightlighting, rather than have it be an automatic confiscation with no possibility of any part of it being returned, led to a differential penalty being imposed in this way. In some instances you might just have say \$25 worth of equipment, but in other instances you might have the equipment normally used for that kind of offence, in addition to a truck. So your range of penalties might go from something like \$25 to \$5,000 or even \$10,000 for the same offence.

There are two things which are problems with that, Mr. Chairman. First of all the problem of equal treatment of people for the severity of the offence. You are prevented from giving equal treatment. And secondly, in the instance where the legislation by statute imposes an extremely severe penalty, the court tends to let the person off. Then you have no penalty at all. So it was to confront those two existing problems in The Wildlife Act relative to Section 45, which deals with nightlighting, that the change is contemplated.

SOME HON. MEMBERS:

Agreed.

MR. RUSTE:

Mr. Chairman, just further to what the minister mentioned awhile ago about licences and balkanization. Does that indicate that you are going to level off the licences whether for Albertans or Canadians, and so on?

DR. WARRACK:

It's our intention to reach the situation where all Canadians are treated the same. In actual numbers in most of the province there are not that many non-resident Canadians. Most of the non-residents, in other words, are from other countries, primarily the United States. But as a matter of principle it is our intent to arrive at the position where all Canadians are treated like Albertans and the non-resident alien, if you like, be the group that is treated differently - alien in the sense of alien to the country of Canada.

MR. RUSTE:

In short, when that gets back you will have one licence fee in the various categories. I mean there will be different categories but, say, in the big game, a non-resident of Alberta can come in and get a licence the same as an Albertan?

DR. WARRACK:

Yes.

MR. HENDERSON:

While I basically don't quarrell with the proposition that has been put forth by the minister for a uniform licence fee for Canadians, period, I'd like to suggest you try to sell that philosophy to some of our sister provinces, British Columbia in particular. It's a nice philosophy but if it doesn't work it is like a lot of philosophies. You know, they aren't worth the paper they're written on if they are not usable. I think just to apply it without some element of reciprocity is really not in the best interests of Alberta, period. So while I endorse the principle, I still think there should be an effort made to obtain concurrence with the philosophy by other provinces, in particular British Columbia.

DR. WARRACK:

Mr. Chairman, I agree with the point made by the member just now, consistent with the point made by the Member for Pincher Creek-Crowsnest. I must admit that I haven't taken the step of requesting reciprocity. I think it is a good suggestion and I will undertake to do that.

MR. RUSTE:

Will this be in effect for the year 1974?

DR. WARRACK:

Depends what they say.

MR. SORENSON:

I wonder if I might just ask the minister one question. Is there much export of wildlife? I'm thinking of zoos. Just what is the procedure? Are we exporting elk, moose and bear?

DR. WARRACK:

It's pretty modest, Mr. Chairman. I really think that would be a sensible question during discussion of the estimates, which we have now done and I believe the member was there. In any case, it's not related to the amendments.

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

DR. WARRACK:

[Inaudible]

MR. CHAIRMAN:

Is it agreed as moved by the minister?

[The motion was carried.]

Bill No. 33 The Provincial Parks Act, 1974

MR. HENDERSON:

Mr. Chairman, I just want to advise the committee I intend to move an amendment on Section 9 of the bill. While there's not much to the bill, I think under the rules I would request that we go through it section by section to deal with the proposed amendment.

[Sections 1 through 3 were agreed to.]

Section 4

MR. GRUENWALD:

On Section 4, the clause itself doesn't give me any problem but I am just wondering - but the minister is busy now and I've got to ask him a question.

I was going to ask you, Mr. Minister, regarding Section 4 of this bill, where it says, "The minister may from time to time appoint persons to advisory committees ...", et cetera, et cetera - my question is, how does one activate this committee? In other words, if I were to make a request to the minister under that section to do a feasibility study, for example, for a park down at the river bottom near Lethbridge, where we think it is a likely place to have a park built, would I have to demonstrate the need, point out some of the values of having a park in there, show population growth, show highways, show what I believe to be the natural advantages, the river bank, the river, the possibilities for a lake for example, indicate the number of visitors who go to other parks that are greatly crowded, and all these types of things? How would one bring pressure or, in other words, get action in that particular section?

DR. WARRACK:

Mr. Chairman, the items the member mentions are entirely unrelated to Section 4. Section 4 is not an appointed lobby group. Section 4 gives the capacity to appoint advisory committees in instances when the work might well be very much more effective with the opportunity for an ongoing advisory input, generally from local people.

The best example, I think, that we could have right now is with the Fish Creek Provincial Park in Calgary, the excellent advisory committee there has been appointed with the basic terms of reference to involve the public in the concept planning purposes of this provincial park. But that is established once the intent to have a provincial park has been decided. Then under the terms of The Provincial Parks Act or, for that matter, under the general Lands and Forests Act, advisory committees can be appointed.

To summarize my answer, the intent of Section 4 is not to appoint lobby groups to lobby for an additional park somewhere. It has to do with either the planning phase or the operation and management phases of provincial parks that have been established by the government.

MR. GRUENWALD:

That has nothing to do with, like you say, initiating new programs or new parks, but then a person would apply simply to yourself or to your department if he wanted a feasibility study done; is this correct? Not related to any particular section?

DR. WARRACK:

Yes, that is correct.

MR. NOTLEY:

I wonder if I might ask the minister whether any plans have been made yet with respect to an advisory committee for the Edmonton park?

DR. WARRACK:

The Edmonton park was announced some, what, five days ago? I think it's a little premature.

MR. NOTLEY:

Mr. Chairman, just to follow it up a little bit. I am not expecting an announcement, but regarding the advisory committee, what is the general approach in terms of getting the local community involved? Will there be so many people appointed from the city council, or will the committee just be completely discretionary, up to the minister? Is there going to be any sort of general guideline in terms of trying to balance, not necessarily the community as a whole, but the role of local government in the advisory committee?

DR. WARRACK:

First of all, I might clear up what is a possible degree of misconception in that the section in the Act does not necessarily contemplate advisory committees in all of the 50 or so parks that we have.

It's our thinking to really have the advisory committee constructed as flexibly as possible, to meet the local needs as they might be. For example, they would be very

different in Calgary relevant to the metropolitan park on Fish Creek, particularly because there is also the technical management team with the parks division of the province and the city that will be ongoing once the parks concept is resolved, partly with the help of public involvement. So that would be quite different from, say, the traditional provincial park in the province, let's say Moonshine Lake, which is quite a different context in that it's rather far removed from local clusters of population and more oriented to the particular lake that happens to be there.

It would basically be the thought, in instances where advisory committees would seem to be useful and helpful for all concerned, to try to reach out for a cross section locally and regionally, if I can make that distinction, relative to advisory committee work.

MR. NOTLEY:

Mr. Chairman, I raise this because I think we are all quite excited and optimistic about the park in the city of Edmonton as something which can really be an excellent park for the entire province and for the capital city. But because of the interrelationship between the park development, the city parks and the parks program of the city, I think that the importance of having city representation on the advisory committee for the Edmonton park would probably be more important than almost any other advisory committee in the province, because we do have to try to dovetail as much as possible with the city's plans in the river valley.

DR. WARRACK:

Mr. Chairman, on that, I'd draw all members' attention once again to the fact that in the parks position paper we tabled just a bit less than a year ago, we took the conscious step of, as a matter of policy, engaging public involvement in these matters. I think the experience we are having in Calgary with the planning of the Fish Creek park really yields the result that the public is interested in being involved, particularly at the design or planning stage. I am not so sure about the operational stage. That has turned out to be successful and would be a real argument that would direct one toward viewing affirmatively an advisory committee in Edmonton.

However, the reason I answered the way I did relative to the capital city recreation park that would be here in Edmonton is that the arrangements may be so interdependent between the province and the city, depending upon our discussions and the desires of the city, that an advisory committee, which might be established, might be advisory to the province and the city jointly, instead of an advisory committee reporting only to the province.

MR. BARTON:

Just following up on the advisory committee approach. How many provincial parks do have advisory committees? Just the Fish Creek one?

DR. WARRACK:

No. There are more than that. I don't know the number offhand. I know there is one at Cypress Hills and I know that there has been one, although not particularly active, relative to the Lesser Slave Lake Provincial Park. I talked to one of the people on that committee when I was there on September 10. You may recall that I was there. I had hoped I would have a chance to see you that night at the meeting in Slave Lake relative to some of the improvements and expansions that were ongoing there.

MR. BARTON:

Yes. I appreciate that the advisory committee hasn't been too active, but basically I think we have to put a few of the problems on the communications between your department and the advisory committee.

But I would like to clear the record because there was a statement that could have been misleading or misguiding on your behalf. There was a public meeting and over 100 people attended. You were asked to come. You didn't come, which I think was probably the right move because the people weren't quite that happy with your particular approach.

The second meeting that I attended was for the set-up of a 12-man committee and I stated at the public meeting that I wanted to keep it out of the political arena. The problems were basic. They were sincere problems. They were people's problems. The park is neighbouring the town. I left the committee with the decision that when they met with the minister they met with a small group and came to some basic facts. I would like that cleared up because I definitely feel the work has been done. I could have made it a lot worse for you but I feel that consultation is a lot better than maybe the odd march, which at one time looked pretty serious.

But getting back to the advisory committee approach, I think in a major park - and ours is quite major - it has the largest lake in Alberta and it has some pretty good potential. I think this type of approach, hon. minister, would be advisable at this stage, because it's still in the planning, as you will agree. Really it's developing, and we appreciate your budget appropriation this year. It's been more than adequate. We've got a fine park warden now. He'll do the job really well. He is going to be well-liked. I think it's a credit that he is going to carry the brunt of the problems.

I would request that the minister activate this advisory committee in whichever way he feels fit - whether he wants to make it political or whether he wants to turn it over to the chamber or the town to appoint the members - but I think if we are going to get this thing on the right track, moving in the right direction and getting the people concerned involved and understanding, this has to be taken, and I would appreciate your comments on it.

DR. WARRACK:

I am happy to comment on this matter. From what the member said it would seem fairly likely that the previous advisory committee must have been appointed politically under the 'old' government. With respect ...

MR. BARTON:

Mr. Chairman, I'd like to clarify that. One member was from the chamber, one member was at large and one member was in the accommodation field.

DR. WARRACK:

That's not what I said, Mr. Speaker.

With respect to the meeting, I did not attend on some 12 hours notice. I did, however, attend the September 10 meeting where there were, not hundreds, but 35 people. I met all the people there and we worked out some of the problems. In any case I think that was fairly well resolved even though we did not have the help of the local MLA and I certainly accept his apologies for not being there.

MR. RUSTE:

Mr. Chairman, to the minister. I will certainly - I'll get my glasses off so I can see.

AN HON. MEMBER:

What do you wear them for?

MR. CHAIRMAN:

We're on Section 4.

MR. RUSTE:

I have my notes with me. Well I'd just like to mention that there was provision in the old Act for advisory committees. The minister may mention the reason for doing away with the provincial parks board, as such. And the third point - I'll get to that when you answer those two.

MR. NOTLEY:

I wonder if I could just come back to the advisory committees for a moment. The minister, when he answered Mr. Gruenwald, also when he answered me, suggested that there are obviously some areas, such as Edmonton and Calgary, where advisory committees are necessary, but perhaps not so with respect to the smaller parks.

By and large, I can appreciate that answer. I think it really is pointless in many cases. However, it seems to me there may be the exceptions to the rule where there is a good deal of interest in an area and where there's a desire to establish an advisory committee.

What I'd like to have the minister answer, Mr. Chairman, is, just what steps would a group of people or a town, an I.D., a municipality or what have you, take to set up an advisory committee? Would they approach the minister directly? If they did, and there were particular circumstances and a great deal of local interest, would the minister consider an advisory committee for one of the smaller parks?

DR. WARRACK:

Yes, I certainly would, Mr. Chairman, and if I gave the impression at all that I was cold-watering the idea of advisory committees in smaller parks I was really intending to give the example where a relatively small percentage - I can think of some of the parks for example, that are under 10 acres in total size where there really wouldn't be very much point. It's largely a matter, in my view, of local and regional demand for input in the sense that there's a demand for that. Everybody has a lot of meetings to go to these days, and I don't really want to take the position of having advisory committees in every park and then trying to ramrod people to get them to come to the meetings because they don't really have any reason to meet. I think all of us have been to some of those kinds of meetings.

But in any case, in instances where there is just a plain level of interest or also a feeling of additional input, this would be reflected by local and regional people. If I may again make that distinction, I'd certainly be amenable to establishing and working out an advisory committee in such instances.

MR. DIXON:

To the minister, Mr. Chairman. My concern is that you are setting up all these advisory committees. I'm not faulting the advisory committees as such, but I'm wondering if we aren't running into the same situation that the Conservative members in the federal House are becoming concerned with - with Information Canada and committees that the federal government set up - so that the MP in that category and the MLA at the provincial level is being overlooked a bit because he should be the one who is informing his constituents and others of the activity of a particular government program. The Conservatives in Ottawa have gone so far as to say that if they do get elected they are going to do away with Information Canada - that department - and their argument is that a government should be careful in setting up committees that take out of the hands of the elected people the job of informing their people as to what a government program is all about.

I noticed here in Edmonton last night we ran full-page ads about all the wonderful things that the Edmonton MLAs have done or haven't done regarding the park. Are we going to carry that situation into all the other park areas, because, if it keeps up, I think if we are going to be fair we should try to work together as MLAs on either side of the House and give information, wherever possible, as to what is going on.

I can see that when you - I'll use the term 'overprofessionalize' - and I don't want to use a derogatory term to the committee because they are a voluntary committee and I'm not faulting them for the work they are doing. But the point I'm trying to make, hon. minister, is that we can become 'overprofessionalized' so the people will pretty soon say, the MLA, whether he be on the government side of the House or the opposition side of the House, where does he fit into the picture? This is a warning that I'd like to issue so that we don't get to the stage where everything is going to be done by somebody else, rather than by the people whom they elected to do a job for them.

DR. WARRACK:

Mr. Chairman, I really think that is a fair comment. One of the reasons, as a matter of fact, I did not respond to a previous question by saying that we're going to be establishing advisory committees in every park was, not only are they not needed in every instance, but in a lot of instances, frankly due to the effectiveness of the local MLA wherever he might sit, those additional meetings and so forth really aren't necessary. So it's more a matter of trying to gauge the situation, and if there is a strong feeling of interest or a need for input one way or other, then we'd be in a position to establish advisory committees.

My thought on it, incidentally, would be for a limited term and perhaps for a specific purpose rather than a kind of lifetime appointment. I think that might have been a bit of the problem in the past. In brief, I would very much subscribe to the comment made by the Member for Calgary Millican.

MR. BENOIT:

I just wanted to make an observation and ask the hon. minister whether there's any circumscription of the limitations of the committees in any way, either as to number or personality involved, or anything like that? It's intended to be left wide open as it is here?

DR. WARRACK:

Yes.

MR. RUSTE:

In Section 4 - in the old Act there was reference to a provincial parks board. Would you elaborate on the reason for doing away with that?

DR. WARRACK:

Well, I guess the old provincial parks board must have suffered atrophy through time - I think that's wasting away due to disuse. It's not something I'm familiar with and apparently its usefulness had disappeared prior to my arrival on the scene.

[Section 4 was agreed to.]

Section 5

MR. DIXON:

Mr. Minister, I would remark that all hon. members receive letters from the City of Edmonton, and as a matter of fact it prompted a question the other day to the hon. Premier regarding the expropriation or acquiring or having the cooperation where the city turns over the land without any payment.

I was wondering, Mr. Minister, what is the government's feeling on the suggestions by the City of Edmonton? I couldn't understand why they would be worrying about expropriation in light of the answer that I received from the hon. Premier the other day.

DR. WARRACK:

A good question, Mr. Chairman. I can explain it. During the course of our consultation on the capital city recreation park, I did take advantage of the opportunity to discuss this matter with the mayor. The impression that they had, not having read the old parks act, was that this was a new provision and they feared it was a provision put in the act to deal with our contemplations of an Edmonton metropolitan provincial park.

I had the opportunity to point out to them, as I think the hon. Member for Wainwright pointed out during second reading, that this section is, in fact, no change at all from the existing parks act, and that our intentions in that regard, as the Premier answered your question on Monday, were that it was not in any way directed or contemplated towards the city. I think that answers it.

MR. DIXON:

Just one final question to the minister, so I am sure as to what the Premier said. I understand there is going to be no purchase by the government of any lands that are owned by the municipality, the City of Edmonton?

DR. WARRACK:

Well, Mr. Chairman, I can't really say that's necessarily so because the joint arrangements between the city and the province need to be worked out as to detail and so forth. If, for example, they desired to sell some lands that were involved to the province, we would certainly look seriously at that possibility.

MR. RUSTE:

Mr. Chairman, to the minister. There's a possibility of getting land two ways then? Under this section of the act and then under the proposed legislation that was introduced the other day, where the province as a whole can buy lands? Would that be true?

DR. WARRACK:

Yes, I think it's fair to say that's a possibility. I hadn't really thought of it in terms of the bill we have before us now. But I think that's a valid observation, yes.

[Section 5 was agreed to.]

Section 6

MR. RUSTE:

Mr. Chairman, I understand that this spells out that all the parks we have at the present time will continue as parks in the present legislation. The parks association made representation, I believe, to the minister relative to spelling it out in legislation, so that the changes of boundaries of parks were done by legislation rather than by ministerial order. Have you any comment on that or made any representations?

DR. WARRACK:

Yes, I certainly have a comment on that, Mr. Chairman. My comment is that in instances where we might acquire another small amount of land or in some instances, for example, where there might be a need to four-lane the highway or something along the boundary of an existing provincial park - and this often occurs because traditionally the provincial parks are located on major thoroughfares in a lot of instances - then everything would be held up until an amendment to The Provincial Parks Act could take place in the Legislature.

Having regard to the fact that we'll be here for some weeks yet, no doubt, in this session, it seems clear to me that this would be a real imposition of unnecessary inflexibility in regard to either any small adjustment of boundary or, more often, simply the matter of adding to the existing park acreages. To be held up each year and not be able to do them, short of a legislative amendment, would be a real holdup in operations and it would also guarantee that we would have a whole series of amendments to The Provincial Parks Act every single year. For example, we just recently expanded the size of Pigeon Lake Provincial Park by, I think, a little more than 150 acres. We were able to acquire land and then add that to the park space. We would not have been able to do that without a legislative amendment if the boundaries were specified in the legislation.

[Mr. Appleby in the Chair]

[Sections 6, 7 and 8 were agreed to.]

Section 9

MR. HENDERSON:

Mr. Chairman, I would like to make a few comments on this particular section and then move an amendment. The amendment I would propose does not restrict or interfere with the Executive Council's prerogative to set aside provisions of statutes by regulation, when necessary. But I do suggest that when something is important enough to be written into the Act in the first place, even though the Legislature delegates to Executive Council the authority to make changes in legislation by regulation - because I appreciate that sometimes some pretty pressing problems arise which the government has to deal with - without such authority, their hands would be tied and it could be in the public interest not to have their hands tied.

I accept in principle the amendment under Section 9. But I do think however, Mr. Chairman, that if an issue is important enough to go into legislation in the first place, the Legislature should, in the final analysis, hold the Executive Council accountable for changes in that legislation. So I would accordingly move an amendment to Section 9 with the addition of a subsection 4 which would read as follows:

A regulation under subsection (2) that varies, substitutes, adds to or makes inapplicable any provisions of any of the Acts ...

I'll send the minister a copy. And I have copies for the other members too.

... adds to or makes inapplicable any provisions of any of the Acts listed in subsection (2) ceases to have any effect after the last day of the next ensuing session of the Legislature following the making of the regulation.

Now, all this says, Mr. Chairman, is that the Legislature, by the amendment, while it would not interfere with the Executive Council's prerogative to set aside a provision of an act under this Section 9, it would also say that that act would have to be ratified by amendment to legislation at the next ensuing session; and that if the regulation change were not ratified by a change in statute at the next ensuing session, the change in regulation made by Executive Council would be null and void.

I suggest the principle is sound and I think it should be adhered to in all legislation passed before the House. As I say, it does not restrict the Executive Council's freedom to deal with urgent problems by setting aside sections of legislation through regulation when it is in the public interest to do so. But it does put the compulsion on the Executive Council to be accountable back to the Legislature at the next ensuing session by, in effect, replacing those regulations with changes in the statute itself. I think if this isn't followed, why bother having a Legislature? Let's just write a single sentence that says, we hereby give the Executive Council authority to do anything and everything in the province of Alberta, and the rest of us all go home. And maybe in ten years we'll have a revolution over it. So I think it's fundamental to the concept of the accountability of the members of this Legislature to the public; the accountability of the Executive Council to this Legislature. I cannot imagine how any member of the Assembly could object to the principle contained in the amendment. I accordingly move the amendment as read, Mr. Chairman.

[Mr. Diachuk in the Chair]

MR. BENOIT:

Mr. Chairman, I'd like to say a word too. If the minister intends to leave Section 9(2) in the act, then by all means, I think it can't be left in without the amendment that has been suggested. But, Mr. Chairman, I can see nothing that gives us permission to even have this type of subsection. In my wildest imagination, I cannot see how regulations under one act can nullify the substance of three or four other acts. How a regulation under one act can override sections of another act is beyond me. I think this is certainly working it backwards. I want, at this time, to voice my very strong objection to even initiating this type of principle in an act at any time. If there are other acts where this kind of section is to be found, then I think we should move to eradicate by amendment such sections as quickly as we can. Never should regulations supercede the act under which they are made, let alone another act which has no relation to the one under which the regulation is made.

MR. HENDERSON:

Well, maybe somebody else wishes to speak to the amendment.

DR. WARRACK:

With respect to this matter, I certainly appreciate the concern that has been expressed really on a matter of principle, the principle being that the provisions of one act can alter provisions that occur under another act. That was one of the first questions that I had when we dealt with the redrafting of the old Provincial Parks Act, making the revisions and so on that I described in second reading to establish the Provincial Parks Act proposed here under Bill No. 33.

There are really three answers to it and I suppose you have to be a bit of a lawyer to be convinced of it. First, as a matter of fact, three of the four acts referred to [constitute] no change in that they are in the old parks act; namely the wildlife, the forests and the public lands acts. The additional act that is taken into account in the new parks act is The Forest and Prairie Protection Act dealing with forest fire protection which is important in a number of our parks including, as we discussed recently, Cypress Hills.

First then there is no change in concept. In other words, if the concept is wrong now, it is no more wrong than it was before. But I agree, that is not a real answer, admittedly.

In terms of the explanation, however - from my query of the matter to the Legislative Counsel who, as all members know, does the drafting of the acts and relates them one to another to assure consistency of concept and content across the statutes of the province - the explanation is that general protection is provided by The Public Lands Act, The Forests Act, The Wildlife Act and, now as provided here also, by The Forest and Prairie Protection Act.

In addition, Section 9 of the parks act would provide that we could have additional protections to those provided under The Public Lands Act, The Wildlife Act, The Forests Act and The Forests and Prairie Protection Act - and the operative words are, "in addition to." With the parks act then, we are in a position where we could have further protections, for example, in the area of wildlife within provincial park boundaries. Protections are not available in The Wildlife Act that applies generally across the province.

Now in querying the necessity of this type of wording with Legislative Counsel, they assured me this is not an uncommon procedure. It is the legal method by which protections can be offered within parks boundaries, in addition to those general protections provided by the four acts listed. And I draw your attention to the fact that all of these acts are

the responsibility of the Department of Lands and Forests. It is not a coordination problem.

In short then, I really think that we do not have the problem that there appears to be on the surface. It's a long-standing legislative technical matter to cope with the need for additional protections within parks boundaries over and above the protections that are offered in the four acts listed that are also the responsibility of the Department of Lands and Forests.

In short what I'm saying is that while I had expressed initial concerns myself, as expressed by the Member for Wetaskiwin-Leduc and reiterated by the Member for Highwood, my concerns were dispelled with the recognition of the points which had been made to me and which I now make to you. In summary they are: to have the capacity in The Provincial Parks Act to add protections for the park resources within the parks boundary only, in addition to the general protections that are available under the other four acts listed. Substantially then, I am saying to you that there is no legal concept problem in the sense of any change in concept from what has been done before. Secondly, I do feel rather strongly that there is, in our provincial parks, the need for additional protections and that these additional protections can be provided under Section 9. I hope this assures you that the amendment itself is not necessary.

MR. HENDERSON:

Mr. Chairman, the minister has just - that's all well, that washes really clean. But the minister is not grasping what I'm talking about. I'm not quarreling with the necessity, from a practical administrative standpoint, of having to deal by regulation with some of the conflicts and confusion that may exist between [pieces of] legislation. I don't care whether it's the environment act, the highways act or what not. I'm well aware of the fact that we don't have Solomon drafting legislation and these problems arise.

What I'm concerned about is the principle that the Executive Council can set aside statutes or parts of statutes by regulation. The cart is before the horse. I'm not quarreling with Section 9(2) which says, to change the following act. I'm not quarrelling with the words, to change the following regulations - it's where regulation by the Executive Council is used to change those statutes. I don't question the practical necessity of Section 9 being in the act in its entirety. But I'm saying that when it's important enough to put a requirement in the statute in the first place, if it's to be changed in a final form, the change should be made by the Legislature. It's a question of whether the Legislature is paramount to the Executive Council or vice versa.

When it comes to the drafting and the enactment of law, that is clearly the prerogative of this Legislature. Now for practical reasons the Legislature gives the Executive Council in this act the authority to change and manipulate certain sections of the act by regulation to deal with problems and conflicts, and I don't quarrel with that. But all I'm saying is that there should still be, in principle, a requirement in the act so that at the next ensuing session the Executive Council simply comes back to the House - by virtue of amendments of legislation which would replace the regulation they have introduced - and explains to the House why they felt it necessary to change the statute on an interim basis, by regulation, in accordance with the authority that was granted to them. And they would then ask the Legislature to ratify that change in the form of an amendment to the statute rather than have the regulation stand.

I don't quarrel with anything the minister said and I'm not talking about that part of it. I'm talking about the principle of changing statutes by regulation. I accept the practical necessity of it, but I do suggest very strongly and very sincerely that the principle of having those changes in statutes which have been made by regulation ratified by changes in statutes at the next ensuing session is a sound one. I can't see how anybody who has any sentiment for the manner in which our democratic process works can possibly quarrel with this. It does not infringe upon the prerogative of the ministers as it has been spelled out in the authority that has been delegated to them under the legislation.

But I come back to the minutes, the cabinet only has the authority that this Legislature delegates to them. I think without the amendment that is proposed, that question is called into dispute and the next step is, well, why bother having the Legislature write out the statute in the first place. Just give Executive Council the prerogative to pass regulations period, we'll all go home. We don't need the Legislature.

So the amendment, from the standpoint of the principle, is sound. I suggest it is necessary. It has nothing to do with the details the minister has gone through as to why he needs this power. I have no quarrel with that. I'm not suggesting that anything at all be taken away from the prerogative of Executive Council to deal with problems [like] conflicts [between] statutes that arise when the House is not sitting.

All it says is, when the next session comes along, if they have used this section, if they have set aside the provision of an act by regulation under the authority of this section, then they must introduce amendments to the acts that were affected - to replace the regulation that changed the act by an actual change in the statute. And this [ensures] the Legislature is paramount in its relationship to the Executive Council. That's all it does. Basically, it doesn't restrict the freedoms or prerogatives of the cabinet at all. But it does make them accountable to the Legislature for the contents of the law that is on the books. So we would have all 75 members responsible for the legislation that is on the statute books as opposed to one-half dozen or a dozen people, or 25 or 30, or as many as are in the cabinet these days, making laws by themselves.

MR. LUDWIG:

Mr. Chairman, I also wish to add my support to the remarks made by the hon. members with one exception, that the session isn't over and there is time to straighten this thing out properly. Any abdication of the responsibility of the Legislature, letting a minister pass regulations under one act which will affect other acts, simply ought not to be done. It's easy to say, well it's convenient now, we're pressed for time and we'll make an exception. A question of convenience becomes an exception and then it becomes a practice, and that is taking away from the responsibilities of the Legislature which is supreme in every instance. So we ought not to let this happen now. I think we ought to ask that this section be held and not abdicate any of the responsibility of the members of the Assembly to the fact that it may be convenient or may be necessary under the circumstances.

I would recommend that the hon. minister get back to the Legislative Counsel. The members of the Legislative Counsel are very competent, very able and experienced. I believe that they might recognize this, even though this will add to their work, and get this thing done properly so we don't feel that we'll let the minister go by this time and then find out later that this was wrong.

These situations, where there's a slight encroachment on the supremacy of the Legislature, are important even though the issue itself may be trivial. I take it as important. I raised the issue here once when a minister took it upon himself to suspend legislation. I felt that that was about one of the most serious affronts to the responsibility of the members, except in that case not much harm was done. But the principle is wrong. And so if a principle is wrong it isn't a case of, is it a little bit wrong, or is it very wrong, or is the issue important? The importance is that the principle, as stated by the hon. Member for Wetaskiwin-Leduc, was very well stated and I subscribe to that. I think hon. members on both sides of the House ought to stand for those things, because although legislation can sometimes be cumbersome, we can go through things in one day.

There is a reason why the system developed through the centuries where we go through all the procedure of introducing a bill, speaking to it on principle, dealing with it section by section and then debating the department under title and preamble, and all sorts of protective procedures have been built in through the years and accepted everywhere, including here. I think we ought not to permit this section to be dealt with in a convenient manner this time, and I wish to voice my objection.

I believe that the minister can resolve this in a short time. As I stated, it is not so big that it will require the session to be prolonged. This can be resolved within one day and I am sure that the hon. members ought to stand up and insist that this be done.

DR. WARRACK:

Mr. Chairman, on a point of order ...

MR. HENDERSON:

I have a motion before the House, and what the member has just spoken to does not relate to the amendment I proposed, and I would like to suggest the committee deal with the amendment. If somebody else wants to make another motion to deal with the broader aspect of the whole issue, so be it. But I am concerned that my amendment is going to get lost in the chaff here, and I therefore, procedurally suggest, Mr. Chairman, that the committee deal with the amendment now before the House.

MR. LUDWIG:

To the point of order, Mr. Chairman, I appreciate the remarks of the hon. member. I was not aware that his was a motion, but my remarks were relevant to the remarks he made in any event. But I was not aware, and I apologize for having perhaps intervened. I was preoccupied with something else and I wasn't aware that it was a motion.

MR. BENOIT:

I wanted to express my appreciation for what the minister said, and what he said apparently answered the question up to a point. I understood perfectly that this would be something additional.

But there are other words involved, Mr. Minister, which make it different, because when you talk about "varying, substituting or making inapplicable thereto ...", that's somewhat different than additions. And that's the thing I am concerned about, because there's more involved than just additions in there.

Now, I go along with the hon. Member for Wetaskiwin-Leduc and I'm in favour of the amendment, but something has to be done with this as far as I'm concerned. It can't stay like this.

MR. HENDERSON:

On a point of order, could I ask that the committee consider the specific amendment first, because what the Member for Highwood is calling into question is some of the other wording in this section in the act.

My amendment is not questioning the rest of the section in the act. saying it needs one small addition and the section's all right. So once again, procedurally, while the matter raised by the Member for Highwood is related, I would ask his consideration in having the amendment dealt with, and then after that, come back to the detail in the wording, if the committee would so agree.

DR. WARRACK:

I probably should have stood up before the chaff that the hon. Member for Wetaskiwin-Leduc referred to.

I would mention two things, but I sense that the member feels he would like to have the matter held over for additional discussion. I'm making this suggestion, that if you are not satisfied with the two things that I will say, that I would make the suggestion that we in fact hold this section of the bill so I have an opportunity to get really about the fourth assessment from Legislative Counsel of this particular principle, because I'm not a legal expert and I don't intend to become one.

SOME HON. MEMBERS:

Agreed. Agreed.

DR. WARRACK:

Okay. The two things that I was going to say - and let me see if these allay your concerns. I suspect not, but I can certainly allay the concerns of the Member for Highwood.

First of all, the provisions of Section 9, I hope it's clear, refer only to within park boundaries, nowhere else, only within park boundaries. So the application of it would only refer to that small amount within the park boundary. Now I know that does not address the principle. In terms of explaining why it says vary or make inapplicable, the reason is that in such regulations you would devise them as a package of regulations that would refer to the park within the park's boundary, and since you have that in a package, including the additional provisions to protect the park, in order to have it in a package you have to render inapplicable the other ones, otherwise you've got to chase more than one place to know what you're dealing with within the park. That's the reason for the variation and [the word] "inapplicable".

Now, if those two observations do not satisfy the concerns expressed and felt by the Member for Wetaskiwin-Leduc, I would certainly be happy to suggest that Section 9 be held and then reassessed, perhaps again with Legislative Counsel, since this is a long-standing procedure in the drafting of legislation in Alberta. I had been satisfied with the explanation I got, when I made the same enquiries, that we could hold this section and do an assessment of the amendment with them and then proceed with the other sections.

MR. HENDERSON:

Well, Mr. Chairman, I have no objection to holding the section, but I would like to point out that the amendment I have made to the committee was drafted by Legislative Counsel - first point.

The second point is, all the explanations about why these provisions have to be in the act is not what I'm talking about. I accept that, and you can explain as often as you

want why you've got to have authority and regulations to change these 15 statutes. I'm not quarrelling with that. So there's no point in holding it up for that regard.

The whole question is the principle of where that power is exercised, that the statute that was changed by regulation be amended by statute at the next ensuing session, and replace the change in the statute that was made by Executive Council legislation.

Nothing that the minister has said about holding the bill touches on that. It's the principle. I have no quarrel with those the other members have. I'm not quarrelling with the authority being in the act the way it's written. And the amendment I have proposed doesn't interfere at all with the authority that's been granted, as long as it comes back in at the next session and the acts are amended by statute by this Legislature, replacing the regulations that have been put through by Executive Council. That is all I'm proposing.

Now I certainly have no objection to the matter being held for further consideration by the minister. I've got nothing further to talk about with the minister nor have I got anything further to talk to the Legislative Counsel about. I've already talked to him. I've got the amendment drafted by him, which I've presented to the House. In the whole issue the question is - it isn't all the minister's explanations why it's in there. The question is the issue of the principle of a change that is made by Executive Council in a statute, not in a regulation but in a statute, which has been enacted by this Legislature. That change, even if it's done under authority delegated to the cabinet by this section, that change must be ratified by a change in the statute or by replacing the regulation at the next session of the Legislature. That's all I'm talking about.

So I have no need for consultation with the minister. I have no need for consultation with the executive council. I'm quite happy to have the minister hold the section if he wishes to consult further with the executive council, but for the fifth time I want to emphasize there is no point, from my standpoint, of asking the Legislative Counsel to give me more explanations as to why this power is in the act because that's not what I'm talking about. That's accepted - that part of it. It's the additional principle that I want incorporated in the bill.

MR. TAYLOR:

Mr. Chairman, I believe it's a good idea to accept the suggestion of the hon. minister to hold the section. In order that it doesn't have to be rehashed in too much detail after it comes back, I would like to make one or two comments.

In my view I think 2 and 3 are bad legislation and really contrary to the principle of democratic government. I would say that is also true of the amendment. If the prerogative of the Legislature is to make laws and the cabinet is responsible to the Legislature, then the very reverse will be true here where the cabinet will have the authority, be given the authority by the Legislature, to change acts that have been made by the Legislature. I think that principle in itself is pretty serious. I am wondering why the department can't check the sections it thinks are going to be questioned and bring in amendments.

I think every department has to live with acts that are passed by the Legislature that they would like to have changed. Once we establish the principle of the cabinet varying or substituting the law that has been passed by the Legislature, I think we're getting way out into right field and making it pretty serious.

When we say, in the amendment, that the thing will be ratified later, I think the principle there is bad too, because it makes a rubber stamp of the Legislature with regard to the making of law. Really, what the amendment does is to try to make a good egg out of a bad egg by scrambling it. Personally, I don't like to start with the bad egg. If I'm going to have an omelette I would prefer having a good egg to start with.

I certainly think if the minister wants to consider this we should agree to hold it. I would suggest that the amendment does make it a little more palatable but the principle is still bad in both of them. One, it is giving the cabinet approval to change the law that has been passed by the Legislature and secondly, it is making a rubber stamp out of the Legislature.

I think the hon. minister should have a chance to hold this and take another look at it.

MR. GHITTER:

Mr. Chairman, might I also speak on the basis of being in favour of what the Member for Wetaskiwin-Leduc has suggested and urge the minister to consider the point of view that has been expressed. I don't think any member in this Legislature wants to be a party to legislation which could be considered as cutting from under the responsibilities that we have as legislators: the possibility of, say, the Executive Council having the

opportunity of passing by regulation, or amending by regulation, statutes that this Legislature, in fact, passes.

I appreciate, full well, the reasons why these powers are required. I think the powers are indeed required but on an interim basis. If you find they are required beyond the interim basis, then surely within, say, the 18-month period that this amendment would allow, there should be incumbent upon government the responsibility to bring the statute back to this very Legislature for amendment or consideration as to the portions that the Executive Council has deemed to be inapplicable.

I would suggest that the amendment is a reasonable one and I would urge the minister to consider it. I would also bring to the minister's attention that the very same provision and protection is in Bill No. 55, The Northeast Alberta Regional Commission Act, which again recognizes that very principle and suggests the same thing. So there may be a precedent right before this House now of that type of consideration.

I would just like to respond to the amendment by urging the minister to consider it, as I regard it as being eminently reasonable.

MR. HENDERSON:

Mr. Chairman, may I respond briefly to the two points made by the Member for Drumheller. First, I can't quote the act but I know the bad egg has been around before September 1, 1971. The principle - or the bad egg as the member referred to it - has been cooking for some time.

MR. TAYLOR:

It's a case of batter not better.

MR. HENDERSON:

Quite frankly, I'm trying to put a little bit of flavouring on it to make it more palatable. I'm suggesting to the Member for Drumheller, don't throw the baby out with the bath water as far as the amendment is concerned because the amendment is an improvement upon what has been done in the past. It has been used rarely but it's there and has been used. The previous government saw fit to ask for the authority to use it and this government is repeating that request. I agree they should be rare - the requests from Executive Council for such authorities and their use, where the authority is granted. I think the principle that is enunciated in the amendment is sound and should be acceptable to every member of the House.

I'm concerned that the House doesn't reject the amendment because they don't agree with the principle, because that would be even worse. We would have lost the argument completely - the amendment and everything - and the bill would go through as it stands now which would be, in my mind, a net loss out of this whole exercise.

DR. WARRACK:

Mr. Chairman, with respect to this matter, the Member for Wetaskiwin-Leduc may have been a bit confused by what I said only in this way, that I am suggesting that we hold this section so I have an opportunity to look at it. Having just seen the amendment a moment ago and having had no additional opportunity to consult with the Legislative Counsel on the matter and when I said what I did to him, Mr. Chairman, I was simply indicating that if he wished to be a part of this discussion I would be very open to that, that's all.

But basically I'm suggesting that we hold Section 9 so that I have the opportunity to assess the amendment. If an amendment is going to be made for the reasons posed by the Member for Drumheller, I'm not at all sure that this would be exactly the best way to do it. Certainly there is no problem insofar as convenience or timing is concerned. That's not a consideration here and never has been with respect to this particular bill at all.

So, it's my suggestion, Mr. Chairman, that in fact we hold this particular section and I'll take advantage of the opportunity in the intervening time to discuss it with the Legislative Counsel.

MR. CHAIRMAN:

Does the committee agree that Section 9 be held?

SOME HON. MEMBERS:

Agreed.

[Section 9 was held.]

[Section 10 as amended was agreed to.]

[Sections 11 and 12 were agreed to.]

Section 13

MR. McCRAE:

On Section 13, Mr. Chairman, I would like to offer a comment and it is that the parks officer has extremely broad powers of seizure. I wonder if the minister might take under advisement whether or not the parks officer really does need those very, very broad powers. He has power to seize a motor vehicle, an aircraft and all sorts of equipment, some of which may not necessarily be involved in the particular infraction. It relates to an infraction, not only of this act and the regulations thereunder, but to contraventions of any other act or regulations.

You might imagine a case where someone had offended the liquor act and was consuming beer or other spirits in a car. The officer would have power to seize not only the liquor but the car and anything else the offender may have had with him. I think that's a power that goes beyond that which the ordinary police officer has.

I wonder if the minister might take this section under advisement, give it a bit of consideration and determine whether or not the parks officer does need very broad powers of seizure. I realize it has been on the statutes for some time. It is a carry-over of some bad legislation we've inherited over the years. If the minister doesn't have time in this particular session to agree to an amendment or to strike the section out, he might give consideration over the summer to a revision of it and possibly in the fall or next spring, amend it. I do think it's much, much broader than required. As I say, it is a carry-over of some previous bad legislation - I recognize it's difficult to catch them all in a very short while. Might I recommend that we give it consideration anyway?

MR. LUDWIG:

Mr. Chairman, yes this is the particular section I had in mind about powers to confiscate. Whether it is legislation in the past or not, we find that we are amending amendments to amendments that were made a year ago. So as we progress, it depends on who catches what. We should be concerned about these things. I'm not at all concerned that this was in the books for 25 years. As I stated, the hon. minister then didn't have quite the same intelligent advice that he now gets ...

AN HON. MEMBER:

Agreed.

MR. LUDWIG:

... and so we should look at this. When you read the statutes altogether, anyone can read through a lot of statutes and not be specifically zeroed in on sections like this. Unless you are dealing with specific situations, it is easy to miss. This section, in my opinion, ought to be replaced with a good stiff penalty of some kind. But confiscation is rather harsh in my opinion.

I'm going to be anxious to review The Wildlife Act to see how much authority there is for confiscation in that Act. But this is as good a time as any when we are dealing with amendments. I'm saying that it is easy to say, this happened in the past. Everything in the books happened in the past and I notice we have bills introduced in this session, very well-thought-out and well-planned bills, and before the session is over we are bringing in amendments and sometimes amendments to amendments. This is part of the responsibility of the Legislature. But this is one that I think ought to be looked at. If we can possibly get another way, another means of enforcing the legislation other than confiscation, I'd like to see it done, Mr. Chairman.

MR. HENDERSON:

Mr. Chairman, I'd just like to say a word on the other side of the fence as far as the seizure is concerned. Let's bear in mind this is a question of seizure versus permanent confiscation. The court deals with the question of confiscation. But I think, in particular in the matter of hunting, there is something to be said for the question of the seizure of the gun, because it relates to enforcement of the stopping of the offence that the man is committing. Somebody is out hunting. He has done something illegal. When you have stopped him, you have laid a charge of some sort against him. By not seizing the

gun, when the warden turns his back the guy goes right ahead and continues with the offence.

It doesn't make sense in some of these cases, particularly with firearms, to leave the weapon in the possession of the individual and walk away and allow him just to continue. He is already charged once so why not go ahead and carry on, whatever the offence is that he has been charged with, and be done with it. I think it makes sense, in the case of firearms particularly, in some of these circumstances to give the park officer or the warden, whoever it is, the authority to seize the weapon at the time the charge is laid. The court then - there is the question of evidence as the minister spoke of earlier - then the court has it within its jurisdiction to decide whether the gun should be returned or not.

I think it is not the question of seizure that we should really be debating, it is the question of permanent confiscation which needs to be examined. I suggest that approaching it from this standpoint, dealing with the authority of the officer to seize it, is really not the part of the legislation that needs to be examined. It's the mandatory requirement or even the optional power of the court to confiscate the weapon permanently that should be examined.

MR. TAYLOR:

Mr. Chairman, I ought to make the same speech all over again. I completely disagree with this idea of seizure. I don't think it is fair. I don't think it is equitable. I think there are better ways of enforcing laws than by taking the weapon or the tools.

It's like the story I once heard of the chap who was out fishing and the game warden said, you're not supposed to be fishing in this area so I'm going to confiscate your tools. The chap said, well I haven't fished. No, he said, but you might, so I'm going to confiscate your tools. And he said to the game warden, are you going to arrest me for rape? He said, no. Did you commit rape? He said, no but I have the tools. I think this seizure is as sensible as that would be. It just doesn't make sense to me.

When you seize something that belongs to somebody else that was borrowed in good faith, whom do you punish? I just don't see this thing of seizures. I haven't for years. A few years ago when we were in government I remember going down and pleading with the Attorney General at that time for a revolver to be returned, and had a terrible time getting that revolver returned to the owner. I saw that there must have been 200 revolvers and guns which had been seized and held there in a drawer in the Attorney General's department. I don't know whether it's so now or not. But I just don't think that that was justice. If these people have committed no offence, let's punish them the same as we do in a car offence or other offences, not just take their vehicles. We don't take their cars, why should we take their guns?

MR. HENDERSON:

Mr. Chairman, I would like to point out to the member that there are circumstances under which the car was impounded. That was when ...

MR. TAYLOR:

Not now.

MR. HENDERSON:

It was. Yes, but there has been a change in the law which brought about the change and the necessity of doing it. But for years the car was impounded when a driver didn't have his red slip and so on. So the principle has been applied elsewhere.

I am not disagreeing with the examination of the issue, but I do suggest that there is something to be said on the other side of the fence as far as the park officer or warden or game officer having this type of authority. If the whole thing can be examined in total fine, but it's not just as cut and dried as saying, don't give the officer this type of authority. Because there are circumstances, I think, where it is logical that he should have it.

MR. TAYLOR:

Mr. Chairman, the government smartened up years ago about the confiscation or seizing of cars. Let's smarten up with regard to the seizure of rifles.

MR. LUDWIG:

Mr. Chairman, I was using the word "confiscation" because I followed another member who used the word. But I meant "seizure". Sometimes the seizure of a car or a boat or a vehicle 30 or 40 miles from home is a hardship. It's a judgment made by a warden. Some

wardens are very restrictive. Some wardens are not at all permissive. They just decide, I don't like what this man did and I'm going to stop his car and he can walk home with his family. If this were the only way that this could be done - but if this is such a serious problem then let's impose proper fines after a judge has heard the charge. I think that it's time we looked at this.

There are some situations where good laws, strictly enforced - as I have used the expression before - can be oppressive. Poor laws strictly enforced can be also. I think this is a poor law. If someone wants to be very strict about it he can impose a hardship. There is no uniformity in this kind of problem because some wardens may feel, I'm not going to do this to this man even though he broke a law because he's got to go home a long way and he's got his family with him. Another one will say, well this is my job. I'm sworn to do my duty and I don't care what happens. The law is here.

So, I think it is the responsibility of the hon. members in this House to deal with problems like that.

Mr. Chairman, I beg leave to adjourn debate on this section.

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

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

[The motion was carried.]

[Mr. Diachuk left the Chair.]

* * * * *

[Mr. Speaker resumed the Chair.]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly has had under consideration Bill No. 30 and begs to report same; and has had under consideration Bill No. 33 and begs to report progress on same, and asks leave to sit again.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

Mr. Speaker, tomorrow night the Assembly will proceed into second reading beginning with Bill No. 55, The Northeast Alberta Regional Commission Act, followed by Bill No. 47, The Oil Sands Technology and Research Authority Act.

The Assembly won't sit tonight, but the Chairman of Subcommittee A asked me to advise the House that Subcommittee A will meet tonight in Room 208 at 8:00 o'clock.

MR. SPEAKER:

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

[The House rose at 5:31 o'clock.]

