

LEGISLATIVE ASSEMBLY OF ALBERTA

Wednesday, May 15, 1974

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

PRAYERS

[Mr. Speaker in the Chair]

INTRODUCTION OF BILLS

Bill No. 60 The Forests Amendment Act, 1974

DR. WARRACK:

Mr. Speaker, I beg leave to introduce Bill No. 60, The Forests Amendment Act, 1974. There are two important points in this short act, Mr. Speaker. They are: first, that the punishment for conviction of an offence is specified in this amendment, whereas it had not been specified before. Secondly, within the purview, airstrips will now be included whereas they were not included before.

There are also two housekeeping amendments as a part of Bill No. 60.

[Leave being granted, Bill No. 60 was introduced and read a first time.]

Bill No. 223 The Individual's Document Confidentiality Act

MR. D. MILLER:

Mr. Speaker, I beg leave to introduce a bill, being Bill No. 223, The Individual's Document Confidentiality Act. Mr. Speaker, the purpose of this bill is to prevent any person employed by government or Crown agency from disclosing copies of any document or paper kept by the government without the written consent of the person, parent or guardian of the child.

[Leave being granted, Bill No. 223 was introduced and read a first time.]

INTRODUCTION OF VISITORS

MR. ASHTON:

Mr. Speaker, I wish to introduce 60 good-looking young Albertans from Austin O'Brien High School in my constituency. They are accompanied by their teachers, Mr. Porochiwnyk and Miss Friesenhan. They are sitting in the members gallery and I would ask them to please stand and be recognized.

TABLING RETURNS AND REPORTS

MR. CRAWFORD:

Mr. Speaker, I'd like to table copies of three documents today. The first one is the annual report of the Alberta Hospital Services Commission, and copies of it have been delivered to the Clerk for distribution to hon. members.

Another is the response to Question 113 which was [the] order for return asked by Mr. Ghitter in regard to the Alcoholism and Drug Abuse Commission, and the other one is Question 166 in regard to public assistance payments.

ORAL QUESTION PERIOD

MR. CLARK:

Mr. Speaker, I'd like to direct a question to the Government House Leader.

Is it the government's intention to proceed with Bill No. 55 in committee study this afternoon?

MR. HYNDMAN:

Yes, Mr. Speaker.

SOME HON. MEMBERS:

Agreed.

ORDERS OF THE DAY

[Mr. Speaker left the Chair.]

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COMMITTEE OF THE WHOLE

[Mr. Diachuk in the Chair]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order.

Bill No. 55 The Northeast Alberta Regional Commission Act (Cont.)Section 3 (cont.)

MR. NOTLEY:

Mr. Chairman, I'd like to take a few moments and reply to some of the comments which were made yesterday by the hon. Member for Edmonton Strathcona as well as the hon. Minister of Public Works.

Mr. Chairman, last night the hon. Member for Edmonton Strathcona was attempting to advance the proposition that members on this side of the House had somehow asserted that under the provisions of Section 8 of this act the commissioner would be able to exercise the powers of Section 8. To my recollection, nobody on this side of the House made that assertion at all. We all recognize that it is the decision of the Lieutenant Governor in

Council which provides the government with the opportunity to vary, to change, to qualify the 12 acts that are outlined in Section 8.

But the point, Mr. Chairman, that I think needs to be made again is that in making the decisions as to the varying of these acts, the Lieutenant Governor in Council will be acting upon the advice of the commissioner and in very large measure, since they won't be acquainted with the situation in the oil sands region, that advice is going to count very heavily. In most cases, probably nine out of ten cases or more, they'll be accepting the advice of the commissioner. So the commissioner is going to have a great deal of indirect power. Yes, according to the provisions of this act it will be the Lieutenant Governor in Council who will make it possible for that power to be wielded. But because of the practicality of the situation, because the ministers are not going to be on top of the situation, they are going to accept the advice of the commissioner, by and large.

Mr. Chairman, that is why the amendment we have at hand today is so important. That is why many of us were concerned before, that there should be a minister in charge of the region so that if anybody is going to be giving advice to Executive Council, that person is responsible to the Legislature. But the person who will be doing it under the terms of this act will be an individual appointed by the Lieutenant Governor in Council and not appointed by the Legislature. Mr. Chairman, I think the key thing here again is the question of accountability to the Legislature. Mr. Chairman, as I see it, there is really no reasonable argument against appointment by the Legislature and full accountability to this Legislative Assembly.

Mr. Chairman, the Minister of Public Works, in his dissertation yesterday, tried to advance the proposition that somehow if the Legislature appointed the commissioner, this would be reducing the capacity of the Lieutenant Governor in Council to fulfil its function. I don't agree with that at all because, Mr. Chairman, in Section 8, before the powers can be granted, the Executive Council has to make the decision. I just don't see the argument that somehow a commissioner appointed by this Legislative Assembly is going to nullify or reduce the responsibility of the Executive Council. I just don't think it follows at all.

Mr. Chairman, what this amendment will do, if it is passed, is to at least define some level of accountability to this Legislature. None of us on this side of the House are happy that we are at this stage. I think many of us would have been much more satisfied, as I've already pointed out, if we'd had a minister fully accountable to Executive Council and fully accountable to the Legislature. But that amendment has gone down the drain and now we are attempting to make the best of what is a bad situation.

Mr. Chairman, I think it's important to remember that the indirect powers that are being granted to the commissioner, albeit by the Executive Council, are really enormous. Not only does the commissioner have indirect influence in advising Executive Council on the 12 acts which can be changed, varied, adjusted and what have you, but in addition, we have the second part of Section 7 whereby if local authorities don't agree to voluntarily surrender some of their powers to the commissioner, then the Lieutenant Governor in Council can force them to do so. So we have a commissioner who has enormous indirect power. The arguments made before, that this is too much power for an appointed person to have, particularly a person appointed by the Executive Council who is not clearly responsible to the Legislature in a direct manner - I think those arguments follow.

Mr. Chairman, there is one other point I want to make on this particular amendment. It seems to me that before we surrender power to Executive Council to change and vary statutes, we have to be satisfied that not only is there a problem in the oil sands region, but more important, that the government's proposed Bill No. 55 is the only course of action to deal with that problem.

Now, Mr. Chairman, in the course of the debate to date we've had all sorts of arguments from the government side about the dimensions of the problem. But no one on this side is arguing that point at all. The point we are trying to drive home to the government is that we want to be satisfied that this is the only course of action available. Before we surrender power from the Legislature to the Executive Council to be able to vary statutes, Mr. Chairman, especially on the advice of a person who is appointed by Executive Council, not appointed by the Legislature, we have to be satisfied that the government has fully answered, in every way, the reasons as to why this course is the only one available. Instead we get the 'Chicken Little' speech of the Minister of Telephones and Utilities who goes around saying, the sky is going to fall in. We get all sorts of arguments about the need to coordinate, but we don't get any arguments, really serious arguments, as to why this bill, why one man appointed by Executive Council is the only feasible course at this time.

Mr. Chairman, that is the test which we, in the Opposition, have to pose to the government. That is the test which they must answer before we surrender any statutory powers to Executive Council to, in effect, vary or change legislation on the statute books of this province.

MR. HENDERSON:

I would like to say first, Mr. Chairman, I regret that the members of the government treat this as such a trivial matter, they are not even interested in the issue. I presume they have all debated it in caucus, therefore that deals with the problem.

But I'd like to comment on two remarks that were forthcoming from the opposite side of the House, one from the government that the appointment of a commissioner by the Legislature, as the amendment proposes, would undermine the authority of the Executive Council.

I think anyone who makes that suggestion has some rather strange concepts about how our government works, because Executive Council only has the authorities which are granted it by this Legislature. It isn't a case of this Legislature having only those authorities that the Executive Council decides. It's the other way around. So I suggest that the proposition about watering down the authorities of the Executive Council is completely out of order relative to the manner in which this democratic system is supposed to operate - at least it had operated until this bill came into the House.

Now the Member for Edmonton Strathcona commented on the fact that I spoke so strongly in opposition to the powers in this bill but had stated I was in support of some similar amendments, the principle of it, in Bill No. 33. I would have to say I did make that statement, but when I witness the attitude of the government in this bill, I'm afraid I'll have to change my mind about taking such a reasonable approach on the other.

But I suggest also to the Member for Edmonton Strathcona that when he compares what's in Bill No. 33, where the government is asking for the power by Executive Council to amend the statutes, it looks as if there we are dealing with parks, forestry act, wildlife and forest and prairie fires. Things, Mr. Chairman.

Then we look at what's in this bill before us right now, Bill No. 55, we are talking about every form of local government, practically every local authority that exists in the province, starting with improvement districts, new towns, municipal governments, municipal elections, municipal taxation, The Planning Act, The Local Authorities Board Act, The School Act, The School Election Act, The Northland School Division Act, The Alberta Hospitals Act, The Health Unit Act. All of which concern every element - every vestige of local authority and local participation by people in the communities, in the self-government of their own affairs, has been completely removed.

So Bill No. 33 deals with a bunch of things that government administrators deal with. The bill we have before us now is much more fundamental than that. I have to say that I probably erred in supporting the proposition contained in Bill No. 33 and will now have to oppose that bill too.

But, Mr. Chairman, I would like to ask the Minister of Municipal Affairs a question that was asked earlier and has not yet been answered. Why does the government reject the proposition of having the commissioner appointed by the Legislature, with a view to granting some accountability to the operation of the commission and the responsibilities of the commission to the Legislature, in return for the powers which the government is asking for under the legislation?

We have not yet had an answer to that question and I would like to hear exactly why the government feels it has to be Executive Council, and not the Legislature, so far as the amendment is proposed.

MR. KING:

I've been very interested in the comments that have been made by the honourable gentleman opposite because I can remember sitting in the galleries up above between 1967 and 1971 when some other interesting legislation was introduced.

I have in front of me a copy of The Northern Development Act which was passed by the Legislature in 1971 when the hon. Member for Wetaskiwin-Leduc was a member of the government.

One of the sections in The Northern Development Act, specifically Section 5(3), if I may quote from it, says:

The Lieutenant Governor in Council may by regulation make inapplicable the whole or part of any provision of The County Act, The School Act and The Municipal Government Act or any other Act under which a county has powers or duties and thereupon that provision ceases to apply to the Commission, ...

which is the Northern Development Commission,

... the Northern Development Region and any person resident in the Region.

Now, I have sat here, Mr. Chairman, racking my brains, and I can't remember the hon. Member for Wetaskiwin-Leduc, who was then a minister of the Crown; I cannot remember the hon. Leader of the Opposition, who was then a minister of the Crown, or some of his bench mates on the front bench opposite, having risen with the virtue of right on their side and having condemned their government for putting legislation such as that before this House.

As a matter of fact, The Northern Development Council Act at that particular session was passed on the basis of the support of many of the hon. members opposite. It was passed without a single dissenting vote. Now, of course, it may well be that that legislation was unique, that the critical situation demanded it, but it was the only legislation enacted in that way by that government.

That, however, was not the case because I also have in front of me The Human Resources Development Authority Act which was passed by the government in 1967. If I may read from Section 3(2) of that Act:

Where any program or service related to the functions of the Authority is authorized by any other Act, the Lieutenant Governor in Council may charge the chairman of the Authority with the administration of that program or service, notwithstanding anything contained in the authorizing Act.

Now, Mr. Chairman, I think I could go on, but perhaps it is sufficient to cite these two pieces of legislation, both of them enacted with the support of many of the hon. gentlemen opposite and both of them containing provisions which are substantially similar to that which the hon. members opposite so violently protest. If I may take advantage of exercising an opinion, I would say that indeed both the provisions cited were far more sweeping in their power than the provisions about which concern has been expressed today.

Mr. Chairman, the arguments which have been made by the hon. members opposite clearly suggest to me that they propose to abrogate their responsibilities as an opposition in the very near future. Their suggestion is that if the wrong commissioner is appointed, or if things go terribly wrong, they are not going to rise in this Legislature and ask questions. They are not going to go into Estimates subcommittees and ask questions. They are not going to exercise the opportunity of introducing either a bill or a resolution in this Assembly. They are suggesting to us, they are suggesting to the public, that if things go disastrously wrong they, with their numbers and their intellect, are going to be completely powerless to raise the issue before the eyes of the public. I would suggest that for them to make that argument is to suggest that a year from now we are going to have no effective opposition at all - which may indeed be the case right now in any event.

AN HON. MEMBER:

Typical arrogance.

MR. KING:

Mr. Chairman, in this legislation, as in most other legislation of the government, there is an individual charged with administration of policy. The policy, Mr. Chairman, is not the policy of every member of the Legislature. The policy which the commissioner is charged with carrying through - with administering - is the policy of the government. He is not in the same position as the Ombudsman or the Provincial Auditor. His responsibility is to administer in the best possible light the policy which is developed and enunciated by the government. That being the case, I think it's patently obvious that the responsibility for defending, explaining or advocating that policy has to lie, not with a person who has been designated an administrator, but with a person who has been designated with the responsibility of developing policy, and that is a minister of the Crown. And it is clearly provided that in this legislation, as in others, there will be a minister of the Crown answerable in this House for the actions of the administrator.

Thank you, Mr. Chairman.

MR. HENDERSON:

Mr. Chairman, I think the words of the member seated opposite probably bear some consideration, but once again he's trying to gloss over the basic issue. And as the member knows full well, the issue of accountability, when one looks at The Northern Development Act which he is talking about - all we're arguing is to be consistent with it because that Act had a minister in charge of it who is accountable in the House ...

[Interjections]

... and so little more need be said about that proposition.

And then look at The Human Resources Development Authority Act and compare it to what's in the bill before the House. The Human Resources Development Authority Act says:

The Authority shall consist of five members of the Executive Council, ...

[Interjections]

... appointed by the Lieutenant Governor in Council, one of whom shall be appointed chairman of the Authority.

Once again, there is a direct accountability. It didn't delegate that to a commissioner. But then go on and read what was in The Human Resources Development Authority Act and compare that to what's in the bill before the House now. Here's the function of the Authority:

to develop, coordinate and supervise provincial and regional programs and services to encourage and help individuals and communities develop their human resources to their fullest potential, and in particular, but without affecting the generality of the foregoing,

(a) to undertake or sponsor economic and social research necessary ...

and so on.

(b) to foster awareness among local people of their individual opportunities in their communities ...

and so on.

(c) to implement and assist in the implementation of projects designed to increase income and employment opportunities.

Then we turn around and look at what's in the bill we have before us right now under Section 4,

to initiate or organize the development ...

it doesn't say coordinate, it's to initiate or organize the development,

... of plans and programs for the provision of municipal, educational, health, transportation, communication and other governmental or public services and facilities and accommodation for the residents of the Region.

A very paternalistic approach - for the accommodation of the residents - to coordinate programs in the departments of government government agencies, local authorities, and so on and so forth.

Now, there is a substantial difference in the sections in the bill. Once again, The Human Resources Development Authority Act contains exactly what we're advocating - a minister in charge. The Human Resources Development Authority Act contains a council with five ministers, and all we're asking is that the same element of accountability be injected into this bill.

AN HON. MEMBER:

Right.

MR. HENDERSON:

So the propositions put forth by the Member for Edmonton Highlands, while - like so much of what he says - they sound reasonable on the surface, they are a complete distortion of the basic principle we are arguing about. They're irrelevant to the basic principle. As a matter of fact, I might correct that and say, they're not irrelevant; they actually support the hypothesis we're putting forth, because all we're asking is the same element of accountability.

You've rejected a minister to answer to the House in these matters; you're going to delegate the authority to a civil servant who is not accountable. Then, on top of that, you're asking for much broader and more explicit powers for Executive Council. The functions and intent of this proposed legislation go far beyond that which was covered in The Human Resources Development Authority Act itself, Mr. Chairman.

I have to point out that the propositions put forth by the Member for Edmonton Highlands simply support again the proposition we're making, and that is that there must be an element of direct accountability to the House before the Legislature surrenders the tremendous powers that the Executive Council is asking for in this regard, which, in turn, they can assign to a civil servant who will not be accountable to this Legislature.

MR. KOZIAK:

Thank you, Mr. Chairman. The point is made by the hon. Member for Wetaskiwin-Leduc that in The Northern Development Act there were five ministers, I believe, who were charged with the responsibility ...

[Interjections]

What's that again?

... and five for the Human Resources. Right. That is a large number of ministers, of course. One in the case of The Northern Development Act and five in the case of The Human Resources Authority Act. But I suggest to the hon. members and to you, Mr. Chairman, that Bill No. 55 goes further ...

AN HON. MEMBER:

It sure does.

MR. KOZIAK:

... because in fact it makes every member of Executive Council responsible ...

SOME HON. MEMBERS:

Oh!

MR. KOZIAK:

... to the Legislature for his acts under that bill. Because it is not one particular minister, or five particular ministers who are charged with the responsibilities under that bill, but all the ministers, all the members of the Executive Council. It is the Lieutenant Governor in Council that is charged with the responsibilities under this bill. And it will be the entire Executive Council that will then be responsible to account to this House for the exercise of its functions under this bill. And if, as the hon. Member for Wetaskiwin-Leduc is suggesting, five are better than one, well then surely all must be better than five.

MR. LUDWIG:

Sounds like Socrates, before they poisoned him.

MR. KOZIAK:

I believe during the course of debate yesterday, in connection with the amendment proposed by the hon. Member for Wetaskiwin-Leduc, that the Legislature rather than the Lieutenant-Governor appoint the northeast commissioner, the hon. member suggested that the Legislature is responsible for the creation of the office of a minister, and not the Executive Council. I agree fully with that analysis. In fact, Bill No. 55 does the same thing. It's not the Executive Council that creates the office of the northeast commissioner, it's this Legislature that creates that office by passing this bill.

The suggestion that the hon. Member for Wetaskiwin-Leduc is making is that we go further; that the Legislature not only create the office, but that the Legislature also fill that office. Now, I may be completely out in left or right field, but I've never heard of the Legislature appointing a minister. The Legislature may create the office of the minister, but the appointment of the person who occupies that position is not by the Legislature. And this is in keeping with Bill No. 55. It's the Executive Council that makes the appointment, not the Legislature.

Now I could appreciate - and the hon. Member for Edmonton Highlands brought forward this suggestion - that if we were looking at an audit function such as we have in the Ombudsman, then perhaps the Legislature might have a hand in appointing the occupant of that particular position. But we're not looking at an audit function, we're not looking at a person who will look at government and say, well, this is what government has done or has not done. That, of course, is the role of the Legislature and in certain detailed cases, the role of the Ombudsman.

What we are looking at in this particular case is not somebody who is sitting back and examining what others have done and perhaps seeking errors in what others have done. We're looking, Mr. Chairman, at an individual who will be the doer, who will, in fact, go out, coordinate, initiate, and organize as provided for in Section 4. That, Mr. Chairman, is an executive function and not the function that you would see in an ombudsman or in the provincial audit or in the form of an audit function.

MR. LUDWIG:

Mr. Chairman, in listening to the pattern of performance on the other side, I had my grave doubts at one time whether the two ministers, the hon. Dr. Backus and the Hon. Roy Farran looked ridiculous because they listened to the two members who just spoke on the other side, or the converse. But whatever it is, it appears to be that they are each following each other's advice and attempting to avoid the issues.

I'm surprised that the other side is completely ignorant of the principle involved, that here we're going to be in a position where we're launching - we're talking about the great project, we need a man, we need some kind of superman to manage and we're going to give him dictatorial powers. That principle doesn't seem to matter to the hon. members opposite. They're completely without concern about the things that they're giving up to the Executive Council - when you talk about the whole issue - that they're giving up the right to legislate.

Some outstanding parliamentarians in Britain and in Canada have declared that about the only reason for a member of the Legislative Assembly to be here is to legislate and to make sure that we don't lose that right because that is our democratic protection. Secondly, we deal with budgeting.

Here we have a combination of a situation where we're quite prepared - without full explanation - quite prepared to hand over to a group of people here, who show they will grab power as quickly as they can to invalidate legislation.

I doubt whether this kind of bill, this kind of motion can pass anywhere in any other legislature or parliament in the British Empire. They dig up, trying to support a weak bill with weak props - to try to state that perhaps we did something in the past along this line. There is a grave difference between the legislation we had and what the hon. members opposite are proposing. But even if we did do something like that - which is denied because the legislation is there in the statute book - even if we did, this is no time to push this thing any further. We ought to stand up and reverse the situation.

So it's typical of the hon. members on the other side that because they got the message that someone in front said it's good and that's the way we want it because we need a good construction foreman in charge who will listen to the boss - whoever the boss is in cabinet, he will tell him what to do. He'll be hired and he'll do what he's told and there will be no bones about it.

Now when we say there should be some responsibility to the Legislature, that appears to be the best we can make of a bad bargain, a bad bill. We are all aware of the fact by now that there is some division on the other side as to whether they should proceed with this bill. Some hon. members have the courage to speak their mind once in a while. So it's obvious that they are whipped into line. They're sticking to their guns to make it appear unanimous when we know very well, at this time, that it is not unanimous. In fact, as I stated before, it's hard to believe that 22 cabinet ministers, even though they must be unanimous once the majority decision has been made - they are not too happy with this.

Once more, Mr. Chairman, there are several reasons why this bill ought not to be proceeded with in the manner that is proposed, because we have suggested constructive and workable alternatives. When the hon. Member for Edmonton Highlands and the hon. Member for Edmonton Strathcona stand up and pick legislation that we had in the past, well, at least let's follow that legislation. If they're going to try to point the finger at the previous government, then let's analyse this legislation - I don't believe the government members have - and see if maybe there is a better way.

This is the wrong way and I believe we'll be sorry. All the members, particularly the back-benchers, will be sorry they've given such tremendous power to the Executive Council. Even if you trust them it is not your right. It isn't your right to give such tremendous powers to the Executive Council. There are a lot of quotations by outstanding parliamentarians. I will just make a short quotation here. It's in Section 18 of Beauchesne and it's an extremely good one for every hon. member to read. It says:

We use the words "House of Commons" very often without pausing to reflect upon what those words mean. The word "Commons" means the people.

So in this Legislative Assembly, the Assembly means the people and not the Opposition or the government members.

This is the house of the people, sitting on both sides of this house; and on both sides of the Speaker are representatives of every constituency of Canada.

In this case, Alberta.

Collectively those of us who meet in this Chamber represent all Canadians. That is our responsibility! That is our duty. Our rights are important only to the extent that those rights represent the rights of the people themselves.

And that's what we're fighting for on this side.

If the traditional rights of the members of this House are released, limited or arbitrarily curtailed in any way, it is not our rights that are of concern.

And we're saying that we're abdicating our responsibility. We're releasing some of those rights that we developed through this system through hundreds of years and perhaps several wars when you say that the executive can call the shots. There were situations developed where, first of all, we have six or seven of the executive calling the shots and eventually only one calls the shots, makes the decisions, and that is a position of dictatorship.

You can reason all you like. I'm sure that the hon. Dr. Winston Backus would agree that when one man has all the say about what's happening, including the abolition of laws, that is dictatorship. I'd like to see someone on the other side give us a long talk on why one man who can ignore laws would not be termed a dictator. It's the way it happened in other areas where, one by one, laws were ignored. The laws of the people meant nothing and trouble developed.

Sure, you might say that this is a unique situation and an exception, but already, even with an innocuous bill like the one proposed by the hon. minister, Dr. Warrack where we gave him some slight powers to override some legislation, with great reluctance I opposed it on principle. Already they're using that as a precedent by saying, well you did it once, why fight it now? If they ever got this, we'd never hear the end of it because if this is good, we're showing that it happens to work so far, what's the problem? We've established a principle, let's forge ahead. This is the place to stop it, Mr. Chairman.

This quotation I gave you, Mr. Chairman, from Section 18, was by the Hon. George Drew, House of Commons, January 4, 1956. There were some Conservatives in this country at one time who believed in principle and believed in defending those things that were developed through the centuries, were fought for and perhaps were inherited from parliament, from Britain.

Here we're going to abdicate that position and allow a group of people, who have not established yet that they are entirely all that responsible, to be in a position to override or eliminate or just leave in suspension a lot of major legislation that the people wanted, that the people got on the books through their representatives. So without debating all these bills one at a time, we're going to waive this. I think this is wrong and I'll be very surprised if they get any support outside of this Legislature for this principle.

As I stated before, Mr. Chairman, we're dealing with the question of the commissioner being responsible to whom? Is it wrong for members who represent people to want the commissioner to be responsible to the people through the people's representatives? It isn't that difficult. If they can say that the mechanics of this thing are impossible, we just can't devise legislation to go that way, then we'd have to come back again.

But I'm saying, Mr. Chairman, that for those reasons that I proposed and on the question of the indifference of the government members - it's like a comedian sure of his audience - they're not going to change a line because that's the way somebody told them to have it. They agreed to it and it would be that they now have to save face. I'm convinced beyond any doubt that a lot of members on the other side wish they could do something. But also they should wish to see whether they have the courage to stand up because they agreed.

I don't think the public will condemn any member on either side of the House if he should disagree with his political party and speak his mind. This is the time to stand up and be counted. These kinds of principles, the type of protection we have by the supremacy of the Legislature was developed not by people who toed the party line, but by individuals who sometimes even lost their heads fighting for these kinds of things. We're going to give it all up in one short vote and then we'll have to fight the precedent.

So I support the amendment. I support the principle that we have to have as much responsibility of the commissioner to the Legislature, to the people's representatives, as possible. It has never been shown that it can't be done. It has never been shown that it cannot work as well. In fact we're saying that it can work as well. It's just a question of who he is responsible to. We don't want a buffer of two or three walls between the commissioner and us here, because we on both sides represent the people - if this is what we think the people want us to do. The people did not send us here to abdicate our responsibilities of the right to legislate and the right to demand that no legislation

should ever be waived or ignored or suspended or done away with through any action, except by way of legislation.

We have fought on the most minor amendments in this House because it was the supremacy of the Legislature that was important. So I support this amendment. I believe the hon. ministers on the other side at least ought to tell us why they chose the most expedient route, a route that lends itself to political exploitation, if you want it as bluntly as that, and a route that is not in keeping with the principles of democracy.

Thank you, Mr. Chairman.

MR. NOTLEY:

Mr. Chairman, in dealing with several of the points that have been made on the other side, I'd just like, at the outset, to say that I think the remarks made by the Member for Calgary Mountain View are extremely valid. If we are going to surrender any of the powers of this Legislature to make legislation or to amend, qualify or change legislation, then clearly the government has to prove beyond a reasonable shadow of a doubt that no other option was available. Mr. Chairman, we have listened, and frankly despite the efforts that have been made across the way, we have yet to see that case made. Mr. Chairman, until the case is made beyond the reasonable shadow of a doubt that there was no other choice available, no other practical course available, then, Mr. Chairman, I think that we would be totally wrong in permitting Executive Council the very wide latitude which Section 8 of this bill gives.

Mr. Chairman, I want to deal with two or three of the points that have been made during the course of the debate. I find it interesting that the minister said last night, and the refrain was picked up by several other government members, that all we are talking about is a project coordinator. Well frankly, Mr. Chairman, he might be just a project coordinator, but he is going to be the most powerful project coordinator in the history of project coordinators. He's going to be the super project coordinator. It seems to me, Mr. Chairman, that when you look at the functions under Section 4, as I think the Member for Cypress pointed out yesterday, we're not just talking about the coordination which the civil servants' report talked about. We all recognize the need for integration of services, coordination and what have you. But we're talking about the initiation of services, and that is a rather qualitative difference which immeasurably increases the scope and power of this so-called project coordinator.

Mr. Chairman, the argument presented by the hon. Member for Edmonton Strathcona frightens me somewhat. He says that really what we have is the best kind of accountability because all members of the cabinet are, in fact, going to be accountable. Frankly, when all the members of the cabinet, dealing with all the various responsibilities of the Executive Council members - if we have that kind of accountability, we're not really going to have accountability at all. As a matter of fact, that's even a step away from the bill. The bill at least talks about the Minister of Municipal Affairs being accountable. Frankly, I just don't see how he can carry out his other responsibilities as a minister of the Crown in an important portfolio like Municipal Affairs and still be in any way, shape or form on top of the developments that take place in the oil sands region. So I find it difficult to see accountability through a minister who has a wide range of other responsibilities. I find it impossible to see how accountability can, in effect, be guaranteed by dispersing that even further.

Mr. Chairman, I think when you talk about dispersing power, there are ways of doing that, ways of doing that through a wider commission, ways of doing that through an advisory board in the area and no doubt the amendments further on down the road which will upgrade and change the structure of the advisory board. But the kind of dispersion of powers where you don't have a minister who clearly is responsible - where the buck stops here - it seems to me, Mr. Chairman, you are, in effect, eroding the principle of accountability. So I find it a little difficult to follow the arguments presented by the Member for Edmonton Strathcona.

The question of accountability to the Legislature was raised by the hon. Member for Edmonton Highlands who suggested that somehow Opposition members are really abdicating their responsibilities by not being confident that we can bring up all the public issues that are required, deal with all the questions that have to be asked, and fully fulfil our function as watchdogs during the three month session of the Legislature, when the commissioner is up north, when we are dealing with a minister who has this responsibility among a dozen or fifteen other responsibilities.

Frankly, Mr. Chairman, I find it just a little hard to understand how that kind of accountability can be meaningful. Sure, we will have the commissioner in for two or three days in subcommittee. But when I see in this act that we give him enormous powers under Section 4 - then under Section 7 he is going to have the authority, with Executive Council approval, to, in effect, move into the areas of local government and bind them.

MR. SPEAKER:

May the hon. member close the debate?

SOME HON. MEMBERS:

Agreed.

MR. KOZIAK:

Thank you, Mr. Speaker.

First of all, I would like to thank all the members who participated in the debate on second reading of Bill No. 41. I'm particularly pleased with the comments of the Deputy Premier. A number of submissions which I personally received in connection with Bill No. 89, as it then was, from farmers and farm organizations, were in connection with the problems they experienced, particularly with the above-ground structures.

Compensation was meted out in an era when a different method of farming was used. At that time the board, the court or whatever it was that decided the compensation, didn't look into the future, into new methods of farming and into how those above-ground structures might affect those new methods of farming. So the statement by the hon. Deputy Premier, that the Surface Rights Board will be looking into this matter over the summer, is a welcome one. I'm sure it will be welcomed by farmers in organizations throughout the province of Alberta.

A number of the members who participated in the debate brought forward excellent points of view about areas where certain actions by the government - in whatever form it is, be it the municipal government, the provincial government or some other type, a school board - have had detrimental effects on lands surrounding the concentric point of such action and where no expropriation is, in fact, involved. Some very interesting pleas were raised on that particular level to have those areas corrected in this bill.

Mr. Speaker, I must warn the hon. members that what we are attempting to do with this bill is provide a fair method of compensation where there is a forceful taking - a forceful taking - and not where there is some construction, lack of construction, road closing or what have you. We're trying to provide a fair compensation where a person's land or house is forcibly taken away from him.

We shouldn't look at Bill No. 41 as a panacea which will remedy all the ills and all the grievances which every citizen suffers at the hands of a particular level of government in this province. Otherwise we would be here until fall preparing a document which would probably take as much as one of those red books behind you, which encompasses all the legislation which we pass in one year. It would be impossible for us to consider all those areas. I myself am cognizant of a number of areas where people suffer.

At the same time others gained, as at least a couple of the hon. members [mentioned]. Others gained where people suffered. Perhaps the fair way would be, as the hon. Member for Drumheller pointed out, for those who gain to put their gain into a particular pot which will then be shared by those who lose. But I fear that we're not angels, we are only men, and it would be impossible for us to adequately assess those who gain and share amongst those who suffer.

For example, the question of the rapid transit system. There's no doubt that a particular government which decides the rapid transit line will go in a particular route, will benefit those who are closest to the route. If you see any major city, the highest development takes place along a rapid transit route, particularly where the stops are located. Of course the movement of density and of value to those areas takes away from the value of surrounding areas. These are things we live with. I would caution members against expecting in Bill No. 41 something that would correct all the ills of society which may exist.

The hon. Member for Calgary Millican brought in the provincial parks. I was a bit concerned by his use of the figure 4,900 acres as the amount that would be expropriated when, in fact, that amount includes the entire park, river, land and all. Most of that now is in a form which is owned by one level of government. Perhaps the hon. member misunderstood the explanations put forward in this House by the Minister of Lands and Forests and by the Minister of the Environment when the concept of the capital city park and the capital recreation area was discussed. But I would hope that from ...

MR. DIXON:

Mr. Speaker, in order to clarify the situation at the earliest possible time, I said 500 acres in total where there probably would be quite a number of expropriations. I hope I didn't give the hon. member the idea that all 4,900 acres are going to be expropriated.

MR. KOZIAK:

At least, Mr. Speaker, I have given the opportunity to the hon. member to clear the Hansard record, because I distinctly wrote 4,900 down and I was a little bit puzzled. I am glad he has corrected that misconception.

The other thing, Mr. Speaker, is that we have to remember in Bill No. 41 what we are doing is providing a system of expropriation and a law whereby principles of compensation are such that the home-owner suffers as little as possible.

The argument with respect to the provincial park went way over my head if there was any connection, because what we are doing with Bill No. 41 is in fact improving the lot of the person who is being expropriated, not in any way interfering with it but improving it. This, Mr. Speaker, is a bill that perhaps a government, or any expropriating authority, should be wary of - should quiver - but not a home-owner. If anything this bill is a law for the protection of the consumer, a law for the protection of the home-owner in this province.

With respect to the comments of the hon. Member for Drumheller, I too have full expectations that this board will acquire a high degree of efficiency and a high degree of knowledge in the area of expropriations equal to those expectations of the hon. Member for Drumheller.

I hoped I had dealt with the matter of injurious affection during the moving of second reading. Again, I must mention that what we are doing here is attempting to compensate for the forceful taking. I acknowledge that there are problems, as I had mentioned earlier, where rights of people are interfered with where there is no forceful taking, but we cannot make this bill a panacea.

The hon. Member for Pincher Creek-Crowsnest raised the point of the tenant under a lease. I might bring to his attention two sections that readily come to mind in Bill No. 41, Sections 69 and 49 which both deal with the question of compensation where the person who is hurt is in fact not an owner but a tenant under a lease.

I hope that with that I have covered some of the concerns raised by the hon. members, and I encourage all members to vote for second reading of this bill.

[The motion was carried. Bill No. 41 was read a second time.]

Bill No. 54 The Natural Gas Rebates Act (Cont.)

MR. LUDWIG:

Mr. Speaker, at the time I adjourned debate I believe I was giving the hon. minister a few facts on life on the division of spoils as to the sale of gas in 1964 and in 1974.

Now, I'd like to bring just one more point to the hon. minister's attention. If he feels, by some stroke of genius, foresight, ability on his part, or perhaps advice that was not available before, that he was able to project the costs of gas - that the benefits from the sale of gas to the people of this province would be such a great amount - I would like to challenge him to do the same thing with coal at the present time, to raise the utilities just at random, just find a good round figure and say that's the rate paid to us, and say, well, we'll just raise it by 25 or 100 or 200 per cent. Do it that way, and see what happens. See if he doesn't end up losing the little bit he is getting now.

I'm just trying to point out to him not to be too quick to sort of seize upon any little opportunity, whatever benefit that may be. The people can understand these things as they happen from day to day. If it's so easy that all that is required is a little bit of application of his know-how to double or treble the income we get from this source, let's not stop there. Let's do a good job and let's get to coal, that industry which is a very important resource of this province - perhaps someday it will turn out to be one of the most important in 25, 30, maybe 50 years - and find out how easy it is to raise revenue, raise royalties on a commodity, a mineral, that nobody wants to buy, and even if people do want to buy it, is competitive. But if it should happen in the next year or two, or four or five, that all of a sudden the demand for this commodity increases, of course any government would be obliged to move it and get its just share. But sometimes when you want to get all you can out of a resource and the market is not right, you find that you have to adjust to existing conditions, otherwise you'll get nothing. Not only will you get nothing but you will also lose some of the action, some of the sales, and thereby create a lot of unemployment.

These are just a few points which I know the minister, who is a very gracious kind of minister, will take under advisement and perhaps forget about popping around the province

MR. YOUNG:

... for reasons which are quite obvious, as a matter of fact.

Mr. Chairman, I did want, since I was forced to bear the effort of the hon. Member for Lac La Biche-McMurray, to say that I was reminded last evening as I listened to him and watched him emerge, that this is the spring season of the year. I thought about how many times we heard from the hon. member, and the enthusiasm and gusto and strength and deep feeling which he usually expresses in all that he says, and I was reminded, Mr. Chairman, of my attempts at gardening and how a dried bean appears when it's been left in water for 48 hours and then is put in warm soil. Suddenly from a situation of total lethargy and sleep it bursts forth. It sprouts and flowers and then dies away ...

DR. BOUVIER:

A pretty good example right now.

MR. LUDWIG:

He's quite an actor.

AN. HON. MEMBER:

Do you have spring fever?

MR. YOUNG:

... and the hon. Member for Lac La Biche-McMurray last evening reminded me of bean seeds which, when the weather warms up, I hope to plant. I hope they flourish as quickly and as well ...

AN HON. MEMBER:

And don't die.

MR. YOUNG:

... and don't die until after they've borne fruit. I don't expect any fruit but ...

AN HON. MEMBER:

An early frost.

[Interjections]

MR. YOUNG:

... I thought the performance, Mr. Chairman, of the hon. member reminded me of that. I thought the members might be interested in that kind of association which seemed appropriate to me.

Mr. Chairman, on second reading of this bill, I spoke on it in principle and I don't intend, Mr. Chairman, to repeat the speech I made on that occasion.

AN HON. MEMBER:

It can't be that bad.

MR. YOUNG:

I simply want to make a couple of points I made then, and one is that we have a serious situation in Fort McMurray. We have a situation in Fort McMurray far more serious than anything that existed at the time the Human Resources Development Authority was implemented. We have a situation which demands - if we're to get the job done - authority exercised in a manner in which I prefer we didn't have to do it. But the point of the matter is that it must be done or we're going to have a worse situation on our hands.

Mr. Chairman, it then boils - and I would like to observe, Mr. Chairman, that the hon. Member for Spirit River-Fairview and other hon. members opposite are not really arguing about that aspect of the issue - so it boils down to a question of what is the most acceptable form by which to achieve that objective.

We've had all kinds of amendments proposed and discussed, some that haven't been proposed yet. And really, we've had all the arguments, pro and con, advanced at least a dozen times probably on each side. And we may yet have them another dozen or maybe two

dozen times. I really don't know what the level of perseverance is today and tomorrow and the rest of the week. But to a large extent, Mr. Chairman, it seems to me, as I mentioned on the former occasion, that the system we go to is the one which has to be considered the most appropriate to those people who are going to be responsible.

To a large extent - as the members opposite, I think, would concede - when we're talking about a form of responsibility and authority in this instance, since it's clear that the authority is not going to be left with the local authorities - in fact, they have very little at the present time - the beauty of the situation really is in the eyes of the beholders. And the beholders on the other side obviously have a different mirage of what the beauty of their suggestions is than we do. That's fair enough. But, Mr. Chairman, it doesn't change the issue. The principle stays the same; that we have a severe situation on our hands; that we must get something done up there, and that doing that involves some pretty strong authority and responsibility.

On the accountability aspect of it, Mr. Chairman, there is the accountability that the minister has to have here in the House. There is the accountability that I'm sure will be forced if the Opposition is on its toes - which I'm sure will be forced by the Opposition, both in here and outside this House because the press will be alerted to the situation. I think it fair to compliment a number of the hon. members opposite. The Leader of the Opposition, for instance, the hon. Member for Spirit River-Fairview and the hon. Member for Wetaskiwin-Ieduc are not shy about meeting the press. If the occasion seems to call for even some small headlines, they would be willing to meet the press. So I think there is no problem in terms of alerting the general public to any abuse or misuse of authority.

Mr. Chairman, I look forward with interest to a continuation of the debate. But I would like to say that I think, if all hon. members stopped to consider it a little more calmly, perhaps the issue is not as bad as it's made out to be; it's not something that has never been done before.

AN HON. MEMBER:

Yes it is.

MR. YCUNG:

And I reiterate that, Mr. Chairman. The members who are standing on principle and speaking on principle now have either been on this side of the House, on the backbenches, when similar exercises in a worse form were undertaken or they were, in fact, members of the Executive Council on that occasion.

MR. LUDWIG:

Mr. Chairman, I just want to correct a statement I made yesterday. I referred to the hon. Minister of Telephones and Utilities as being the last resort in this debate. But after hearing the hon. member, I should withdraw that statement and state that perhaps the honour ought to be attributed to him.

MR. GRUENWALD:

Mr. Chairman, having listened and suffered through this debate last night and again today, I wonder about repeating, as has been mentioned, the arguments that have been made, and I think have been made, and made, and made and made again. But I also doubt the validity of the remarks of the last speaker when he talks about monotony and the validity of saying how different arguments have been repeated from time to time. Because I think as much monotony is coming from that side, particularly last night where a couple of the members would really have to take the Oscar. So I hope we wouldn't start referring to monotony or repeating of statements.

What I'm really seriously concerned about - the members today have referred in particular to two bills that are supposed to be all-encompassing, all-powerful and do as much as this proposed bill. They refer to The Human Resources Development Authority Act and The Northern Development Act. I would just like to mention that they aren't the same because one of them, The Northern Development Act, certainly refers to a minister, a commission and ten other members.

My point is very simply put and I would ask the Minister of Municipal Affairs to answer it. If that much power was there, if that type of legislation gave as much power as this one does, then why don't we just use those bills or model this one after them? It's just that simple.

Having answered that, I would also like to know, very specifically, when this bill is passed, and I presume it will be - we have heard on numerous occasions about the problems we have in northeastern Alberta. We speak very specifically about the water

situation up there, the school situation - could the minister indicate how quickly those situations will be corrected after this bill is given assent?

DR. PAPROSKI:

Thank you, Mr. Chairman. As I rise to make a few comments regarding Bill No. 55, I want to say from the outset that I indeed concur that there has been so much verbal repetition that it could almost be called verbal diarrhea. Especially, Mr. Chairman, I suggest this has been coming from the members opposite. It's gotten to the point where the water is completely coloured.

AN HON. MEMBER:

Is there a doctor in the House?

DR. PAPROSKI:

I suggest that if constituents were reading this debate they couldn't make heads or tails out of it. I'll make some attempt to clear this water.

SOME HON. MEMBERS:

Oh, oh.

[Laughter]

DR. BOUVIER:

You even made the Deputy Premier laugh.

DR. PAPROSKI:

Thanks for the confidence.

AN HON. MEMBER:

That's medication.

AN HON. MEMBER:

Amen.

DR. PAPROSKI:

Mr. Chairman, there is no doubt by any members of the Assembly here, and I suggest, the constituents out in Alberta, that there is a great need in the northeastern Alberta region to develop the various areas, to respond to the various needs that are so apparent. Coupled with this, we know also that this is a rapid growth and as a result you require rapid means. There is no doubt that you need an expeditious method or methodology to carry this out. I suggest that judgment has been made and this is one method of doing this.

Mr. Chairman, I have no doubt that it could be done in many, many other ways. The statement has been made very clearly that this is the judgment now, to do it this way. We also know, and the members opposite will recognize very quickly that bills do not last forever, they can be changed. And maybe they will be after a few months, years if the need be. So having said this, Mr. Chairman, ...

MR. LUDWIG:

Mr. Chairman, just for purposes of clarification. I may have missed what the hon. member has said. Did he say that judgment has been made on this bill already? I thought he did but I may be wrong.

DR. PAPROSKI:

No, no, the judgment regarding that particular amendment in response to the amendment that is proposed by the hon. member for - the judgment regarding this section the way it is versus that one. A judgment hasn't been made. But the judgment has been made regarding following this particular section in Section 8.

AN HON. MEMBER:

When? By whom?

DR. BOUVIER:

We haven't voted yet.

DR. PAPRYSKI:

Up to this time.

MR. LUDWIG:

Why do you come here?

DR. PAPRYSKI:

Now, now. If the member opposite would be a little patient and listen, maybe he'd get something out of this and the water will, in fact, be clearer.

Now we know the dimension in this northern region is second to none in the world with respect to the rapid growth and I suggest to the hon. members opposite, as well as the hon. members on this side, that we know the problems will be explosive to the extent that there will be instant cities, towns and so forth. The reason I bring this up is not because it hasn't been said one way or another, but because constituents will be reading these debates and will wonder what the Sam Hill we're talking about.

Now having said that, for a number of the members opposite to get hysterical, absolutely hysterical, regarding this bill - when, in fact, it's so clearly enunciated already by some of the members on this side that in The Northern Development Act, 1971, they brought up this bill with the same section, Section 5(3), which is almost identical to the two - is just absolutely amazing. It almost borders on hypocrisy. If the members opposite have any doubt about it I would be very pleased to read these two sections - but I won't. But I suggest that anybody out in the community constituencies reading the debates on this issue should, indeed, draw out the bill, The Northern Development Act, Section 5(3), read Section 8 of this present act, and compare the two items.

Mr. Chairman, we talk about accountability. How in the world do the hon. members opposite really reconcile this fact alone when, in fact, they brought this in, voted on it and almost passed it completely? I suggest, Mr. Chairman, this is really difficult to reconcile, not only for themselves personally, but how do they reconcile it to their friends and constituents. Maybe, Mr. Chairman, I suggest that the hon. members opposite would like to have the authority through the Assembly even to appoint the deputy ministers of various departments. Now if they had that authority, you can imagine - the Deputy Minister of Health and Social Development takes care of a program representing some one-third of a billion dollars.

Mr. Chairman, I feel confident that this is a very carefully thought out bill; a bill that has been weighed by the minister with respect to the pros and cons and the very special concerns of the region.

I repeat, Mr. Chairman, and members opposite, no bill lasts forever. If need be, I have confidence that this government is flexible and will change it in line with the new directions and needs if necessary. I suggest, Mr. Chairman, that the minister should be congratulated, and congratulated again, for responding so rapidly to the great needs of the region. Recognizing the bold and explosive growth and recognizing the unusual circumstances, I suggest that the direction encompassed in this bill, unamended, is a direction that certainly can be accepted.

Finally, for the people in Alberta, so that when they read this debate again, and maybe during the end of the debate, they'll get it a little clearer, the Lieutenant Governor in Council is the Executive [Council] of this government - their elected people. They are responsible to the Assembly. They are also responsible to the electorate, to all Albertans. The commissioner can be removed. The commissioner can be removed by the Lieutenant Governor in Council; also, I suggest - not suggest, I know - by this Assembly if need be. And if any member opposite denies that, I challenge him to rise and make that statement.

Mr. Chairman, that is the essential nature of this democratic process. The Assembly, in fact, via the Lieutenant Governor in Council, can remove this commissioner. Now, Mr. Chairman, finally, the person for this whole area, with all his authority, will be responsible to all the ministers, which is the entire Executive Council. That's been said before and I hope it sinks in when people are reading this - the Assembly has the power and authority to remove them.

Mr. Chairman, I suggest the case rests. Let's vote on this and get it over with.

DR. BOUVIER:

Mr. Chairman, there are certainly problems in northeastern Alberta. The one I'm going to refer to now is not one that has been under discussion.

We have two problems, really, in northeastern Alberta. In the farming area, there's a shortage of fertilizer and there are a lot of calves with scours and I suggest, and it's unfortunate that the Minister of Agriculture isn't here now, that he tape the speeches of the hon. Minister of Public Works, the hon. Member for Edmonton Jasper Place and the hon. Member for Edmonton Kingsway and send them out and play them in northeastern Alberta. I think it would cure all the ills. We'd have all the fertilizer we'd need and furthermore, the dry effect of those three speeches would cure all the calf scours in the area.

Mr. Chairman, it amazes me, especially last night again, the minister got up and said he would appreciate some suggestions from this side of the House, and then they sit on that side arrogantly with no intentions whatever of listening to any of the suggestions that are being made. The member who just spoke got up and said that the judgment has already been made. It's already been decided what's going to happen and even though this amendment hasn't been voted on, the judgment has already been made.

DR. PAPROSKI:

... [Inaudible] ... order. The judgment was made to bring this act to this Assembly for its passage.

DR. BOUVIER:

He's spoken already, Mr. Chairman.

AN HON. MEMBER:

Point of order.

AN HON. MEMBER:

He didn't say that.

DR. BOUVIER:

That's not a point of order.

The point that disturbs me, and this is the impression I've had for some time and the Member for Edmonton Jasper Place brought it into perspective, that in view of the fact that this bill only applies to one corner of Alberta, therefore we can justify any type of bill. This is exactly what he said and the only interpretation that can be given to it ...

MR. YOUNG:

Point of order. That's not exactly what I said at all.

AN HON. MEMBER:

Pretty close.

DR. BOUVIER:

Mr. Chairman, he said that The Human Resources Development Authority Act applied to all of Alberta and that this bill applied to only one portion of Alberta. Now if that's not what it means, I stand to be corrected.

MR. YOUNG:

You're corrected.

DR. BOUVIER:

I suggest that if they feel that this principle is such a good one, the fact they've given all this power to one man, and that they are really accountable for it, then let's apply this principle to the whole of Alberta and have an election on it and see how far you get. The fact that it's in one small corner of Alberta, that it only involves a portion of one constituency, may make it rather safe and that seems to be the reasoning. It may be because you can't lose a seat that you don't already have.

AN HON. MEMBER:

We'll get it..

DR. BOUVIER:

Last night also, the minister suggested that he'd like to get some representation from the Member for Lac La Biche-McMurray and he said he'd had none.

MR. TRYNCHY:

Agreed.

DR. BOUVIER:

Well, I can remember on one occasion when he got representation and he did go part way to accepting it and that's probably the only time he's accepted anything. He was ready to make two appointments to the town board in Fort McMurray when vacancies occurred, and I was able to convince him to make only one. This was a saw-off, a compromise because I felt there should be no appointments.

Also, at a meeting that he referred to in 1972 I made my position quite clear to the people in Fort McMurray. I've made it clear on several other occasions. I made it clear at a meeting last February, a meeting incidentally that the minister and the Premier had been invited to. Neither saw fit to attend. I made my position very clear that whereas there were people elected to look after the affairs of the town of Fort McMurray, whereas the local authority had jurisdiction and they, in fact, had been elected to carry on a function, then I, as MLA, did not consider myself above them and in no way would I interfere within their jurisdiction.

Now this obviously isn't the belief of this government. This government feels that they're going to wipe away - just take away their functions altogether when they see fit to do so.

AN HON. MEMBER:

Yes?

AN HON. MEMBER:

Question.

DR. BOUVIER:

Don't worry. We're not through yet.

AN HON. MEMBER:

That's okay Dan.

DR. BOUVIER:

There's still lots of time.

The responsibilities of the MLA, as I see them, lie in legislation and in setting policy and trying to get the policy set so it's favourable to the people whom the MLA represents and this, I feel, is what we're doing at this very moment. It doesn't lie in the realm of administration, which has been suggested by members on the other side, that the MLA should become involved in all facets of administration.

Well, Mr. Chairman, I feel that the amendment that's before us is worthy of support and I certainly feel that members should support it because without it we're just abdicating our responsibilities. Even when the members get up, and the hon. Member for Edmonton Highlands got up and said that we're about to abdicate our responsibilities - well, I say that it's all very well for him to get up and say that, but if you're going to tie the hands of the Opposition absolutely so that they have no means with which to function in this area, then of course we won't be able to function effectively. That is what we're out to see doesn't happen.

MR. HO LEM:

Yes, Mr. Chairman, standing up to speak in support of the amendment, I'd like to make a few observations.

The hon. Member for Edmonton Kingsway had made mention of the verbal diarrhea that has been going on in the House. I noticed that his comments have degenerated to the extent that when he did get up to speak, three members from the front row just walked out. I'm wondering what they think of the comments coming from that area.

It's regrettable that the arguments by the government side have petered out. When they resort to various comments directed at personalities rather than contributing objective arguments, I think that it's high time that we face the issue and perhaps call the vote now, Mr. Chairman. If we call the vote, I think that we've got them outnumbered. I think it's regrettable that the absence of the comments from the front bench is very noticeable and I wonder where the front bench members are on this very important bill.

The hon. Member for Edmonton Highlands had made a submission and made some representation, and in his talk he had mentioned and taken excerpts from certain provincial legislation. But he had taken some of it out of context because he didn't go on and read the complete legislation. I think that this is certainly misleading on his part. I'm a little disappointed with the Member for Edmonton Highlands because I thought that perhaps he was more responsible than that.

The hon. Member for Edmonton Jasper Place had referred to one of our hon. members on this side as a bean seed. I think that this is not really coming to him because I felt that the contributions made by the hon. Member for Lac la Biche-McMurray certainly are positive contributions to this amendment. He's a concerned member, he's sincere and he makes no bones about expressing his concerns regarding this bill. I think that this is a responsibility ...

MR. YOUNG:

Mr. Chairman, just so there would be no cause for any hon. member opposite to rise on a matter of privilege, I did not refer to him as a "bean seed" as the hon. member would have the Assembly believe. I did not refer to him in that manner and I would not wish the hon. member to imply that I did refer to him in that manner.

MR. HO LEM:

And furthermore, Mr. Chairman, the hon. member did say that he was tired of repetition and I'm just wondering, Mr. Chairman, when I hear the various comments coming from the government side and I think of what they're really saying, I'm just wondering whether they're just jumping up like a yo-yo and really saying nothing in the way of contributions.

AN HON. MEMBER:

Agreed.

MR. YOUNG:

No way. No way.

MR. HC LEM:

So I understand that [there are] rumours coming out of the Conservative caucus that in the discussions of Bill No. 55 there were some quite heated discussions. But I wonder where these people are today? Why don't they stand up and be counted? Is it because the king of the caucus has given an order saying that you people must be political and play the political role?

I'm just wondering why the comments were being made and the charge being laid by one of the members opposite that we are politicians. Certainly we don't deny that we are politicians. The very fact that we run for public office means that we are politicians but we are not ashamed of it. We don't point the accusing finger at the opposite side and say, you people are politicians. We are, in fact, serious and sincere politicians who feel that there are some concerns regarding this bill.

Before sitting down, Mr. Chairman, I feel that the comments made by the Member for Spirit River-Fairview and the Member for Wetaskiwin-Leduc certainly are of a constructive rather than a derogatory nature. It's not directed at personalities. It offers alternatives. I just challenge the members on the government side to get up and rebut in a positive way, rather than in a derogatory way, and act like responsible MLAs.

It's very funny that the front row members are not here. I count five in the front row and I'm just wondering where they are at this time, while the other members on the government side are busy talking to one another. I noticed during the course of the debate two front row members reading a tabloid. They weren't paying any attention to what was being said.

AN HON. MEMBER:

Shame.

AN HON. MEMBER:

Nothing was said that was worth while listening to.

MR. HC LEM:

You talk about arrogance and being cocksure of yourself. I think it's high time that the government members address themselves to the seriousness of this bill, and perhaps forget about party politics and speak up and support this amendment.

MR. HENDERSON:

I don't want to rethresh old straw nor prolong the debate, but I suggest for those who are interested in the question of The Human Resources Development Authority and The Northern Development Act of 1971 which have been brought up and the suggestion that this bill is just a counterpart of those, I'd like to suggest to those members who really believe that, read the bill and examine the way the legislation is drafted, because I think if anybody cares to research it, it will bring out the salient points that I'm trying to make.

The Human Resources Development Authority Act set up a five-man commission and it appointed an executive director. The last two lines in The Human Resources Development Authority Act start out: "The Director of the Authority ... shall supervise and direct the work of the Authority ...", and it goes on, "... and the officers, professional, technical and otherwise, appointed for the purposes of carrying out the work of the Authority." So that individual, the director, is very specifically subject to the direction of the authority and the authority is charged with the basic responsibility.

I also suggest they look at the wording of Bill No. 55 that we have before us. I suggest that a number of points will come out if one cares to read it. The suggestions that the Executive Council is going to exercise the authority are not founded in fact in the bill. What the Executive Council will have are the powers to assign authorities and responsibilities spelled out in a number of provincial statutes to a commissioner. There is nothing said in the act about the Executive Council exercising those powers, not one word about the Executive Council exercising those powers. The powers of local government will be assigned to a man. So the arguments about the Executive Council exercising those powers simply are not to be found in the act that is before us now, Bill No. 55.

As far as the question of the responsibility to the Minister of Municipal Affairs, I have to suggest that the way the bill is written, the Minister of Municipal Affairs is not accountable for the performance of the commissioner. The Act of 1971, The Northern Development Act, assigns a minister. A minister means the member of the Executive Council charged with the administration of this act. He very specifically is responsible for everything that is done under that act.

You read Bill No. 55, and what is the Minister of Municipal Affairs charged with? He is not charged with the responsibility for the performance of the commission. He is charged with some very limited responsibilities. Those limited responsibilities are to appoint the establishment of an advisory committee, the term of those members, who is the chairman, what they will be remunerated for and the by-laws that they operate under. He is also responsible for hiring and engaging outside services and support staff for the commissioner.

Those are the limitations that are placed on the responsibility of the Minister of Municipal Affairs by the act. The act as it is drafted does not make the Minister of Municipal Affairs responsible for the actions and the operation of the commission, nor does the Executive Council under the act. Are they assigned responsibility for exercising the powers that they will have the right to abrogate relating to local government and the number of actions spelled out? The Executive Council will delegate those powers to a one-man commission and he will exercise them.

I have to suggest, Mr. Chairman, that if one cares to examine the act there is a significant difference in the principles contained relative to the element of accountability in the exercise of powers between the two Acts that were passed by the previous administration and the present one. The present one does not make the Executive Council, in law, responsible for the exercise of the powers by the commissioner. The Executive Council simply assigns powers to him and he will exercise them and he will take direct action to do these things. The Minister of Municipal Affairs simply is limited to providing the commissioner with staff and seeing he doesn't build an unnecessary bureaucracy. That's about the limit of the responsibility of the Minister of Municipal Affairs.

I can only end by saying once again, very sincerely, that in my view, if the provisions and the direct accountability of elected members as contained in The Northern Development Act and the human rights development legislation were incorporated in the bill, the principle I'm concerned about would not be at issue. But I think those who have suggested that the legislation is similar and the question of accountability is equally dealt with in all three bills, I can only suggest to them that they read them and study them and put together the entire manner in which the bills were drafted. There is a very significant difference.

With that, Mr. Chairman, I would once again like to ask the Minister of Municipal Affairs if he could advise the committee as to why the government has chosen, in the absence of a minister, to say that the commissioner to whom these extensive and broad sweeping powers will be delegated by Executive Council should not be appointed and be directly responsible to the Legislature.

DR. PAPROSKI:

Mr. Chairman, just one question of the hon. member opposite and I would like a brief response if you don't mind, hon. member.

With respect to Section 3(2), "The Commissioner shall hold office during pleasure ... as may be determined by the Lieutenant Governor in Council." I left out a part which is not significant. Do you consider this the power in the Lieutenant Governor in Council or not?

MR. HENDERSON:

Mr. Chairman, the way I read that, it simply says the legislative council can hire and fire him.

DR. PAPROSKI:

Right. Thank you.

MR. HENDERSON:

That's all the act says. But it also says that the Lieutenant Governor in Council can take practically all the powers of local government and assign them to that one man. It doesn't say the Executive Council is going to direct the exercise of power. The council is going to assign them to one man. He can hire him and fire him.

I can come back, if I have to, to the exercise of the present inquiry relative to the Alberta Housing Corporation, and the fact that the government could hire and fire the gentleman is somewhat irrelevant to the actions and what has happened in the performance of his responsibilities. So I can't say any more than that, Mr. Chairman.

SOME HON. MEMBERS:

Question.

MR. CHAIRMAN:

Are you ready for the question? The question before us is an amendment to Section 3, moved by Mr. Henderson:

Amend Section 3 by striking out the words "The Lieutenant Governor in Council" where they appear in subsections 1 and 2 and substitute the following - "The Legislature".

[The amendment was lost.]

[Sections 3 and 4 were agreed to.]

Section 5

DR. BOUVIER:

Well, Mr. Chairman, you will recall that on second reading of the bill we, from this side, made some suggestions regarding Section 5. When the Premier spoke he agreed that some of the suggestions we made were valid. He also indicated that they would be having a look at it. I haven't seen any amendment coming from the other side to Section 5; therefore, without rethreshing and redebating the points, I would like to propose an amendment to Section 5:

(i) as to subsection (1) by striking out the words "The Minister shall establish" and by substituting the words "There shall be",

(ii) by striking out subsection (2) and by substituting the following:

(2) The Committee shall be constituted in accordance with the following rules:

(a) The committee shall consist of such number of members as the Minister determines, but he shall provide for

(i) at least four members to be appointed by local authorities having jurisdiction in the Region,

(ii) at least one member to be appointed by a company engaged in natural resources recovery in the Region,

(iii) at least one member to be appointed by the Indian Association of Alberta, and

(iv) at least one member to be appointed by the Metis Association of Alberta,

(v) at least one member of employee groups in the area, and any additional members shall be representatives of the above named bodies appointed by them;

(b) The Minister shall designate which local authorities, which employee group or groups and which company or companies may appoint members to the committee and may, from time to time as vacancies occur, alter the designations;

(c) to provide for a gradual turn over of membership the Minister may for the term of office of each member (to be not less than six months or more than two years) but any member whose term expires is eligible for reappointment;

(d) the committee shall elect one of its number as chairman of the committee and another as vice-chairman, and fix their terms of office.

(2.1) The Minister may authorize, fix and provide for the payment of remuneration and expenses to members of the committee.

Mr. Chairman, the reasons for these amendments - I believe the Chairman has a copy of the ...

AN HON. MEMBER:

You got a copy last night.

MR. CHAIRMAN:

I'm sorry the chairman wasn't aware that these were the ones Mr. Clark submitted.

DR. BOUVIER:

The reasons for this amendment were covered when we debated the bill under second reading. They are primarily to add some coordinating effect so that the people in the region are represented at least on the advisory committee as designated by this bill, rather than having the minister appoint all the members.

We certainly feel that the local authorities should have representation on these. It may be that the minister might appoint some from them, but experience has shown where the minister appoints the members to the committee, he usually gets some advice on whom he should appoint. However, it has happened before and I'm sure it could happen again that the commissioner himself, who is appointed, will recommend who should be on the advisory committee. We feel that this is wrong in principle. We feel that the amendment we are proposing is far superior to the one which is now in the bill, and we certainly recommend it to all the members present. If the minister doesn't like the amendment he should say why he doesn't like it.

MR. RUSSELL:

Mr. Chairman, it is not a question of liking or disliking the amendment. If one compares the rather specific wording of the amendment with the broader wording of the proposal as put forth in the original Section 5 of the act, it would be my opinion that the broader wording in Section 5 as is now contained is the preferable one. I want to say that at the same time as giving a commitment to the member who has just spoken and all members of the House that the suggestions very explicitly contained in this amendment will be carefully considered.

I must say that since the bill has been made public we have had specific suggestions and nominations from interested people in the region who have indicated a desire to serve on the advisory committee. Quite frankly, while the bill is brand new, I think we would like to have as wide a latitude as possible in order to select the committee from as broad a base as possible, rather than getting to the more explicit terms here.

For instance, I think it would be very desirable to have a woman, at least one woman on the committee. But we haven't specifically said that. I don't think we would want to appoint a woman or a kind of person just to fulfil that, but rather we want to get a committee composed of the best people. Naturally we will have to very carefully consider the facts of life up there, where the people are. The fact is that there is a very healthy existing town growing at the present time which no doubt will want sufficient input.

I don't think the members should be too concerned about the fact that the committee is appointed by the minister. It is my understanding that in our legislative system that is the wording we have to use. Although it means that I sign the piece of paper that actually makes formal and legal the various citizens' appointments, that certainly in no way means that I select or nominate them. That is a fact of legislative life, whether it deals with advisory committees in the IDs or members of the various housing authorities throughout the province. Generally these are selected much previously or nominated by other interested groups. I'm not really very much aware of them until they come here.

I would hope that if we give the members that commitment that specific suggestions contained in their amendment, along with other suggestions we are now receiving that don't exactly fit in with the amendment and aren't specifically allowed for in the existing form of the clause - that if I give hon. members that commitment that they would be agreeable to letting the bill go forward with Section 5 in its form, knowing that we are certainly going to do our very best to get the strongest and most representative advisory committee, that it will have a broad base of representation and that hopefully many of the specific groups enumerated in the hon. member's amendment will be carefully considered.

MR. CLARK:

Mr. Chairman, just two comments on what the minister has said. We welcome the minister telling us that he will look at the various suggestions here, and I don't doubt that the minister will. Let me simply say this. If individuals are appointed or recommended to the minister, appointed by the local authorities in the area, if they are appointed or recommended to the minister for appointment by the companies involved, if in fact they are recommended by the Indian Association, Metis Association, and employee groups, then these particular individuals, it seems to me, have a much stronger position on the advisory committee. In fact, their strength comes from the fact that they have been put there by these people. I ask the minister to very, very seriously consider that.

The second point that I would like to ask the minister to seriously consider is the point he made of the need to have - and he used the example of a lady or a woman on the advisory board. Well I welcome the suggestion. Let me point out to the minister that section d, yes I believe it is section d, that the minister may make additional appointments to the ones which are suggested here. So if for some unfortunate reason there wasn't a member of the distaff side of society recommended by the groups we have outlined here, then the minister has the opportunity, once he sees the recommendations coming from the various groups and if he thinks there are some areas that aren't well covered, and the power, as the minister, to make recommendations and to, in fact, include those people in the advisory committee as appointees from the minister. It just seems to me, in my experience, that it's one thing for the minister to go out and select individuals, whether they volunteer or whether he goes to groups and says, who do you recommend to me? That's one. Where people on an advisory committee can be effective from that standpoint - it does give people on this advisory committee a great deal more local support if, in fact, they have the representatives of these various groups involved.

And hallelujah! We have the power in this bill for the local governments to be wiped out. We have no guarantee, legislatively, in this bill that the commissioner is going to communicate with people locally at all. The minister says he will, but there is no guarantee in the act that he will. The least we can do, as a bow to the people in northeastern Alberta, is to give them a guarantee by the means of legislation that, in fact, they will have the chance to appoint people to the advisory committee.

MR. NOTLEY:

Mr. Chairman, Section 5 of this act is certainly one of the more important provisions of the act. This afternoon we have talked at considerable length about accountability to the Legislature. There is, if not equally important then certainly the very fundamentally important question of accountability to the people of the region.

Mr. Chairman, with the greatest respect to the minister, I must also say that although I have some concerns about the amendments, I think the amendments at least go part of the

way towards accommodating some of my concerns, so I propose to support them. Nevertheless, I think it is very important that if the advisory committee is, in fact, going to be in a position to fulfil its functions properly, then the people who are appointed have to, in fact, have a power base independent, if you like, of the minister.

I can appreciate some of the arguments the minister advances about the need for latitude and being able to make the best possible appointments to the advisory committee. And I can appreciate that there is certainly some merit in that argument, but I think, on balance - and one has to consider this on balance - the question of whether or not these people are going to be able to represent other groups effectively and have their power, if you like, flow from some other group, that is a more important point.

Mr. Chairman, if I had my druthers, I would frankly like to see us elect an advisory committee as has been done with the department of northern Saskatchewan. That point, obviously, isn't going to be accepted by the government and so one has to look at other options.

One of the important points in the amendment set out here is that at least four of the members of the advisory committee will have to come from local authorities in the region. Mr. Chairman, I can see a great deal of advantage in the Legislature specifying that provision, because in this act we are going to be granting the authority under Section 7(b) to, in effect, give the Lieutenant Governor in Council the right, if exercised, to take over any of the powers of local authorities and grant those powers to the commissioner.

Mr. Chairman, if the situation gets to the point that it's necessary to exercise that provision of the act, then I think it's important that the advisory committee sitting with the commissioner has representation from the local authorities in the region and that these people, in fact, are there because they were recommended by the local authorities - not that they were appointed by the minister from 20 or 30 different people, but that they were there because they were recommended by the local authorities and because the act spells out that at least four members should represent the local governmental authorities in the region.

The other points in the amendment are also worthy of note. The suggestion that the workers and companies in the region would be able to appoint one person each - the representative from the Metis Association and the Alberta Indian Association - very crucial, Mr. Chairman, because surely, again, if we are dealing with an advisory committee that is providing continuing input, trying to provide the commissioner with an assessment of local views, it's really crucial that these two latter groups particularly be represented on the advisory committee. I have no doubt that the minister, in attempting to make his appointments, will be as fair as possible and will recommend and will recognize the need for a balanced advisory board.

I think the point that was made by the Leader of the Opposition is a valid one. It's one thing to be appointed by the minister; it's another thing to be appointed on the recommendation of specific groups so that, in effect, you are in a position, if you like, to bite the hand that is feeding the area. It's very important that the advisory committee has that latitude and that option if the whole setup is going to function successfully at all. We've got to have an advisory committee which is free enough and in a position where it can be completely candid with the commissioner and the minister and, for that matter, completely candid with members of the Opposition, so that the whole structure of this unusual operation doesn't break down. I think the accountability to the people in the region is important. Because this amendment at least goes part of the way towards strengthening that accountability, I propose to support it.

There is only other comment I would make. I noticed the minister, in rejecting the amendments, suggested that it is a matter of course for him to appoint people to advisory committees of IDs and various housing authorities and what have you. That's true and we recognize that. But Mr. Chairman, there is a difference between appointing advisory committees under terms of provincial legislation and what we are doing here because this is a totally different set-up which involves enormous powers. It seems to me that under those circumstances, because the Executive Council will have the right to vary 12 statutes and because the Executive Council, at the recommendation of the commissioner, will have the right, if local authorities don't voluntarily surrender power, to take those powers from the local authorities, it is crucially important that the advisory committee be as fully representative as possible and is free to be as candid as possible so that ongoing advice from the area and the people of the region can come in, as I say, not only to the commissioner but to the minister and to all the members of the Legislature.

MR. BENOIT:

Mr. Chairman, I only wanted to say that much as I appreciate the minister's statement with regard to the broader wording of the act as proposed, in comparison to the amendment, it's that 'broadness' that gives us the concern. It can be broad in one respect, in that it looks good to have it broad so that there is plenty of elbow room, but the 'broadness'

also indicates that much authority is being given to the minister and the Lieutenant Governor in Council. Therefore, it's too broad and that's what causes some concern.

I think a number of members who have spoken have pointed out that the word "may" is used rather extensively here, except that in 5(1) it says the minister "shall" establish. It doesn't say how he shall establish it but he "shall" establish it. Then the rest of the sections goes to "may" again. The minister "may" appoint members of the committee, and the committee "may" make by-laws, and so on. It's that kind of laissez faire given to the Lieutenant Governor in Council which is the concern of the group.

We feel very much that an act of the Legislature should be quite definite in what it intends to do. You add to this 'broadness' mentioned here the fact that you can make regulations to broaden it even more, and it's a run-away deal. If the minister wants it broad, well that's the way it is, but that's the thing we are opposed to. It's just too broad. It gives too much authority in a single area.

SOME HCN. MEMBERS:

Question, question.

[The amendment was lost.]

MR. HENDERSON:

Before we leave the section, I'd like to ask the minister a question. Depending upon the response I may or may not have an amendment to offer.

But it seems to me between 5(1) and 5(2) there's a conflict in the selection of the word "shall", "The Minister shall establish a committee of residents ... to act in an advisory capacity ..." and then, down in the second clause it says, he "may" appoint. It seems to me if the word is "shall" in the first instance, there should be some clarification as to why the word "may" is used in the second clause, because at one point it says he has to and in the next section it says he has discretionary powers to decide whether he's going to fulfill the responsibility of "shall". So I wonder if the minister could outline just why the two words are selected in that manner.

MR. RUSSELL:

Mr. Chairman, I have gone over that very question with Legislative Counsel because it bothered me when the bill was being drafted. The way he explained it to me, and some of the members did allude to it during the course of the debate on second reading, the use of shall and may in this act is extremely important because it ties into a sequence of events that must happen if something else happens.

The answer to your question starts in Clause 3 where the Lieutenant Governor in Council "may" appoint the commissioner. If this act is passed we may appoint him. It's permissive. If we do that, then you go to Clause 5 and it's mandatory that the advisory committee "shall" be established and from that follows a permissive system of how the committee may be established. But it's mandatory that a committee shall be established if the permissive authority under Section 3 is invoked.

MR. HENDERSON:

Mr. Chairman, I follow the logic between 3 and 5 but then it seems to me the logic reverses itself when we go from Clause 1 to Clause 2 within 5. It would seem to me it would clear it up if the amendment were changed to make Section 1 - change the word "establish" and make Section 5(1) read, the minister shall appoint, then simply strike out 2(a). Then it leaves no question about the discretion of the minister once the decision is made to set up the commissioner under the "may". He "shall" appoint the committee and then Clause 1 deals with the appointment and then he "may" prescribe the term of office and he has the discretionary thing under there. I suggest that when you apply the word "may" in Clause 2(a), you end up with a definite conflict with "shall" in 5(1).

I follow the argument so far as 3 and 5 are concerned, it follows to 5 but I just can't see it in applying the word "may" under 2(a) and I'd like to suggest an amendment to that effect at least for the consideration of the minister. He may want time to go back and check on it. I gather the intention is, there's no question that he shall appoint, and so it may be a matter of semantics but I think it is rather an important one to clear up. It will leave no doubt that the amendment that the minister has to appoint the committee - and nobody can argue otherwise. The act would then be very explicit in that regard.

Could I accordingly move, Mr. Chairman, that Section 5(1) be amended by striking out the word "establish" and substituting the word "appoint" and that 5(2) be amended by striking out Clause (a)?

SCME HON. MEMBERS:

Agreed.

MR. RUSSELL:

Well, Mr. Chairman, if I follow the hon. member correctly that's exactly the process I went through with Legislative Counsel at the time, and it's mandatory under 5(1) that there "shall" be a committee established. It's permissive, the minister may appoint them. So that leaves it open to establishing the committee by some other method - other than by ministerial appointment - if we want to, but in any event the minister shall establish such a committee. I believe we're saying the same thing.

MR. HENDERSON:

Except, Mr. Chairman, in following through what the minister has said, if the option is there when "may" is used in Section 2, where is the authority elsewhere in the act to appoint the committee by other means?

We're saying here, the minister may do it. The minister implied the minister may not do it, somebody else might not do it. Well if the minister isn't going to do it, what other section of the act then - what are the alternatives as to how the committee would be appointed? What section of the act would provide the option then?

MR. TAYLOR:

Mr. Chairman, I'd like to say a word or two in connection with the amendment that was just defeated, in relation to the suggestion by the hon. Member for Wetaskiwin-Leduc.

Under 5(1) the minister must appoint a committee. He has no choice. He shall appoint a committee. And then under Section 2 the minister "may" appoint the members of the committee. I would not like to see that word "shall" because it would lead me to believe that he would then have to appoint them pretty well on his own. This is inferred, maybe not conclusive, but it is inferred.

I like the word "may" because the minister then can do something which we asked in the amendment. He can say to the labouring group, you have some type of election and arrange for a representative and I will appoint him. Or he could say to the Indian group, the Metis group, the residents generally, you name someone, whoever is satisfactory to your group will be satisfactory to me and I will then appoint him. I think putting the word "shall" in there would not prohibit him from doing that but it when you say "shall", it carries the connotation that the minister shall appoint the member on his own. "May" gives it some latitude and would enable the hon. minister to carry out some of the sections contained in the amendment that was just defeated, if he chose to do so.

Consequently, I would now like to see this section left the way it is.

MR. HENDERSON:

I don't necessarily disagree with the hon. Member for Drumheller but I suggest the section isn't dealing with the mechanics of how the committee is going to be established. The question I'm raising is the mandatory requirement that a committee be appointed. I've asked the minister and he explained the word "may" is there because it may not be the minister who does it. But on the other hand 5(1) says he "shall" establish it but the minister "may" appoint it. But he said there may be some other way of the committee being established other than the minister appointing it. In order to clarify that point I've asked the minister under what other section of the act authority is granted to appoint the committee or establish the committee by means other than appointment by the minister.

MR. RUSSELL:

Mr. Chairman, there's no other section and I think it's quite clear that if we go by legislative precedent, probably a ministerial order setting out these appointments has to come. That's the mechanical way it has to come.

I think the hon. Member for Drumheller probably explained it better, that these may come from a variety of ways, but it's mandatory that such a committee be established.

MR. HENDERSON:

What you're saying then is that it may not be appointed. He may declare it open for elections?

MR. RUSSELL:

It's quite possible, Mr. Chairman, that there would be elections. The Fort McMurray Chamber of Commerce, for example, or some company or any representative group might hold elections. This is how it is done with many advisory committees, or provincial-municipal finance council or groups which liaise with the municipal governments. They select their own members but the mechanics to make sure that the guy is recognized and gets paid - if he is paid - for expenses or per diem, this has to be on some kind of piece of paper which is an appointment by ministerial order. I'm advised that's the way that would happen.

But getting it to happen is mandatory. Once a commissioner is appointed there shall be an advisory committee. They may be appointed.

SOME HON. MEMBERS:

Question, question.

[The amendment was lost.]

[Sections 5 and 6 were agreed to.]

Section 7

MR. LUDWIG:

Mr. Chairman, I wish to make a few remarks with regard to Section 7 and propose an amendment.

The amendment I wish to propose is in your hands, Mr. Chairman. It says:

(ii) as to subsection (1) by striking out the word "and" at the end of Clause a and by striking out Clause b.

In other words, clause (b) of Section 7(1) would be entirely out and the word "and" in clause (a) would go out. The reasons for that amendment, Mr. Chairman, are very obvious. But first of all the ...

MR. CHAIRMAN:

Mr. Ludwig, I'm sorry. The Chair missed - is this the last amendment on page 3 of the ...

MR. LUDWIG:

It's under F., Amend Section 7 of the Bill. Look under (ii): "as to subsection (1) by striking out the word "and" at the end of clause (a) and by striking out [the entire] clause (b)". Yes.

The reason for requesting that amendment is also quite obvious. We're looking for tremendous powers by the choice of the Executive Council, or through the instrumentality of the Executive Council, to do the following:

(b) the Lieutenant Governor in Council may, for a specified period of time or for a particular purpose, assign to the Commissioner any power, duty or right that a local authority having jurisdiction in the Region has by law.

It gives them the power to wipe out a local authority. You might feel that this is all right, it's expedient and we need it. But what are all the other local authorities thinking today when they see this kind of section in this bill, Mr. Chairman?

I'm surprised that there just isn't anybody on that side - notwithstanding their claim to be strongly associated with the sacred right of local autonomy, they're collaborating with those who sold them this bill of goods. I was going to say that this section is brought in with the whole-hearted cooperation and support of the hon. members opposite, but I am saying it isn't that, it's with their collaboration because I don't think that it's whole-hearted. They got talked into it and they're going along with it, but collaborating for whatever reason best known to them. But I think when principles as important as this are being violated it requires someone on that side to stand up and be identified with those principles that were developed through so many years and are so important to us.

I believe that we are, in fact, abdicating our right to determine whether local authority is going to be wiped out by passing legislation, by handing it to the Executive Council. They will then appoint a commissioner and will give him the power of the local authority as they deem fit.

When I'm moving the striking out of Section 7(1)(b), you have to look at clause (a) also, Mr. Chairman. It says:

- (a) a local authority having jurisdiction in the Region may assign to the Commissioner any power, duty or right it has by law, on terms and conditions acceptable to the Commissioner, ...

This whole exercise means that if the commissioner tells him that I want to do this, and this, and this, and you people are out, and you have to keep quiet, I want to take over, and they say, no. Naturally they wouldn't agree to this because that just isn't the way this thing works. Then he doesn't have to talk to them any more. He can just go to the Executive Council and say, well, I want to do this and I haven't got the power. So the Executive Council has the power to hit these people on the head and tell them that for the time being, we'll decide how long you are going to go into - we'll put you out of business, we'll just wipe you out and we'll reinstate you when we feel like it.

Now this is not just a simple matter. It's not that innocuous a section hidden in the centre of a bill. It's an important thing. We're setting a precedent that when it's expedient and the government thinks - it might think it's in the interest of the people, but we're sacrificing many things in the interest of expediency. We are overlooking the fact that perhaps there is a better way to do it than by merely striking them off for the time being. He'll have the power to strike them off and reinstate them when it suits their purpose, and then strike them off again if they should want to. They can play with this thing. The very fact that they want to do it is reason to alert every hon. member here to look at it, to get the specific reason.

Certainly they'll say, well, it's expedient. We want to get something done in a hurry and the democratic process isn't always the fastest way of doing things. Well, many dictators thought that, but they're gone now. There are still a few of them around, but they've become sort of subdued. But this one-man way of doing things is not - it might be the fastest sometimes but in the long run the people are not going to buy this. They're going to be suspicious of this kind of action. When you push somebody out of office because of the expediency of business or commerce, the rest of the public will have to be alerted that it can happen to [them]. We might just strike it rich some place in the south and we're going to have to tell the local authority that for the time being you mark time, we won't listen to you any more.

These are the extensive and broad powers that we're giving the Executive Council. They'll come back and say, well, we had a precedent, it worked, why not do it again? What worked once will work again. But that isn't necessarily so. I'm rather convinced when they want a one-man authority in the northeast. They say that more than one man can't do the job properly; the best way is one man.

I'm convinced that one man did not put this bill together. Why didn't one man do it? Or if he did, who is he? I don't think that one man could be sinister enough and conniving enough to put as much power into a bill as this bill has. He must have had some help. Because, if not, he must be one of the dark movers who hasn't risen in this House so that we could identify him. So they had a whole battery of people conniving to get power to one individual.

With all those remarks, Mr. Chairman, I think that the hon. members opposite ought to stand up and declare whether - is this the only way we can go? Are we so bankrupt of ideas of determining, perhaps, how we can do this within the democratic process as we know it? Anybody who feels this is just a hollow incantation, talking about the democratic process that those two ministers, particularly the hon. Dr. Backus and the Hon. Roy Farran know what they fought for ... They remember, just like yesterday, that they fought against any dictatorial attitudes, and for many years afterwards, the slightest inclination to touch, to tamper with the supremacy of the Legislature, the supremacy of parliament, the supremacy of parliament in Britain was resisted as relentlessly and with determination throughout, not only by the members in the Opposition, but the members on the government side. In fact, I say that practically no parliament would dare try to pull off the situation that is being tried in this bill.

I'm always reminded of the remark by the great Rt. Hon. John Diefenbaker, when I hear the hon. Member for Edmonton Highlands. He says, well, judgment has been passed. There will be another Judgment Day when people realize that there is a power play in this government, that there will be another judgment. He said, bills don't last forever. And he'll find out that some governments don't last as long as they would like to. But they get up and say, well, it's a fait accompli now, it's no use, we're just marking time, this bill is going to go through exactly the way we want it and you can take it or leave it.

I'm reminded of the Rt. Hon. John Diefenbaker's remark which says, well, we'd better hang together or we'll hang separately. And that's the decision they made. They're hanging together, they're hanging tough, notwithstanding the invitation for recommendations and perhaps a better way.

I'm saying that this Section 7 in its entirety is not necessary. You might shove it down our throats - because the Opposition simply can't be a collaborator to this kind of action. We'd be saddled with the same sins as you people will be when the public gets to know what is done here. I'm saying that the local authorities throughout the province are going to wonder what we have done, and what was the urgency of the situation to bring in legislation giving the government the right to wipe out local authority. You might deny it. I think it's a very clear-cut move and they don't want anything to stand in their way. They don't want anything to stand in their way because to them the democratic process is not that important. The end, to them, justifies the means.

So, Mr. Chairman, I believe that nothing more needs to be said on it. But I certainly do not wish to be associated with any legislation of this type, and I move and urge all hon. members to support the amendment. It is additional power that is not necessary. It has not been established that they must have it. So, I once again urge all hon. members of both sides of the House to support the amendment.

Thank you, Mr. Chairman.

MR. NCTLEY:

Mr. Chairman, I certainly would urge members to consider the amendment and to support it.

First of all, Mr. Chairman, there really is no quarrel with Section 7(a). If the commissioner, the minister and the Executive Council are able to encourage local authorities to surrender powers then that's fair enough. There can be no question about that.

But, Mr. Chairman, I think we have to be concerned about subsection (b) because under the provisions of this subsection the Lieutenant Governor in Council has the power itself, in effect, as the Member for Calgary Mountain View has said, to do away with local government or at least, as we go on to subsection (2), to grant to the commissioner all kinds of sweeping powers including the indirect power to tax. Because, Mr. Chairman, as we see, the commissioner, by his signature alone, can execute any agreement or other document to be signed on behalf of the local authority:

- (i) in the name of the local authority, exercise the power, duty or right so as to bind the local authority,
- (ii) by his order, do anything that a local authority is required to do by by-law or resolution, ...

Now, Mr. Chairman, if the local authorities can be convinced of the urgency that they voluntarily surrender to the commissioner these powers, that is one thing. But, Mr. Chairman, if they aren't convinced of it, then in my view we shouldn't be giving the Lieutenant Governor in Council the right to ram it down their throats.

Now, Mr. Chairman, at any time this Legislature can, in fact, enforce subsection (b). The Legislature has that authority because all municipal levels of government or local levels of government are creatures of the province. So if the situation reaches the urgency such that it is necessary, in effect, to nullify or qualify the powers of local government whether it be the new town of Fort McMurray, whether it be the separate school board or the public school board or the hospital authority or what have you, then the test of that urgency should be a bill which is presented in the Legislature so that the representatives of all the people can make that judgment as to whether or not the urgency is sufficient that we, in fact, are going to be qualifying the rights and the authority of a local level of government.

Mr. Chairman, I know the argument will be made that there may be times on occasion when the government has to move quickly and it won't be possible, the Legislature won't be sitting for a good part of the summer and the winter. Well, Mr. Chairman, that, of course, is partly modified by the fact that we do have two sittings a year. It would be a rare occasion that the emergency would be so rapid and so necessary to move that it couldn't be dealt with in the succeeding sitting. But in the event that one does arise, there is absolutely no reason we can't have emergency sessions of the Legislature. We're being well paid now, there is no reason we can't be called back to deal with an emergency situation. If, in fact, we are going to be transferring local government over their objection, it will have to be over their objection, because unless they object, subsection (a) would come into play and they would voluntarily surrender this. So if it's a case of moving over the objection of locally constituted authorities, then the test of that should clearly be a bill which is proposed in the Legislature, debated in the Legislature and the representatives of the people will have an opportunity to fully discuss it so the entire

question is brought out in the open so there can be no question at all that backroom deals have been made, or the closed-door decisions have been arrived at. But in fact, I think if the Legislature were called into session to make that kind of decision it would, in fact, protect the government's position. It would protect their credibility in the area, and for that matter, protect the credibility of the commissioner as well.

Mr. Chairman, I believe that the amendment which we have before us is really one of the more important ones. We talk about municipal autonomy and local autonomy. If we're going to have any respect for it at all, then surely changes in the structure of local government should not be up to the whim of the cabinet acting upon the advice of a commissioner. Those changes should be debated fully in this Legislature.

Mr. Chairman, I believe for that reason the amendment should be supported.

[The amendment was lost.]

MR. HENDERSON:

Mr. Chairman, I don't have an amendment to offer at this time. I just want to point out to the members I think there is a piece in Section 7 that really gets to the crux of the issue. I refer members to Section 7(2) (a) (iii). Let me just point out to the members that when this act goes through, Executive Council has the prerogative of taking away powers of local authority, assigning one man to exercise all those powers on his signature alone, without any element of accountability to anybody locally or to this Legislature, and I'm not sure to whom he is accountable - on his signature alone he can execute any agreement or other document to be signed on behalf of local authority. His signature alone - not the signature of the Minister of Municipal Affairs, not the signature of the Premier of the Province of Alberta, not the signature of anybody else - one man appointed, who is not responsible to this Legislature, he's not responsible to the local electorate and he's not responsible to the Minister of Municipal Affairs. The government has the decision of whether to fire him or not, but after the damage may be done. "On his signature alone." I think those four words really go to the crux of the whole issue of the concerns that should be considered relative to the principles contained in the bill.

MR. CHAIRMAN:

Agreed with Section 7? Section 8, and there is an amendment proposed?

SOME HON. MEMBERS:

Section 7 is defeated - it's defeated.

MR. CHAIRMAN:

Section 8.

MR. LUDWIG:

Mr. Chairman, on a point of order. When you said agreement with Section 7 there was a "no" response but there was not a "yes" response. I believe that you should make a decision on this, Mr. Chairman. The agreement side was treating the whole thing with indifference. They have to wake up and realize that they've got business before the House. Section 7 is defeated, Mr. Chairman.

SOME HON. MEMBERS:

Agreed.

MR. CHAIRMAN:

Mr. Ludwig, the Chair did hear "agreed" but for the benefit and as you raise the point, all those in favour of Section 7?

[Section 7 was agreed to.]

MR. LUDWIG:

How many more times are you going to call a vote to make sure, Mr. Chairman?

MR. CHAIRMAN:

Order, Mr. Ludwig.

Section 8

MR. TAYLOR:

Mr. Chairman, the subject matter of Section 8 has been discussed at great length in various other sections of the bill. I want to now deal with the subject matter of Section 8 pretty well on its own.

This section gives the Lieutenant Governor in Council the authority to vary, substitute, add or make inapplicable any of the provisions of the 12 Acts named on page 4 of the bill. That is the point with which I'd like to deal now.

I suppose it could be argued that the Legislature can give away the authority it has and in so doing it does not lose any of its supremacy. There are two lines of thought on that particular item. The Legislature, no doubt, has the authority to pass this type of legislation giving the Lieutenant Governor in Council the authority to say that certain laws that have been passed by the same body of the Legislature are now not effective or varied or inapplicable, or to even substitute a new law for the one that has been passed. I say the Legislature has that authority if it wishes to use it. If it uses that authority and gives that authority to the Lieutenant-Governor, some argue that then destroys the supremacy of the Legislature. Others have argued that this does not destroy the supremacy of the Legislature because it is an act of the Legislature. I personally lean toward the school of thought that feels this is not destroying but reducing the supremacy of the Legislature. That is one of the major reasons I think this section should not be in the bill.

I believe this bill is necessary to cope with the essential needs of the great northeast part of the province, the tremendous things that are happening there and the tremendous things that are going to happen. The proof of the bill will be shown in a year or two years when we see what type of man the commissioner is, how closely he seeks out the opinions of the people, how closely he reflects that thinking in everything he does, including the sections under Section 7(2) just referred to. He can be a tremendous boost or he could be a tremendous destructive factor to the area. But in either case, in my view, the government will have to take the responsibility for the actions of this commissioner. There's no other way of having responsible government. The government will have to take the responsibility for the actions of this man.

As I said in second reading of the bill, the functions to initiate, to coordinate, to administer and supervise and to make plans and then to implement those plans for this tremendous area, are gigantic tasks. The planning alone, the study alone is going to be time-consuming and physically exhausting, as well as mentally exhausting because it's a tremendous area.

I don't begin to pretend that I know even a small number of the problems of the Fort McMurray area alone, to say nothing of the Fort Chipewyan area, the Fort MacKay area, or as a matter of fact, the whole northeast part of the province, almost a quarter of the province, or somewhat less than a quarter of the province. I don't know the problems and possibly there are few single people who would know all of those problems. It's going to be a team effort if they're going to be solved. But I do think it's important that they be solved, that they be tackled. As we said in a debate a year or so ago, in my view there has to be some pretty careful planning of that area, otherwise we're going to have chaos in the future. Even with the most careful planning, we have no guarantee that it will fit all the needs of the future, but the more careful planning we do, the more able men we have doing that, the more chances there are of success.

I think the government particularly has a tremendous responsibility to the people of Alberta to see that the planning is done in that area, that the coordination and the implementation of the planning is done after the planning and the other studies have been carried out and after the thinking of the people has been secured. Professional men are going to be required in doing this. With all of that I personally agree. I think it has to be done and I think we have a responsibility to do it in the best possible way and, I come to the final point in connection with this, I think in accordance with the laws of the province.

That is the place where I am at variance with the bill. The bill is giving authority to break the law, to change the law, to vary the law, to substitute another law for the law of the Legislature. While I agree the Legislature has the authority to give that authority to the Lieutenant Governor in Council, I very much question doing so because it has far-reaching implications. I suppose legislatures all over the British Empire have done this type of thing from time to time. I don't know. I haven't carried out any extensive study in that regard.

I do know that today in our country and in our province, and maybe in almost every country of the world, there's a growing disrespect for law - a very definite disrespect for law. I think we have a responsibility today to try to restore the respect for law. We can't restore that respect for law by saying to the highest authority of the province,

you have authority to change that law, to vary that law, to make it inapplicable or to substitute that law.

I'm trying to plead with the government to carry out this work in the northeast part of the province in accordance with our laws. If that law is wrong, let's change the law. Has the Legislative Counsel made a study of some of the laws that may have to be changed, that may have to be varied, that may have to be made inapplicable, that may have to be substituted? If so, let's take the time now to change those laws here so that the commissioner can go with the law and say, I'm obeying the law the same as you have to.

AN HON. MEMBER:

Agreed.

MR. TAYLOR:

He can say that to every Tom, Dick, Harry, Marianne and Josephine in the northeast part of the province of Alberta and his hand will be strengthened.

I think there are other far-reaching implications if we leave this section in the bill, and that is in other bills. If we do this in one bill, will we do it in two or three or four? As a minister of the Crown for many years, there were many times that I would have liked to have been able to do something that the law didn't permit me to do and which I think would have been in the interests of the people. But I couldn't do it and the lawyer of the department would say, but you don't have the legal authority. The Legislature has not given you that authority and so you can't do it. While we may not like that, nevertheless, I think that's obeying the law like other people have to obey the law. There's a tendency if we do this once, we'll do this twice, three, four, five times and where will it stop? Each time, a little more disrespect for the law as it exists is built up.

If we can do it in the provincial government, how long will it be before the municipal governments will say, well we would like to make some changes too? There are some parts of the law we think are not applicable to our municipality. We could better operate, better reflect the thinking of our people if this law were not binding our hands or not handcuffing us sometimes. Sometimes laws do handcuff you in public affairs. Will we extend that to municipalities and counties?

I've heard honourable judges in our courts say, I don't think this law is right but it is the law and so I have to administer it. I don't have the authority to change the law. Now if the judges of our courts must carry out the law as it's written, why do we want to say that we're going to give others, on order of the Lieutenant Governor, the right to change that law to make it inapplicable, to vary it, to substitute or to change it in some way, add to it or take from it?

Lastly, and this is possibly one of my major concerns, because all the others I believe are responsible bodies and would use it even if they had the right with very great discretion. But last I come to individuals, the ordinary individual on the street, the man who today thinks that there's one law for the rich and one law for the poor. This saying hasn't just originated within the last year or two. This has been the growing tendency over the last ten years among the people of Canada. I've heard it said in Vancouver, I've heard it said in Halifax, I've heard it said in Toronto, that there's one law for the rich and one law for the poor. These people who say it can point out certain instances where influential people were able to get one type of judgment and others get another type of judgment. This doesn't strengthen a country, hon. members or Mr. Chairman. This weakens the country. Every man, irrespective, the least significant person, the lowliest person in the province, the one who has no friends, the one who has no money, no resources, no wealth, but he's a living human being, he should have the same right to law and justice as everybody else. What will he say when he hears that the Legislature is giving authority to the Lieutenant Governor in Council - a responsible body I admit - but giving authority to the Lieutenant Governor in Council to vary the law as far as the commissioner of the northeast territories is concerned, to make it inapplicable, to add to it, to take away - what will he say? Well, I think I can hear what he will say, one law for the rich and one law for the poor. Well it may not be completely justified, but surely hon. members who try to put themselves in the place of these people who have not had the best of education, who have not very much money in their pockets, maybe none, who maybe are even hungry - I think we have to put ourselves in their positions to understand their attitude in regard to many of these things.

So I say the implications in this type of legislation are far-reaching. We can argue about whether it reduces the supremacy of the Legislature or whether it doesn't - whether the Legislature will still be supreme - and we can all take our respective positions. But I think we have to think of what it's going to do to the individuals out on the street, the people to whom this type of thing smacks of special privilege. That, I think, is one of the worst things, because unless we build respect for law more than we are doing today in the hearts and minds and the very sinews of our boys and girls and our

young men and women and our older men and women, then this country is going to be in trouble a few years down the road. As long as there is respect for law, we don't have to worry about too much else. I think we should be very, very careful to make sure we don't reduce that respect for law.

I'm going to suggest to the hon. minister, and I hope he will give it some consideration, that this man will be stronger if he is able to go into that area and carry out his duties, all these duties enumerated in Section 4 and others that may be added under the regulations - if he can do those within the law he will be strengthened and I think the government will be strengthened, and we'll also be adding one more strength to this respect for law.

I don't think he should have this type of authority to vary, to change, to make inapplicable and to substitute the laws that are already made. I would strongly urge the hon. minister to take another look at this and ascertain why this man can't carry out his duties in that area within the law, the same as every municipal council in this province must carry out its duties within the law, the same as the hon. ministers of this government must carry out their duties within the law, and the same as every individual citizen must live his everyday life within the law or be punished for not so doing. I urge the hon. minister and the government to give some thought to the responsibility of putting this section in. I would, Mr. Speaker, move that Section 8 be deleted.

MR. HENDERSON:

Mr. Chairman, I just want to say one or two brief words in support of the amendment. I think, when one examines Section 8 in light of the words of the Member for Drumheller and looks at Section 7, with the absolute powers granted to the commissioner, really once again one gets back to the question of accountability because under the act as it's now drafted, it isn't the law; it's the law that's established by this Legislature. The way the bill is written, the government can throw out, as far as that area of the province is concerned, all the existing statutes that are listed, write completely new statutes and issue them - write them in Executive Council by order in council, by regulation - issue them to this particular commissioner. And then I come back to the bill, under Section 7(2) (a) (iii), the commissioner on his signature alone has the authority to execute any agreement or other document, and so on, to be signed on behalf of the local authority. It makes a very dangerous broad, sweeping precedent for that part of the province of Alberta. Ten or twenty men or twenty-two, whatever it is, can write completely new laws, completely independent of this Legislature, and delegate any and every authority under those laws to one man who will make decisions which will bind the people of that area to those laws until presumably they are changed or set aside. I think the arguments we went through earlier on the question of accountability and the concerns we've expressed are simply heightened by the statements made by the Member for Drumheller.

MR. WILSON:

Mr. Chairman, I have to rise and say that if we have to have this bill, Bill No. 55, then it has to go without Section 8 in it. It seems to me, Mr. Chairman, that there is a very, very grave error being created in Alberta with this bill, particularly with Section 8.

It's interesting to note over the past couple of days the expressions of doubt that have crossed the minds of many government members, Mr. Chairman, as they have heard the very, very convincing arguments against this bill, but particularly the ramifications of Section 8 are just too horrendous and too 'scaring' to be fully appreciated even at first glance, Mr. Chairman.

This is not democracy. As a matter of fact, Mr. Chairman, by giving the cabinet the power to rewrite legislation passed by this Legislature the cabinet would be setting itself up as a dictatorial body. With these 12 acts which they have the power to rewrite or add to or delete as they see fit, they could set that whole territory up under any form of non-democratic jurisdiction they please.

Mr. Chairman, the cabinet does not have the right in Canada, in my opinion, to give itself that kind of power and authority. Mr. Chairman, I'd like to ask the minister, has the government seriously considered and checked into the constitutional authority of Section 8? The government in presenting this bill is asking this Legislature to voluntarily give up rights which were granted under the British North America Act. Many have fought and still are around the world, with their lives at stake, to preserve the democratic principle that Section 8 purports to give away, Mr. Chairman, and it is not within the power of the cabinet or it should not be within the power of the cabinet to take this upon itself. I would invite the minister to tell me on what constitutional grounds he feels he can proceed with Section 8, what research they have done on this, and give us some precedents where a cabinet has had the authority to overrule the Legislature.

MR. NOTLEY:

Mr. Chairman, very briefly, our whole democratic system in the British parliamentary countries rests on two cardinal points, one, the supremacy of parliament, and two, the rule of law. Mr. Chairman, this bill strikes a blow against both of those cardinal principles. First of all, the supremacy of parliament, in this case the supremacy of the Legislature, is affected because the question of accountability has not been answered satisfactorily by the government.

Mr. Chairman, before we can surrender rights and privileges as members of the Legislature, and powers as members of the Legislature representing all the people, we have to be satisfied that the only available, open course is the one the government has offered. They have not satisfied us on that point.

The second question dealing with the rule of law has, I think, been very eloquently expressed this afternoon by the Member for Drumheller. Section 8 of this act gives the cabinet the right to vary, to change, to alter statutes that have been passed by the Legislature - in effect, to throw the rule book away. When you consider this section in conjunction with Section 7, you find that, in effect, local government can be bound on the signature of one man, an appointed person who is not responsible to the Assembly, or at least that responsibility is so diluted as to be totally ineffective.

Mr. Chairman, I would just conclude my remarks by saying to the government that you are dealing with a piece of legislation which is not acceptable not only to the members of this Legislature but, I suspect, to the vast majority of Albertans. The government has, if you like, a political time bomb in its hands with this piece of legislation and the Minister of Municipal Affairs and those who supported it have started the clock ticking.

MR. CLARK:

Just before we get the question, as has been outlined by the Member for Drumheller, the Member for Wetaskiwin-Leduc, also the Member for Spirit River-Fairview, we are really being asked, with one fell swoop to say, yes. And it is very obvious the government members are going to say yes without very much compassion. We are being asked to say yes here, very quickly before 5:30, to wipe out 12 acts and I'm just not prepared to see us do it that quickly.

I would like to ask the Minister of Municipal Affairs, very specifically what powers in The Improvement Districts Act does he anticipate are going to be in violation of the commissioner or the local governments up there? Until this commissioner comes into being and once the commissioner is operational, what powers in The Improvement Districts Act are going to have to be violated?

We have got powers in The Improvement Districts Act to establish expenditures, taxes on well-drilling equipment, licensing of mobile homes, expenditure of taxes, borrowing, boundaries advisory committees, appointments of assessors, contractors, hamlets, fire protection, ambulance service, recovery of costs of extinguishing fires, supply of utilities, recreational programs, agreement for joint projects, acquisition of land, cemeteries, acquisition of land by gift, acquisition and disposal of land, dilapidated buildings, road improvements, indigents, curfew on children, control of dogs, discharging firearms, offences and penalties and regulations. Now just which of those powers does the minister think he is going to have to act upon [that] we have got to pass this foolish kind of legislation?

MR. RUSSELL:

Mr. Chairman, I doubt very much, and I'm very hopeful that the commissioner will seldom have to ask for any of the kinds of regulations by OC which are outlined in Section 8. I would hope that would happen very, very seldom.

But I want to make it absolutely clear - very clear - that if the job is to be done within the very severe time constraints and the services which are necessary to be provided for people in the oil sands region, perhaps in Fort McMurray, there may be times - and I emphasize the word "may" - when an order to provide housing, or utilities, or some other basic kinds of things - some of the provisions of these acts may have to be waived for a time.

I would ask the hon. members to note very carefully subclause (2) in that act. Also, the amendment that is before them putting in the new clause 8(1) which came from the hon. members during second reading of the bill, and that is, no assignment with respect to levying taxes or fees.

But I can think of some kinds of requirements or regulations that may have to be waived simply because of the facts of life in the region. First of all, we have very difficult physical development conditions. We have an extremely short construction season. We have a climate which is not dependable. The 1973 summer-1974 winter proved

very disastrous for us in that regard. We have people pouring into the region at a regulated rate because of the commitments of Syncrude. Now putting those conditions together in my discussions with Legislative Counsel, I said it is quite possible there may be instances when we have got to cut through red tape in order to get these things done within the constraints that I have just outlined.

I can think of fairly obvious things under The Planning Act, for instance, reducing the time of notice posting, or appeals, or something like that, which can sometimes run to ninety days. Ninety days is practically the entire construction season up there. It is my sincere belief that the people up there would rather have a school, or housing, or water than wait for another year until the next construction season.

I emphasize again, Mr. Chairman, the regulations may be made - and I hope they are very few and far between. I suspect they will be. I think if we are going to have this authority which is necessary to cut through red tape at times, that temporary regulation must be included in the act. It's that simple. I can't think of specific examples that may occur, but the commissioner must have that authority given to him through the Executive Council if his program is to be effective.

Mr. Chairman, I should just say - we are nearly reaching the time of adjournment - but I would like to make hon. members aware of the reaction in the town of Fort McMurray to this. I've got a letter here addressed to the Premier from the Fort McMurray Chamber of Commerce and it reads as follows:

At a special meeting of the Fort McMurray Chamber of Commerce it was unanimously agreed to accept Bill 55 in principle.

MR. LUDWIG:

Who do they work for?

MR. RUSSELL:

A Fort McMurray news item in the Courier of May 8 quotes some reactions to the bill. There are statements from some elected board members supporting the bill, agreeing to the necessity for it and offering cooperation.

But I think, Mr. Chairman, if you want to sum up the reaction of the local people who are going to be most directly affected, I would like to read three paragraphs from an editorial in the McMurray Courier of May 8. The editorial says this, and I would like to quote:

The pace of development can no longer be coped with adequately by well meaning but busy local authorities. The appointment of a person to whom all municipal and governmental departments can look for answers is in order. Decision making must be done with dispatch, and with good judgment.

The main criticism of Bill 55 is the almost absolute authority it gives to one man. One thing which critics appear to overlook is that the Commissioner will be an employee of the people of Alberta, and directly responsible to the government. Like any other employee, he can be reproved, reprimanded, and also fired, so the word "dictator" hardly seems to be in order.

Cooperation and consultation between all locally elected boards and the Commissioner will be the key to the success of the position. Only if they work together, and not against each other, can the future well being and prosperity of our town be assured.

Mr. Chairman, I am encouraged by the reaction so far from the town of Fort McMurray. I think I have tried to acknowledge, in a straightforward way, the concerns, the reasons, and the magnitude of the job that is in front of this man. We have tried to build in checks, as much as we can, for the Legislature. I think Section 8(2) is extremely important. The fact that the vote for the commissioner is included in the Department of Municipal Affairs estimates is also important, and the fact that this must be done by order in council through the Executive Council.

With those reasons and answers, Mr. Chairman, added to what I hope were fairly complete comments on second reading of the bill, I would have to say that I sincerely believe that this temporary kind of authority is very necessary if we are, in fact, going to get the job done in the spirit outlined by the voices in Fort McMurray.

MR. CLARK:

Mr. Chairman, just two or three very brief comments. First of all, let me say, the minister, on several occasions, referred to cutting through red tape. That very clearly

indicates that the minister sees the legislation that this Assembly passes as nothing more than red tape.

AN HON. MEMBER:

Come on.

[Interjections]

MR. CLARK:

He did. He did. You can change the regulations on any occasion, by yourself or by order in council. The minister referred to the reason this legislation came forward was because of red tape.

[Interjections]

MR. CHAIRMAN:

Order.

MR. CLARK:

You can change the regulations. I can appreciate the touchiness of the Minister of Advanced Education. He has a few things to get touchy about.

Secondly, Mr. Chairman, let me say this, that when we have this kind of legislation before the House and we ask the minister to give us examples of where this type of legislation, as included in Section 8, would be used, he hasn't been able today to give us one scintilla example.

Mr. Chairman, on several occasions during this debate we've heard the example of the high school in Fort McMurray as being flaunted as one of the reasons this legislation has to come forward. Several members, the Member for Wetaskiwin-Leduc and several of the members on this side of the House, have made the point that if the government had the intestinal fortitude they could have gone ahead and built the high school in Fort McMurray two years ago or a year ago ...

AN HON. MEMBER:

Agreed.

MR. CLARK:

... they don't need this legislation, Mr. Chairman, to build a high school in Fort McMurray. They just want to have someone between the government and the people up there to get the blame for some very, very difficult and tough decisions that have to be made.

The third point I want to make, Mr. Chairman, is this. The minister says that quick decisions have to be made. He referred to the problems of construction and he talked about the winter in '73-'74. Let me remind the minister that this Assembly sits most of the winter. We sit in the fall now and, as has been amply pointed out by several members, the Assembly can be called on very, very short notice. We could be called in less than two weeks, in a very short period of time in fact, if the government wants a commitment from the Opposition, we'd be agreeable to being called on very, very short notice if we had to make some changes in light of the northeastern Alberta situation. We'd be prepared to meet very quickly to deal with situations. And that, Mr. Chairman, seems to be an eminently better approach than is suggested here.

Mr. Chairman, I move we adjourn the debate.

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. 55, begs to report some more progress and begs leave to sit again.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 5:34 c'clock.]

