

## LEGISLATIVE ASSEMBLY OF ALBERTA

Monday Evening, October 28, 1974

[Mr. Speaker resumed the Chair at 8 p.m.]

GOVERNMENT BILLS AND ORDERS (CONT.)  
(Second Reading)

Bill No. 75 The Attorney General Statutes Amendment Act, 1974 (No. 2) (Cont.)

MR. TAYLOR:

Mr. Speaker, the second act in Bill 75 with which I would like to deal is The Judicature Act. As the hon. members know, the report of the Institute of Law Research and Reform recommended that Section 24 be struck out, and I want to commend the government for striking that section out. I think, in this day and age when so many people are getting very suspicious of people in high office being in a special category, that this comes at a very excellent time; when ministers of the Crown can have an action commenced against them now without the protection of the Lieutenant Governor in Council or without the permission of the Lieutenant Governor in Council. I think this is good.

If the action is frivolous, the court should throw it out. If the action is not frivolous, every individual citizen, whether he is a minister of the Crown or whatever, should be under the same law. I think this is a good thing in the province when people say the government is now going to endeavor to have their ministers under the same law as anybody else. This can't hurt democracy. It will strengthen democracy.

I appreciate the recommendation of the [Institute of] Law Research and Reform. I think it was excellent. I also appreciate the action of the government in carrying it through so quickly. I believe it will help to restore some of the faith people have lost because of things that have happened quite a distance from here, but in government, where people have been inclined to think there is one law for those in power and one law for those who aren't.

One other point in connection with that. I think anyone who is a minister of the Crown has extra responsibilities in seeing that his department [and] his actions are within the scope of the law. This will certainly strengthen that as well.

The third act I would like to say a word or two about is The Trustee Act. This bill and the Act deal with almost everything except this one point that I haven't been able to find. I think it's an excellent thing when the moneys that have been accumulated through sales or through gifts to an individual can be used for the education of that child or given to the guardians for his education.

But the point that worries me is where a child has been protected in a provincial institution practically all his life from the time he is five or six and he has quite a large estate that has accumulated through a will, say, of his father or mother. Then, when he reaches the age of 18, he can legally leave the institution and go out on his own. He has been protected. His life has been orderly, but he has never had to make decisions of his own with regard to money. He suddenly finds that he is out of the institution, sometimes not even living with his guardians, and he has this very high sum of money. In the one case I know of, he gets some pretty extravagant ideas of what he is going to do with this money.

Where the will definitely said 21, I believe the Public Trustee now looks upon that as 21, not simply the age of majority. So there is some protection between that age of 18 and 21 for such a person. Now when that person gets to be 21, I understand that he can then demand the total estate. That money, several thousands of dollars, must be handed over to a boy or girl who has no idea of the value of money and who may have some friends who will help him spend it. He may also have ideas himself on how to spend it and be left penniless within a very few months.

It seems to me there should be some protection or some authority in this act whereby the Public Trustee is able to continue to look after that money, giving it out to him as required, but not entirely wasting it and possibly giving him some training in how to use the money before turning the whole sum over to him.

Now I know people will say that there are lots of people who are 21 who don't know how to handle money. This is right. But there are not very many people who suddenly, upon reaching the age of 21, have a very large sum of money land on their lap. It might happen occasionally but not very often. I think we had the best welfare of the child at heart when he had him in the institution, when we kept him there until he was 18. Surely we can't just suddenly say, hands off, and let him completely go through this money that was left by his father or his grandfather, whichever the case might be [and] see it disappear within months. Then the lad is left penniless and possibly the only hope will be welfare or some very menial employment if he's able to secure it.

So I would like to suggest to the hon. Attorney General that the matter be studied and, insofar as is possible, without interfering with the rights of people, [we] try to provide some type of authority to the Public Trustee where the Public Trustee knows this is the case and then [is] able to handle that money in an expeditious way, very much like a parent would, had the parents lived. Had [the lad] lived with him, the father would not suddenly have thrown on his lap \$30,000 or \$40,000 the day he reached 21. I think a Public Trustee, in a case like that, should have the authority to act very much like a wise and prudent parent would act.

Just before I sit down: I have had considerable [dealings] with the Public Trustee over the last few years, including the last three years, and I'd like to pay a tribute to the Public Trustee himself and to his solicitors and staff. I have not found more dedicated people anywhere, people who are interested in trying to help those who find themselves in predicaments through no fault of their own. I'd like to pay tribute to them and let them know that many many people in the country who have found themselves in very very difficult circumstances [and] who turned to the Public Trustee have not been disappointed but have had tremendous help from him and his staff, not only in the administration of funds but in the way of advice on legal matters when they couldn't really afford to go to a solicitor on their own.

MR. BENOIT:

Mr. Speaker, I'd like to limit my remarks on Bill No. 75 to the first principle. I am intrigued by the terminology used by the Attorney General when he speaks about a "cooling off period" for people who are buying graves. I think that four days is not enough really. Psychologically it could have a bad effect. Probably we would doubt the propriety of using that terminology in this House. Nevertheless the fact remains that it expresses what we are concerned with.

What the hon. Member for Calgary Mountain View said with regard to comparing this with larger purchases of something like a home is, I think, a valuable consideration. I'm thinking back now [to] The Landmen [Licensing] Act. The Act requires that when landmen have made an agreement with landowners, it is the privilege of the landowner to have time to give consideration to the matter before it is finally sealed. The landman has to return.

By the way, that has had a good effect on the farmers because now they don't always say yes the first time around. They have stalled a good while; they've made comparisons with their neighbors. I think this could be a really good example of what should be done by all people who are contemplating a purchase of any kind of goods or services. There need be no rush at any time for anybody to sign an agreement or make a purchase. The old saying: "Let the buyer beware," still holds.

But I think this is an area, if I might offer the suggestion to the Department of Consumer and Corporate Affairs, where an educational program could go from that department to the whole province, suggesting that anyone who is contemplating the purchase of any kind of goods or services should know that any reputable salesman will come back again if he sees a possibility of a sale. Always trying to approach people on emotions and saying this is the last day of the offer. If you don't sign today, you don't get this big deal, and all that kind of thing. People should be prepared to cope with that sort of salesmanship. If they allow a salesman to come into the house, or if they're cornered by one and can't say no, they should at least say, not until I've had time to think it over. That's all that's required to bring the salesman back at another time, and in the meantime they have an opportunity to make consultation.

I think the Department of Consumer Affairs could do consumers a real service by providing some kind of education in a practical simple form that would encourage people to say no until they were absolutely certain that they would be satisfied, or unless they had the product or the service on a trial basis before they had to make the decision. They wouldn't have to have the kind of legislation we're talking about here now. But I'm satisfied with the principle as it is, under the circumstances, until the people are able to get a better education along these lines.

MR. GHITTER:

Mr. Speaker, I would like to make a few comments which I would like to address only to matters relating to The Condominium Property Act. I do so on the basis of concern relating to the present status of the Act, in the hope that I may make a few constructive suggestions to the hon. Attorney General from the point of view of future deliberations pertaining to this Act.

I do so because it seems to me that the present Condominium Property Act has not really contemplated the big changes that we are facing in Alberta today from the point of view of the 'condominimizing' of apartment blocks throughout this province. I think anyone who has examined the situation in Edmonton and Calgary will readily realize that

what is occurring is that many of our major blocks are now being registered by way of condominium plans, the inevitable result of which will be a great shortage of apartment accommodation throughout our cities as more and more buildings become individually-owned as units.

My concerns therefore arise from whether or not the present Act is sufficient from the point of view of protection of those who are purchasing condominium units, and whether or not [it] protects the rights of individuals who are now residing in apartment blocks which are about to be 'condominimized'.

I would suggest first, for the thoughts of the Attorney General and further scrutiny on this Act in our future deliberations in this Legislature, that the rights of the inhabitants or residents of our present apartment blocks are not adequately protected. They can be evicted on 30 days notice if they do not have the purchase price of the condominium unit that they intend to purchase. I think some Calgarians, for example, are already facing the dilemma of receiving notice that they either buy or they must get out, and I think this is a very unfair situation. They are willing to pay the appropriate rent, but are finding that they cannot stay within the building unless they can come up with the required funds to purchase the condominium unit. A number of the apartment blocks in central Calgary right now have notified the tenants that they intend to 'condominimize' immediately, and they will not give any renewals or new leases unless someone wishes to purchase the unit.

I would then think that the only reasonable approach that can be taken within this legislation is to suggest the consideration of a law [whereby] if a building is to become a condominium, the tenants who are in the building up to that time would have at least six months notice to relocate if they do not wish to purchase the unit in which they are residing. I think this would at least take into consideration the difficulties citizens are facing in finding new and adequate apartment accommodation, if for no reason other than the fact that the building is being turned into a condominium, they cannot find a location.

The second suggestion I would like to make is that I don't believe the local municipalities have sufficient control over the registration of condominium plans from the point of view of making some form of uniformity in the plans in their presentation to the public. In this respect I would suggest that the municipalities at the present time - if you are to look at the present legislation really all they are doing is stamping the approvals on the documentation in order for it to go to the Land Titles office, but have no say as to the undertakings that must be made by the developer from the point of view of the creation of the condominium units.

What I have in mind, for example, is that if at the time of the conversion of the unit into a condominium the building is not in a proper state of repair, the purchaser who looks to acquire a condominium unit has no assurances that the undertaking made to him is proper or in order from the point of view of the future costs the condominium operators must face.

I would suggest that we do in Alberta somewhat like they did in the province of British Columbia last year. I don't like to use the province of British Columbia as an example for too much these days, but I would suggest in an amendment to what they called The Strata ...

MR. LUDWIG:

I didn't hear that.

MR. GHITTER:

That wasn't for your benefit, but he's not here tonight. They have a

They have a similar act in the province of British Columbia which they call The Strata Titles Act which is the equivalent to our Condominium Property Act. There they gave some very strong authorities to the local municipalities from the point of view of condominiums. They stated that the municipal authority would have the power to either approve or reject the condominium if, in their discretion, things were not up to the standards that they maintained within their regulations.

I would suggest that anyone who wishes to turn his building into a condominium must, and should be, required to file a most detailed prospectus setting out the status of the repairs of the building, the age of the building, the whole make-up, authorized by an engineer's certificate confirming that the building is in proper working order and estimating what the future costs will be from the point of view of repairs. Legislation of this nature would ensure that anyone purchasing a condominium unit would be protected from the point of view of the future costs which must be faced.

I would suggest that the only body which is really capable of exerting these controls is the municipal body. I think that this would be an excellent time for our government to once again show their feelings for local autonomy, as we have done on so many other occasions; to allow this proper authority to rest with the municipality from the point of view of the approval of the condominium plan and the ultimate exercise of authority relating to these areas.

I would think, from the point of view of management, that many condominium purchasers are finding the management of their apartment block is wanting. I would think that a developer who sells condominium units should be locked into a management agreement for at least two years to ensure a continuity of management, repairs and organization within that condominium unit.

I make these suggestions, and I know there are many others, from the point of view that this is potentially a very dangerous area. There is a possibility, and I say this as well to the Minister of Consumer Affairs, that this is an area where there can be great difficulties arising in later days due to our inexperience in this province relating to condominiums, due to the excessive use to which they will be put in the not-too-distant future and considering the many innocent purchasers who, for lack of better accommodation, will rush into the purchase of a condominium unit without the facts, figures and data in front of them, and as a result will make acquisitions they will possibly regret later. I think this is a government concern with the position of consumers.

We must as well show our concerns in newer areas like the condominium situation because it is going to become a way of life in our province very shortly. I think we as legislators must be aware of it. We must be concerned about it. I make these comments, I know they are only few in number, but I know there are many other concerns relating to difficulties in this area. I would hope, through the auspices of our good Attorney General and the Minister of Consumer Affairs, that we can now start considering the difficulties Albertans will be facing in order to ensure that proper protective measures will be within our Condominium Property Act, which I fear are lacking at the present time.

SOME HON. MEMBERS:

Question.

MR. SPEAKER:

Are you ready for the question? May the hon. minister close the debate?

SOME HON. MEMBERS:

Agreed.

MR. LEITCH:

Mr. Speaker, I want to thank all the members who took part in this debate and I particularly want to say to the last speaker, the member for Calgary Buffalo, that I feel his comments about The Condominium Property Act are very timely. It is something that has existed in Alberta for some time but in a relatively small way. It's only in recent months, or perhaps a year or so, that we've seen great growth in Alberta in the development of condominiums. Speaking for myself, and I am sure this is true also of the Minister of Consumer Affairs, this is an area we have been looking at, and [we] will certainly take the suggestions of the member for Calgary Buffalo into consideration.

Mr. Speaker, a number of members who spoke on Bill 75 addressed themselves to the four-day period that's provided for in the amendment to The Cemeteries Act, within which the purchaser can cancel a contract, and argued that it ought to be extended. Certainly, Mr. Speaker, there is merit to that argument. But I do suggest to the hon. members that they have perhaps based their arguments on a misconception of the reason for that period, both in The Direct Sales Cancellation Act and in the proposed amendment. The suggestion is that people should have the chance to take a second look at the contractual arrangements they have made. Of course if that were so, it really should apply to all contracts, as I think one of the members said. Give everyone time to take a second look as to whether or not he wants to enter into the contract.

I am sure that's a proposition, Mr. Speaker, that all of us would find very difficult to accept. Not only does it have some advantages to the purchaser, or the consumer in most cases, but it also carries with it some very grave and serious disadvantages.

I submit, Mr. Speaker, that the reason for this time to re-think what you have done in the case of The Direct Sales Cancellation Act and in the case of The Cemeteries Act is [to deal] with a very limited situation. It is dealing with a situation where people are normally in unusual circumstances and are being pressured into a contract. It doesn't deal at all with the ordinary buyer-seller transactions that take place, for example in the real estate market which one of the hon. members mentioned, where the purchaser goes out looking for a house.

In The Direct Sales Cancellation Act, we are dealing primarily with the situation where the salesman comes to your house and endeavors to talk you into a sale. There, the purchaser is in a much different circumstance than he is in the ordinary consumer transaction. The same is true of people who are making the purchases now covered by the proposed amendment to The Cemeteries Act. They are dealing with an entirely different situation and I don't think one can use the arguments that have been used by some of the hon. members to support a longer waiting period unless you take the position that there should be time to re-think every contract you enter into. And that, Mr. Speaker, I don't believe would be supported by the hon. members.

I did want to comment, Mr. Speaker, on the statements of the hon. Member for Drumheller. I appreciated and incidentally share his complimentary views about the work of the Public Trustee. It has certainly been my experience, both before and after coming into office, that the Public Trustee has always exhibited a great concern for the people whose affairs he is charged with managing. I have always found him most cooperative and helpful.

The hon. Member for Drumheller suggests that we give the Public Trustee, by legislation, some capacity to withhold, supervise or limit the expenditure of money which a person inherits upon becoming an adult. The hon. member puts it on the basis that there are cases where because of limited exposure, perhaps inadequate supervision or training, people who really haven't developed the maturity or judgment to deal with that kind of

money suddenly find it in their hands. It certainly saddens the people who are close to them, the people who are concerned about their welfare, to see them squandering it or spending it in some ill-advised manner.

Now I can certainly appreciate the hon. member's concern. Over the years I've encountered a number of cases of a similar nature. I think you worry about the fact that nothing seems able to be done about that kind of situation. And it's not limited to people who reach 18. I think we can all think of experiences where similar circumstances have happened to people who are adults.

However, Mr. Speaker, the real problem is to find some acceptable method whereby the Public Trustee could exercise some judgment over the expenditure of funds by a person who owns the funds, who is an adult and whose estate cannot be subject to management of a committee under some of the mental health legislation.

Certainly I for one, Mr. Speaker, while I appreciate the concern, would be very very reluctant to place in the hands of any person, even someone such as the Public Trustee, any capacity to limit an adult's expenditure of his own funds if that person is not in the circumstance where management could be taken of those funds under some mental health legislation. I simply think that you can't define adequately, nor with appropriate safeguards, the conditions under which he could exercise that kind of almost paternalistic supervision of adults' estates. While there's a concern there, certainly I have not been able, nor have I heard of anyone else being able to develop a satisfactory system to provide the safeguards that are necessary and at the same time take care of the problem.

Thank you, Mr. Speaker.

[The motion was carried. Bill No. 75 was read a second time.]

#### Bill No. 72 The Health and Social Development Statutes Amendment Act, 1974

MR. CRAWFORD:

Mr. Speaker, I take pleasure in moving second reading of Bill No. 72, The Health and Social Development Statutes Amendment Act, 1974.

Mr. Speaker, when the bill was introduced for first reading, I indicated to the hon. members that there were seven statutes being amended by the amending bill and that of course some were more important than others.

I'd like to go through them from the beginning and indicate firstly, in respect to The [Alberta] Hospital Association Act amendment, that the change is really a consequential correction and updating of a minor routine nature. The reference to the exclusion of the corporation from certain provisions of The Companies Act simply relieves them of a few technical compliances that don't relate necessarily to the hospital association, of course carried through from the previous act.

In regard to The Health Unit Act, I might point out that the two major cities of Calgary and Edmonton have not had their local boards of health incorporated as separate corporations prior to this time. There are some reasons they would like to do that, one of which is implied in the amendment which follows in The Public Health Act which is also in this bill. But by and large at the present time, the cities rather than local board receive the funding directly. The change here is made at the request of the municipalities involved in order that payments can be made to the local board rather than to the city. There is no reason I can see, Mr. Speaker, that they shouldn't be accommodated in that respect, and so that amendment has been made.

In respect to The Hospital Visitors Committee Act, the changes are entirely to bring up to date the language of the acts referred to. In regard to the pharmaceutical services amendment, the changes are similar in the sense of renumbering and bringing up to date provisions which already existed, as I mentioned in respect to The [Alberta] Hospital Association Act.

There are, however, three more significant proposals in Bill No. 72. In regard to The Preventive Social Services Act amendments, I considered it was quite important to make some of the changes that are there. The reference to "municipality" of course, simply means that the provisions of The Preventive Social Services Act are more clearly available to be applied in the case of improvement districts and special areas.

But then the one on page 2 of the bill, which is a replacement for Section 5, has a special significance. It seemed to me that throughout the province, where municipalities or groups of municipalities organized themselves into the preventive social service program and an area is defined, a director is appointed and the municipality in question moves toward programming in the preventive social service area. There are other areas of the province where maybe we need a little bit more flexibility. Two come to mind right away. We tend to think of the remote areas, although this wouldn't exclude them from other areas of the province, other than under proposed Section 5(2)(a) where it indicates that the circumstances should be "extraordinary."

Now by "extraordinary", I think the example I gave a few days ago when the bill was introduced is still a good one. There are areas of the province where the impetus socially is the product of perhaps an industrial impetus that is going into the area as part of our expansion; areas like the oil sands. When that is the case and social programs in the purview of The Preventive Social Services Act should be considered, and an organized municipality, its government and its structure does not exist, and where there may be a major industry in place with perhaps quite a number of people - either

employees or construction people as well as potentially supporting services of other types and no doubt families - but still no formal municipal structure, there should be a way that we as a government can go to an area like that and say, we have had a request from this group of people who have now been residing in the area for some time for a type of service that should be provided under preventive social service. Will you, the company involved in this area, be willing to assume the position that would normally have been taken by the municipality, had there been a fully organized municipal government. This would enable us to replace the municipal government with another responsible agency.

It seems to me also that one of the opportunities is for Metis settlements in the province - and there are eight of them - that may be outside an organized municipality. Once again we could go to the council of the settlement and make an arrangement with them that would involve providing preventive social services, and treat [the council] as the responsible agency to stand in the place of the municipality. So it will, Mr. Speaker, open up areas where preventive social service programs can be brought in where it might not have been possible under the previous provisions.

With reference to The Public Health Act, the existing provisions are that a city, town or village with a population of 300 or more may pass a by-law in respect to pasteurization. Once again we thought that was unnecessarily restrictive. Therefore the effect of removing the reference to "city, town or village" and supplanting it with the word "municipality" is simply that for sparsely settled or smaller municipalities where there is an organized municipal government, it's not necessary to be sure the community has over 300 people before it has legislative jurisdiction. And it need not be a town, village or city. It need only be a municipality.

I mentioned a little while ago the reference to the boards of health in the two major cities and the connection that had with the amendment to The Health Unit Act. This is something that logically follows from that where the city will no longer be the agency which deals directly with the government in regard to funding. It will become their city's corporation styled the "Local Board of Health" of that city. There will also be the right to enter into their own leases for property and to deal in the short term with the investment of any funds that are provided to them under their budget. Previously, for the local boards of health, this was all in the hands of the city government. So once again, Mr. Speaker, it is a contribution to the autonomy of the local board, the careful identification of their role and their place in the community.

Finally, Mr. Speaker, under Bill 72, we would like to point out that in the change in The Vital Statistics Act which is proposed, and which would allow what are commonly referred to as double-barrelled names to be registered, nothing is changed in respect to the existing law in regard to the registration of names in the ordinary case. All it does is extend and make possible one or two situations that didn't exist as the law has been stated up to the present time. The addition is where there is a married couple. They may choose to register the child with a hyphenated name, presumably being the surname of the wife, followed by the surname of the husband, and both agreeing to that. The registrar would then proceed to register it in that way, rather than just with the name of the husband and father as it is now.

Then in respect to the registration of names of children of unmarried parents, the same provision would apply provided that both parents agreed to it. The name could be registered showing the name of the mother followed by the name of the father.

Mr. Speaker, I know there are some comments that maybe hon. members will make about that. There are certainly comments that occurred to me in bringing this forward. Introduction of some change in the way people are entitled to register their names usually draws a few questions and some discussion, but the overall philosophy involved in it and which has been enunciated before in this chamber, is that by and large people are entitled to be called by whatever name they choose. They are entitled, as parents, to name their children in any manner they choose, and any restriction of that, with a few exceptions, is uncalled for in the law-making process. That is really all that is at issue here.

Now this does not affect those few situations where, as the House has discussed before, it may be in order to limit the right of people to register their names in a certain way. But cases of that, as we discussed in the earlier part of this session, indicated that claiming a special title or position in life by the registration of a name is by and large prohibited.

But this isn't that sort of situation. This is a situation which really says that there is no real reason, in the reflection that people have about others in society, why they should not be entitled to attach a name of their choosing to themselves or to their children.

Mr. Speaker, I look forward to remarks from the other members in respect to all seven of these proposed amendments.

MR. R. SPEAKER:

Mr. Speaker, I would like to make one remark with regard to The Preventive Social Service Act and, first of all, indicate that I appreciate the examples in areas where the change in legislation will meet certain needs.

However, I would be concerned, Mr. Speaker, where a municipality is not in favor of a particular program. At that point in time, the group which is placing pressure on the municipality tries an end run to the minister to try to have the minister support the program, and the minister, in turn, says well, I will do it if you can get the approval of the municipality. What this does is [to] put the municipality in a very difficult situation. We well know the minister has the authority or the final approval of the

projects anyway. What will happen if the minister takes steps such as this, and we do give this type of power in the Act, [is] that we will erode the power of local municipalities, or groups on behalf of the municipalities, to make decisions on local social projects and on projects that have to meet local social needs.

I would only say to the minister that in utilizing this portion of the Act he should take caution in not using political expediency or political acts to break down the present arrangement which we have, whereby local authorities do make the decisions and they in turn come to the minister and make a presentation on behalf of the group. I think that arrangement is good and certainly has brought about a lot of local participation. As we all know, we often have to work very hard to get local participation.

It has happened under The Preventive Social Services Act and it has worked very successfully. I only urge the minister that he guard that arrangement to preserve it for the future.

MR. DIXON:

Mr. Speaker, there is just one point I'd like to touch on during [debate on] the principle of this particular bill. It has to do with the requirements under The Vital Statistics Act. I'm sure the hon. minister will give my suggestion consideration because it is giving some concern throughout our province.

I'm referring to the problem many people are experiencing today in getting enough proof to obtain a delayed birth certificate. We will have to realize, as hon. members, that today the federal government is demanding a lot of birth certificates in the citizenship and passport fields. There's been quite an upswing in the need for passports by our citizens.

I was wondering if the government would give consideration to setting up an appeal board, something like the federal government has set up under the pensions act. Where a pensioner is having difficulty proving his or her particular age, they will set up these tribunals in the major centres where a person can go - I don't want to call it a board; I don't think a board is necessary, maybe one or two people from the department who can meet with the people personally - and have an interview with them and [they will] make a decision as to whether the facts they have given them up to that date, plus this interview, would be enough to have the delayed birth certificate issued.

I noticed a lot of people are having difficulty. In my own family, my wife was born in this country and has had a very very difficult time obtaining a birth certificate from the Province of British Columbia. I have had many other people - as a matter I'm working on a case at the present time that we've been over a year trying to get settled. It's still not settled. I'm sure there are many many others that some of the hon. members themselves may be running into.

I thought it would be a simple thing to set up some kind of appeal board or agency that people can appeal to. They get very very frustrated after a while and feel, what's the use, I was born here. In one case I have in mind, the mother is still living and we are still having difficulty convincing the department that this particular gentleman was born in Alberta. I'm wondering if the hon. minister would take it under advisement and give consideration to it. I think this would be one way to overcome the problem and the frustration that these people are experiencing.

It may be of interest to the House that you'll be told by the Department of vital statistics in British Columbia - I don't know whether or not they do it here in Alberta, but if they do I'd ask them not to - that if you are having difficulty it's easier for you to get your Canadian citizenship. Of course that really makes people who have been born in this country annoyed - telling them to go and get their Canadian citizenship if they can't acquire their birth certificate.

There may not be too many people involved, but those who are certainly are frustrated. [I suggest] a personal appeal, either to the minister or to a group that could be set up by the minister as maybe an independent appeal to hear it out, because it works very satisfactorily with the federal department. I have gone with people to appeals and in most cases they have come away satisfied. I'm sure the same thing could happen when people are trying to acquire a delayed birth certificate and have been running into problems.

Thank you, Mr. Speaker.

MR. TAYLOR:

Mr. Speaker, I just have one question in connection with The Vital Statistics Act and that is in connection with the right of a father and a mother to hyphenate the names of the children.

The first question is: may this be done if the father and mother have not hyphenated their own name? Say Annie Holowatiuk marries John Smith. If they change their name to Mr. and Mrs. John Holowatiuk-Smith, of course the children would be called Mary Holowatiuk-Smith or Jackie Holowatiuk-Smith and so on.

If the father and mother have not so changed their name, is there going to be difficulty down the road in regard to tracing family trees? And would this be aggravated if it doesn't set out clearly whose name is to be the first name and whose name is to be the last name? It says "the surname of the husband hyphenated," that would be Smith, "be hyphenated or combined with the surname of the mother" so it could be Smith-Holowatiuk which changes the setup entirely. I believe in women's lib, with all respect to the hon. Solicitor General, but let's not take it too far.

MR. SPEAKER:

May the hon. minister conclude the debate?

SOME HON. MEMBERS:

Agreed.

MR. CRAWFORD:

Thank you, Mr. Speaker and hon. members. I certainly wouldn't want to let the moment slip by without saying at least a few words in conclusion because of what the hon. Member for Drumheller has raised. He makes it too much fun to miss the opportunity.

I did want to say though to the hon. Member for Calgary Millican, Mr. Speaker, that I'm most interested in his suggestion about some mechanism to make it easier to file delayed birth registrations. The idea does seem to make quite a lot of sense. I will certainly give it further consideration.

With respect to the remarks of the hon. Member for Little Bow, I don't think the proposed changes to The Preventive Social Services Act really do allow for end runs around the municipal government where an active and interested group in the area wants to promote a program, say, despite the wishes of the municipality or without reference to the wishes of the municipality.

We must remember that in placing the other credible agency in the community in the same position the municipality itself would be in, that other agency is undertaking to pay 20 per cent of the cost. We haven't changed the ratio of contribution between the province and municipality or between the province and any other agency that may stand in the municipality's place. So it would only be fairly serious people who would come forward; responsible corporations, groups of some substance.

I think the two places where it protects the right of the municipality in Section 5(2) of course add to that and make it virtually impossible for an agency within the municipality to carry out a program entered into with the province which the municipality did not approve of and did not want. So I think the necessary safeguards are there.

In answer to the hon. Member for Drumheller, my interpretation and intention certainly [in] the way it is put forward is that the parents, by registering the name of the child in a hyphenated way do not in fact thereby change their own names. It becomes the child's name. It seems to me many people rather like that idea.

I think the feeling is general in our society that there should be a large degree of freedom that doesn't relate only to what some people are pleased to call the emancipation of women, but is really just questioning the need for certain restrictions that may have traditionally existed in the law. They're coming around and saying, here's a restriction, let's look at it and why it is there. If we can't find a really good reason it should be there, maybe we can do away with it because somebody else may want to conduct his affairs in a slightly different way. I think a lot of us have the impression, which I am sure is true, that if you go back a few hundred years you'll find people literally chose and carried on their own names in whatever manner they wanted, but that certain regulations grew up in time in regard to registration of family names. We've simply said now, well maybe it's time to take a look at that, challenge it a little bit, and see if greater personal choice can't be introduced.

I think, Mr. Speaker, I could say to the hon. Member for Drumheller that the tracing of family trees would be made much easier as a result of this, because you would know in looking at one of the names that there was another line of that name also in your family tree. It seems to me there are no great difficulties caused by this proposed amendment.

[The motion was carried. Bill No. 72 was read a second time.]

#### Bill No. 64 The Department of Public Works Amendment Act, 1974 (No. 2)

DR. BACKUS:

Mr. Speaker, I move second reading of Bill No. 64, The Department of Public Works Amendment Act, 1974 (No. 2).

This amendment neither introduces new legislation nor changes an existing principle in present legislation. It does expand on existing service which enables stockpiling of materials so that small construction firms which cannot afford to stockpile short supplies will have an equal opportunity with larger companies to bid on projects put out by the department. Also, in these days of rapid change in price of materials, it will enable a greater stabilization of the price of the material during the construction life of a building.

The prime purpose of this amendment is to enable these steps to be taken. I don't think it can in any way be reckoned a matter of hoarding but rather of stockpiling at a fixed price so that this price can be maintained throughout the construction period.

[The motion was carried. Bill No. 64 was read a second time.]



## Bill No. 71 The Alberta Heritage Amendment Act, 1974

MR. HANSEN:

Mr. Speaker, I move second reading of Bill 71.

This bill has some amendments in it to tidy it up and make it more workable. I'll quote some of them to bring them to the attention of people.

We have terms and conditions under Section 4(1), acquisitions. There are some changes that set out the terms and conditions that persons who have either given a gift or bequeathed a gift to the minister or to the government are under.

Under Section 10 of the bill there is another change. The change there is so that the minister may designate somebody else outside of the deputy to chair a meeting. The way the bill is now, the only one who could chair a meeting is the deputy minister.

Under Section 11 there's another change where the minister is responsible for the intergovernment records management program. This was handled before by appointing a person in the department.

There's another change in the regulations where the

Heritage Sites Board will now be responsible [for the names of] places and geographical features. This is presently the function of the Geographic Names Board under The Geographical Names Act ...

In Section 17 there is a change by striking out the words "after consultation with the Board" and substituting the words "after giving 30 days' notice" to the minister. The same thing under Section 17 (c); they have changed it now by striking out 14 days notice and submitting 30 days.

When you get into Section 20, the rules are laid out there for a research permit, making it much clearer. It also states that even if they have a permit, they're not allowed to go in without permission from the owner of the land.

When you get over a little further in it, the way the Act has been set up, the only allowance that was made payable under this was for expenses. Now they have remuneration for the ones on the board. If the minister so desires, some wages can be paid. Also, in the same section, Section 13, The Municipal Government Act will be amended by striking out the words: "[The] Geographical Names Act", and substituting the name of: "The Alberta Heritage Act, 1973"

So these are some of the changes in this bill. Like I say, it's mostly a housekeeping, tidying-up of the bill so it will work more feasibly.

AN HON. MEMBER:

Fair enough.

MR. LUDWIG:

Mr. Speaker, I'd just like to ask a question, probably of the hon. minister. To what extent have the Indians been involved in this province in research, particularly in excavations for artifacts or perhaps [in] some of the historical sites that we have found in this province? Are the Indians actively involved in work of this nature in this province, and to what extent?

MR. SPEAKER:

Possibly that would be a question that could be placed when the bill comes up for committee study. I think we should maintain the difference between discussion in principle and the items that come up when the House is in committee.

SOME HON. MEMBERS:

Agreed.

SOME HON. MEMBERS:

Question.

[The motion was carried. Bill No. 71 was read a second time.]

## Bill No. 73 The District Courts Amendment Act, 1974

MR. LEITCH:

Mr. Speaker, before moving second reading of Bill No. 73 I should make the comment that, so far as I can ascertain, it hasn't been distributed.

AN HON. MEMBER:

Agreed.

MR. LEITCH:

Have you got it on that side? No one on this has, Mr. Speaker. They have it on the other side.

MR. SPEAKER:

It indicates the hon. minister's fairness that he gave it to the opposition first.

AN HON. MEMBER:

Carry on.

MR. LEITCH:

Having cleared away that little difficulty, Mr. Speaker, I now move second reading of Bill No. 73, The District Courts Amendment Act, 1974.

There are several principles involved in this bill, Mr. Speaker. The first of course is that we now have in Alberta two district courts, one for the District of Southern Alberta and one for the District of Northern Alberta. While there may have existed historically good reasons for that division and for having the two separate courts in the province of Alberta, those reasons seem to have now disappeared. The members of the district court, through their association in the executive, have requested that the two courts be formed into one. In my submission, Mr. Speaker, that will tend to improve and simplify the administration of those two courts, and the net result will be an improvement in the judicial system for the people of the province of Alberta.

The two other areas in which amendments are proposed are in the handling of criminal trials. The district court has long had jurisdiction to deal with criminal trials but there has been some uncertainty as to whether they had the capacity to hold criminal trials with a jury. The amendments to this bill now make it clear that they have the capacity to hold criminal trials with a jury.

Again, Mr. Speaker, this I believe, will be an improvement to the judicial system within the province, in the sense that it will provide more courts which are able to hear criminal matters with a jury. The current differences between jurisdiction in the District Court and the Supreme Court are very very limited, being restricted, I think, to some criminal offences and some other areas of civil law which arise very infrequently.

The last point I would like to call to the hon. members' attention is that there is provision in the bill for District Court judges to become supernumerary upon reaching the age of 70. That, Mr. Speaker, is really an anticipatory piece of legislation, in the sense that it will be the provincial counterpart of federal legislation should the federal government decide to treat District Court judges, with respect to the rate to become supernumerary judges, in the same way as they currently treat the Supreme Court judges.

[The motion was carried. Bill No. 73 was read a second time.]

MR. SCHMID:

Mr. Speaker, may I have leave of the House to make an announcement which may be of import to the employees and the people of the province of Alberta, especially to people working in this building?

SOME HON. MEMBERS:

Agreed.

MR. SCHMID:

Mr. Speaker, it is a pleasure to announce, as Minister of Culture, Youth & Recreation, that Terry Meyer, an employee of the Government of Alberta who works in this building, has won the Miss Canada Contest.

[Applause]

#### Bill No. 74 The Surrogate Courts Amendment Act, 1974

MR. LEITCH:

Mr. Speaker, I move second reading of Bill No. 74, The Surrogate Courts Amendment Act, 1974.

Mr. Speaker, this is the companion bill to Bill No. 73. As there are no principles involved in this bill that weren't up for debate in Bill No. 73, I have nothing further to say on second reading.

[The motion was carried. Bill No. 74 was read a second time.]

MR. HYNDMAN:

Mr. Speaker, I move that you now leave the Chair and the Assembly resolve itself into Committee of the Whole to consider certain bills on the Order Paper.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

[Mr. Speaker left the Chair.]

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COMMITTEE OF THE WHOLE

[Mr. Appleby in the Chair]

MR. DEPUTY CHAIRMAN:

The Committee of the Whole Assembly will now come to order.

Bill No. 63 The Land Titles Amendment Act, 1974

MR. DEPUTY CHAIRMAN:

Are there any comments, questions or amendments with respect to the bill?

MR. RUSTE:

Mr. Chairman, referring to Section 8 and the changes there, I think it removes it one step further from the Legislature in that it will enable the appointment of Land Titles Officer and employees to be made without the necessity of orders in council.

Certainly once an order in council is made, it becomes public knowledge. In the step taken here, as I understand it, this won't be made public. It just sort of becomes an internal operating factor. I think this is another example of removing reporting back to the Legislature.

MR. DIXON:

Mr. Chairman, the other day, the hon. the Attorney General mentioned that they may be considering an amendment to this act, which I think certainly should be done, where they are asking for the nationality of the particular person who is transferring the land.

I was hoping that the government, in its wisdom, would reconsider and place it that he was a non-Canadian or a nonresident, rather than try to force a man to disclose his nationality. Really, when we are monitoring this thing, it doesn't matter if it comes out that there are a thousand Chinese nationals and a thousand Israeli nationals and a thousand German nationals. What is it going to prove? I think what we are really looking for is how many nonresidents are acquiring land. This is the concern of the people, I think, and probably the concern of the government.

I don't think nationality has anything to do with it. I think what we are trying to find out is the non-Canadian, or nonresidents of the country who are in our province buying the land. I was hoping the government would give consideration to changing that to some other wording rather than use the nationality of the citizen.

I believe it is questionable as to whether it isn't an invasion of a person's rights, especially in view of the fact that many people have lived in our province for years who may want to acquire a piece of land adjoining their farm or residence. They are going to have to divulge their nationality, and they feel they have done much to build up the country and to farm the particular piece of land.

So I was hoping the hon. Attorney General would make an announcement that they are going to have a change which, in my opinion, would simplify it and in the simplification would also bring out what we are after in this particular act.

MR. BENOIT:

In Section 3 of the bill, dealing with Section 8 [of the Act], it says that the business shall be under the ... "officer called the 'Registrar of Titles'", but I don't know who appoints the Registrar of Titles. Under the old section the Lieutenant Governor in Council did that.

Now in Section 7, the term "Lieutenant Governor in Council" was changed to "The Attorney General". I was wondering if it follows naturally or if it has to be stated that the same change will take place in Section 8? If that isn't put in there, or if that is assumed, I can understand who does the appointing. Otherwise, I don't know who does the appointing.

Then, when it comes to Section 6 of the bill dealing with Section 30 of the Act, at the bottom of page 1, it says: "The Registrar shall refuse to register any transfer of an estate in fee simple ... ." I am wondering if it has to be that way, because, following through, it states that the Attorney General shall prescribe the form and the exceptional conditions under which the refusal may be waived. I don't know whether we should have "may" in there, or whether it has to be "shall", which means that every transfer will be refused unless it has special exceptional conditions attached to it.

Then I have a question on page 3. About the middle of the page, (d), it says: ... "where the transferee or purchaser is one of a class of persons exempted from the operation of this section by the regulations." I am not sure that I have the question in memory here.

This section does not apply with respect to any transferee or purchaser where the transferee or purchaser is one of a class of persons exempted ... I'd like an example of what is meant by that "... class of persons exempted from the operation of this section by the regulations."

Further down, where it speaks of the Attorney General exempting any corporations, it says, in subsection 6:

A statement required by this section shall not be physically part of or physically annexed to the transfer or caveat and shall not be registered or filed as though it formed part of the transfer or caveat.

And section (c) says:

shall, in the case of a statement required under subsection (1), clause (b), be forwarded by the Registrar to such person as the Attorney General may designate.

My question is: will any record of it be kept anywhere, and if so, for how long? If it is not to be filed, is there any other record kept or is this just lost in the shuffle?

MR. CLARK:

Mr. Chairman, I would like to ask the Attorney General if he would deal with Section 4 specifically. It's on page 3. I'm just not at all enthusiastic about us spending the best portion of a page and a half setting out the legislation and then Section 4 saying: "The Lieutenant Governor in Council may make regulations exempting any class or persons from the operation of [this] section".

If we're going to have to have this type of 'Henry VIII' clause, it seems to me we should have an explanation of it. As it sits now, frankly I'm rather inclined to move that we strike Section 4 out of the act. Because this is really like saying we've set up the rules but the Lieutenant Governor in Council can change the whole situation. Unless some rather good explanation comes forward I see no reason we should keep Section 4 in the act at all.

MR. LUDWIG:

Mr. Chairman, I would like to support the hon. Leader of the Opposition in his stand. What is the real reason for that kind of section; that we're going to let the government choose a favorite class of people that might come, or a group of people who may be affected by this legislation and waive all the laws against them?

If we're going to do that why have this legislation? Why is it necessary? I think that when you read this thing: "The Lieutenant Governor in Council may make regulations exempting any class of persons from the operations of this section", there has to be some very valid reason this is done. You could infiltrate a situation like this. For instance, if you decided to exempt a particular ethnic group or racial group for whatever reason, there's an opening to get around this legislation.

If it's that important for us to make sure that we don't get taken over by people we won't know, we don't need this kind of section. Certainly I think it's incumbent on the Attorney General to explain why this is here.

While I'm speaking on this section, I think the hon. member, Mr. Dixon made a valid point, and a point that had some support from the Attorney General a couple of days ago, with regard to not having to force people to declare their citizenship. It's sufficient that they're not Canadian, otherwise we are discriminating.

We might state that we want their citizenship because at a certain point in time we'll say we don't want any more Japanese or Chinese or whatever buying any more land, they've had enough. There must be a reason for legislation like that which is, on the face of it, repugnant. But if the reasons for holding such legislation are so very important that we just simply must go that way and no other way, then we'll have to keep quiet about it.

I don't think the hon. Attorney General has explained that nothing else will do. What if someone refuses to give it; he just wants [him] to say that he's a non-Canadian. For that reason we will deny him the right to own land because he doesn't want to bow or knuckle under to a section like this which I think is certainly repugnant to our human rights legislation.

I suppose we're going to say it's just as important to know if a person is black or some other color. Maybe we don't want too many people of a certain color to get land here. But they might be citizens from anywhere. I think we can make an amendment here and strike out that word dealing with citizenship and amend that whole section by making it read that the form prescribed by the Attorney General would require the person to declare that he's a non-Canadian, and no matter where he is from, whether the U.S. or Asia or Europe or anywhere else ought to be sufficient. Well, one can't argue with that too much.

But to get back to Clause 4, I don't see any reason that clause should be there. We are giving the government power to show preference. Why call the Legislature to do this stuff. If the government is going to show preference, perhaps they could do it the same way they spend huge sums of money and not tell anybody until after the fact. Mr. Chairman, I don't think we should go with this. There should be some pretty valid reasons. The government have to live with the reasons they want legislation like this.

Thank you, Mr. Chairman.

MR. TAYLOR:

Mr. Chairman, a lot of people in Alberta are becoming very much concerned about who's buying up our land. There are a lot of people in Canada who are becoming concerned about

who's buying up the land. Land is probably the best investment of any kind in the world today. There are interests buying up land in every country where land is available.

In this province I think we've been far too lax in protecting our land for Albertans and for Canadian citizens. In the last few weeks, in my own riding, there appears to be a German corporation that is buying up land at very exorbitant prices. I think the Alberta government has a responsibility to find out to what country this corporation belongs.

In the first place, it has far-reaching effects. When you pay \$300 for farm land you know very well that the farm can't pay back that kind of capital. Farm produce just won't do it. In addition, even worse than that, it's stopping the young men of the area, of the province from buying farm land at a reasonable price. What young lad raised on a farm can produce \$300 an acre for farm land. He knows it can't produce that kind of capital. It can't pay back that kind of capital. When you're paying that kind of money plus 11, 12 or 13 per cent interest, it becomes absolutely ridiculous as far as farm land is concerned.

I don't think we're going far enough. It says: "... to monitor the extent to which persons other than Canadian citizens are acquiring the beneficial interest in land in Alberta." Certainly we want to monitor. But we have to go further than that. I think we have to know the underlying reason a corporation comes from another country and buys up land at exorbitant prices. I realize this is easier said than done. But surely it is not an impossible task for us to set out rules [so] that we know who's buying our land and why they're paying such exorbitant prices.

A chap told me the other day that he visited Denmark last summer. There, the Danish government had to absolutely put a stop to the German corporations buying up Danish land. He said they would have had the entire farm land of Denmark bought up within a very short time. There would be no family farms, no individual farmers left in that country. The basis of agriculture in that country is the small individual farmer. So the Danish government saw what was happening. They had the mechanism to find out what was going on. They looked further than just the immediate benefit of getting all this money in the country. They put a stop to it, and I commend them for it.

We've been too lenient in this country. At least we're going to monitor it now. I think we should go further. We should find out the underlying reasons when corporations come from other countries and buy up our land at exorbitant prices. Is it being done to get complete monopoly of our land somewhere down the road. Whether it is or not, it's stopping our young men from getting farms today. Very few, if any, can pay that kind of money for farm land and we shouldn't expect them to, because farm land can't pay back that kind of capital at the interest rates today.

So, Mr. Chairman, I commend the government for bringing in this monitoring. I'd like to see the government go further and have authority to search out the underlying reasons people are coming from other countries and buying land. Some may be quite okay and others may be completely unsatisfactory. If their object is to get control of all our recreational land or all our farm land and have a monopoly and then charge all the market will bear for farm produce or recreation, that's an underlying reason that shouldn't be permitted. We should put a stop to it.

Canadians have been far too lenient in letting people come into our country and buy up our recreational areas. It hasn't happened too much in Alberta, thank goodness, but it's starting to happen now with our farm lands. It has happened in some of the Maritimes. It happens in B.C. in connection with recreational property. We can't permit that to go on.

I say this section is wise. This section isn't going far enough as far as I'm concerned. We should know why they're buying up the land before we permit them to get title to it. I can see nothing wrong at all in requiring a person to declare his citizenship.

Citizenship isn't based on color. Citizenship is based on becoming a citizen of a country. There are people of every color, class and creed who are citizens of Canada. There's no discrimination against them.

The discrimination is against people who are not citizens in this country and who are buying up our land for some reason. I think we should know the reason. Is it an ulterior motive. If not, there is authority to go ahead. But if it is, the government should have the authority to say, no way are you going to buy up our farm land and prevent our young farmers from continuing our family farms.

MR. NOTLEY:

Mr. Chairman, I'd just like to say that by and large I agree with most of the comments made by the Member for Drumheller. I think we have to remember, as I pointed out in second reading, that what we're talking about here is just a monitoring system. This presumably is pending the final recommendation of the Land Use Forum, which will take place approximately a year from now. I personally agree with the Member for Drumheller that I think we're probably going to have to go somewhat further than a monitoring process. But the point at this juncture is that we do need the monitoring, not only to obtain information generally, but it's my understanding that the Land [Use] Forum itself has requested this particular amendment to aid it in the work that it's undertaking for the next year. Therefore, Mr. Chairman, I certainly support this particular clause.

I would say that Section 30.1(4), which has been alluded to by several members, concerns me a little bit. I just find it somewhat difficult to understand why the Lieutenant Governor in Council needs the wide flexibility to exempt classes of people. I think this is where we could get into a little bit of trouble. I would be interested in either the Attorney General or the Minister of Agriculture advising us just what the specific reasons were for the insertion of this particular section.

We're not talking at this stage of the game about any prohibition on the sale of land. All we're talking about is a monitoring process. Because that is the objective of this act, I find it a little difficult to understand what classes of people should be excluded and what classes of people the provisions of the monitoring process shouldn't necessarily apply to. I would welcome comment from either the Attorney General or the Minister of Agriculture on that point.

The final observation I'd make, Mr. Chairman, is just to come back to the arguments raised by several other members that all we really need to know is whether the land purchaser is Canadian or non-Canadian. With great respect to that argument, I suggest that we need to know something more than that. I think that we do need to know the citizenship of the purchaser, because one of the reasons for a monitoring process is to build up, if you like, our knowledge of just what the investment trends are as far as land purchases are concerned. It may well be a different thing if you've got individual Americans who are purchasing land, compared to corporations from the United States or individuals from another country coming in, compared to corporations from another country in a different part of the world, or perhaps the trends in investment itself, perhaps this is an unhealthy concentration of one country acquiring too much ownership of land.

Well, this is the sort of reason, Mr. Chairman, that I believe the Land Use Forum wanted the citizenship proposal inserted here; so that they have a clearer idea of just what the trends are as far as land purchases in the province of Alberta and the citizenship of the people doing the purchasing are concerned. So I would have to argue in favor of the proposal on the question of citizenship as it stands; but I would like one of the ministers to advise as [to] what the government envisages as the possible classes of people who might be exempt under the provisions of Section 4.

MR. LUDWIG:

Mr. Chairman, when I listen to the two hon. members who just spoke, I think one ought to point out that all our land, no matter who owns it, is subject to our taxation laws, zoning laws, planning laws and expropriation laws. We can pass any other laws if we feel that something happened ...

AN HON. MEMBER:

And use.

MR. LUDWIG:

Yes. And the land use. We can expropriate it even by planning them out of business or zoning them out of business.

One certainly can't help but feel a little bit nationalistic. We'd like to keep all this to ourselves. But nobody can do anything with land that he buys in this country except subject to some approval of some body created by our legislation or that we can legislate. So we must not create the scare tactic that a lot of foreigners are going to come up and we're out of business. Because if you look at some of the atlases we have, this country is made up of people who not too many years ago were foreigners and came here. If these laws [had] applied ...

AN HON. MEMBER:

Hear, hear.

MR. LUDWIG:

... we'd have an awful landless group of people, around Edmonton particularly.

But we can control it. I agree with some of the fears that they have, that some foreign power can come up here and buy all the land around Calgary and think they can squeeze us. They can do nothing. The government can expropriate it at good prices. They can declare areas that prohibit building, and these people can hold the land and lose it. Nobody is going to invest money in this part of the world unless they think they can make a profit. No Canadian is different.

There is cause for concern. But we musn't create the scare that we are going to be overwhelmed and overrun by the hordes with lots of money from outside, so let's beware because disaster is just around the corner. I think we have to be fairly temperate about this thing and not start rearing up and saying we don't want the Americans to take us over. Well, the Americans have been buying land in this country since we first started and a lot of them are Canadian citizens today, leading Canadian citizens. Some may not be, but some held land in this country for years and years and years and lost it or sold it for what the taxes had been for the last 20 years. It isn't everybody who makes a quick profit. But the profit motive must not be looked upon as something sinister, especially if someone else makes it, someone not a Canadian. We have taxation laws to control this.

As has been known to happen recently in Canada, the federal government or the provincial government can legislate almost anything they like - but particularly the provincial government - with regard to property and civil rights. So we have all the protective devices, and can have all the protective devices that we may need. I feel that I'm just as pro-Canadian and pro-Albertan as anybody, but I don't see any danger of somebody buying up a whole township of land and taking it with [them]. They're just not going to. It has never happened before.

I don't think, as far as Edmonton and Calgary particularly are concerned, that any foreign ownership has hurt the development, the expansion, the progress and the economy of those two cities.

Thank you, Mr. Chairman.

MR. R. SPEAKER:

Mr. Chairman, I certainly feel that changing The Land Titles Act to determine who is buying the land in Alberta is a step in the right direction. Because in the rural area it is certainly causing different kinds of problems, as my colleague has indicated. We find that there is unfair competition; there are unreal prices of land. This is an immediate problem. It is here and it is occurring in the province at the present time.

We are in a cycle of inflation in Canada and in other parts of the world. In other parts of the world - people have mentioned German investors, other investors - they are aware at this point in time that land in different parts of the world is a good investment and they're finding that land in Alberta or Canada is a very good investment. We're finding that there is a lot of capital available to purchase land and cause some very difficult problems in our agricultural community today.

I think, number one, monitoring the program at the present time is a good idea. But I think following that or at the same period of time, even during this session, we should consider some type of action legislation, land-freeze legislation on an interim basis that would prevent some of these foreign purchases. I think this would be a good preventive step at this point in time.

Now we say, let's wait until the land use study is completed. Well, that's two years down the road. It is two and a half to three years before we actually pass the legislation. The period of inflation, the height of inflation from my observation and from what I read - and I'm not any type of economist - seems to be at this point in time, and the purchases are being made now. So I think we have to deal with the problem, much as we hate to deal with it, at this point in time.

So I would say along with this should be a consideration by government of preventive legislation, land-freeze legislation on foreign purchases, whether by individuals or corporations. If the people are residents of Alberta and show that they are long-term residents, maybe consideration can be made there.

I should also make it clear that the capital being in the province is one thing. But the ownership or the purchase of land, a foreign name on the land title, is certainly another thing in my book. I don't support the latter position.

With regard to that position, I certainly support our house leader's position when he indicated that he is not in favor of any exceptions; that if one person has to reveal his citizenship background, all should reveal it. I really don't know what the purpose of Section 4 is and I'm certain that the Attorney General will explain that. But as far as I'm concerned, if one does it we all do it and no exceptions should be allowed in the legislation.

MR. DRAIN:

Mr. Chairman, a few brief remarks. I generally endorse this legislation, other than Section 4, of which I request some explanation.

In regard to identifying the purchasers of land and their nationality, I regard this as essential information. The reason I say this is because in this troubled world, where we have great fluctuations in exchange rates and money values which we can anticipate [will] continue in the future, it could well be that the problem insofar as foreign land purchases could resolve in a certain area. By leaving this legislation intact, you are in a better situation to identify the problem. I don't think there is any suggestion of discrimination in this particular bill against any race or nationality. This isn't the objective. The objective is the monitoring and the seeking out of information. I think the fundamental problem in the ownership of foreign resources or foreign land goes back - I think, probably, it can be illustrated in a book on economics that I read, written by Henry James. The date of publication was 1850. Henry James was a great economist in the developing area of America, and his concern ...

AN HON. MEMBER:

He must be an American.

MR. DRAIN:

... at that time, incidentally, was the purchase of all of Texas by British capital. British capital in fact was a very significant thing in the development of the United States and the land ownership was very significant. But the British economy weakened of course from the First World War and the coup de grace occurred in the Second World War, whereas you had an ongoing growth of strength in the American economy and foreign purchases were not significant. Hence the basis for the protection of the land, the industrial base and the resources of your country is related to the strength of your economy and fundamentally to the productivity of your people. So in the matter of Section 4, I would certainly seek out an explanation from the Attorney General before I would be prepared to endorse it.

[Mr. Diachuk in the Chair]

MR. DIXON:

Mr. Chairman, I must get into this debate again because I feel strongly about this bill, as I did over the Hutterite bill over the years. The same argument was used when the Hutterite bill was [brought] in. I can remember right after the war they said, well, we're going to put the act in to prevent the Hutterites from buying up all the farm land until the servicemen get the land. The big bogey man then was as I've heard tonight: that somebody is going to take over all the land in Alberta. That is an absolutely ridiculous statement because it has never been proven that way with the Hutterites. They were the big threat, and now we're supposed to have the big threat from people who are coming in here.

The people I have been associated with who have bought land in Alberta in the last three or four years are people living on the land, who are putting more improvements on it than the average farmer in the area, [and] are actively farming the land. So I don't get as excited about the fellow coming in here. If he wants to come in here and be a Canadian later on, that's fine with me. Even if he doesn't want to take out citizenship, that's fine with me as long as he is bringing that land into production, using it wisely and looking after the soil and the heritage of this province.

I oppose any legislation that spells out nationality, race or creed, because history has proven that this type of legislation has always been wrong. It has never helped the country that has brought it in. It has never solved any situation. If we want to monitor who the people are, [whether] they are Canadians or non-Canadians, that can be done simply by stating on the thing that I am a non-Canadian and I am a nonresident of the land. Then, if the government in its wisdom wants to pass legislation that no nonresident of Canada can buy land in Alberta, that's fine. I have no objection to that. We treat everybody alike. But when you start trying to single out race, nationality, creed, we're running into trouble.

I know I felt very strongly [about] the way we tried to treat the Hutterites, and I feel just as strongly about this. Once we start spelling out nationality, and we don't like the color of some particular person, we don't like him buying our land, well then I get very emotionally up tight about it. I feel many of us in this Legislature tonight, if it applied the same rules to our forefathers, none of us would be here. We wouldn't have had an opportunity to build this great province of ours.

So I'm saying we should encourage people to invest, and if somebody does pay a big price you have to remember, hon. members, that there is always a willing buyer and a willing seller in every deal. If somebody can show me that somebody from Germany or Israel or somewhere else came over here and took advantage of our farmers, I'd be standing up on my feet saying, well let's do something about it. But in every case there has been a willing buyer and a willing seller. I think investigation will show the hon. members that a fair price was paid, and in many cases, above the fair price.

There is no way that we as Albertans can solve the world currency situation as has been mentioned here tonight. That's a fact of life and it will happen over the years. Maybe in two years nobody will be interested in buying Alberta land. They may want to buy it somewhere else because of the currency problem.

So I would urge the hon. members to give consideration to monitoring who is buying the land in Alberta, but only where it is covered that the man or woman buying the land is a non-Canadian, and forget about his nationality or his race or his creed or the color of his hair or whether he has any hair at all. It doesn't mean a thing, and all you have is a lot of statistics that won't mean anything and won't solve the problem.

So I urge hon. members to consider some of the changes that have been advocated in the House tonight because I feel that it will be for the benefit of all of us as I look to the future in this great province of ours.

MR. LUDWIG:

Mr. Chairman, I would like to make one more point as a result of the remarks made by my friend, Mr. Dixon.

When we state that we want to monitor the citizenship of people who buy land and we are not going to do one thing about it, that isn't true. We want it for a reason. We want to see if there is a trend. If there is one, we might intend to do something. So we are laying the groundwork for, perhaps, discrimination against a certain group. I don't think we need that.

I am not at all impressed with the remark that somebody is going to build an airport some place and let the foreigners use it. Before the foreign airplanes can use any airport in our land have to comply with certain laws and they have to get permission. So the time that some foreign interest could undermine our economy by buying up tracts of land, maybe could have happened once upon a time, but it can't. We've learned how not only to discourage them, but also perhaps to prevent them from doing what they want. But the situation has not really arisen.

I think we are actually telling the members here that we want to monitor to see if maybe there are too many Germans buying land, maybe too many people from a Russian group buying land, maybe too many Japanese buying land. We are not a coastal area, we are not in any way a defence area. If we were the federal government could do something about it.

I think the fear that we are expressing about takeover or undermining or taking it away from Albertans or Canadians, has not in any way been established, and I think that the hon. member, Mr. Dixon has a good point. We should hold that section and see whether we can't come up with an amendment.



If it appeared that as a result of not having that legislation we were going to be in some disaster, that would be different. But we have come of age in the province; we have been here a long time and nothing [has] happened yet. There is no evidence whatsoever that there is any kind of trend. An awful lot of people of foreign extraction have come in and bought up farm land. They are farming and producing and are making this a better economy.

As far as being concerned about foreigners buying land, a lot of Canadians are perhaps buying land in the vicinity of cities and they have to deal with zoning regulations, the regional planning board and appeal board before they can subdivide it and sell it. So we have perfect control. You try to buy 40 acres just outside of Calgary. If you can't convince the planning appeal board that it is for agricultural purposes, they won't okay it. You can't buy it. An Albertan can't, let alone a foreigner. So I think we have adequate controls; adequate machinery to impose more controls.

I think the monitoring of seeing whether there is any kind of special ethnic trend or any kind of trend of buying by a particular country is wrong. We are creating a scare tactic situation which could not be justified, Mr. Chairman.

MR. TAYLOR:

Mr. Chairman, I have difficulty following an argument that we let something happen and then try to correct it afterwards. If something is wrong, why don't we prevent it from happening instead of going through all the machinery and the discrimination and the turmoil and the agony of trying to correct it after it has happened. If we don't have legislation like this and stronger, we are going to wake up one of these mornings and find out that a good bit of our country is not under the control of our country at all.

To say that a government can simply expropriate from certain people would be highly discriminatory. If that's going to take place it would have to apply to everybody in this country. To plan them out of business I think would be irresponsible, and I don't think that any responsible government would do that type of thing.

But what I'm worrying about is the concern of a great number of farm boys who are concerned, whose fathers are concerned, whose mothers are concerned because the prices are going sky-high, not by people who are coming in to farm the land but by corporations from other countries. That's why I say we want to know the motive for the purchase. Lkening this, with all respect to the hon. Member for Calgary Millican to the Hutterite Brethern is not comparable at all. The Hutterite Brethern are at least Canadian citizens who are living here, they're farming the land. These people are coming in, buying the land and leasing it back for the time being, and they're getting it in the name of a corporation.

I would like to know exactly how much land has been put in the names of corporations in this province in the last five to ten years. Is it being purchased? If it is, I think we have a lot to worry about. If the ugly rumors - and I think they're more than rumors because farmers are saying they're coming to their door and offering them \$300, \$400. Talk about a willing buyer. A man with farm land that is worth \$50 or \$100 or maybe \$150 an acre is suddenly offered \$400 an acre. Well it's almost impossible for him to refuse an offer like that.

But what does it do. What is it doing to our country. I'm saying, what is it doing to our young men who want to farm, the sons of farmers who want to buy land in the area. They certainly can't get money from the federal government, the provincial government or any bank to buy farm land at \$400 an acre. Because farm land can't produce the kind of crop to pay back \$400 an acre at 13 per cent interest. It just won't do it. No bank is going to lend you money on that type of thing.

So, Mr. Chairman, I strongly support this legislation. I think it should go further. The government should have the authority. Where they find the motive is ulterior, it should be stopped.

Now when a man from Germany or France or Italy or Romania or Japan comes over and buys a section of land and is going to farm it, his motive is fine. I can't see anything wrong with that. He'll become a citizen and so on. But when a corporation from another country comes in buys at exorbitant prices, I'm very suspicious that there's an ulterior motive. And I'm afraid that that motive is to get control of a vast amount of land. Then we can see what the market will bear. Then they'll get their money back under pretty severe circumstances that are going to affect all of our country. But the immediate effect is that there are a lot of fathers and mothers tonight worried that their sons [are] not going to be able to continue farming because of these exorbitant inflated prices that not individuals, but corporations are coming in to pay to farm the land.

I commend the government for bringing in this legislation. I certainly will not support holding it. I would support strengthening it and enlarging it but not holding it.

MR. LEITCH:

Mr. Chairman, there were a number of questions raised during the debate. As I listened, Mr. Chairman, I got the feeling that we must have hit this one about right. I think there were about half the members who spoke on the other side who said we've gone too far and about half who said we hadn't gone far enough.

MR. CLARK:

You don't always do that well.

MR. LEITCH:

It's pretty rare that we come out fifty-fifty on these things.

I'll deal first with the question of how we're going to store the information or what's going to be done with it once we've got it. One of the hon. members raised that as not being covered in the bill. It's not covered in the bill because - and I want to stress this now and will be stressing it again when dealing with one of the other points - this is an information-gathering system and precisely where the information will go and what group will be monitoring it and compiling statistics from it may change from time to time. So rather than put it in legislation, it will really be part of the administration process.

There were two points of principle, Mr. Chairman, raised during the debate. One was to the effect that we were really being discriminatory when we included a requirement for the disclosure of citizenship. The hon. Member for Calgary Millican and the hon. Member for Calgary Mountain View argued that that was being discriminatory and said that that is something governments should not do.

I very much agree with that principle, Mr. Chairman, and all I would say to the hon. members who argued that point of view [is] that I feel that their arguments on this particular point are misplaced. Remember, what they argued for is that you require the Canadian to disclose his citizenship, but not others. So they wanted to impose the requirement on Canadians that they disclose their citizenship, but other people didn't need to. Now ...

MR. DIXON:

On a point of order, Mr. Chairman, I'd like to correct the hon. Attorney General. If he agrees that we put on no citizenship at all, that will satisfy me. I'm not arguing that we take Canadian, Jewish, Israeli, German or anything else. I don't want the Attorney General to feel that is what I said. I certainly did not say that, Mr. Chairman.

MR. LEITCH:

Mr. Chairman, certainly the argument was raised on the other side that citizenship be a Canadian disclosure but not otherwise, merely non-Canadians; that they simply file a statement saying they're non-Canadians whereas Canadians would be filing a statement saying they are Canadians. That to my mind, Mr. Speaker, would be, in a sense, discriminatory against Canadians.

AN HON. MEMBER:

Right.

MR. LEITCH:

The second point, and I think this was the more significant one, was that there is good reason for us in this monitoring system to ascertain the nationality of corporations particularly that are purchasing, perhaps in wholesale quantities, land within the province. If we know the identity of the corporation it may give us some indication of what use we might expect to be made of the land. For example, corporations from one country may, by their past history, have an inclination to use land in a different way from corporations from another nation.

Also, when we have that information it will give us some indication as to whether we should make an effort to gather additional information about the purchases and about the intended use of the land. That point was made, I thought, very forcefully by at least two of the honorable gentlemen on the other side who spoke in support of it.

The second point about the bill, Mr. Chairman, that drew the attention of a number of the hon. members was Clause 4 of the bill, which provides that the Lieutenant Governor in Council may make regulations "exempting any class of persons from the operation of this section." The speakers who spoke in opposition to that read something sinister into that section. I wish to say to them, Mr. Chairman, that they must remember the purpose of this legislation. It is merely an information-gathering piece of legislation. It provides the mechanism for gathering information.

Now this is going to lead to a great deal of paper. It's going to lead to a great deal of paper being processed by the government. It's going to put the people who are required to file this statement to some trouble. We may well find, during the course of the administration of this amendment, that there are certain areas of information that we feel were not needed in order to make an assessment of the problem that we're concerned about and that has led to this bill. And that problem is, of course, the extent of foreign ownership of land within Alberta.

I also suggest that the hon. members who are concerned about that were reading more than is really intended in the phrase "class of persons" because they were thinking of an exclusion by race or nationality or something of that nature. That isn't, so far as I'm concerned, Mr. Chairman, the intention at all. We were there thinking of a class of buyer, if you like, such as the purchaser of residential property. We may find we don't feel there's any need to have information about citizenship in that area. There may be companies that are buying a great deal of land such as for rights of way of one nature or another. I appreciate, Mr. Chairman, that that's generally done by way of easement, but not always. We may find that isn't the kind of information that's going to be of any assistance at all to us in assessing the problem that has led to this bill. That's the kind of exception we have in mind in respect to Section 30.1(4).

The same is true to a lesser extent with respect to Section 30.1(5). We find we may wish to make an exception for charitable corporations, things of that nature. I want to close my comments on that point, Mr. Chairman, by stressing that this is merely an

information-gathering process to enable the government to assess the size and nature of a problem, and to then consider whether or not some restrictive action ought to be taken

Lastly, Mr. Speaker, the hon. Member for Wainwright, I believe, was critical of the change in appointments of certain officers of the Land Titles Office from the Lieutenant Governor in Council to the Attorney General in one case, and another to appointments under The Public Service Act. He suggested this was removing decision-making one step further from the Legislature. I simply want to say in response to the hon. member's criticism that, really, Mr. Chairman, the situation that exists now in Alberta - one that we inherited - is that just a tremendous number of people are appointed by the Lieutenant Governor in Council. There's simply no logical reason for having the Lieutenant Governor in Council do so. For example, all the court reporters are appointed by the Lieutenant Governor in Council. Bailiffs, all people with comparable positions throughout the rest of the civil service are appointed either by the minister in some cases or under The Public Service Act. This is merely one of the steps in the continuing process of removing those appointments from the Lieutenant Governor in Council to, in this particular instance, The Public Service Act. [This] is where they belong and where they are in respect to all other similar positions within the civil service. Those appointments are of course public through the civil service act and the procedures that are followed there.

Thank you, Mr. Chairman.

MR. WILSON:

I'm not quarrelling with the merits and the worth of a monitoring system or an information-gathering system and I'd like to thank the hon. Attorney General for explaining his viewpoints on Sections 30.1(3)(d), (4) and (5). But I would ask the Attorney General to think about a couple of points that I'd like to enlarge upon at this moment, Mr. Chairman.

This legislation is not only for the present government or the present Attorney General but future governments and future Attorneys General. I'm satisfied with the honorable intentions of the existing Attorney General. There's certainly no question about that. But this Section 30.1(4) and (5), and (3)(d) which leads into them certainly opens the door to unneeded pressures on an Attorney General and the cabinet. It opens the door to charges of favoritism and even of patronage and I don't think this is needed or required. I don't think that the legislation has to be prepared in such a fashion that opens the door to those charges. Certainly, Mr. Chairman, if the government doesn't acknowledge they are opening the door to those types of things in Section 30.1(3)(d), (4) and (5), then I must be led to believe they're selling something here that is back to the philosophy we see in considerable legislation this government introduces: centralization of power once again in the hands of the cabinet and in the hands of ministers - taking the legislative process out of the Legislature and centralizing it in the hands of one person or in the cabinet.

So, Mr. Chairman, the Attorney General was a little sensitive about some of the arguments regarding Section 30.1 (4). He said well, the people were reading things into it which weren't there. He gave an example of how he thought Section 30.1 (4) would apply. But you know, you get stung a couple of times and then you get suspicious, Mr. Chairman.

We were told that The Financial Administration Act, for example, was to mean one thing but we find it means quite something else again that was never suggested or discussed in these hallowed halls, Mr. Chairman. So I just would suggest to the hon. Attorney General that he not be too concerned about what our imaginations may read into some of the bills being presented because once you get stung you're a little bit more alert the next time around.

Anyway, Mr. Chairman, with the Legislature meeting twice a year any changes that need to be made should be made in the Legislative Assembly itself and not by the Lieutenant Governor in Council and not by the Attorney General. Now it seems to me that it wouldn't be of any great inconvenience to prepare any amendments to the bill which may be required at either the spring or fall sitting of the Legislature rather than pursuing this, I think, ill-conceived philosophy of centralizing the power in the hands of the cabinet or worse yet in the hands of one individual.

AN HON. MEMBER:

Hear, hear.

MR. BENOIT:

I'd like to ask again, who appoints the Registrar of Titles?

MR. LEITCH:

Mr. Chairman, the Registrar of Titles would be appointed under the provisions of The Public Service Act and in the ordinary course of events under that Act the position is advertised, there are applicants and there is a committee that reviews the applications and they then select the applicant.

Mr. Chairman, to respond to the comments [of] the hon. Member for Calgary Bow, I think he should approach Section 30.1 (4) by reading into it the widest possible meaning that the words will bear. What I want to stress again [is] that this is a much different provision than, say, a provision in some act saying that the cabinet or one of the ministers could exempt a certain class of people from the operation, say, of highway traffic rules or regulations. This isn't that kind of legislation at all. Nor even is it

the kind of legislation that gives the Executive Council authority to make regulations that people must comply with.

We must go back and when weighing the significance of those sections look at the purpose of the legislation. The purpose is solely for an information-gathering mechanism. It may well be, as we move along to this thing, we will find that there are a great number of areas where it's pointless to require this information because it isn't going to be of any assistance in assessing the extent of the problem, if indeed it be a problem, that has led to the passing of this information-gathering system. It's an entirely different concept here than if one were talking even of the making of by-laws, the making of regulations by the Executive Council which impose duties on people or exempting people from the operation of certain laws. We're dealing with an entirely different situation here. It's not one that you can detail in any precise way in advance. It's simply one that as we work through the system, as we're processing the information that comes in, we'll have to decide the extent of the information that is needed. We may find, as I indicated earlier, that we want to exempt certain classes of property owners from complying with it because the information they may be able to give us is of no value.

MR. WILSON:

Mr. Chairman, I appreciate the further explanation from the hon. Attorney General. But if this is an information-gathering system, let's make it a complete system, until the hon. Attorney General can stand up in this Legislature and tell us why it doesn't need to be complete, and what classes of purchasers of properties we don't need the statistics on.

He says that we may not need it for this, that or the other classification of property or people. Until he can tell us explicitly what he means about which class of property or person he doesn't need the information on, or the monitoring system isn't required for, then let's include all classes. Let's make it a proper information-gathering system until there is evidence and there is a need to exempt part of it. Just to say that we may not need it is fine. If we may not need it for one specific class of property or person, let the minister come back to the Legislature and amend the legislation where it can be debated and everybody knows what's going on. Never mind this Tory policy of tortured powers in the hands of the cabinet or one minister even.

AN HON. MEMBER:

Hear, hear.

MR. LUDWIG:

Mr. Chairman, I wish to support the hon. member, Mr. Wilson. I wish to make one additional point.

The hon. Attorney General was very quick to point out that there may be good reason for this kind of legislation, but he didn't tell us that the use to which this section can be put is unlimited; that they've got powers here that they're not going to need. I agree that we can always come back here; and there is not going to be such a tremendous flurry of purchases that this thing can get out of control, and the cabinet must make regulations to exclude some people from this. It doesn't happen all that fast, and if disaster is impending then he can call a special session of the Legislature. But these are broad powers. Anyone can get to any member of the cabinet and sell them a bill of goods and say this class or group ought to be exempt.

Now whose right is it to legislate. There is legislation on our books now where the cabinet has a right to suspend legislation. In a way this is it. We've made a tremendous case for needing this kind of legislation but then he said, but, just in case we don't need it in many instances, or maybe in most instances. In fact, the cabinet can blow hot and cold. They can restrict this, they can waive this requirement. They can waive any part of this legislation if it suits their purpose one day, and the next week or the next month or two months later, decide that another group of people that fits into the classification that was exempt before, will now not be exempt.

If that is the only way they can go, maybe it is the easiest way to legislate. But I think the Legislature has a responsibility not to grant the Lieutenant Governor in Council, in other words the cabinet, powers that it does not need. And his assurance that it will not be used to anyone's disadvantage is not good enough. It has to be built into the legislation. We've been caught where if we go along with this kind of legislation, the day will come in this session, in this House, where we will not need to debate any more budgets. We will have legislated that right away from the members here.

It would be interesting to incorporate into the debate here, some of the things that the Conservative members are saying in Ottawa to this kind of thing. Maybe it is an adversary system of politics, but so it is here. A lot of those people are very experienced parliamentarians and they're concerned about these things. One wouldn't want to say that they're politicking and they're frivolous and nothing else. They're standing on guard to see that the executive council does not end up running the country as it wishes to.

We've lost a certain important principle in democracy in the spring session by giving the cabinet the right to suspend all kinds of legislation. This is not good. If they show that there is absolutely no other way and it's an urgent matter, we'll be reasonable. But a very poor case has been made for the legislation to begin with, and then he states but if problems are created, we could exempt them. But it doesn't say in the legislation that if we have particular problems arising where we don't want to clutter up the information-gathering system, or if we have friends who are sensitive about their ethnic

background or their nationality, they might get to the government through one way or the other, so we'll exempt them. The government can do this under this legislation, and it will be extremely discriminatory if for instance they decided if anybody buys a lot or a plot or a section we will exempt him and find out that one man bought 20 sections, under these exemptions, one at a time.

So I don't think it's good and I think that the powers requested here are unnecessary and the government has not made a case for continuing Section 30.1 (4) and possibly Section 30.1 (5), but Section 30.1 (4) in particular. They are seeking the right to play with this legislation and I firmly object to it, Mr. Chairman.

MR. NOTLEY:

Mr. Chairman, listening to the hon. Attorney General make the case for Section 30.1 (4), I couldn't help but feel in a way, whether knowingly or not, that he was downgrading the importance of this act by talking about "this is an information-gathering system." Well, Mr. Chairman, I think that's a pretty important thing to have at this stage of the game and presumably this is the reason why the Legislature itself is grappling with this act in the first place. It's because it is vital that we have a monitoring system. Now, as one of the other members pointed out, if you are going to have a monitoring system let's have it as comprehensive as possible.

If in the experience one gains once this system is in operation it appears that there is unnecessary paperwork - the fact of the matter is that with two sessions of the Legislature a year it is not unreasonable to bring in an amendment which no doubt would pass very very quickly if the case can be made that certain types of corporations or certain people just simply don't need to come under the provisions of this act. Fair enough, but let the Legislature make that case.

It seems to me that for the Executive Council to be able to suspend the application of this act, even if it is in a monitoring sense, it is nevertheless suspending the application of this act in that sense. The case has to be made very clearly that the public good demands the Executive Council having that sort of authority.

Mr. Chairman, I just don't think that case can be made when we meet twice a year. As the hon. member for Calgary Mountain View said, it's hardly the most difficult thing in the world if need be to call a special session of the Legislature. It's not going to upset us all that much if the bureaucracy or the administration of this act were so difficult or so frustrating that it necessitated that sort of unlikely event. But, Mr. Chairman, I think as much as possible the Legislature should be making the decisions in this area.

I note already that in Sections 3 (a) and (b) we're talking about where the purchaser is, and then we classify two areas where this act will not apply. Fair enough, I can understand the reasons why the act does not apply in that case, and it's something which we as the Legislature are saying won't apply. If we're going to go beyond that, Mr. Chairman, I would argue that that decision should be made by the Legislature and that the efficiency of the administration is not [so] vital that we should abdicate any of our legislative responsibilities and delegate them to the Executive Council, unless a case can be made which is so clearly demonstrable that it is necessary to have that kind of power. With great respect for the fluency and the usual persuasiveness of the hon. Attorney General, I don't think he has made that case.

MR. DIXON:

Now, Mr. Chairman, there are one or two remarks I'd like to make. I'm very disappointed that the hon. Minister of Agriculture, or someone over on the opposite side who is very familiar with the farming and agricultural use of land in Alberta, hasn't come up and given several reasons to help the Attorney General sell this bill to some of the members here who happen to be from city ridings or who may not even have the problem in their particular riding. I don't think there has been a shred of evidence before this House that there is a lot of purchasing of land which would create the excitement that this bill has apparently brought about.

If we want to take a lesson from history, all we need to do is to look at the province of British Columbia. They had this same argument: we've got to monitor all the multinational companies; we've got to monitor the corporation farmers; we've got to monitor the large farmers; we are going to do something about it. Well, you know what they did about it. They decided they were going to put in their land act. And who were the people who were marching on the legislature? It wasn't developers. It wasn't the so-called foreign buyers. It was their own farmers. Now all this legislation is going to lead to is the type of legislation that was brought in in British Columbia.

If we are going to be honest, why don't we tell the farmers of Alberta we are going to limit what a person can pay for a farm in Alberta. That is the only way you are going to be able to protect the small farmer or the young son who wants to get into business if this is the argument. I would like to hear from the other side some evidence, even a shred of evidence, that this is a problem and that these people who are buying this land have disrupted our agricultural land, that it is not being farmed, or just what the problem is.

But I have had no evidence which would indicate to me that I should vote for this bill in its present state. I haven't heard a good argument yet. If somebody could give me one then I might change my mind, but I think we are just pushing something that doesn't exist. I hope that somebody from the other side will explain, where they have run into the

problem of this type of ownership, why the nationality of a particular person is making it a hardship to operate a farm in Alberta.

MR. TAYLOR:

Mr. Chairman, I just want to say one or two words in connection with Sections 4 and 5. I think that if a person had never had any experience in administering legislation this could be a real worry. I am not really worried about it because it's confined to this one section.

The one thing I do like about it is that it may well prevent a lot of our citizens from being put to a lot of nuisance paperwork. For instance, in the legislation:

The Registrar shall refuse to register any transfer ... unless ... accompanied by ... a statement ... [or] ... that each transferee or purchaser who is an individual ... who will hold his interest in the land beneficially ... not as a trustee ...

I'm just wondering why we want to put our own citizens, who are Canadian citizens, who have lived in the province for a long time, to this extra inconvenience and extra expense.

I could certainly eliminate that type of thing and I think it is wise to do so. Because if it isn't done, somebody will come to me and say, how come I have to do this when I have been in this country longer than you have and I am a citizen, and so on. And of course, the MLA immediately has to start explaining and trying to find out why this particular person had to do such and such a thing.

What we are trying to get is the names of those who are foreign corporations particularly. To make the section so broad that it will include everybody, and then put a section in to make it possible to eliminate some, may be the answer. But I find, when a bill is passed and there is a lot of nuisance legislation in it, that the MLA and the minister have to do hours of explaining unnecessarily.

I do think that in good administration there should be some provision so that items that are found to be of nuisance value only can be eliminated. If it is that type of thing that's of interest, then I am not really worried about the legislation at all.

If there was any thought in my mind that the Lieutenant Governor in Council would use this to exempt, say, a corporation from an Arab country which came in and said, you don't have to comply, then I'd be very very worried about it.

For the life of me, the government has brought in this legislation to try to find out what is happening. I want to know what is happening. I don't want to know what is happening among our own citizens. I want to know what's happening among foreign corporations. How many foreign corporations are there. How much land are they buying, and so on. That's the thing I'm concerned about. That's the thing my people are concerned about. I don't want to put our own people to a whole lot of rigmarole in order to get that. I'd like to get that information as directly as possible.

MR. CLARK:

Mr. Chairman, I'd like to make just two or three comments.

I can appreciate very much the point made by the Member for Drumheller, especially if the monitoring had been in effect for a period of time. I would ask the Attorney General to look at the Sections 30.1 (4) and (5) and as far as that goes (3)(d). Also from the standpoint that after the Alberta Land Use Forum has finished its work - I understand it will be making recommendations in the fall or the winter of 1975 - it will be making recommendations dealing with the whole question of land use in the province. It seems to me the information we should have available for the members of the Legislature and for members of the government at that particular time should in fact include all the results of this monitoring.

If this suggestion of giving the power to make these exemptions was coming forward after we had had this monitoring in effect for a period of time, I could be much more sympathetic to Sections 30.1 (4) and (5). But given the fact that we're starting the monitoring, and any legislation that would be introduced later on would have to be based on the monitoring done as a result of this particular amendment to The Land Titles Act, Bill No. 63, it seems to me we should have the information as complete as possible. So it's for that particular reason that I'd like to ask the Attorney General if he would be prepared to hold Section 30.1 (4) or hold this particular bill and especially subsections (4) and (5).

We have sent out copies of this bill to a number of individuals who have expressed interest in it. We haven't had a chance to get their complete reaction. If we could hold it until perhaps two or three days from now as far as subsections (4) and (5) particularly are concerned, we would be in a position to better reflect to the Legislature I think the kind of feedback we've received.

I'd like to make the point once again that from my own particular stand I think it's essential we have all the information [on which] to base any future legislative action. For that reason I'm inclined to say I think we should take subsections (4) and (5) out. But if we could hold it for perhaps two days until we get the benefit of some outside action I'd appreciate that very much. Is that possible?

MR. HYNDMAN:

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

MR. CHAIRMAN:

Is it agreed?

HON. MEMBERS:

Agreed.

[Mr. Diachuk left the Chair.]

\* \* \* \* \*

[Mr. Speaker resumed the Chair.]

MR. DIACHUK:

The Committee of the Whole Assembly has had under consideration Bill No. 63, begs to report progress on same and asks leave to sit again.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. HYNDMAN:

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

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 10:33 p.m.]

