

LEGISLATIVE ASSEMBLY OF ALBERTA

Tuesday, May 27, 1975

[The House met at 2:30 p.m.]

PRAYERS

[Mr. Speaker in the Chair]

INTRODUCTION OF BILLS

Bill 27 The Department of Government Services Act

MR. SCHMID: Mr. Speaker, I beg leave to introduce Bill No. 27, The Department of Government Services Act. This being a money bill, His Honor the Honorable the Lieutenant-Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

Mr. Speaker, the bill will consolidate the different divisions and branches from other departments providing service to all government departments for the benefit of all residents in Alberta.

[Leave being granted, Bill 27 was introduced and read a first time.]

INTRODUCTION OF VISITORS

MR. MOORE: Mr. Speaker, I would like to take this opportunity to introduce to you, and through you to the members of the Assembly, some six participants in the Korean trainee project. They are Mr. Sang Kee Chee, Mr. Wan Hoon, Mr. Dai-Ook Kang, Mr. Young-Bel Kai, Mr. In Soo Oh, and Mr. You Sick Yoon. They are accompanied, Mr. Speaker, by three people from Alberta Agriculture: Mr. Ness, Mr. Presber, and Mr. Taylor.

This, Mr. Speaker, is an expression of the excellent relationship developed between Korea and Alberta as a result of efforts by the Deputy Premier and the Alberta Export Agency in achieving a sister relationship between Korea and the Province of Alberta.

These individuals, Mr. Speaker, are seated in your gallery, and I would ask that they be recognized by the Assembly.

MR. ADAIR: Mr. Speaker, it's my pleasure to introduce to you, and through you to the members of this Assembly, some 23 students from Grades 5 and 6 at the Paddle Prairie school in an area affectionately called "God's Country", up in the Peace River country, 35 miles from High Level. I would ask them, along with Mr. Martyn Kitson, Mrs. Marion Kitson, Mrs. Julia Auger, Mrs. Alice Poitras, and Tommy Parenteau, their bus driver, to stand and be recognized by this Assembly.

MR. LITTLE: Mr. Speaker, it is my pleasure to introduce to you, and through you to the members of this Assembly, 45 Grade 7 students from Colonel Walker school in my constituency. They are accompanied by their principal, Mr. Yeomans; teachers, Mrs. Gauley and Mrs. Rielly; and by members of the home and school association: Mrs. Campbell, Mrs. Parsons, and Mr. Lehmann. They are in the gallery to my right.

You will also observe the handsome young man in uniform, Constable Barry Davis of the Calgary city police. Barry's presence clearly demonstrates the exceptional relations between the police and the public in Calgary.

MR. LYSONS: Mr. Speaker, it's my pleasure today to introduce to you, and through you to the members of this Assembly, 60 Grade 9 students from the Viking High School, along with their teachers, Mrs. Hansen and Mr. Baldwin. Would they please stand.

TABLING RETURNS AND REPORTS

DR. HORNER: I'd like to table a return to Question 106, requested by the hon. Member for Drumheller.

MR. KOZIAK: Mr. Speaker, I'd like to table a reply to Question No. 113, put on the Order Paper by the hon. Member for Drumheller.

MR. FARRAN: Mr. Speaker, I beg leave to file the annual report of the Solicitor General, and to table the first annual report of Alberta Check Stop.

ORAL QUESTION PERIOD

Gasoline Retailing

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Premier. The question results from a telegram sent by the Esso dealers across western Canada to the Prime Minister and the Premiers of the four western provinces.

I'd like to ask the Premier, first of all, if he's received the telegram and, secondly, if he's in a position to indicate to the House whether the government is prepared to consider the request to immediately legislate oil companies out of the retail business?

MR. LOUGHEED: Mr. Speaker, the telegram has not come to my personal attention. When it does, I'd be happy to take notice of the hon. leader's question and respond.

MR. CLARK: A supplementary question, Mr. Speaker, to the Minister of Business Development and Tourism. Was the minister successful in arranging a meeting between the four major oil companies and the retailers' association?

MR. DOWLING: Mr. Speaker, there was no attempt to arrange a meeting between the four major oil companies and the dealers' association. There was a successful attempt to arrange a meeting between officials of the Department of Business Development and Tourism, and representatives of the ARA, as well as meetings between our departmental officials, myself, and members of the managing section of the various major oil companies.

We've had one of those meetings thus far, Mr. Speaker. There are others in the offing. I wouldn't be able to report on the findings of those meetings for some time.

MR. CLARK: Supplementary question to the minister. Has the minister received a request from the ARA that he use his good auspices to arrange a meeting between the ARA and the four major oil companies?

MR. DOWLING: Mr. Speaker, that topic was broached at our initial meeting with the ARA. They indicated to me that the major oil companies were not interested in meeting the ARA representatives en masse, or the major oil companies together were not interested in meeting the ARA members. However, we indicated to them and committed ourselves to meet with the managerial staff of the major oil companies. We are in the process of doing that.

MR. CLARK: Further supplementary, Mr. Speaker, to the minister. Has the minister attempted to arrange a meeting between the ARA representatives -- let's say, for example, the Esso representatives on the ARA executive and the officials of Imperial Oil, or Shell . . .

MR. DOWLING: No, Mr. Speaker. I can't recall that request having been made to me or members of our departmental staff.

MR. CLARK: Further supplementary to the minister, just to clarify the answer he's given. Is the minister reporting to the House that he was not requested by the ARA to organize a meeting between the ARA and the four major companies, with the minister chairing it or using his good auspices?

MR. DOWLING: Mr. Speaker, what I am saying, and have said before, is that we committed ourselves as a department to meet with the major oil companies regarding the ARA issues, and the things about which they have some difference of opinion with the oil companies. That is in the process of being accomplished. As I indicated, Mr. Speaker, we have had meetings with members of the ARA both on a private basis and a formal meeting in my office with the president, vice-president, and their secretary-manager.

MR. CLARK: Mr. Speaker, a further supplementary question to the minister: Why would the minister not arrange a meeting between the ARA representatives and the representatives of the four major companies?

MR. DOWLING: Mr. Speaker, we are arranging meetings to achieve what we feel is the best possible solution to a major problem the ARA members appear to have. I don't know that we should be considering arranging meetings between the ARA people and the companies. That surely is their responsibility.

MR. CLARK: Mr. Speaker, could I ask the minister if the government is giving consideration to the development of a licensing agency which would determine the criteria for placement of new additional outlets?

MR. DOWLING: Mr. Speaker, on that very subject, I would suspect the municipal governments do have some responsibility.

MR. CLARK: The province has more.

To rephrase the question to the minister: has the government under consideration at this time a licensing mechanism or procedure that new applicants for gasoline outlets in Alberta would have to go through before new stations could be developed, either by the companies or by private dealers?

MR. DOWLING: No, Mr. Speaker.

Police Identification

MR. CLARK: Mr. Speaker, I would like to direct the second question to either the Attorney General or the Solicitor General. It's dealing with the matter of city police in Edmonton not wearing means of identification. Has the Solicitor General's department taken any action or had any discussions with the City of Edmonton police force on this particular matter?

MR. FARRAN: Mr. Speaker, I saw the report today but have not communicated with the Edmonton city police. Of course the Edmonton city police is administered under local autonomy by its own police commission. I will raise the subject with the chairman of the Edmonton Police Commission.

Bonnyville Indian & Metis Rehabilitation Centre

MR. GHITTER: Mr. Speaker, my question is to the hon. Minister of Social Services. I'm wondering if the hon. minister would advise the House whether the dispute between the Alberta Alcoholism and Drug Abuse Commission relative to the Bonnyville Indian & Metis Rehabilitation Centre has been resolved?

MISS HUNLEY: I can't specifically advise the House that it has been irrevocably solved to the satisfaction of all parties. I believe it has, but I would have to check with the Alcoholism and Drug Abuse Commission to find out for sure.

MR. GHITTER: Supplementary, Mr. Speaker. I'm wondering if the hon. minister has had an opportunity to examine the contract the Alberta Alcoholism and Drug Abuse Commission wished the rehabilitation centre to sign?

MISS HUNLEY: No, I have not, Mr. Speaker.

MR. GHITTER: Supplementary, Mr. Speaker. I'm wondering if the hon. minister would kindly provide a copy of that agreement to the House? Or would there be a way we could look at that agreement?

MISS HUNLEY: Perhaps the hon. member would put it on the Order Paper, and I'd be pleased to provide it.

DR. BUCK: Maybe you could ask the caucus.

ERCB Reports

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Energy and Natural Resources. Atomic Energy of Canada Limited is interested in establishing a heavy water plant in Medicine Hat and a spinoff from the ammonia plant.

My question is: does the government agree with the statement in the ERCB report of May 12 that it would be beneficial to Alberta to have a heavy water plant located in this province?

MR. GETTY: Mr. Speaker, I have not had an opportunity to assess the implications, benefits, and otherwise of a heavy water plant in the province. I would certainly be glad to do so in the continuing review of matters that face the Department of Energy and Natural Resources, and respond to the hon. member when I've had that opportunity.

MR. MANDEVILLE: Supplementary question, Mr. Speaker. Have officials of the Alberta Energy Company had discussions with Atomic Energy of Canada concerning possible financing for the proposed heavy water plant in Medicine Hat?

MR. GETTY: There are two questions, as I understand it: whether the Department of Energy and Natural Resources has had discussions with Atomic Energy of Canada and, secondly, whether the Alberta Energy Company has. Having to do with the department, I would have to tell the hon. member I personally have not. I would have to check with the deputy minister to determine whether any of those people in the department may have had discussions with Atomic Energy.

As for the Alberta Energy Company, Mr. Speaker, I would have to see whether there is any indication to my department that they have been discussing the matter. However, I'd caution the hon. member that the Alberta Energy Company on its own may discuss matters such as this with virtually any interested parties having to do with commercial ventures.

MR. MANDEVILLE: One final supplementary question, Mr. Speaker. Have there been any further decisions made on the three applications for the ammonia plants in the province, or has there been any timetable established as to when these decisions will be made?

MR. GETTY: Mr. Speaker, I've discussed this matter in the House previously. The recommendations from the Energy Resources Conservation Board to the Executive Council are now being assessed by an interdepartmental committee of the various interested departments in the government. They will be considered before cabinet committees of the government. The Executive Council will then have the applications before them to determine whether they should be approved, and if they are approved, under what conditions.

Hail Suppression

DR. WEBBER: Mr. Speaker, I'd like to direct a question to the hon. Minister of Agriculture. Does the firm of Ervin P. Cricke & Associates have a contract with the Alberta government for the purpose of hail suppression in certain parts of southern Alberta?

MR. MOORE: Yes, Mr. Speaker, I believe they do with respect to the Alberta Hail Project field program. In answer to some questions posed by the hon. Member for Drumheller, I will be making available later today copies of the entire program for this year, with a review of the results of the program during the course of the past year.

DR. WEBBER: Supplementary, Mr. Speaker. I would like to ask the hon. minister, what is the status of the hail study group which has been located at Penhold for a number of years? Do they have a contract with the Alberta government as well?

MR. MOORE: Sorry, Mr. Speaker, I didn't catch the name you referred to.

DR. WEBBER: Mr. Speaker, I'm referring to, I believe, a McGill University study group which was located in Penhold for a number of years for the purpose of carrying out research with respect to hail suppression. I'm wondering if this same group has a contract with the Department of Agriculture at the present time?

MR. MOORE: Mr. Speaker, not that I'm aware of. As members of the Legislature may recall, after the select committee of the Legislature which reviewed the provisions of the Alberta Hail and Crop Insurance Corporation and weather modification during 1972 reported, the recommendations were to the effect that an applied practical program be amalgamated with a research program in further funding that was made available by the Alberta government with respect to hail suppression and hail studies. To my knowledge that is now being carried on under the umbrella of one program which is administered by the Interim Weather Modification Board.

St. Albert School Board

MR. JAMISON: Mr. Speaker, I'd like to direct a question to the Minister of Transportation. With your permission I'd like to read a resolution from the school board in St. Albert. It quotes that the board write to the Department of Highways . . .

MR. SPEAKER: Possibly the hon. member might be creating an awkward precedent which might often be followed. Perhaps he could come directly to the question.

MR. JAMISON: Thank you, Mr. Speaker. My question is to the Minister of Transportation. Following a resolution of the Town of St. Albert to the Department of Highways, I wonder if the minister could comment on the department's decision as to whether they would make changes in school bus stops in the urban areas, similar to those in rural areas?

DR. HORNER: I haven't seen the resolution as yet, Mr. Speaker, but we would certainly give it consideration. One of the high priorities we have is to resolve some of the increasing transportation difficulties between St. Albert and the city.

Simpson Timber Company

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Energy. Has Simpson Timber Company begun harvesting timber in the Whitecourt timber development area at this time?

MR. GETTY: Mr. Speaker, I couldn't answer the hon. member factually as to whether the operation has actually commenced, but I'd certainly take notice of his question and reply to him tomorrow.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Has the government exercised its option to buy 40 per cent of Simpson Timber Company stock?

MR. GETTY: No, Mr. Speaker.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. In light of yesterday's announcement of a DREE grant of \$2.3 million to Simpson Timber Company, will this alter any government plans to purchase those particular stocks?

MR. GETTY: Mr. Speaker, I'm sure it would be a factor that would be considered by the government in any decision as to whether or not to exercise the option.

Death of School Trustee

MR. BATIUK: Mr. Speaker, my question is directed to the Minister of Education. Could the minister advise whether he has sent, or intends to send, condolences to the family of the late Jack Ware, who has made an invaluable contribution in local government? Mr. Ware served continuously for 43 years as a school trustee.

MR. KOZIAK: Mr. Speaker, I'd like to thank the hon. Member for Vegreville for bringing this sad event to my attention. I'd be more than pleased to do so, and in my letter could add the condolences of the members of this Assembly if they wish.

HON. MEMBERS: Agreed.

St. Albert Trail

DR. BUCK: Mr. Speaker, I'd like to address a question to the hon. Minister of Transportation. I'd like to know if the hon. minister has had any discussion with the Town of St. Albert regarding the unsafe condition of Highway 2, which runs through the town?

DR. HORNER: As I answered in a previous question, Mr. Speaker, the whole problem of transportation between St. Albert and the City of Edmonton has to be of the highest priority because of the density of traffic on that road at the present time. But it does tie into the total approach to highways in the city, and access in and out of the city. Another question is whether or not to go ahead with what's called the northwest freeway to give an additional access.

We hope we would be approaching some resolution of those decisions. As I said earlier, it's one of the high priorities.

DR. BUCK: Mr. Speaker, a supplementary. In light of the two fatalities that occurred over the weekend in that area, can the hon. minister indicate to the House if the hon. minister's department has studied by-passing St. Albert entirely with rerouting?

DR. HORNER: Yes, Mr. Speaker, we have. When I refer to the northwest freeway, that's in essence what it is: a road that would connect with Highway 43 at or about Onoway, cross to and by-pass St. Albert, and come in on the east side of St. Albert.

MR. YOUNG: A supplementary, Mr. Speaker. I'm not sure whether I understood the hon. minister correctly. Is he acknowledging that the highway may be unsafe, as I believe the question implied originally, or is he suggesting the capacity of the highway is being attained?

DR. HORNER: Well, Mr. Speaker, I would suggest that the capacity is being attained. Perhaps I might say there is an unsafe factor in any highway, particularly with the drivers we have on the road.

Coal Royalties

MR. TAYLOR: Mr. Speaker, my question is to the hon. Minister of Energy. Is the government considering an increase in royalty on coal in the immediate future?

MR. GETTY: Mr. Speaker, the government presently has an assessment under way on the matter of royalties on coal. It's my feeling no new mines will be started under the old coal royalty, and that we will attempt to have a decision made on a new royalty system for coal as quickly as possible.

MR. TAYLOR: A supplementary to the hon. minister. In the study of the assessment of royalties on coal, would the matter of whether the coal was lignite or bituminous be considered, and whether the coal was going to be used domestically or industrially in the province, or be exported? Are those factors part of the consideration?

MR. GETTY: They are matters that are part of the consideration, Mr. Speaker, but not necessarily matters which will sway the final decision. In addition, consideration is being given to the various reclamation problems that certain coal mines have to face. Those might also be considered in developing a royalty system.

McMahon Stadium

MR. GHITTER: Mr. Speaker, my question is to the hon. Minister Without Portfolio, Mr. McCrae. Could the hon. minister advise whether he has received any advice that the federal government has removed a \$50,000 grant to support the cost of the artificial turf at McMahon Stadium in Calgary?

MR. MCCRAE: No, Mr. Speaker, I have received no advice on that matter to date.

MR. GHITTER: A supplementary, Mr. Speaker. I'm wondering if the hon. minister would investigate this situation and, if it be the case, find out why they are removing the grant in light of the fact they have already supported two stadiums in eastern Canada with a similar grant?

MR. MCCRAE: I certainly would, Mr. Speaker. I thank the member for bringing this to my attention. I will report back to him.

Highway Safety

MR. YOUNG: Mr. Speaker, to the Minister of Transportation. In view of the statement that the highway is unsafe because of the unsafe drivers on it, I wonder if the minister could advise what new initiatives he and the Solicitor General, or he independently of the Solicitor General -- anyway, the government -- may be undertaking to remove some of the unsafe drivers?

DR. HORNER: Mr. Speaker, I wouldn't want to be misinterpreted. I would like to say though [interjections] that the entire question of highway safety is an important one that all of us are going to have to address our minds to. In addition, the question of safety on a highway is surely related to the density of the traffic on that highway and, indeed, in certain cases to the engineering. We hope we would continue to expand our knowledge about the factors involved in highway safety and in isolated accidents particularly. We would continue to do that.

Power Towers

MR. CLARK: Mr. Speaker, I would like to direct a question to the Minister of Agriculture, and ask when he will be in a position to table in the House the work done by his department on the question of above-ground installations and power towers. The hearings were held last fall. Has he received the report from the Surface Rights Board, and when will he be making that information available?

MR. MOORE: Mr. Speaker, I'm not sure if the hon. member is referring to a commitment to look into the provisions of moving power lines or . . .

MR. CLARK: Just a word of explanation, Mr. Speaker. The public hearings were held last fall dealing with the question of compensation to farmers and others for above-ground installations. My particular interest was in the area of power towers on agricultural land, and the compensation farmers might receive for that.

MR. MOORE: Mr. Speaker, that is a matter on which I do have a interim report at least. I have under consideration at the present time whether any legislation would be required. If that is the case, I would expect it will most likely be brought forward in the fall session of the Legislature, but not during this session.

MR. CLARK: Supplementary to the minister. Is the minister in a position to indicate to the House when he'll be getting a final report, and if that final report could be released? I'm sure there were over 200 people at the hearings in Red Deer, and there were hearings held in many areas across the province. Is the report going to be made public?

MR. MOORE: Mr. Speaker, without first having had an opportunity to review the contents of the report, I would not be able to make a commitment with regard to it being made public. But I will say to the hon. member that I will check into the matter and see if, in my determination, it can be made a public document.

MR. CLARK: A supplementary question to the minister. What reasons would there be for not having it made a public document? There were public hearings.

MR. MOORE: Mr. Speaker, I have not yet had the opportunity, and will not until after I've received it, of reading the entire contents of the report. Without having read the contents of the report, Mr. Speaker, I cannot make a commitment to table it in the House or to make it public.

MR. CLARK: Open government.

AHC Surveys

MR. YURKO: Mr. Speaker, in the latter part of last week, on a day that I felt particularly enlightened, I was asked a question about Alberta Housing surveys. I indicated that I would bring the answer to the House. If I might be permitted, I would like to give the House the answer to the surveys.

The surveys are an ongoing function of the policy and program development section of the Alberta Housing Corporation and have been going on for four years.

I might indicate that the Alberta Housing Corporation is run by a board of directors responsible to the House through the Minister of Housing and Public Works.

They have been expanded somewhat this year prior to March 26, to assist in the detailed implementation of recent new program announcements, to further clarify actual needs for particular forms of housing, and to closely monitor the Fort McMurray housing situation.

Planning for the summer survey programs occurred during the early months of 1975. The actual surveys began on May 1, 1975, and are expected to conclude by September of 1975. These are the specific ones.

The surveys now being conducted include the following provincial surveys under way in most towns and cities in Alberta excluding Edmonton and Calgary where other sources are available, generally from Central Mortgage and Housing. The surveys being conducted are: apartment-vacant surveys where the apartment owners are contacted, annual residential land-inventory surveys where the municipalities are contacted, senior citizens surveys where the individual senior citizens are contacted, and a housing survey for residents. A 10 per cent sample of residents in a municipality is contacted in this regard.

In addition, of course, we're conducting special surveys in Fort McMurray with respect to future housing needs. We're contacting the realtors in regard to houses for sale, the builders and the developing agencies in the area. The dealers of factory-produced and mobile homes are contacted. A condominium survey is being made, and several other surveys are being done in the Fort McMurray area.

I might indicate that individual names are not recorded on the resident surveys. The senior citizens survey records the name of the senior citizen because the people surveyed are usually seeking Alberta Housing Corporation assistance in providing accommodation.

This is the one place the names are recorded. Names of apartment owners, mobile home dealers, builders, developers, realtors, and companies requiring assistance to house their workers are recorded.

All information collected is regarded as confidential. However, the information will be compiled later this summer, and summaries will be made available for the general public and the House in such a way that there will be no possible identification of the person being surveyed. This is in accordance with what the Premier indicated to the House.

A question was asked, Mr. Speaker, as to whether we can table the forms being used. I have a sufficient number of forms to table in the House today, an indication of the areas being surveyed, and a short summary of each survey being conducted.

MR. R. SPEAKER: Mr. Speaker, a question to the minister, just for clarification. I believe the minister indicated the surveys were initiated as of May 1, 1975. Would this mean that no interim reports were given to the minister or any member of government, prior to March 26, 1975?

MP. YURKO: Mr. Speaker, that's not exactly correct. I indicated that part is ongoing surveys. In fact, the surveys were planned prior to March 26 in anticipation of the major new policies being announced by the government. The implementation phase of this intensive survey started on May 1, because that's when the students were available.

Check Stop Program

MR. FARRAN: Mr. Speaker, on May 21 the hon. Leader of the Opposition put a question to the hon. Premier about the steps being taken to reinforce Alberta's Check Stop program. The hon. Premier promised that upon my return I would elaborate on his positive answer.

The Check Stop campaign operated by the Solicitor General is promotional support to police forces administering the physical check stops. From the outset, it has been understood that police activity is purely voluntary. There's no way the government would attempt to force the various police forces into carrying out check stops, let alone increasing their numbers, although in fact they have.

However, the government decided last year that the first year of operation had shown the program to be sufficiently successful for the campaign to be continued indefinitely and for more money to be made available for promotional support. Three hundred thousand dollars was allocated to this program, which commenced at the start of this fiscal year.

The campaign this year covers television, radio, newspaper, outdoor advertising, posters at points of sale, and general promotional support aimed at reaching the drinking public. Unlike the first year, there will be very few weeks in the year when there is no promotional support in the media.

The present thrust is to aim at what might be called the beer parlor clientele. An outline of the program was presented to all police forces in the province prior to production and received unanimous enthusiastic support. This was shown from chief constables right down to line patrolmen. The RCMP have consistently maintained a high number of check stops since the introduction of the campaign. Calgary city police stepped up their involvement in the program in November 1974, have been maintaining regular activity since that time, and have promised to undertake numerous Check Stop locations in the city each week.

I have recently been speaking to Chief Lunney of the Edmonton city police in regard to their activities, and he has promised that now, and in the future, regular check stops will be stepped up in the Edmonton jurisdiction. The force has stepped up its activities in anticipation of the new law enforcement grants which were recently announced by the government. He promises there should be a significant number of check stops in his reports later in the year.

The Check Stop advertisements said, this year we're out to meet 500,000 drivers, and went on to say that last year some 350,000 Albertans were stopped at the side of the road in a check stop. This is a planned increase of 43 per cent and was agreed to prior to the announcement of the new law enforcement grant, more details of which I'll be giving later during the session. It should be possible for the police to increase to that figure. The 24-hour option is being advocated for borderline cases.

Gasoline Retailing (continued)

MR. CLARK: I'd like to go back to the question I asked the Minister of Business Development and Tourism at the start of the question period, just to be sure I didn't misunderstand him.

I'd like to ask the minister if the government is considering any regulatory agency which would determine criteria for the establishment of new gasoline outlets in Alberta?

MR. DOWLING: Not at this time, Mr. Speaker.

MR. SPEAKER: Referring to the two supplementary answers just given by the hon. ministers, although I realize that it's always a matter of judgment, I would suggest that if in the

future hon. ministers see that an answer is going to be a matter of that length, perhaps it should be dealt with through the Order Paper or by means of a ministerial announcement. Otherwise, if it does amount to a ministerial announcement, giving it as a supplementary answer deprives the Leader of the Opposition of his opportunity to comment.

May the hon. Minister for Utilities and Telephones revert to the introduction of visitors?

HON. MEMBERS: Agreed.

INTRODUCTION OF VISITORS (reversion)

DR. WARRACK: I want to thank the House for their courtesy and you also, Mr. Speaker.

It's my very great pleasure today to introduce a group of students from my constituency, Dr. Elliot school at Linden. They are here as the Social Studies 10 class, 35 strong, with their teachers, Clarence Esaw and Ann-Marie Parkley. They are also accompanied by their bus drivers, Keith Gossen and Paul Regehr. As I ask them to stand, I'd ask you to join me in welcoming them to the Legislature.

ORDERS OF THE DAY

WRITTEN QUESTIONS

115. Dr. Buck asked the government the following question:

- (1) When was the machinery used to manufacture licence plates at the Fort Saskatchewan Jail disposed of?
- (2) How was it disposed of?
- (3) Were tenders called and, if so, when and how were they published?
- (4) Were any bids received? If so, who were the bidders and what were the bids?
- (5) When was the contract for supply of licence plates with the Government of Saskatchewan entered into?
- (6) What is the name of the Saskatchewan company which is sharing the contract with, or subcontracting from, the Government of Saskatchewan?
- (7) Did that company enter into a contract with the Government of Saskatchewan or the Government of Alberta, and if so, when?

MR. FARRAN: We accept the question, Mr. Speaker, and would like to file the answer.

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

With reference to the Interim Weather Modification Program:

- (a) What was the cost of this program for the year 1974?
- (b) In what areas did research advance towards total hail suppression during 1974?
- (c) Are any changes in the program being initiated in 1975?
- (d) What is the specific objective aimed at in the work that is planned for 1975?

MR. MOORE: We accept the question, Mr. Speaker, and I would like to file the answer.

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

- (1) Has Government House, the former residence of the Lieutenant-Governor, been declared a "heritage monument" under The Alberta Heritage Act?
- (2) If so, what procedure was followed under Section 24 of the act, before recent renovations to Government House were undertaken?
- (3) Was a historical report done on the Government House facility, especially with a view to ensuring that recent renovations are not incompatible with its preservation in historical form?

MR. SCHMID: Mr. Speaker, I accept the question.

MOTIONS FOR RETURNS

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

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

- (1) The name of each person, company and agency contracted to work on the highway from Edmonton to Fort McMurray from September 18, 1973 to December 31, 1974.
- (2) The work each such company contracted for and the amount of each such contract.

DR. HORNER: [Inaudible] I would like to file a return noting that a public tendering process was used in all cases, and the lowest bidder was used in all cases.

MR. SPEAKER: Under the circumstances, if the Assembly agrees, it may not be necessary to vote on the motion.

HON. MEMBERS: Agreed.

118. Mr. Clark proposed the following motion to the Assembly:
That an order of the Assembly do issue for a return showing:

The facsimile of the new Alberta vehicle licences which accompanied the order for same.

[The motion was carried]

120. Mr. Mandeville proposed the following motion to the Assembly:
That an order of the Assembly do issue for a return showing:

- (1) The programs under which the Department of Agriculture purchased cattle for the fiscal years 1971-72, 1972-73, 1973-74, and 1974-75.
- (2) The numbers, kinds, ages, purchasing price, purchasing dates, and origins of cattle purchased under each such program for the fiscal years 1971-72, 1972-73, 1973-74, and 1974-75.
- (3) The persons, companies, or agencies which care for these cattle; price per day per animal charged by each of these persons, companies, or agencies; the total amount of money paid to each of these persons, companies, or agencies for such services for the fiscal years 1971-72, 1972-73, 1973-74, and 1974-75.
- (4) The numbers of each kind and age of cattle sold, including the average sale prices and the names of the purchasers for the fiscal years 1971-72, 1972-73, 1973-74, and 1974-75.
- (5) The numbers of each kind and age of cattle maintained at present by the Government of Alberta.
- (6) The method of selling and distributing such cattle.

[The motion was carried.]

121. Mr. R. Speaker proposed the following motion to the Assembly:
That an order of the Assembly do issue for a return showing:

- (1) How many Alberta drilling rigs have relocated outside Alberta since January 1, 1974, with a drilling capacity in the following depth ranges:
 - (a) 15,000 feet plus
 - (b) 12,000-15,000 feet
 - (c) 10,000-12,000 feet.
- (2) How many Alberta drilling rigs have relocated outside Alberta since January 1, 1975, with a drilling capacity in the following depth ranges:
 - (a) 15,000 feet plus
 - (b) 12,000-15,000 feet
 - (c) 10,000-12,000 feet.
- (3) What were the total number of drilling rigs in Alberta with drilling capacities of:
 - (a) 15,000 feet plus
 - (b) 12,000-15,000 feet
 - (c) 10,000-12,000 feet as of January 1, 1974 and as of January 1, 1975.
- (4) What number of drilling rigs have come into Alberta since January 1, 1974, and since January 1, 1975, from:
 - (a) British Columbia
 - (b) Saskatchewan
 - (c) The NorthWest Territories
 - (d) The rest of Canada
 - (e) The United States.
- (5) What number of drilling rigs from Alberta have relocated in:

- (a) British Columbia
 - (b) Saskatchewan
 - (c) Northwest Territories
 - (d) The rest of Canada
 - (e) The United States.
- (6) How many drilling rigs have relocated in Alberta since January 1, 1974 and since January 1, 1975, at the following depth ranges:
- (a) 15,000 feet plus
 - (b) 12,000-15,000 feet
 - (c) 10,000-12,000 feet
 - (d) 8,000-10,000 feet
 - (e) 6,000-8,000 feet
 - (f) 3,000-6,000 feet
 - (g) 0-3,000 feet.

MR. GETTY: Mr. Speaker, there are no objections to trying to obtain the information for the hon. member. I'd just draw to his attention that some of the material is not what you would refer to as government information, for instance the drilling rigs in the United States, Northwest Territories, or the rest of Canada. Nevertheless, we do try to monitor and assess the location of drilling rigs and attempt to provide the information the hon. member is requesting.

Also, he refers to "how many Alberta drilling rigs". I will make an assumption there that he is referring to drilling rigs that happened to be located in Alberta in the time period he is referring to. On item number 5, I assume he is talking about a time period of January 1, 1974, to January 1, 1975. With those comments, Mr. Speaker, the hon. member will probably realize some of the small problems the government will face, but we're prepared to provide him with the facts he is asking for.

MR. SPEAKER: Without formal amendment, and subject to the conditions explained by the hon. minister, is the motion accepted?

[The motion was carried.]

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

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

- (1) All correspondence between D & B Consulting and Management Co. Ltd. and the Alberta Export Agency.
- (2) A copy of a report submitted by D & B Consulting and Management Co. Ltd. to the Alberta Export Agency after trip to the Middle East in June and July of 1974.

[The motion was carried.]

123. Mr. Mandeville proposed the following motion to the Assembly:

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

- (1) The programs under which the Dairy Branch of the Department of Agriculture purchased cattle, for the fiscal years 1971-72, 1972-73, 1973-74, and 1974-75.
- (2) The numbers, kinds, ages, purchasing price, purchasing dates, and origins of cattle purchased under each such program for the fiscal years 1971-72, 1972-73, 1973-74, and 1974-75.
- (3) The persons, companies or agencies which care for these cattle; the price per day per animal charged by each of these persons, companies [or] agencies; and the total amount of money paid to each of these persons, companies or agencies for such services for the fiscal years 1971-72, 1972-73, 1973-74, and 1974-75.
- (4) The numbers of each kind and age of cattle sold, including the average sale prices and the names of the purchasers, for the fiscal years 1971-72, 1972-73, 1973-74, and 1974-75.
- (5) The numbers of each kind and age of cattle maintained at present by the Dairy Branch.
- (6) The method of selling and distributing such cattle.

MR. MANDEVILLE: Mr. Speaker, could I get permission from the House to withdraw this motion? This material has been made available.

HON. MEMBERS: Agreed.

[The motion was withdrawn.]

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

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

Copies of all studies, commissioned by the government since 1971, which have been completed relating to the previously announced Calgary-Red Deer water pipeline, and a list of all studies presently under way.

[The motion was carried.]

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

That an order of the Assembly do issue for a return showing:
Copies of all studies, commissioned by the government since 1971, which have been completed relating to sewage disposal in the Calgary-Red Deer corridor, and a list of all studies presently under way.

[The motion was carried.]

126. Mr. Clark proposed the following motion to the Assembly:
That an order of the Assembly do issue for a return showing:
Copies of all studies, reports and recommendations which have been received by the Department of the Environment relating to a dam site on the Red Deer River since January 1, 1972, and a list of all studies presently under way.

[The motion was carried.]

MOTIONS OTHER THAN GOVERNMENT MOTIONS

1. Mr. Taylor proposed the following motion to the Assembly:
Be it resolved that, The Legislative Assembly urge the government of the province to make representation to the Government of Canada to amend the Criminal Code to provide that:
- (1) A sentence of death passed by a judge which is not reduced on appeal shall be duly carried out unless a recommendation for mercy or clemency is given by the judge or jury, in which case His Excellency the Governor General in Council shall have the authority to commute such sentence.
 - (2) A sentence of life imprisonment shall mean imprisonment for not less than 20 years.

MR. TAYLOR: To begin the resolution, Mr. Speaker, I would like to lay out some background material by reading the three appropriate sections in the Criminal Code of Canada. First of all, I'd like to read to the House Section 218(1), and I quote:

- (1) Every one who commits capital murder is guilty of an indictable offence and shall be sentenced to death.
- (2) Every one who commits non-capital murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.
- (3) Notwithstanding subsection (1), a person who appears to the court to have been under the age of eighteen years at the time he committed a capital murder shall not be sentenced to death upon conviction therefor but shall be sentenced to imprisonment for life.
- (4) For the purposes of Part XX, the sentence of imprisonment for life prescribed by this section is a minimum punishment.

Then I would like to set out Section 214 of The Criminal Code:

- (1) Murder is capital murder or non-capital murder.
- (2) Murder is capital murder, in respect of any person, where . . .

I'm leaving out the conditions such as, by his own counts and by his own act caused or assisted, the weapon used, et cetera.

. . . such person by his own act caused or assisted in causing the death of

- (a) a police officer, police constable, constable, sheriff, deputy sheriff, sheriff's officer or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties, or
- (b) a warden, deputy warden, instructor, keeper, gaoler, guard or other officer or permanent employee of a prison, acting in the course of his duties, or counselled or procured another person to do any act causing the death.

- (3) All murder other than capital murder is non-capital murder.

The third section I'd like to read from The Criminal Code is Section 684:

- (1) The Governor in Council may commute a sentence of death to imprisonment in the penitentiary for life, or for any term of years not less than two years, or to imprisonment in a prison other than a penitentiary for a period of less than two years.
- (2) A copy of an instrument duly certified by the Clerk of the Privy Council or a writing under the hand of the Solicitor General of Canada or Deputy Solicitor General of Canada declaring that a sentence of death is commuted is sufficient notice to and authority for all persons having control over the prisoner to do all things necessary to give effect to the commutation.

And, as amended in '73-74, subsection 684(3) of the act reads:

Notwithstanding any other law or authority, a person

- (a) in respect of whom a sentence of death has been commuted to imprisonment for life or a term of imprisonment,

(b) upon whom a sentence of imprisonment for life has been imposed as a minimum punishment, or

(c) upon whom a sentence of imprisonment for life is deemed by section 8 of the Criminal Law Amendment . . . Act to have been imposed,

shall not be released during his life or such term, as the case may be, without the prior approval of the Governor in Council.

But this subsection does not apply in respect of any absence authorized under Section 26 of the Penitentiary Act or any day parole granted under Section 10 of the Parole Act.

I thought it advisable, Mr. Speaker, to set out the background for this resolution by reading exactly what the law is today. Now I would like to set out what this resolution does not do. The first thing it does not do is that it does not ask that capital punishment be restored. In spite of the fact Statistics Canada has recently indicated that the national murder rate in Canada increased 11.8 per cent in 1974 -- 11.8 per cent more murders in Canada in '74 than in the previous year. Bringing it down to 100,000 population, it was 2.2 per 100,000; in 1974, it was 2.4 per 100,000; or bringing it down to the actual number of murders, in 1973 there were 475 murders, and in 1974, 539 murders in our country.

I say the resolution does not ask for capital punishment. I personally believe capital punishment should be restored, but I want to take one step at a time in trying to bring some order back to the matter of law and order in regard to murders in this country. So I'm not asking in this resolution that we ask the Canadian government to pass a law bringing back capital punishment at this time.

The second thing this resolution does not do is, ask for a change of the definition of capital punishment. You will recall in the items I read that capital murder is actually murder of a police officer or a prison guard. All other murders are non-capital. I personally do not agree with this definition. I think the murder of a child, the murder of a woman, the murder of anybody is just as much murder as is the murder of a police officer or a prison guard. I recognize there is some difference, in that a police officer is exposing himself in trying to protect others, as is a prison guard. Nevertheless, I believe it is just as serious a crime for someone to kill a little girl or a little boy as it is to kill a police officer or a prison guard. But I'm not asking for that change at this time. The resolution is not asking for the return of capital punishment; it's not asking for a change in the definition of capital murder and non-capital murder at this time.

What does the resolution do then? The resolution actually asks that we amend the commutation section of the Criminal Code of Canada, taking the right to commute from the federal cabinet, unless clemency or mercy is recommended by a judge or jury. Secondly, it amends the definition of life imprisonment to not less than two years.

I want to deal with those two items on which the resolution is based. Number one is the matter of commutations. I agree that the Government of Canada should have the right to commute, but I question the right of the Government of Canada to commute sentences where the judge or jury has found a person guilty of murder and has not seen fit, after hearing all the evidence, to recommend mercy or clemency. The court heard the evidence. The court went into all the details. And the court found that there was no reason to recommend clemency or mercy. Consequently, when the Canadian government or the Governor General in Council undertakes to commute that type of sentence, in my view it is a mockery of the law and a mockery of the courts.

I read something in the paper today where the Prime Minister of Canada, the Rt. Hon. Mr. Trudeau, had made a statement that the most serious problem in this country today is this matter of social issues, the matter of disrespect for law and order. I think this is a very serious problem in Canada, and it's a growing problem. Consequently, I think we have to start putting our finger in the leaking holes, just as the boy did in the dyke in Holland, in the story that was in the readers for so many years. When he found the one hole in which he could put his finger, he was able to stop the entire area of that countryside from being flooded. Well, compared to some other countries, and particularly the country south of us, the leak in the dyke in Canada in regard to law and order is very small. I suggest we put our finger in the hole right away, in every hole that we find, before we are submerged by the rising flood that might come if we don't do something about this matter of law and order.

Let's look at the commutations and what has been happening over the years. In 1930-39 there were 167 persons condemned to death by the courts. Out of that 167, 125 persons were executed and 42 commuted. Three times as many were executed as were commuted between 1930 and 1939. Then we come to the next 10-year period, 1940-49, when there were 141 condemned to death. Of that 141, 95 were executed and 46 commuted, or twice as many were executed as commuted. It's going down. There were more commutations and fewer executions. In 1950-59 there were 142 condemned to death: 72 were executed, and 70, almost the same number, were commuted. In 1960-62, there were 28 in that 2- or 3-year period. Out of that 28, 5 were executed and 23 commuted. Since 1962, every person condemned to death under the section of the Criminal Code I read has been commuted. Every single one, whether the court recommended clemency or whether the court did not.

I say we are not talking about capital punishment. We are talking about the first steps that should be taken, the first minor steps, in order to try to bring something out of the chaos that is developing in regard to this thing in the minds of the people across this country. It's so serious that even the Prime Minister of Canada says it's one of the most serious problems in Canada today.

The commutations have been done without consideration to what the court or juries found. This is bad. Surely, if a court finds a man guilty of murder, and when the Criminal Code itself says that everyone who commits capital murder is guilty of an offence and shall be sentenced to death . . . That's what the Parliament of Canada said. Then another section weakens that, by giving complete authority to the cabinet to commute -- whether there is any mercy or clemency, irrespective of what the court found, irrespective of how hideous the crime might have been, how terrible the crime might have been in the death of a police officer or a prison guard.

Young men who try to restore order in this country have been killed viciously by completely criminally-minded people. There's no commutation for those young men who are defending this country, trying to defend law and order and the Criminal Code of Canada. They gave their lives. I don't know how the Canadian government can look at these sections of the act and realize that these vicious crimes, for which the courts recommended no mercy and no clemency -- how it can commute the sentence and still expect to have law and order respected in this country.

Our police officers today are becoming wary of what is happening. A short time ago an RCMP constable in a rural area of this province said to me, at one time when we received a call over the telephone to go to a home because there was trouble, we had no hesitation. We went immediately. Now, he says, we go with hesitation, or we get another constable to go with us. We don't know whether we're going to be met with a pistol, a shotgun, or a blast of dynamite when we knock at the door.

Things are becoming serious. People now laugh when they say, we can kill anybody in this country, kill any policeman, and the most we can get is 7 or 10 years life imprisonment. The act of a man in this province who killed an RCMP constable -- his sentence was commuted. The next thing we find out, he's attending university at the expense of the people of Canada, he's out on parole, and he gets charged with impaired driving. What a mockery of the laws of this country if we're going to permit people who murder to get away with that type of thing.

So I'm saying, Mr. Speaker, that we need a change in the Criminal Code. We need this sentence of commutation amended so that the cabinet will not have authority, so that the House of Commons will not give authority to the Government of Canada to commute any sentence unless there has been mercy and clemency recommended by the court or by the jury. Then consideration can be given to commutation.

The second item amends the definition of life imprisonment to the balance of the convicted person's natural life or at least to not less than 20 years. When we introduced this resolution before, we said that the sentence of life imprisonment shall mean imprisonment for the balance of the natural life of that person. Some hon. members who discussed it felt that was too severe for life imprisonment. Someone quoted the Rt. Hon. Mr. Diefenbaker as saying it should certainly be 20 years, not 7 or 10, as is accepted today.

So I'm suggesting that as a minimum. I would go along with an amendment to the section where it will no longer be 2, 7, or 10 years when a person has his sentence commuted to life imprisonment, but that it will be at least 20 years. I know of a commutation of someone who murdered a member of his own family. It was in another province, but members of that family now fear for their lives, afraid that he'll get out inside 7 years and come after them with a gun. When a person commits this type of crime he should be punished, and he should expect to be punished. Certainly not less than 20 years seems like a fair punishment for that type of crime. Now, those are the two things the resolution does.

Actually, in my view, four changes should be made in the Criminal Code of Canada. The first is the commutation section authorizing commutation only where clemency is recommended as per clause one of this resolution.

The second is to amend the definition of life imprisonment to the balance of the convicted person's natural life or at least not less than 20 years as per paragraph two of this resolution. When that is done, I would like 2 other amendments to take place. Doing these gradually so the whole thing is not going to be thrown out, I think, is a good idea.

The third change that should then take place is a change in the definition of capital murder to make murder murder, irrespective of who is murdered, and to enlarge the present definition of capital murder from that of defining it only to mean a police officer or a prison guard. Certainly it should include those, but I think it should be enlarged too.

Then the fourth amendment the Criminal Code needs, in my view, is to restore capital punishment so that capital punishment, where it is deserved, does become a real thing in the country. If we want to make sure, doubly sure, that we do not hang or execute an innocent person, which is the one argument that I think those who don't believe in capital punishment submit, I would certainly go along with all the safeguards to prevent an innocent person from being executed.

But I'm putting them in this order: at this time, I'm asking only this Legislature and the Government of Alberta -- I'm asking this Legislature first of all, and I hope it will be unanimous -- if we can agree on these first two points that I think are pretty universal, certainly they're universal among the people whom I represent -- namely that the amendment be carried out that will change the commutation section to apply only where there is clemency and mercy; and secondly, to amend the definition of life imprisonment to not less than 20 years. If the members of this Legislature can agree on those two points, the Government of Alberta can then submit that resolution to the Government of Canada and the House of Commons. I think it should have a tremendous impact, particularly if we can say the representatives of the entire Province of Alberta -- in one attempt, it's not

going to do the whole thing, but in one attempt to bring law and order back to the status it once had in this country -- ask the Government of Canada to make these two changes, then I think it will have a tremendous impact on the thinking of the people in the House of Commons and on the Government of Canada.

So I ask the hon. members: if you can, consider the impact of the two points raised. Consider what it might do to help us restore law and order to this country to some degree, recognizing that there are other things that have to take place too.

MR. LITTLE: I feel that I must speak to this particular resolution. During the course of the campaign, I found that the most frequent question posed to me had to do with law and order or law enforcement, and the most frequent question of the law and order section was my particular attitude to capital punishment. I was absolutely amazed at the large numbers who expressed themselves rather violently in favor of capital punishment. On the other hand, I didn't come across one person who took the other stand. In fact, as I stated the other day, I gained the feeling from these contacts that the constituents, and probably citizens generally, are feeling less secure than they once did. Their faith in the criminal justice system has been eroded, and they have lost a great deal of respect for our law enforcement institutions.

Mr. Schumacher, who represents the riding of Palliser in the federal House, completed a survey in 1973. Incidentally, Mr. Schumacher's federal riding includes a great deal of my provincial constituency. The questions he posed at that time were:

1. Do you favor the retention of capital punishment for pre-meditated murders?
Yes -- 79.4%
No -- 18.4%
No opinion or undecided -- 2.2%
2. Would you consider life imprisonment a satisfactory substitute punishment for capital punishment if it meant For Life -- without possibility of parole?
41.7% -- Yes
54.2% -- No
4.1% -- Undecided
3. Do you think the system of having capital punishment only for the murder of Peace Officers or Prison Guards should be continued?
22.7% -- Yes
72.6% -- No
4.7% -- Undecided

This is a very important point which I will deal with in a moment.

The hon. Member for Drumheller has already defined capital murder. However, there is one point which he did not stress and which I would like to at this point. The protection for the police officer is only while he is acting in the course of his duties. That is, while the police officer is a private citizen, he does not have this purported protection. A great number of people in the community might think this is a rather unfair advantage for the police officer to have. However, there were particular reasons for having this section put into the Code. The reason is that there are a great many sections in the Criminal Code which call for a maximum sentence of life imprisonment. If the police officer is attempting to arrest or apprehend an offender who faces such a sentence, he loses nothing by killing the police officer. That is the specific reason for invoking it.

Of course, the most outstanding of these sections is the habitual criminals charge. In a situation where a man has previously committed three indictable offences for which he could receive a maximum of five years, if he is now committing another one he is almost certain to face life imprisonment. Actually, what we were doing before was playing Russian roulette with the life of the policeman.

However, I fully agree with the hon. Member for Drumheller that there are many, many others in the community who should receive like protection, because other persons in our community today are in a much more dangerous or vulnerable situation than the police officer. I will mention specifically the bank employee. The maximum penalty for robbery is also life, so what we're in effect saying to the offender is, if a bank employee attempts to prevent your leaving the scene, you are far further ahead to kill him, because if you do kill him, you may get off, you may escape. If you submit to him, you will face a possible penalty of life, which is the same as you will get for the murder.

The hon. Member for Drumheller also mentioned the domestic quarrel and its dangers. This is quite true. Last year there were over 300 police officers in the United States -- pardon me for using American statistics, but we have such small samples in Canada that they are actually not effective statistics -- of these 300, 4 out of 5 lost their lives while attending domestic offences as police officers.

However, another offender who has been entirely overlooked during the drafting of the law is the sex offender. In many cases the sex offender is the most dangerous individual we have at large. He is the potential killer. In 1957, Chief Justice McRuer of the Supreme Court of Ontario conducted the report of the Royal Commission on the Criminal Law Relating to Criminal Sexual Psychopaths. This report concludes that there is no effective treatment for the sexual offender. Therefore, in short, the recommendation is life imprisonment.

However, there is another section that I would like to read to you from this. It is the only time I have ever read of the objectives of penology being defined. They were defined by Mr. Justice McRuer.

Good penology contemplates three main objectives, i.e., the protection of society by the confinement of the prisoner, the reformation of the prisoner, and the deterrent effect of the sentence on the prisoner and others.

I'm speaking of penology, but I want to draw your attention in particular to that final section: "the deterrent effect of the sentence on the prisoner and others".

We can't discuss murder without getting into the area of violence generally, which is increasing in the western world at quite an alarming rate. Some exceptional studies have been completed in the United States which I would highly recommend to the members. Most of these studies were conducted by the subcommittees of the President's committee on crime. They found that population has a direct relationship to violence. If I can remember the statistics quickly: a city of 250,000 has 5 times the violent crime of a city of 100,000; it has 11 times as much crime as for the same number of persons in a rural setting. I think any of us who were exposed to psychology and the rat experiments can quickly see the analogy.

We are also faced with the threat of the handgun in North America today. Possession of the handgun is increasing so quickly, it's frightening. The United States today leads the world in homicide, and in homicide by the handgun by so much that the rest of the world isn't even in the competition. Therefore, I would also throw out the suggestion that possibly we need effective legislation in this country to control the handgun, before we reach the state of our neighbors to the south.

We did have effective legislation. There was a piece of legislation, repealed in 1972, which was most effective. This legislation stated that if you committed an indictable offence and were armed while committing that offence, you received five years in addition to the sentence for the one for which you were charged. I just can't for the life of me understand why the government of this country saw fit to remove that particular legislation from the books.

Now just for a moment, the nature of murder. I think this is quite useful in order to explain my own particular attitude to capital punishment. We know that two-thirds or more of all murders are committed within the family unit or among family friends. I wouldn't recommend for a moment that you have execution in these cases, because I'm quite certain the man who goes home and in a rage kills his wife does not consult Section 214 of the Criminal Code to determine what the penalty is before he commits the offence. I am quite certain, therefore, that the law would have no deterrent effect on this offender.

However, many of the abolitionists take for granted, because two-thirds of the sample behaves in a certain manner, that three-thirds of the sample behaves in that manner. Not true. That top third, or bottom third, whatever your choice may be, includes some of the most dangerous individuals in our society. If they are not to be executed, they must be incarcerated for natural life, because they are potential killers.

We hear a great deal from those in the parole service that the murderer is the most likely candidate for parole; that he is the least likely to repeat his offence. Once again, they're getting back to these statistics of the family murder, and I quite agree with them. The man who murders his wife or another member of the family is quite unlikely to repeat.

But let us get to the track record of the professional criminal or the sex offender. One of the most outstanding cases we ever had in the country, as I am sure you are all aware, is the case of Dionne in Quebec. He was out on parole for the sex murder of a boy, and while out on parole, he committed five more sex murders of youngsters. Now is it worth while to keep that man in custody for the balance of his life? We sacrificed five lives. In our own city I had contact with two other sex offenders who were convicted of murder and who admitted during the interrogation that they had committed others: in one case, three others; in the other case, five other murders.

We also hear from those who support parole -- and don't for a moment think that I'm knocking parole, because I'm not; I'm merely giving you the information -- that a very, very small percentage of parolees commit further offences. But how do we know? Less than 20 per cent of crime in this country is solved. Who commits the other 80 per cent? Is it the parolees? Is it previous offenders? I think it's quite reasonable to suggest that previous offenders do commit a large portion of this crime, because we have an 80 per cent recidivism rate in this country.

In 1971, in New York City, 90,000 felony charges were laid. Only 500 of them came to trial. We are fast approaching this type of situation in this country, where the courts are so totally overloaded they cannot deal with the cases on the docket. I can see the day in the not too distant future when plea bargaining will be commonplace in this country, and the law enforcement institution will become almost a mockery.

The final area that I'm sure you would like to hear about is whether execution is a deterrent. Because this is the basis on which most of the abolitionists base their case. They claim it is not a deterrent. I would also like to add to that, is it a deterrent, or is the offender likely to repeat? Now you recall Mr. Justice McRuer's definition of good penology: to protect society by removing the offender from society, and his particular sentence acting as a deterrent to others.

Both sides have defended their particular proposition on this case for a great deal of time, with considerable enthusiasm. I would suggest that it's almost totally impossible to prove either proposition, as you cannot prove something that didn't happen. However, even psychologists are agreed that punishment is effective, providing it is sure and quick. That is, briefly after the offence is committed, if the punishment is effective. However, as I stated a few moments ago, we are getting more and more into the situation of the courts being overcrowded, where the punishment is not swift, and it is not sure. This

is a breakdown. From personal experience, I did find that the professional criminal does fear execution as he fears the lash. In my whole career, I met only two persons who had received the lash, and it was effective.

In a recent statement, the Solicitor General of Canada stated: If there is one more execution in this country, I shall resign. I think it's very commendable that the Solicitor General enjoys the right to make such a statement. Unfortunately, the police officers you employ in this country haven't got this privilege. They are required to enforce the law as it is passed by the government of this country. And I can tell you from personal experience, it is a real morale breaker to have a law on the books that is not enforced.

I would highly recommend that we either enforce the law or remove it from the books. If you're interested in my own opinion on capital punishment, which I promised you in the opening statement, if I were an MP I would most certainly vote for capital punishment within the framework of the law, not only because it is my own opinion, but I feel that I owe this to my constituents from the opinions they expressed to me.

MRS. CHICHAK: Mr. Speaker, for several reasons it is with some hesitation I rise to take part in this debate: one, it is a very emotional issue, I think, to each and every one of us. And we cannot necessarily put onto another an interpretation on what we individually hold as a moral concept. The remarks that have been put forward thus far certainly are remarks that have been raised with a great deal of concern by many, and I would be less than honest if I did not say I agree with those remarks. On the other hand, because the issue is one of such great emotion, I have to look at the reverse side of the coin, so to speak, and weigh this very issue in the same kind of light. Because of that, it leaves me in a quandary as to just how I might, in the end, vote on the matter.

Looking at the other side of the coin, we very often, in having to deal with difficult situations or difficult matters, look to various studies and assessments made with regard to the subject at hand. I, as well, have taken this into consideration and have looked at what the United Nations document had to say on this very topic of capital punishment in the international sense, when it reached some conclusion in its report of 1968.

If you will permit me, Mr. Speaker, to paraphrase just a small portion or aspect or conclusion of that report, which indicated that with respect to the influence of the abolition of capital punishment upon the incidence of murder, all the available data suggests that where the murder rate is increasing, abolition does not appear to hasten the increase. Where the murder rate is decreasing, abolition does not appear to interrupt that decrease. Where the rate is stable, the presence or absence of capital punishment does not appear to affect it.

Although I recognize that the hon. member, in moving the motion, is not suggesting that we deal with the matter of capital punishment as such, but only the treatment of certain decisions made by the court, I somehow feel that we must also give consideration to certain other elements, in deliberating on this motion. You know, I'm sure we are all very much aware of the old saying that an ounce of prevention is worth a pound of cure. We also have to think about the Christian heritage commandment of, "Thou shalt not kill." What is the value of human life? Shall we take another life in retribution for one that has already been taken? It is a difficult decision to have to make.

I think, in examining our man-made laws with regard to crime or any laws, we certainly find imperfections. I have no doubt that many of our laws which exist with regard to the matter of crime, have such imperfections that they may leave a judge, in making a decision on the life of one who is before him, a decision of no choice, and yet, perhaps, not one that in reality ought to be taken if our laws did not have the imperfections in their structure.

I think that perhaps we need to concentrate to a greater degree on the matter of prevention of crime in order that the statistics may be minimized in relation to crime committed. I feel very strongly the point the hon. member raised with regard to stricter gun controls. I know that politically, perhaps, that is not a very astute position to take, but I feel it is one we will, in time, have to grapple with. I have for a long time felt personally that this is an area we must address ourselves to in greater measure, in some priority, with regard to combatting crime.

I think we need to address ourselves more to putting forward more effective social programs which may help to remove the causes of crime: if we had a greater measure of control or restriction on the violent programs on television; if we had a greater concentration on the effective promotion of respect for our social structure in the home, in the school, or in the church. In order to have that, it would have to be the responsibility of society. Society would have to be prepared to take on that responsibility of examining whether it is worthy of such promotion and such respect.

I think it is easy to pass on the responsibility to governments when it is one with which we individually do not particularly want to deal. We need to recognize that what we are asking the government of this province to do in this particular resolution, is to assume the citizens of Alberta, in total, want this government to take that position on their behalf and to convey that message to the federal government, for the reason that they, individually, do not have the same impact with the federal government.

If we are to assume that is the position all Albertans want this government to take, what then of those who, perhaps, take the position I have just been putting forward on the other side of the coin? Where would they stand in the overall picture as Canadians? It would seem to me if, in fact, we voted in favor of this motion, perhaps we would need to have a breakdown of those who really want the provincial government to represent them, on

their behalf, in favor of the motion as it is. We would also need, I think, in all fairness, to represent the opposing feeling to the federal government, if those numbers exist.

We are asked here, in fact, to tell the federal government how to deal with a matter which is solely and totally in its jurisdiction. We are asked here to bypass the opportunity each citizen of Alberta has, by his franchise. To tell the federal government that the people of Alberta want this position taken, only they don't know how to express it directly. I'm not being critical of the hon. member's motion or intention, I'm only pointing out the kinds of views we must consider before we are able, in fact, to make such an accurate decision on how we will vote on this resolution.

This leaves me really in a quandary. On the one hand I agree with the hon. members with regard to the feeling that violence brings to one individually, the emotion that is raised. On the other hand, we must keep a balance, a perspective. We are expected, in our position here, to keep a proper perspective. So then, which way do the scales weigh more heavily? What direction should we take? Should we stay with the Christian heritage commandment, "Thou shalt not kill", and try to do what we can to prevent the extent [to which] crime statistics have risen? Or shall we continue in that direction at the rate we are dealing with the problems now, without determining whether they are adequate or satisfactory, bypass the Christian heritage commandment, and in fact, in retribution, take another life for one which has already been taken?

Mr. Speaker, at this point I really am not sure what direction I will take when I have to vote. I hope I won't have to make that decision this afternoon because, frankly, I'm not prepared to.

Thank you, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, the resolution we're dealing with this afternoon is one of the most perplexing and difficult issues to resolve within Canada today. We discussed it during the brief winter session of the Legislature, and during the course of that debate I took some time to read into the record part of a speech given by the Rt. Hon. John Diefenbaker, the former Leader of the Opposition and the former Prime Minister of Canada, concerning his very strong abolitionist views.

I must say that, in listening to the debate so far, I was rather impressed with the very practical arguments advanced by the hon. Member for Calgary McCall. Notwithstanding the case he made, I still remain an abolitionist. I feel, though, that there is some very justifiable criticism which can be directed to the federal government at this time. There is no doubt that the cabinet of Canada is in favor of abolition, almost to an individual. We know that from time to time -- as a matter of fact on almost every occasion -- the whip is put on by the government to pass legislation which the cabinet considers vital. That is a basic part of our parliamentary system of responsible government.

Why then, with the cabinet solidly in favor of capital punishment, do we go through this exercise of a so-called free vote where we end up with a totally unsatisfactory compromise? As the hon. Member for Drumheller and the hon. Member for Calgary McCall have pointed out, we have a classification of capital murder for offenders who kill a policeman or a prison guard in the course of his duties, but anything else is not classified as a capital crime. So we have this inconsistency as a result of little more than a half-baked compromise due to a free vote in the House of Commons.

It seems to me, Mr. Speaker, that it's time the Liberal government in Canada took its courage in hand. If it believes in the abolition of capital punishment, it should introduce legislation, stand or fall accordingly on the basis of that legislation, and not play games with so-called free votes and compromises which really put the law in a rather ambiguous position.

Now, Mr. Speaker, I want to say just a few words about law and order. There's no doubt that law and order have to be accompanied by justice. Without justice, law and order will not survive. We have seen through the history of mankind not only in Canada, but all over the world, that if injustice is allowed to prevail, sooner or later people are going to take the law into their own hands exactly as they did in the 1770s in the United States when they broke away from the British government, exactly as occurred in the 1830s with the Mackenzie revolt and the Papineau rebellion.

So if we're going to talk about law and order, we also have to emphasize in the same breath the importance of justice. That's one of the reasons I felt that a point made by the hon. Member for Edmonton Norwood was a valid one. If we're going to talk about law and order, then we should be emphasizing programs which will prevent crime; programs which will improve social services, and deal with some of the causes at least of trouble for younger offenders, people who frequently get into that sort of situation, at least in part because of the environment in which they are raised.

Mr. Speaker, I want to say something else about law and order. When we talk about law and order, we tend to think of the example of the violent crime, the shoot-out, the robbery, the murder, and that somehow because these people are not properly dealt with, not properly convicted and sentenced, this is eroding respect for law and order in society as a whole. That may be true. But I would suggest that perhaps a larger reason for the decline in respect for law and order stems from the white-collar corruption we have seen in the last few years.

How can we expect young people in North America to have any great respect for law and order when they see some of the scandalous performances of politicians? We have the example in 1972, Mr. Speaker, of two candidates running for the highest office in the United States, the presidency and the vice-presidency, on the specific campaign slogan of

maintaining law and order. Yet, as a result of the Watergate revelations we find that every single law and every single order in the book was broken in the scramble, not only of these politicians but of scores of people around them in the highest echelons of public life, in order to gain political office.

Now, Mr. Speaker, when that kind of corruption occurs at the top, it is going to have a traumatic effect on the respect for law and order throughout the society. So when we look at this problem, it seems to me that we, as public people, also have to remember that we are living in a collective glass house. The conduct of politicians in public, and of senior public servants, is going to be a pretty important factor in determining to what extent people really respect law and order.

Mr. Speaker, there are two aspects of this resolution which quite frankly trouble me. One is that we should take away from the Crown the historic right of commutation or mercy. Now admittedly, the member has pointed out in his introduction that where the judge or the jury has recommended mercy that would continue. But the historic right of mercy from the Crown goes beyond what the judge and the jury have decided, Mr. Speaker. It seems to me that that right, if it is going to exist at all, and I think it should, should not be fettered by so many restrictions that, in fact, it's no longer a viable option. I believe there are cases, as I recall from reading Mr. Diefenbaker's speech to the House of Commons on this particular matter, when commutation has been the only way that an innocent person could be saved from the gallows, when the judge and the jury, on the basis of the evidence presented to them, arrived at a decision. That decision was perhaps very justified at the time, but as a result of new information which came forward, commutation was the only way that the prisoner could, in fact, be saved from execution.

I really have some doubts, too, about capital punishment as long as we have a judicial system which is far from perfect. If we had a judicial system, Mr. Speaker, which never made mistakes -- and we'll never reach that time and we'll never reach that favorable position -- but if we had a perfect judicial system, then fair enough. We might be able to impose the ultimate penalty of forfeiture of life. But, Mr. Speaker, with the greatest respect to our judicial system in Alberta, I can't imagine any MLA sitting in this House, who has been a member for any more than three or four years, who hasn't had cases brought to him or her where decisions had been made by the courts which were not just, which quite frankly were unwise.

Now, Mr. Speaker, as long as that situation exists -- and it's going to exist as long as we're around, because there is no way we can perfect our judicial system; we can talk about bringing in legal aid, but our rather clumsy legal aid system is not going to solve the problem, especially of low-income people -- I really have some doubt about whether we can argue forcefully for the ultimate penalty.

Mr. Speaker, when one looks at the statistics -- I believe, again, this was mentioned in Mr. Diefenbaker's remarks -- there are very few rich men in this country who've ever gone to the gallows. People who have paid the ultimate penalty have been low-income people who haven't been able to acquire the counsel to properly argue their case throughout the entire trial system. Mr. Speaker, I really believe that under those circumstances we have to ask ourselves whether capital punishment is the be-all and end-all.

Let me say quite bluntly at this point in time that I am under no illusions about how the people of this province feel on the issue. As an abolitionist, I would be very much in a minority. I'm sure that the statistics of the hon. Member for Calgary McCall would be an easy reflection of public opinion in Alberta at the present time. I would imagine at least 80 per cent of the people of this province would favor capital punishment. But, Mr. Speaker, our system of government is not government by public opinion polls. Those of us who are elected are forced to make some difficult decisions. On occasion we have to stand up and make decisions which fly straight in the face of public opinion and may perhaps reduce our personal popularity in whichever constituency we represent. So be it. Mr. Speaker, I feel strongly enough about an issue like this that I would hate to see us pass this kind of motion however well motivated it may be.

As for the second part of the motion, life imprisonment meaning 20 years, I am more favorable towards that because I think there is a case to be made that the 7 to 10 years is rather farcical. But I would not like to see the historic right of commutation so restricted that it would make that particular feature of our legal system inoperative.

In general, Mr. Speaker, I would conclude my remarks by saying that this issue is probably going to be around for some time, but I would hope that the federal government, who hold the views they do, would summon the courage to stand behind those views and take the legislative initiative needed to resolve this matter so it doesn't continue to be a festering social problem within Canada.

The only other comment I would make, Mr. Speaker, is that in looking at law and order, let us not assume for a moment that the deterrent of capital punishment -- and I'm not sure whether that's a deterrent. It seems to me the statistics go both ways on this, and if the statistics are not certain and don't make a conclusive case for capital punishment, we should lean towards abolition rather than retention. But, Mr. Speaker, having said that, I think the important point to remember is that the preservation of law and order is not going to be resolved simply in a complex society. It is a major problem which involves a total effort by everybody, not the least of which is people elected to public office setting the most stringent standards for their own personal conduct so that, by our efforts and our work, other people can judge us and gain from it.

DR. PAFROSKI: Mr. Speaker, from the outset I'd like to congratulate the hon. Independent Member for Drumheller, Gordon Taylor, for bringing this into focus for the second time.

Mr. Speaker, as some background information regarding this -- mentioned already by hon. members, one being the hon. Member for McCall -- murder in Canada has increased. Attempted murder, rape, robbery, drug charges, breaking and entering, and thefts have all increased in 1974 over 1973 in Edmonton. I believe this is true across the country. For example, in Edmonton -- and I think this is particularly important for my constituents, and those from Edmonton -- murder has doubled since 1973, rape has increased by 30 per cent, robberies have increased, drug charges have doubled, breaking and entering has increased to the extent of 25 per cent, thefts have increased to 18,743, and motor vehicle thefts have increased by 28 per cent. Mr. Speaker, such statistics and information surely reflect the problems of our society.

Problems of our society may be circumscribed by the increased population the hon. member has alluded to, with respect to urbanization versus the rural areas, the increased mobility of our people, the increased influence of our environment on our humans, wherever they may be. A most distressing situation, Mr. Speaker. I say this quickly, because as I stated before during the last debate on this in the 17th Legislature in February, I suggest most members of our society, whether they be men, women, or children, have good traits. This is, I believe, a mutual trait of humanity right across the board: to be good. But unfortunately, Mr. Speaker, whatever the cause, whether it be heredity or environment -- and I suggest environment is a major factor -- the situation has been shifting in the malldirection gradually over the years.

Mr. Speaker, some historical information: as I mentioned before during that debate in February 1975, the government under Prime Minister Lester Pearson sponsored a parliamentary motion and a bill which was enacted, being Bill No. C-168. It aimed at abolishing the death penalty for a five-year trial period, except for capital murder and, of course, murder of police officers and prison guards. Of course, treason and piracy continued to be punishable by death at that time. The arguments presented in 1967 are documented and are worth-while reading for those who are interested. Mr. Speaker, the bill received royal assent December 21, 1967, and came into force December 29, 1967.

At that time, and since, there are the abolitionists and the advocates. What do the abolitionists say? For example, murders are borderline. Between ordinary and capital murder is an extremely tenuous situation. Well, the advocates say, if it's okay to protect police and prison staff, why not ordinary citizens? The abolitionists say on one hand, if we restore capital punishment, the state, that is society, lowers its values on human life in the minds of all, and citizens included. The advocates on the other hand say, voters are in favor of capital punishment, police want capital punishment, why not a referendum? The abolitionists on one hand say, statistics do not clearly show the death penalty is a true deterrent. The advocates state that statistics are not accurate.

It goes on and on, Mr. Speaker. The abolitionists call it cold-blooded murder, and the advocates say, so is murder cold-blooded murder. The Bible says, as we've mentioned today, "Thou shalt not kill." Some say the Bible says, self-defence of society is necessary. And the Bible indicates, by some, that to abandon hope for those who have committed murder is not out of line. So, Mr. Speaker, on goes the argument through the '60s and the '70s. And while the argument goes on the world has been marked by a worldwide increase in crime.

Mr. Speaker, there are many, many statistics on this item, but for the record I merely want to read one item from the Ceylon Committee report on capital punishment, if I may. This states, to take an extract:

Since one can never know the possible successes of capital punishment as a deterrent when it is in force, one can never be sure, [when] abolition, that the murder rate would not have been lower had capital punishment been retained.

So, Mr. Speaker, in reference to the motion specifically, as on the Order Paper, I think there is a buffer here, a clear direction. If it were passed by this Assembly and if -- it's a big if -- the federal government did in turn accept the direction proposed by this Assembly, from the comments here and from the recent history, I suggest, Mr. Speaker, the latter -- that is, the acceptance by the federal government of our resolution, if it was in the affirmative, would be most unlikely in view of the highly charged, highly emotional issue that it is, and in view of the comments of the Prime Minister of Canada today, and the Solicitor General.

Mr. Speaker, as a matter of fact the disharmony in the House of Commons on this issue is so great -- even here we have heard some comments in that line, where members ignore, as I understand it, the majority view of their own constituents when they know it.

Mr. Speaker, a few questions and responses regarding the motion. With respect to Section 1, does the mover mean -- maybe it's clearer now after his comments -- that the sentence of death passed by a judge in the first instance, as indicated -- does he mean that it is murder of prison officials and police officers or citizens at large? I hope it is citizens at large. I think he made it clear that hasn't changed. If it hasn't changed, I sincerely would want to sway towards the direction that citizens at large would be included in that item.

In the second instance, Mr. Speaker, where it states, "His Excellency the Governor General . . . shall" and the operative word I understand is "shall", "have the authority to commute such sentence", I feel, Mr. Speaker, this portion is good because it allows latitude and discretion based on review and re-review of the facts. But, Mr. Speaker, the criticism of this section is that I would hope all cases of murder flow to this level, that is, to His Excellency the Governor General of Canada. Mr. Speaker, I think this is

very important, because here is an opportunity to deal with the item, and it's a traditional historical right.

Another reason I think it should flow to this top level for one last opportunity is because, Mr. Speaker, to take life has got to be a most difficult decision by our society and certainly by those involved in the final decision-making process.

Regarding Section 2, Mr. Speaker, I can understand the mover's feelings regarding this section, which reads, a sentence of life imprisonment shall mean imprisonment for the remainder of the individual's natural life. Mr. Speaker, I feel very sympathetic in this direction. But already the hon. member who introduced the motion is softening up from his indicated desire that he would accept the motion of a number of years.

Mr. Speaker, if we can speak of society -- too often we have seen serious crimes and murders repeated by those who have been sentenced to life. They come out and repeat those brutal murders, as was mentioned by the hon. Member for Calgary McCall, and from statistics we know, I can see the value of Section 2, a sentence of life imprisonment shall mean imprisonment for the remainder of the individual's natural life.

So, Mr. Speaker, this is a motion that is very difficult, a very topical type of motion which strikes, I suggest, at the very heart of our society and the related problems of crime, violence, murder, and those things that cause the causative factors. Mr. Speaker, these features of society must be dealt with. They must be kept in focus here when discussing this type of motion, because there are many causes. Whatever they are, whether heredity or environment, the increased violence and sexual problems, the sexual violence we see in our media, for example, certainly has to be dealt with.

Mr. Speaker, it is odd that we, as members of this Assembly, allow excessive violence and sex in all our media. We hide or deny that this exists. We pollute our brains and even worse, the developing brains. We condition these brains, whether they be of children or adults, towards many unfavorable acts via media. We know -- psychologists and those in the world of expertise know -- the influence this has on developing minds and even the minds which are not developing, that is, growing. So Mr. Speaker, why are we not doing something about this? We allow societal stresses to increase around all of us and provoke many of us towards unfavorable acts, yet we do not address ourselves to this area. Then, Mr. Speaker, on May 27, 1975, in the Province of Alberta, in this Assembly, we deal with the problem after the fact.

I hope in the next few years -- and I mean one to five years -- we address ourselves more acutely to this area of prevention, ongoing education for a wholesome, stronger society; a community and society where values that we know as parents, as members of this Assembly, as individuals, as our religious teachings have taught us, towards this direction and not allow destructive forces and values of whatever you have -- the media, and not all media is bad, let there be no misunderstanding about that, but the excessive amount of violence and sex -- and not allow these destructive forces.

I suggest, Mr. Speaker, this media could be coined as a corporation, for it has false values. It does not address itself to the morals, the standards of our society. Its values are dollars and selling.

Mr. Speaker, I would like to suggest these corporations, if you wish, also have members on their boards of directors who are youths, who are children maybe, who have parents, and they have religious leaders, who know very well what a good life is and what the value systems are. But this corporation, being a machine, rolls on in an inhuman, depersonalized way, ignoring what we think and what our values are, mainly for the dollar. This machine, this corporation -- I would like to coin the term the second phantom government -- must be redirected for the individual and family by a vigorous and equally hard sell program beginning yesterday, and not after the fact.

Mr. Speaker, this second phantom government is a product of all of us, and it can be redirected. It can be buffered, modified to serve us, not the other way around.

In conclusion, Mr. Speaker, the hon. member's resolution is a federal jurisdictional issue which must be acted on by the federal authorities, I hope, via the vast majority of the people's wishes. Second, Mr. Speaker, the opportunity we have at the provincial level is to offer definitive prevention, a balanced type of influence that the environment plays on our psyche via the media or whatever area you wish.

We can offer education regarding interpersonal relationships in our schools, in our communities via community health centres, if you wish, or public health units, and so forth. So, Mr. Speaker, the issue will not be resolved at the provincial government level. But a provincial House can offer definitive measures of prevention, diagnosis, treatment, rehabilitation, and teaching in our society of positive values with a strong counterbalance of anti-crime measures.

Thank you.

MR. BATIUK: Mr. Speaker, I would also like to participate in the debate. I assure you I won't take too much time as this is definitely an emotional and touchy resolution. However, listening to a few of the speakers I felt I would like to offer a contribution.

First, I must say that I cannot totally agree with capital punishment as it is for peace officers or police guards. I hope the hon. Member for Calgary McCall will still be my friend after he hears this, but since he's going probably he won't, so it's just as well.

I feel that sauce for the goose is sauce for the gander. If a police officer is murdered, it's a hardship for his family. But I believe also if I were murdered, the hardship to my family would be the same as it would be for the police officer's family -- I hope so anyway.

However, the police officer has not been conscripted. This is a livelihood he has selected for himself. Because of this, he has privileges that many other segments in society don't. How many people can retire at age 40, besides the policeman? How many segments of society are respected as a policeman is?

In no way do I want to criticize. Just the other day when I spoke, I gave full support. When we had the RCMP celebrations last year, I think it was wonderful to pay tribute to these people. However, the RCMP officer may lose his life defending others. But what about the farmer? He may be working with his tractor and the tractor upsets. He faces hazards of life just like the RCMP or anyone else. But as I say, he may have many more privileges than anyone else.

How many of us get picked up, regardless for what infraction, that the police make too, as human beings? I admit that about a year ago I paid a \$20 fine for speeding. This was one time this happened and it was wrong. We were going from a meeting, a bunch of us, at a late hour at night. I was in the lead and there were a few cars behind that were trying to catch up to one another. Once we all met, the flasher went on, and we all got the same charge of 60 miles an hour. Yet, a few minutes before that, those cars were a mile away from the first one. So in no way could they all have the same charge. But this was one of those things. I felt, for \$20 am I going to go to court and try to fight that case, probably spend \$200 for a lawyer and not know the outcome? For a while I thought that maybe I should, but when I realized how many times in my life I may have exceeded the speed limit and wasn't caught, I felt . . .

However, in one case that I know, which happened a few years ago in my constituency -- I wasn't a member of the Legislature -- an RCMP rolled a car into an embankment. I know the reason it happened: there was a big party that day, all day long. But things were hushed up very quickly, that he was on chase, which was definitely not right. Those things happen. So, as I say, when a police officer chooses that for his livelihood, he has to face those things in life.

As far as the lash is concerned, which is next to capital punishment, I know of three people very well. It happened many years ago: the lash made them the best of citizens in the community. When I went to school in the elementary grades, I know of one in particular who was nicknamed in the town as "Dillinger". I remember hearing something about him. He must have been a really bad man -- now one of the finest people. The lash did it.

Insofar as clemency is concerned: if the judge or jury recommends clemency, what if the convicted person should himself decide he would rather get the noose? I wonder whether that should not be permitted. Should the people of the country be forced to give this person a livelihood for the next 20, 30, or 50 years? As they say, it costs about \$10,000 a year to feed an inmate.

Years ago on at least a couple of occasions, persons were executed and a year or so later somebody else admitted to the crime. Now this is something to look forward to if we want to bring back capital punishment. True enough, the state contributed to the family and the widow of the executed, \$100,000 or whatever, but that would never cover. This is something else that should be considered.

I feel particularly that we in the provincial government should not be taking this step. We have Members of Parliament who represent people from all areas of Canada just like we do the province. I think it is their job to represent those who have elected them. The hon. Member for Calgary McCall said that in the questionnaire one of the members had taken, 78 per cent were in favor of capital punishment. Maybe this should be brought out to our federal Members of Parliament. I believe that if 78 per cent of the people in Canada requested this of their Members of Parliament, maybe action should be taken. So all in all, I think I agree with the concept of the hon. Member for Drumheller. But should a vote be taken today, I sort of feel that I'd be obligated to vote against this motion.

Thank you, Mr. Speaker.

MR. DOAN: Mr. Speaker, I rise to speak to this resolution, though not intending to. But I feel so strongly on this subject that I must speak out even though I may differ from the majority of the speakers here this afternoon.

Where is the penalty for crime today? We keep our criminals in prisons today like hotel guests at the taxpayers' expense. Why are we so hesitant about instigating the Criminal Code as the people -- it was said this afternoon that 80 per cent of the people support capital punishment. Why isn't our government instigating capital punishment?

The reason the people are calling for this is that we have so many repeaters. Our present regulations and Criminal Code do not take care of it.

This afternoon our Member for Calgary McCall mentioned also that rape cases are repeaters, sometimes four or five times. If this is the case, I think this is very serious. Why could we not save these last three or four lives by some other form of correction? Sterilization would probably be something that would stop it in the first case. Where is hard labor today, or the lash? Why are our prisons full today? Because people are not concerned about going to prison today. Many of them are treated better in our prisons than they are in their normal lives. If we were harsher with our regulations and had not set these things up so soft, we would not have our prisons filled.

I had the privilege of serving on a committee of corrections here during '72 and '73. I believe this committee is not active now. But many of the delegations we heard on that committee were applications from relatives of criminals asking for softer treatment. In

the majority of cases, it was people who I think are classified as bleeding hearts and sympathy people today.

I live very close to the Bowden Institute, which is now a federal responsibility. I understand that when they recently brought in the older criminals they have there, they said if they didn't supply them with color television instead of black and white, they'd kick the television in. I understand they got it too. I also understand they serve steak three or four times a week. Maybe that's better than most of us can do.

Even our children today, I feel, Mr. Speaker, are getting more militant and defiant of their parents and teachers. I wonder is this isn't where a lot of our trouble starts.

So I maintain, Mr. Speaker, that the softer our Criminal Code gets, the tougher we're going to have to be to control the society we're responsible for today. I agree entirely with this resolution that the sentence of death be carried out, or in the second part, that the sentence of life imprisonment should at least be not less than 20 years.

Thank you.

DR. WALKER: Mr. Speaker, I would like to join in this debate, and I would like to quote to you what Chesterton once said: Our prejudices are our mistresses. Reason, at best, is our wife; often heard and seldom listened to.

If we must kill in retaliation for violent crime, let us kill humanely, not in the barbaric fashion in which it is done today. Less than one-third of the hangings in this country are carried out properly, which is done by breaking the cervical spine and transecting the cord, with immediate death. The rest of them are either strangled or have their heads torn off. I would invite any of you to go to a hanging, and then return to this Legislature and hear you approve of hanging as a means of killing people.

In this civilized time we can kill people with the prick of a needle. All they feel is one slight prick. They go to sleep and that's it. Why don't we use this as a means if we must kill?

The greatness of our courts lies not in being strong, but in the proper use of strength when it is indicated, and having their sentences carried out and adhered to. Seventy per cent of our murders are domestic. I disagree that the sentence stops the killing, but I do believe there are psychopaths in our society who must be removed not as a punishment to the criminal, but as a kindness to society. But then, you can always get that messed up too, because these should be looked at as an absolute failure of our system. We are not curing the disease which caused it.

I have personally dealt with at least four murderers that I know of, including a sex murderer, and all I could feel for any of them was pity, and share with them the real remorse they felt in the aftermath of the tragedy which had been caused at their hands. A great deal of doubt, which is now being cast on the political assassinations in the United States over the past few years, should make us all think very seriously about the rapid extermination of offenders. One sure thing is, as the hon. Member for Innisfail said, they do not repeat.

We can say that we kill the killers of policemen, but are we going to let the killers of an MLA go off scot-free? We can say we will kill the psychopath, but then you'll always find a psychiatrist who will stand up, and may even convince the judge or a court that all the guy needs is a little rehabilitation.

Our federal conferees, therefore, have a very difficult decision to make. But, like the Member for Calgary McCall, I feel that a decision or law once made should then have the punishment carried out. Like the hon. member on my right, I doubt if we can collectively influence the government in Ottawa on behalf of the people of Alberta. Like the hon. Member for Spirit River-Fairview, I do not feel that the legislators or politicians can play games with the sentences. Someone once said, you know, nothing has an uglier look than reason when it is not of our side.

All the reason in the world, whether it be from the east side or the west, will not solve a problem such as this, which is so highly charged with emotion and prejudice.

MR. KING: Well, Mr. Speaker, my timing was a little bit off. I know how I'm going to open, and I'm not sure how I'm going to close, so bear with me to the end and we can all be pleasantly surprised.

[interjections]

We can all be surprised, whether pleasantly or not.

The fact, Mr. Speaker, that the resolution is on the Order Paper, and indeed some of the comments that were made by a number of members in the House this afternoon, reflects a growing feeling within our society, a deep concern about lawlessness, irresponsibility, and especially violence.

The particular way in which the hon. Member for Drumheller has chosen to convey his concern, that is, this debate on the death penalty, speaks directly, in my view, to a very serious amoral expedient that is being followed by the federal cabinet of the day. On the one hand, the federal cabinet, as he has accurately said, has, since 1962, commuted the death penalty imposed on every convicted capital murderer in this country. On the other hand, we have the very interesting and very recent case of the conviction of a Montreal doctor on charges also arising out of the Criminal Code, and we have the stated position of the federal cabinet that it will not commute his conviction. Now that in itself isn't unusual because the federal cabinet often says that it won't commute convictions. But the reason it gives publicly for having refused to commute Dr. Morgenthau's conviction is that it does not believe the commutation device should be used to evade the intent of the Criminal Code of Canada. That stated position, with respect to one crime under the

Criminal Code, strikes me as being in direct conflict with its position related to another aspect of the Criminal Code.

Mr. Speaker, there are many people who, regardless of their feelings about life and death, particularly murder, are gravely concerned about the moral ambiguity which the federal government is demonstrating so openly. And because this situation results from their moral ambiguity, I don't think it's going to be resolved by representations that are made by this or any other Legislature. Because as long as their moral ambiguity is politically expedient, as it certainly has been so far, it's not to their advantage that they should very carefully consider anything which is going to end this desirable -- from their point of view -- interlude. In my view, the resolution is futile.

I must say, Mr. Speaker, that I am someone who has been, for as long as I can remember, emotionally, intellectually, and, for religious reasons, opposed to capital punishment. I'm not persuaded that the statistics demonstrate any significant deterrent effect. I don't believe in retribution either as a personal or a social policy.

But I would also have to say, Mr. Speaker, that the concerns of my constituents and my observations about the community in which I live, have given me cause to consider very seriously long-held views. And while I haven't yet reached the point of being prepared to change them, I am extremely concerned about the issue for my own well-being. My position, Mr. Speaker, is that until proven guilty, the defendant in a criminal proceeding should be given the benefit of the doubt, as in law he is. But at the point when he is adjudged to be guilty, after he has had the benefit of every doubt given him by society, I think society deserves the benefit of the doubt. Right now society knows it's not getting the benefit of the doubt.

When a defendant is found guilty of an offence, he should be removed as completely as is necessary from any possibility of repeating the same, or a similar, crime. He should be treated in an isolated environment only, according to the resources that are available, until it can be stated with confidence that he or she is very unlikely to repeat the crime. In my view, restitution should be an important aspect of treatment in every case.

The professionals who make a determination that a person is fit to return to society should be liable for the consequences of their decision. We can all cite example after example of a person being returned to society on the basis of a 20-minute interview which a general practitioner had with a criminal he had never met before, and such a man goes out into society to commit one or half a dozen additional crimes.

If the cure, as with the enraged husband who was mentioned earlier, takes only 6 months, and if at the end of that time we can be confident that that man can safely be returned to society, that's fine with me. If it takes 20 years, that's how long the man should be treated and not 2 years, or a day, or 5 years with time off for good behavior, or 7 years, or any other arbitrary figure which is given by the courts. If the disease is incurable, the person should be isolated permanently.

My feeling is that the rising call for capital punishment is based on a fear of seeing unrehabilitated criminals back on the streets. Unrehabilitated either because rehabilitation wasn't even attempted, or because the assessment of rehabilitation was made irresponsibly. I think that before we revert to the more extensive use of capital punishment, we should make some serious efforts, which in my view we have not made, to achieve responsible certification and to make sure that the certification of rehabilitation is a condition of release in every case.

Such a course of action wouldn't be easy. For lack of resources or because of different social priorities, people might be confined without access to adequate programs of rehabilitation. If professionals were liable for their judgments, they might be more hesitant to make decisions that would release people back into society. For either reason or both, confinement under these circumstances might be a heavier burden than at present. Nevertheless, I feel that such a course of action is, in the long term, desirable and is the course of action we should attempt to follow, the course of action which I don't believe our society as a whole has sincerely made an effort to follow, in recent years.

Mr. Speaker, in spite of these remarks I have made about my own personal feelings on the death penalty, I am opposed to the resolution not because of my personal feelings on the death penalty, but because I do not believe it is the place of this Legislature to make a moral decision for a federal cabinet which has for 10 years -- for 13 years, I guess -- successfully evaded the necessity of making a difficult moral decision. I wouldn't like to give them an out. I think they have this responsibility not only to the people of Alberta, but to the people of Canada, and I think that it is with the federal cabinet that the responsibility for such a decision should lie.

Thank you, Mr. Speaker.

MR. MUSGRAVE: Mr. Speaker, the other evening we were criticized by the Member for Little Bow for not doing the people's business of the Province of Alberta. He was suggesting that perhaps we were lacking in direction, or we didn't have an object in view of why we were here. I think this afternoon we have spent considerable time addressing ourselves to a problem that is really not our concern. Now, perhaps some of the hon. members here have taken the opportunity to castigate the federal government. Others have taken the opportunity to quote the Hon. John Diefenbaker, in defence of their particular stand. We've heard the white-collar executives castigated for their actions in the United States. We've had just about everybody worked into this debate on capital punishment. Yet I submit, Mr. Speaker, that it's not our concern.

I would like to suggest that perhaps we are seeing in our society a sense of frustration which we are trying to alleviate by reverting to a revengeful attitude within

our society. We've heard people quote the Bible in not too great detail, but they have suggested that, because of our Christian heritage, there is an eye for an eye and a tooth for a tooth. I would suggest to you that that's the part of the Bible that concerns the Jewish tribes which had to have that kind of code of laws to preserve themselves. It was most important that if somebody committed murder within the tribe, you dealt with him effectively, right away, as the hon. Member for McCall said, and the rest of the tribe knew what was happening. When Christ appeared on the scene, we were then supposed to take the attitude of the Christians, which was forgiveness. So I think it would be of interest to all the members if they would remember, when they are using this particular reference, that there are two parts to the Bible, the old and the new, and our society is based more on the new than on the old.

The other evening on television a gentleman was interviewed, who had won the Nobel Peace Prize last year for humanitarianism. One of the concerns he expressed was with the increase of torture by official governments in the more or less modern western world. These were not subversive groups. These were official governments. He mentioned countries such as the Middle East, South America, and in Europe.

Today we heard some members suggest that maybe we should castrate certain people. We heard other members suggest more effective means of eliminating people. Really, some members would suggest that we're still coming down to the level of the murderer, regardless of the method we use. We hear people say that, based on statistics, this will happen or that will happen, if you bring in capital punishment.

At the same time though . . . And I believe the hon. Member for McCall was one of those who mentioned that the statistical basis in Canada is not useful, because it's not large enough. Therefore, we have to use the American table of statistics. I would suggest that if we're going to use the American table of statistics, we have to use the whole American background: the problem of minority groups; the problem of the fact that the nation was built on a slave trade; the problem of the decaying inner city cores, all of these things; the situation that in the United States every man was his own protector, carried his own gun, and was, in effect, his own lawmaker. We don't have those kinds of situations or historical background in our country.

Mr. Speaker, I come back to the thing, though, that concerns me the most and that is: we suggest that the deterrent should be only for those people involved in enforcing our laws -- the police officers or guards in penitentiaries and institutions. Now how would you feel if you were the father of a young girl who was raped and murdered, but the person was let off with a life sentence because he was insane or mentally incapacitated, but you had a son who was killed as a guard or a policeman, and the murderer was hanged.

Now these are the kinds of situations we get into when we try to say, well, you'll be killed for some things but not for others. I think there's a great deal of scientific evidence that there is a small minority in our society who are not responsible for their actions, regardless of the laws that exist. So are we to say that we would, in effect, bring in these laws, knowing full well that they won't work, but we'll salve our own consciences? We'll, in effect, be able to say to those 70 or 80 per cent of the people who want capital punishment that we've done what we think they want done.

The hon. Member for Calgary McCall also mentioned the fact that when he was knocking on doors many, many people mentioned capital punishment and the breakdown of law and order. I would suggest that perhaps it was because of his background, as well as his reputation in the community for being an outstanding police officer. The fact that he was known would indicate that people would speak on this. I knocked on thousands of doors, and only one person mentioned law and order or capital punishment to me. That person lived in Mr. Schumacher's constituency and was concerned because recently in Calgary there was a murder involving three young people. I don't know whether the plea-bargaining process was at work or not, but the young girl was not charged with murder and the two boys were. This mother was the mother of a boy. She wanted to know why the law wasn't fair in its actions, and why didn't they charge the girl. That, Mr. Speaker, was the only situation I had to deal with during the election campaign.

If you go back to your history books, you will remember that under the British system of government we are here as representatives of the people. We're not here to respond to the strongest organized pressure group, or the most vociferous group, or the group that's the strongest in the community. We're here to represent the entire community. This is one of the reasons the galleries are so small. Many of us here are representing thousands of people. There's no way they can be in that gallery and scream at you and tell you how you should vote. Your vote is based on your experience in the community, what you think is the good of your community, what the interests of all the people are -- the weak, the strong, the good, the bad, the evil, the just, and the unjust. All of them are here in you when you make your vote, and I think it's most important that we don't get trapped into this situation. Any one of us here is capable of writing a questionnaire, sending it to his constituents, and wording it in such a way that he's going to get back the kind of answers he wants -- any one of us. And I suggest that many of these questionnaires that are sent out by some of our members in Ottawa are doing exactly that.

So, Mr. Speaker, getting back to my first point, I feel that we in this Legislature do have a tremendous opportunity if we went in the direction of the . . . The hon. Member for Edmonton Kingsway originally, I believe, suggested that we in this province have the opportunity to do something about murder before it's caused. In effect, we have something to do with the environment created in this community which results in many of these crimes. I think that is the way we should approach this problem.

Under the British North America Act, the province is responsible for the health of its citizens. I would suggest that perhaps the most effective way for us to go would be to take our time and energy spent here in debating an issue that is of no concern of ours as far as our jurisdiction and responsibilities under the BNA act are concerned -- if we took those responsibilities and actions and energies and thoughts and directed them toward a positive program of rehabilitation, of creating an environment in our community that would prevent these kinds of situations happening, we would be doing a far greater service to the members of our community.

I agree this is a tremendously important situation facing Canada. I agree it is a very emotional issue. I agree it gets lots of press. But I also agree there are far more serious situations in our community that we are charged with being responsible for. I would suggest that rather than spend so much time on debate as we have, we should amend this resolution so in effect it provides that we attend to our business as the Legislature of the Province of Alberta. And that doesn't happen to be concerning ourselves with federal legislation of this nature.

If any one member here is vitally upset with the lack of action of the federal cabinet, there's nothing to stop him from sitting down and writing a letter to his Member of Parliament. I submit that if he is a long-standing member of this House, perhaps the Member of Parliament will take cognizance of its content, bearing in mind the author of the letter.

But for us to suggest that the federal cabinet is lacking in its duty, or that the federal cabinet should have taken away from it the prerogative of mercy, I think is an impertinence by us, interfering in their affairs. I think most members here would agree with me that I don't have any particular sympathy for the present Government of Canada. I think they obviously conned the people of Canada just about this time last year. I suggest they are still trying to do the same thing. We will see what kind of budget Mr. Turner comes down with. But for us to address ourselves to this kind of problem, when we have more serious ones of our own to concern ourselves with, which we can do something about, I think is being of disservice to our community.

Therefore, Mr. Speaker, I would like to suggest that this Legislature at this time adjourn debate on this particular motion.

MR. SPEAKER: Having heard the motion for adjournment by the hon. member, do you all agree?

HON. MEMBERS: Agreed.

DR. HORN: Mr. Speaker, I move we call it 5:30.

MR. SPEAKER: Having heard the motion by the hon. Deputy Premier, do you all agree?

HON. MEMBERS: Agreed.

MR. SPEAKER: The House stands adjourned until tomorrow afternoon at 2:30.

[The House rose at 5:21 p.m.]