

LEGISLATIVE ASSEMBLY OF ALBERTATitle: **Friday, October 28, 1977 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF BILLS**Bill 85
The Social Development
Amendment Act, 1977 (No.2)****Bill 86
The Domestic Relations
Amendment Act, 1977**

MR. ASHTON: Mr. Speaker, may I have leave to introduce two bills?

Mr. Speaker, I request leave to introduce a bill, being The Social Development Amendment Act, 1977 (No.2). The principle of this bill, Mr. Speaker, is that it will substantially enhance the capacity of the Crown to collect maintenance payments from delinquent spouses.

Mr. Speaker, I also request leave to introduce a bill, being The Domestic Relations Amendment Act, 1977. The principle of this bill is very important in that it very substantially enhances the rights of women of this province.

[Leave granted; bills 85 and 86 read a first time]

**Bill 88
The Social Care Facilities
Licensing Act**

MR. WOLSTENHOLME: Mr. Speaker, I beg leave to introduce Bill No. 88, The Social Care Facilities Licensing Act. The purpose of the act is to change the name from The Welfare Homes Act. It also provides for appeals to be heard by an appeal board instead of the minister, as at present.

[Leave granted; Bill 88 read a first time]

**Bill 91
The Alberta Housing
Amendment Act, 1977**

MR. JAMISON: Mr. Speaker, I beg leave to introduce Bill No. 91, The Alberta Housing Amendment Act, 1977. The purpose of this bill is to clarify the responsibility of the Alberta Housing Corporation in the area of land development. Clarification of this responsibility is necessary because of the extension of the corporation's responsibilities in land development to include industrial land development under the Alberta industrial land program announced earlier this year. The intent of this program is to increase the municipi-

ties' ability to attract industry by providing industrial sites, with the assistance of the Alberta Housing Corporation in the assembling and servicing of industrial land.

[Leave granted; Bill 91 read a first time]

Bill 98**The Motor Vehicle Administration
Amendment Act, 1977 (No. 2)**

MR. APPLEBY: Mr. Speaker, I beg leave to introduce Bill No. 98, The Motor Vehicle Administration Amendment Act, 1977 (No. 2). Two major objectives of this bill are, one, to bring about a closer control over uninsured drivers and, two, to improve controls with respect to traffic in stolen vehicles and parts of such vehicles.

[Leave granted; Bill 98 read a first time]

MR. HYNDMAN: Mr. Speaker, I move that the following five bills be placed on the Order Paper under Government Bills and Orders: Bill No. 85, The Social Development Amendment Act, 1977 (No. 2); Bill No. 86, The Domestic Relations Amendment Act, 1977; Bill No. 88, The Social Care Facilities Licensing Act; Bill No. 91, The Alberta Housing Amendment Act, 1977; and Bill No. 98, The Motor Vehicle Administration Amendment Act, 1977 (No. 2).

[Motion carried]

head: TABLING RETURNS AND REPORTS

MR. MINIELY: Mr. Speaker, I wish to table the answer to Motion for a Return No. 105.

MR. LEITCH: Mr. Speaker, I wish to table a report of activities under Section 10 of The Government Land Purchases Act, together with the Provincial Auditor's report containing the audited financial statements for the land purchase fund for the fiscal year ended March 31, 1977, and the Provincial Auditor's report on the financial statements of the Alberta Resources Railway Corporation as at December 31, 1976.

MR. GETTY: Mr. Speaker, I'd like to table the report of the Department of Energy and Natural Resources for the year ended March 31, 1977.

head: INTRODUCTION OF SPECIAL GUESTS

MR. R. SPEAKER: Mr. Speaker, I would like to take the opportunity at this time to introduce to you a group of grades 10 and 12 students from Vauxhall High School. Along with the group are some persons who take a great interest in the Legislature and show great leadership with these students: Mr. Bruce Peruvault, Mr. Bob Seamen, Mrs. Mildred Jacobs, and Mr. Barry Edwards.

I'd like to say also, Mr. Speaker, that the fine quality of these young people should be noted by not only all members of the Legislature but particularly the hon. Member for Calgary Buffalo. I'd like to ask them to stand at this time and be recognized by the Assembly.

head: MINISTERIAL STATEMENTS

Department of Consumer and Corporate Affairs

MR. HARLE: Mr. Speaker, I wish to announce that I have today appointed Mr. Terry Cavanagh as chairman of the Rent Decontrol Appeal Board. The appointment will be effective November 1.

He replaces Mr. George McClellan, who served as chairman from the time the temporary rent regulation program was established almost two years ago, and then as chairman of the rent decontrol program until September 30 of this year. Dr. Walter Gainer of the Economics Department at the University of Alberta has been acting chairman for the past few weeks.

It will be Mr. Cavanagh's job to provide guidance during the decontrol period. The Temporary Rent Regulation Measures Act was first passed by this Assembly in December of 1975 because the federal government asked the provinces to assist with the fight against inflation in this way. At that time there was a serious shortage of rental accommodation in Alberta, and tenants were faced with rapidly rising rents. The government believes the best protection for tenants is an adequate supply of housing and has worked very hard to encourage more construction. The private sector has responded well, and the availability of accommodation is improving markedly.

The rent decontrol program which Mr. Cavanagh will head is designed to gradually remove controls from all rented housing and return landlords and tenants to normal market conditions. We hope this will be possible within three years. Mr. Cavanagh has broad experience in both business and public affairs, and I think we will be served well by him acting in this capacity.

Mr. Speaker, Mr. Cavanagh is here today, seated in your gallery. I ask the unanimous consent of the Assembly to revert to Introduction of Visitors so that we may welcome him here today. I would ask him to please stand.

head: ORAL QUESTION PERIOD

Labor Legislation

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of Labour, and ask if he's had an opportunity to have discussions with his federal counterpart with regard to the legislation introduced in the House of Commons yesterday?

MR. CRAWFORD: Mr. Speaker, the Minister of Labour for Canada has, in general terms, been discussing the legislation introduced recently in the House of Commons for quite a long period of time. I would point out, as he has, that it relates only to some proposals that he has for the sector of the labor force which is under federal jurisdiction. I don't know what further reaction the hon. member would want me to have on it.

MR. CLARK: Mr. Speaker, a supplementary question. Remembering that 77 per cent of Alberta's work force is not unionized, is the government giving consideration to introducing legislation patterned after the fed-

eral legislation introduced yesterday, which would establish a charter of workers' rights for unorganized workers under provincial jurisdiction?

MR. CRAWFORD: Not at the present time, Mr. Speaker. We have labor standards legislation, under the Labour Act, which is very effective. A number of other things that the federal government is talking about at the present time have of course already been done in the provincial field; in particular, in regard to occupational health and safety legislation.

I must say, as I've told the hon. Mr. Munro, I very seriously question whether or not they should be getting into some of the areas that are strongly provincial, and in which a number of thrusts already exist in the various provinces across the country, to the extent they are. That, I believe, is a matter for discussion between the federal and provincial governments, insofar as any of the areas they move into may be considered to be provincial. The best example is the one I gave, occupational health and safety.

Concerning the reference the hon. leader makes to a charter of rights for unorganized workers: I did mention that we do indeed have standards in Alberta for unorganized workers. As to the details of the federal proposals beyond that type of thing, I am not in a position to comment at the present time. I'm generally aware of their substance, and really think it is a matter for the federal government.

Lumber Industry

MR. CLARK: Mr. Speaker, I'd like to direct the second question to the Minister of Energy and Natural Resources. My question really concerns the operation of Simpson Timber Co., which holds timber cutting rights, I guess, to more than a million acres in the Whitecourt/Fox Creek/Swan Hills area. Has the minister had concerns expressed to him with regard to a decision made this year by Simpson's Seattle office; that is, a new sales policy which restricts Simpson sales into Alberta to only three lumber wholesalers, all of which have their head offices in Vancouver?

MR. GETTY: No, Mr. Speaker.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Is the minister prepared to check with the responsible officials of Simpson [Timber]? I raise the question because we find ourselves in a situation where Alberta wholesalers cannot buy directly from Simpson in Alberta, and Alberta lumber retailers can only obtain Alberta lumber from Simpson through these Vancouver wholesalers. Will the minister check the matter and report to the Assembly?

MR. GETTY: Yes, Mr. Speaker.

Sulphur Dioxide Emissions

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Attorney General, but since he's not in his place I'll direct it to the hon. Premier and he can assign it to the Acting Attorney General. It's a follow-up to the question I posed on October 17 with respect to the acquittal of Great Canadian Oil Sands

on a charge of SO₂ pollution. My question is: in view of the fact that this is the last day an appeal can be launched, is the Acting Attorney General in a position to advise the Assembly whether or not such an appeal will be launched?

MR. LOUGHEED: Mr. Speaker, I will refer that to the Acting Attorney General, the Minister of Federal and Intergovernmental Affairs.

MR. HYNDMAN: Mr. Speaker, I don't know the details of the situation, but I'll attempt to get information for the hon. gentleman, possibly before the end of the question period or before the end of this morning's sitting.

MR. NOTLEY: Thank you very much.

Mr. Speaker, a question to the hon. Minister of the Environment flowing from his answer on October 17: has the Minister of the Environment had a opportunity to review the judgment with respect to the continuous monitoring versus every-12-minute monitoring?

MR. RUSSELL: I'm sorry, Mr. Speaker, some of the words were blurred and I didn't catch them all.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Following up the statement he made on October 17, has the minister had an opportunity to review the judge's decision with respect to the acquittal of Great Canadian Oil Sands? To refresh the minister's memory, the acquittal was based on the problem of the monitoring procedure. Every 12 minutes there is a monitoring of the emission, as opposed to a continuous half-hour period, and the judge took the view that there would have to be continuous monitoring. My question flows directly from the minister's comments on the seventeenth: has he had an opportunity to review that judgment?

MR. RUSSELL: Mr. Speaker, I've had one meeting concerning that matter with officials of the department, and I expect there will be more. Later during the session I will be able to report more.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. Minister of the Environment. In light of the GCOS acquittal and changes proposed in the Environment Conservation Authority, changing it to the environment council of Alberta, is the government reconsidering its position on the question of environmental hearings on the oil sands as proposed by the ECA?

MR. RUSSELL: No we're not, Mr. Speaker. I think it's important that the two issues are kept separate, inasmuch as the monitoring, the administration of legislation, court action: those kinds of things are the responsibility of the Department of the Environment. The other issue, whether or not hearings should be held at an early date on the oil sands, has been discussed many times in this Legislature. The government's position remains the same.

Consultant's Contract

MR. R. SPEAKER: Mr. Speaker, my question to the

Minister of Hospitals and Medical Care is further to my questions the other day relative to Mr. MacMillan. Could the minister advise whether Mr. MacMillan's position was advertised publicly, and was there an open competition for the position?

MR. MINIELY: No, Mr. Speaker, he was my personal choice to go into the position on contract.

MR. R. SPEAKER: Mr. Speaker, to the minister. Has the position of deputy minister been advertised publicly and, if so, in what areas of Canada, or only in Alberta?

MR. MINIELY: The position of deputy minister has been advertised nationally and extensively across the country.

Doctors' Records

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Is the minister requesting that computer records of doctors be pulled to determine their claims to the medical care commission? Very specifically, has the minister asked for any of the doctors' records from the medical care commission?

MR. MINIELY: Mr. Speaker, the first I've ever heard of any such matter is from the hon. Member for Little Bow.

MR. R. SPEAKER: Mr. Speaker, to clarify the answer, the minister is saying no, he has not requested any files?

MR. MINIELY: Mr. Speaker, I'm at an absolute loss as to what the hon. Member for Little Bow is talking about. The answer is, clearly, I have absolutely no knowledge of what he's talking about.

MR. R. SPEAKER: No or yes? If it's no, just say . . . [interjections]

MR. SPEAKER: Order please.

MR. MINIELY: Mr. Speaker, the answer is no. [interjections]

MR. CLARK: That's typical of your answers.

MR. MINIELY: The answer is no.

MR. R. SPEAKER: Mr. Speaker, I would appreciate it if the minister would stand in his place and record that.

MR. MINIELY: Mr. Speaker, the answer is no, and in the first two answers I said I had absolutely no knowledge of the matter. I would assume, if the hon. Member for Little Bow understands English, that clearly means no.

Land Transaction — Vegreville

MR. CLARK: Mr. Speaker, I'd like to direct a question to the Minister of Housing and Public Works. It deals with a recent land transaction adjacent to the environmental research station at Vegreville. The piece of land has the description: Lot B in the southwest

quarter of 24-52-15-W4: The registered landowners of that property are Don Mazankowski and William Yurko. Will the minister advise the House if he is, or is he related to, the William Yurko who is one of the registered owners of that property adjacent to the environmental research centre at Vegreville?

MR. SPEAKER: Order please. The Chair would have some difficulty in relating to the minister's official duties any kind of genealogical research.

MR. CLARK: Mr. Speaker, then I'll ask the minister: is he an owner or part-owner of land adjacent to the Vegreville research station?

MR. SPEAKER: The same consideration would have to apply. I'm unable to see how the hon. minister's possessions or anything of this kind are directly related to his public duties as a minister of a certain department.

MR. YURKO: Mr. Speaker, I think it would be appropriate for me to clarify that I don't own any land whatsoever in the Vegreville area. I have indicated publicly that I own a lot with a house on it in the little town of Hairy Hill, which is all I own beyond the fact that I own a house in Edmonton.

MR. CLARK: Mr. Speaker, then a supplementary question to the minister. It refers to the minister's responsibility as far as the research centre and the minister being responsible for public works in the province, and to the minister's comments made about annexation that would take place at Vegreville. Was the minister aware that the two before-mentioned individuals acquired this land for \$50,000 and are now trying to sell it for some \$238,000, and that the land was bought in December '76 and . . . [interjections]

MR. SPEAKER: Order please.

MR. CLARK: . . . January '77. [interjections]

MR. SPEAKER: Order please. The hon. Leader of the Opposition isn't asking a question. He's making . . . [interjections] But there has to be some limit to the list of topics with regard to which a minister can be asked if he is aware. In very many instances — and it would appear to me in the present one — such a question is really not a question but rather a representation. In fact in this instance it might even be called an accusation.

MR. CLARK: Mr. Speaker, let me put the question this way: did the minister have discussions with Mr. William Yurko of Vegreville, or Mr. Don Mazankowski, with regard to the possibility of the government annexing this land to Vegreville and increasing the property?

MR. YURKO: Mr. Speaker, I think it would be appropriate for me to answer the question of the hon. leader by telling him that I have had absolutely no discussions with the two individuals the Leader of the Opposition suggests in his comments, nor indeed am I in any way aware of the fact that these two individuals have any property in the vicinity of the Vegreville

laboratory.

Furthermore, Mr. Speaker, my department, through the Alberta Housing Corporation, and indeed the Department of Public Works, negotiates land all across the province — many, many pieces. There is no way that I as minister can possibly know, or have at my fingertips knowledge as to which pieces of land are being negotiated at any particular time. But I'll certainly check into the matter, as the member has brought it to the attention of the Legislature. [interjections]

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Is this land in the Vegreville area the same land that the minister indicated publicly the government is going to annex, despite the recommendations of the Local Authorities Board?

MR. YURKO: Mr. Speaker, the hon. member recognizes that back in 1974 this government announced that a laboratory was being built at Vegreville — not in the county, but at Vegreville. Indeed, as a result of that announcement, it has always been the intention that the laboratory go to Vegreville. If I had made any public statement . . .

MR. CLARK: Why didn't you tell the Local Authorities Board that, Bill?

MR. SPEAKER: Order please.

MR. YURKO: . . . in any way, it was in connection with that announcement, made in 1974 I believe.

MR. CLARK: Mr. Speaker, just to rephrase the question to the minister. Would the minister care to indicate to the Assembly whether he said publicly, over the Camrose radio station, that land adjacent to the Vegreville research station would be annexed to the town of Vegreville despite the recommendations of the Local Authorities Board which said, no it should not be done?

MR. SPEAKER: In view of the nature of the question, it would probably be less than fair if the minister were not permitted to answer it. But I would like to draw to the attention of the hon. Leader of the Opposition that a question directed to a minister with respect to a statement made outside the House is specifically referred to in *Beauchesne*, and that the question period is not intended for checking on newspaper reports and that sort of thing.

MR. GETTY: Mr. Speaker, could I rise on a point of privilege? I think that kind of questioning is a cheap insinuation which brings no credit to either the member or this House.

MR. CLARK: Mr. Speaker, on the comment made by the Minister of Energy and Natural Resources. I can appreciate his sensitivity. But in a situation like this we're being less than responsible if we don't raise the matter. [interjections] And we're not going to be scared off by comments by the Minister of Federal and Intergovernmental Affairs either. [interjections]

MR. SPEAKER: Order please. I have some doubt about the propriety of characterizing a remark by an

hon. member as being a cheap insinuation. I would think that a point of order could be raised perhaps — or a point of privilege — with language that is somewhat less inflammatory.

The question now is whether the hon. minister wishes to make any further comment on the matter, as he is fully entitled to do. Otherwise we will proceed to the next question.

Bilateral Trade Discussions

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Premier. It flows from the discussions he had the day before yesterday with Ambassador Enders from the United States. Can the Premier advise the Assembly whether or not it was the view of the United States government that any arrangements vis-a-vis natural gas from Canada to the United States should be looked at in the light of a common pooling policy, somewhat similar in nature to the auto pact concept?

MR. LOUGHEED: Mr. Speaker, I think I would have to answer that question in the negative, the way it's been phrased.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. Was there any suggestion by Ambassador Enders to the Alberta government that the United States would be willing to look at tariff adjustments, provided there was some commitment on natural gas, and that that in fact would be done as a consequence of bilateral discussions between the government of Canada and the government of the United States?

MR. LOUGHEED: Mr. Speaker, I think it was precisely the reverse. I think the position has been clear that there has been some expression of interest by United States authorities such as the U.S. Secretary of Energy that they'd like to see an accelerated supply of Alberta natural gas to permit a prebuilding of the pipeline. The Alberta government has attempted to make clear — so that time is not wasted on such applications — that we would only look towards such an approach if we felt that we could find some benefits to the farmers of this province, in improving access for their products into the United States.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. Have there been discussions with any other American officials, either by members of the Alberta government or representatives of the Alberta government?

MR. LOUGHEED: Mr. Speaker, I believe I have outlined in the House, but I may not have done it in the House, that I did have a meeting with Governor Brown of the state of California who, I presume, would fit within the member's definition of a United States governmental official. Of course, last December I had discussions with Senator Jackson who is the chairman of the U.S. Senate energy committee. Those have been the extent of the direct contacts.

MR. NOTLEY: Mr. Speaker, a supplementary question. I wonder whether Mr. Carter, in view of the presidential race several years ago, would see Gover-

nor Brown in that light.

My question, however, is: have there been any discussions, not between the Premier or members of the government but between representatives of the Alberta government, the marketing commission, or any public servants, with senior American energy officials?

MR. LOUGHEED: Mr. Speaker, to this date I don't think what has occurred would fit within the orbit of the hon. member's questions. I should correct the answer just before the last, because I also met in June of '76 with a number of other governors in the United States.

With respect to the hon. member's question, I do think the states are not quite as significant in the American system as the provinces are in Canada, but the states do have some influence over a number of these matters.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. Premier. In light of the discussions held with Mr. Enders earlier this week, what discussions have taken place between the government of Alberta and the government of Canada?

MR. LOUGHEED: Mr. Speaker, I thought I reported on that in the Legislature earlier. Over the course of the summer months we have had discussions with the federal government on a variety of levels, keeping them apprized, if requests are made from the U.S. government to the Canadian government for accelerated natural gas supply or a gas swap arrangement, of what the view of the Alberta government would be. I think I have now expressed that view in this House on a number of occasions.

MR. NOTLEY: Mr. Speaker, a final supplementary question to the hon. Premier. My question relates not to the general statements that have been made, but whether or not the Premier in fact contacted the Prime Minister subsequent to his discussion with Mr. Enders and formally communicated to the Prime Minister the position that has been taken in the Legislature yesterday and today.

MR. LOUGHEED: Mr. Speaker, first of all I did add the caveat yesterday, both inside and outside the House, that it would be important to know whether or not the implications — and they were not specific — of Ambassador Enders' observations to me on Wednesday were in fact the official United States position, or merely considered preliminary discussions. We have yet to ascertain that. I will be meeting with the Prime Minister on Monday afternoon in Edmonton. We have a long agenda. That will be one of the items I will raise with him.

Optometry Profession

DR. WEBBER: Mr. Speaker, I'd like to direct my question to the Minister of Advanced Education and Manpower. In June 1975 the minister indicated to the Assembly that the feasibility of a school of optometry for western Canada was being examined by him and other western ministers of advanced education. Could the minister indicate to the Assem-

bly any conclusions that may have resulted from that examination?

DR. HOHOL: Mr. Speaker, the western conference of postsecondary ministers of education undertook an examination of the subject, on the proposition that if an additional service of this kind were required it might be better met through an institution for the four provinces rather than for one. The other three provinces concluded there was no additional need.

Our own study in the health sciences manpower committee indicated about the same thing. It is not a closed issue; we continue to study it. Representation is being made, based on the population of both optometrists and the people they serve. A final conclusion and determination has not been made because the nature of the subject is pretty complex. We are looking at it.

DR. WEBBER: A supplementary, Mr. Speaker, to the minister. Are Alberta students currently being placed in the school of optometry in Waterloo, I believe?

DR. HOHOL: That is correct. By contract with the University of Waterloo, other provinces of Canada can send a number of qualifying students, on a population basis, to the University of Waterloo. Our four-year contract was renegotiated for the current year, and seven students from Alberta attend the University of Waterloo for optometry.

MR. STROMBERG: Mr. Speaker, does the minister have any statistics on the number of Alberta students who have to go other provinces or the United States for this type of education?

MR. SPEAKER: I believe the first part of the hon. member's question did not come over the console.

MR. STROMBERG: Mr. Speaker, as a supplementary, I was wondering if the minister had any statistics as to the number of Alberta students who have had to go the United States to acquire this type of education?

DR. HOHOL: Yes we do. I'm going by recall, but very few go elsewhere, outside the University of Waterloo. When they do, it's of their choice and volition. For the most part, we fill the quota we have by arrangement with the University of Waterloo. But in the odd year we don't. For example, last year or the year before when we had seven or eight, five students went. But it was because only five qualified, and that's important.

MR. STROMBERG: A second supplementary, Mr. Speaker. Has the minister any statistics as to how many Americans have come up and filled this profession in Alberta in the last 10 years?

DR. HOHOL: No I don't. That information could be obtained from the University of Waterloo. I'm sure it has, as any university does and should, an international capability to which it responds. Our relationship with them, Mr. Speaker, is through a formal contract for a certain number of students based on the provincial population in relation to the federal population. We pay for those students on a fee-for-service basis. That's our arrangement with them.

But I do want to emphasize that it's not a closed issue. I have some support for the proposition that Alberta could do well to take a very close look at the proposition that we need to train and have the facility for training. It would be an expensive program because of the low enrolment. The average age of optometrists is increasing, but we have to look at it in the total circumstance of eye care, including ophthalmology and other types of eye care services.

MR. STROMBERG: A supplementary, Mr. Speaker. Does the government offer any financial assistance to Alberta students who have to go to Waterloo to acquire this training?

DR. HOHOL: Yes we do, based on one of the major premises of The Students Finance Act. When Alberta students have to leave to go to institutions outside Alberta because they cannot get that particular service in Alberta, they do get financial assistance.

DR. WEBBER: One final supplementary, Mr. Speaker. Does the minister have any upcoming discussions planned with the four western ministers with regard to this topic?

DR. HOHOL: I think I have concluded that the other provinces feel that there is no immediate or short-term additional need for services. So I would then determine that the matter will not be on the agenda of the western ministers in the foreseeable future.

Rural Counselling Services

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Social Services and Community Health, and is with regard to counselling services in rural areas. I was wondering if there has been a change with regard to this type of program. Is there a change in policy to bring the rural counselling services more into the central areas, such urban centres as Red Deer, Calgary, and Edmonton, to have a larger pool of professional people?

MISS HUNLEY: I'm not sure what the hon. member means by counselling services. Counselling services in rural or the urban areas are provided in many ways. Is he referring to mental health workers who do counselling, to social workers who do counselling, or to PSS workers who work through the local municipality? There's a variety of those. There may have been some redistribution in the local administration; a good deal of that is left to the regional administrator. But without him being more specific about what he means by counselling services, I'm unable to be any more explicit in my answer.

MR. R. SPEAKER: Mr. Speaker, to be a little more specific: at the present time some of the counselling personnel from Lacombe are being moved into the office at Red Deer. There's a possibility of moving a half-time social worker and two-fifths of a psychologist position, and people in the area are quite concerned about that. I was wondering if the minister could comment on that program.

MISS HUNLEY: No, I can't comment on it. But I'll be pleased to look into that specific a representation, Mr. Speaker.

AHC Staff Housing Policy

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Housing and Public Works. It concerns changes in Alberta Housing Corporation policy on staff housing. Could the minister advise the Assembly what the reasons are for tenants in established communities being required to purchase their homes or vacate them within the next two years?

MR. YURKO: Mr. Speaker, this summer the Department of Housing and Public Works reviewed in detail policies in connection with staff housing. As a result of this review a number of substantive policy changes have been made in regard to rent increases, charges for utilities, and the supply of staff housing. In this review a certain number of approved designations were classified as remote communities, which presently include Fort McMurray, Fort Vermilion, Fort Chipewyan, Grouard, Calling Lake, High Level, Rainbow Lake, Nordegg, and Wabasca. These areas are considered remote; therefore there was a necessity to supply staff housing in these areas.

Because there was staff housing throughout many urban centres where no staff housing was really required and there were other alternatives, a decision was made that staff housing in these other urban areas not considered remote would be terminated. In fact a two-year termination date was given, I believe. In that period of time the civil servants would be given the option to purchase the house they were in, on the basis of a purchasing policy established by the government.

Mr. Speaker, the nature of the policy and its extent is fairly substantive. So without taking more of the House's time, I think it might be appropriate that if the member wished to know more of the details of the policy, he might put it on the Order Paper so that he can be apprized of them.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. With respect to the policy as it applies to remote communities, is the minister in a position to supply the House with statistics on what the average increase in rents will be? The rent, we know, is the amount set out by the temporary rent guidelines; but the rent increase that takes into account the discontinuance of the discounts, or a form of rental subsidy, in these remoter areas?

MR. YURKO: Mr. Speaker, I have been expecting questions on this matter for several days. They finally came, so I happen to have the policy in front of me. If the member wishes me to read the rental increases in remote locations, they are going to be: 8 per cent or \$20 per month on January 1, 1978; 8 per cent or \$20 per month on January 1, 1979; with the permitted increase for January 1, 1980, yet to be established. These are exactly the same rental increases in remote locations as permitted by The Rent Decontrol Act for the private sector throughout the province of Alberta.

MR. NOTLEY: A supplementary question to the hon. minister. Has the government any statistics on what the rate of increase is, taking into account the specific question of the discontinuance of discounts which is another component of the policy?

MR. YURKO: Mr. Speaker, the rents charged in remote locations until the change of this policy were as follows: for accommodation in the area of 0 to 700 square feet, \$50 per month; for accommodation over 700 square feet, \$60 per month. These were considered to be very low rental rates indeed. As a result the 8 per cent or \$20, whichever was higher, was applied. Therefore the \$20 per month, as an increase over a \$50 per month rental payment, is a fairly high percentage. If that is what the hon. member is getting at, he can calculate his own percentages.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Has the minister assessed the impact of this policy, particularly with respect to the utility rate increases and the discontinuance of discounts, on the question of attracting provincial employees to the remote northern communities?

MR. YURKO: Mr. Speaker, I'm not sure that lies within my area of responsibility. But, indeed, the ministers who are involved in this area have had the opportunity to examine and reflect on the policy. There was basically unanimous agreement as far as I understand. It's acceptable that the ministers bring to my attention any considerations they may have within the policy, and as a result some variances may be considered. However, I doubt that these will be considered in any case, in that the rental structure was such that they were really very low indeed and hadn't been revised for, I believe, eight years. So in fact the effect upon the civil servants located in these remote areas — their salary and wage structure has accelerated during this eight-year period to the extent that they can more than adequately cover the \$20 monthly increase in rent.

MR. SPEAKER: Might this be the last supplementary on this topic.

MR. NOTLEY: Mr. Speaker, a supplementary to the hon. minister. Is the minister in a position to outline to the Assembly the reasons the government chose not to consult formally with the Alberta Union of Provincial Employees on this matter before making a decision?

MR. YURKO: Mr. Speaker, there are areas where it's indeed appropriate for the government to negotiate and correspond with the Alberta Union of Provincial Employees. There are other areas where it's appropriate for government, in its managerial capacity, to take action on its own accord. I gather this was one of those second areas.

Treaty Indian Rights/Services

DR. BUCK: Mr. Speaker, I'd like to address my question to the minister responsible for native affairs. I'd like to know if the minister can indicate the present status of negotiations involving provincial services to

treaty Indian bands without interfering with their treaty rights. Is this discussion going on?

MR. BOGLE: Mr. Speaker, that is a subject of continuing importance and deliberation by the government of Alberta. Before this House rises during this sitting, I hope we will have more to indicate on that matter.

DR. BUCK: Mr. Speaker, a supplementary question to the hon. Premier. Will this be one of the matters discussed with the Prime Minister at the beginning of next week?

MR. LOUGHEED: Mr. Speaker, I gave an undertaking to the Indian Association of Alberta when I met with them in a very effective and constructive meeting. They have concern with regard to this extension of services to treaty Indians in the province. I think many of the bands would like to see the extension of services, but they do have a concern that if they enter such relationships with provincial governments, it can affect their treaty rights. It is a matter I will be reviewing with the Prime Minister. Whether he'd be in a position to be definitive or not is not easy for me to tell at this time. But he should be apprized of their concerns.

We would very much like to move in this direction if we could. I think the hon. member is aware that efforts were made in the '60s to do so, and for a variety of reasons they were not successful. But we see that if it can be done with the proper co-operation, reasonable response from the legitimate spending obligations of the federal government in terms of their basic responsibilities under the constitution, the citizens of Alberta who are treaty Indians living on the reserves could well benefit in a number of areas from expanded services. It's a matter under consideration by the government at the present time. I'm perhaps not quite as optimistic as the hon. minister was on the time frame.

DR. BUCK: Mr. Speaker, a supplementary to the hon. minister responsible for native affairs. In light of the Premier's statement, which said "other services", can the minister indicate what services there would be other than social services that we're discussing?

MR. BOGLE: Mr. Speaker, I think it would be inappropriate for me to go into any kind of detail at this time, as the policy is presently under formation. We do hope to have full and open consultation with the 42 bands in Alberta, the Indian Association of Alberta, and the federal government. So I think to get into that area before we've had those discussions, in a spirit of co-operation, would undermine the basic trust which has been developing in this entire area.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the Premier. In the discussions with the Prime Minister, would discussion take place of the specific area I raised the other day with the Minister of Federal and Intergovernmental Affairs with regard to the Enoch reserve taking on municipal status? It's a similar type of thing.

MR. LOUGHEED: Mr. Speaker, I would doubt it. That really is a clear, specific matter. We only have so much time. It is proceeding, as the Minister of Feder-

al and Intergovernmental Affairs mentioned, in other ways. I think the matter of treaty rights is a broader matter affecting the Indian people of Alberta generally. For that reason, because of the nature of this meeting — by the way, I guess it's the first one of its kind — I thought I should limit the subjects I wish to raise, assuming the Prime Minister has some he wishes to raise, to matters that would affect the province as a whole.

But I'll take that under consideration, and if there is a way to do it, reassess it.

MR. SPEAKER: We have time — about two minutes — for a short question and a short answer.

Crown Grazing Leases

MR. R. SPEAKER: Thank you, Mr. Speaker. The question is very short. It is to the Associate Minister responsible for public lands, with regard to Crown grazing leases. During the summer there was the long drought situation. I wonder if the minister is reconsidering the utilization policy with regard to Crown grazing leases for 1978?

MR. SCHMIDT: Mr. Speaker, the areas that suffered heavily under drought early this spring have very fortunately, through the rains that came later in the summer, brought on some excellent pasture. It appears at this time that the carrying capacities, other than winter pasture, may not have any major change for the coming year.

Sulphur Dioxide Emissions (continued)

MR. HYNDMAN: Mr. Speaker, I have some supplementary information on the question posed by the Member for Spirit River-Fairview with respect to a court decision on the Great Canadian Oil Sands. It is important to note there are two outstanding charges here, Mr. Speaker. The one with respect to The Clean Air Act, which was raised by the hon. member: I'm informed in that regard that it is not the intention of the Crown to appeal that acquittal.

There is outstanding, however, a court decision on charges under the Fisheries Act. Those are still pending. It's a different violation. There has been no decision as yet with respect to that.

ORDERS OF THE DAY

MR. LOUGHEED: Mr. Speaker, I just thought that on behalf of the House we might be very pleased to recognize the rather thin individual at the end of the table and welcome back to the Legislature the Minister of Government Services also responsible for Culture.

head: **GOVERNMENT BILLS AND ORDERS**
(Second Reading)

Bill 81
The Department of the Environment
Amendment Act, 1977 (No. 2)

MR. RUSSELL: Mr. Speaker, I move second reading of Bill No. 81, The Department of the Environment Amendment Act, 1977 (No. 2). The bill deals with two matters, one of which is a routine administrative matter. The second is a question of policy, following a recent court decision from the appeal division of the Alberta court.

The first amendment, the routine one, adds the ability to acquire land by expropriation as well as by the usual purchase procedures when land is bought by the Department of the Environment. I think that has simply been an oversight in the fact that that clause has not been in the act in a similar way to other clauses in other departments' acts.

However, I do want to clarify that that does not deal specifically with land in restricted development areas, because under Section 15 of the act the regulations already permit expropriation in restricted development areas. So this is other routine purchases — if I can call them that — that should have that expropriation qualification there, and as I mentioned earlier, it is a routine administrative matter.

The second one contained in the bill is more important and I think really the body and the essence of this amendment, Mr. Speaker; and that is, to make it absolutely clear for the government and for landowners within restricted development areas what can be done. And when I say "what can be done", I mean what can be done by way of regulating land uses within the RDA. If I can just sum up, what has happened is that in the case of the Edmonton RDA, which was put into place by four separate orders in council, a situation developed on the south leg, the most recently instituted one, whereby a pipeline company, being Dome, was directed to use the restricted development area for the purposes of their pipeline, rather than cutting diagonally across the city of Edmonton. And of course it's been understood for a long time, ever since the RDA was conceived and put into place, particularly around Calgary and Edmonton, that that was an important part of it: to provide for the orderly installation of any pipeline or utility kinds of facilities in a protected greenbelt so that these things which, until this time, have proceeded in an uncoordinated way, particularly around the metropolitan areas, would have a corridor in which they could be placed.

Of course the pipeline is a separate matter insofar as compensation or acquiring right of way is concerned, because in that regard it is no different from any other pipeline in Alberta. If I can use the example of the proposed Alcan pipeline, because it's current, in that case the company and perhaps the National Energy Board and the province will determine the final route of the pipeline right of way. The company then has the responsibility of acquiring the easement for the right of way. If compensation for that easement cannot be determined, of course there are procedures under the Surface Rights Board whereby those things are decided.

So I don't think it was the question that the pipeline

per se was put on the land, because that may or may not have happened in any part of the province where a pipeline is located. The principle which needed clarifying, and which was the subject of court action, is whether or not the Minister of the Environment had the authority under the act, and following the terms of Section 15 of the act, to in fact instruct that that kind of land use occur within the restricted development area.

We had two different kinds of decisions on this. This was a matter of court action when the spring session was proceeding earlier this year, Mr. Speaker. At that time we considered whether or not we should introduce legislation anticipating what a decision might possibly be. I think that would have been bad, inasmuch as we didn't know what that decision would be and we didn't know whether or not an appeal would be carried forth. At the trial division of the issue in question, the court determined in favor of the government. That decision was appealed and at the appeal session the decision was reversed. That is the background to this legislation.

What the legislation says in essence is that land use or activities adjacent to, as well as within the RDA, may be regulated insofar as the preservation and orderly development of the RDA and the region in which the RDA itself is contained is concerned. That in essence is what the thrust of the amendment is.

Insofar as the current status of the RDA is concerned, as of today, it does not exist. Quite frankly, I think it would have been easier — I think hon. members can see that — to pass retroactive legislation which would have saved a lot of administrative procedures insofar as the Land Titles office is concerned. We didn't want to do that, so we've allowed the RDA on the south leg across the city of Edmonton to expire. We've announced that it's our intention to proceed with this legislation based on the recent court decision and if that legislation is passed, to pass a new order in council putting the south leg of the RDA back into place and then going through the system, through the Land Titles office again, with respect to the landowners, putting new notices on the titles of those lands in question.

I want to underline the importance of maintaining that RDA around the city of Edmonton. In my view, it's a critical long-term planning tool which this government and future governments, both at the municipal and the provincial levels, will need. It's necessary, I think, to protect it and to keep it there. That really is why we are bringing in this legislation, Mr. Speaker. We've had the clarification by the courts now. We're starting over with the south Edmonton one.

I don't know and I don't believe that any of the other RDAs are affected because of the wording in the O.C. that was used. But there is a clause in the act that clarifies again that this was the intent when those were passed so that it is absolutely clear that after the act is passed, all the RDAs will be equal in status.

Because of the importance of maintaining the RDA, because of the importance that it be done properly in the eyes of the law, both for the government and for the landowners in question, I recommend acceptance of the bill.

DR. BUCK: Mr. Speaker, in rising to take part in the debate on Bill 81 I would like to say to the minister that certainly I can understand the section where we require expropriation. I can buy that. Because there are areas, Mr. Speaker, where the common good must be looked after. So this section of the act is certainly required.

Mr. Speaker, the main thrust of the bill, of course, is the area that causes me great concern, not only because it directly affects some of the constituents whom I represent, but also because the entire philosophy of the RDA causes me great concern. I'm sure we will be hearing from the hon. Member for Calgary Buffalo, the man very knowledgeable in law, who will tell us that in essence the RDA is expropriation without compensation. Because basically this is what it is: expropriation without compensation. I'm sure that if I were a lawyer this would concern me gravely.

Mr. Speaker, it is quite interesting to see some of the background to this bill. The minister was down in Lethbridge — you can't always believe what you read in the papers — but the minister said there was going to be legislation brought in to clarify the very fine legal point. Well, this may in the mind of the government be a very fine legal point, but in the minds of the people who are going to be affected by this legislation it's not that small a point.

Mr. Speaker, we realize that there has to be some semblance of orderly development; no one can argue with that. But it's just another instance — the minister, in fairness, is trying to make the point that this is not retroactive legislation. Well, he may try to make that point, but in effect that's exactly what we're getting: some more retroactive legislation by this government. I realize they have a problem. The pipeline was trying to go through the area. The learned Supreme Court said, that's not the purpose of it, so the government had to plug this loophole.

But in the problem of expropriation without compensation, which as I said is the essence of the RDA, people are more than a little concerned about the other section where the minister says that activities adjacent to the RDA may also be regulated. Now I'm going to wait for the hon. minister to indicate to us just how adjacent is adjacent. Does that mean that we will have the RDA in place and then anything within X number of yards, metres, or kilometres — just how wide really is this adjacent area that we're going to have control of? The concerns of the people in the area where they had the RDA inflicted upon them is really an area that I think the government will have to address itself to.

If we are going to use these areas as pipeline corridors then we must buy them out. I don't think there can be any other way to go. Because if we can tie up the thousands and thousands of acres that we have tied up now in the Edmonton area and the Calgary area where the restricted development areas are in place, I don't think we can consider that in any way being fair to the people affected. When we discussed Bill 15 and the philosophy of this government, where the ownership of property is at one time thought to be a sacred entity, there is a great amount of suspicion that you just don't own your land anymore. I like that headline in the *Edmonton Journal* where it said "Zap, you're frozen".

AN HON. MEMBER: When was that, Walter?

DR. BUCK: Maybe it didn't get out to the *St. Albert Gazette*, but they're a little slow out there. In essence the editorial said that if there is any problem the government can just put down the big RDA and you have the land frozen for as long as you need.

Well, if we're going to pursue this course, Mr. Speaker, I say we have to provide compensation. We have to provide compensation. To have expropriation without compensation, I believe we are acting improperly by going that route.

So, Mr. Speaker, the point that the minister is trying to make, that this is just a small amendment to get over this very fine legal point — I don't think the minister's really kidding the people in this Legislature and I don't think the minister is kidding the people affected. So, Mr. Speaker, when we go through the clause-by-clause study of the bill, we will again be making our pitch that by bringing in retroactive legislation — even though the minister doesn't like to call it that — by expropriation without compensation, I think we have to look seriously at this so-called Bill of Rights we proclaimed in this province, that this government's so proud of, to find out if we really believe in that bill.

Thank you, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, in addressing a few comments to Bill 81, I'd like first of all to say with respect to the question of Section 9(1): "is amended by striking out 'any estate or interest in land and' and substituting 'or expropriate any estate or interest in land ...'" I have no difficulty with that. However, let's turn to the basic question of the principle of this bill, which is the issue of what the government is going to do as a consequence of the so-called Heppner case and the RDA.

The minister indicated today that it really wasn't a case of retroactive legislation. This is tantamount to his argument that the provisions of Bill 74 aren't really going to affect or completely change the philosophy of the ECA, the structure, and everything else. But the minister says that's not really going to alter the ECA. Today he tells us that Bill 81 is really not retroactive legislation. Well, Mr. Speaker, with great respect to the minister, all one has to do is look at this section:

Where, before the commencement of this Act, any regulations were made under section 15 of The Department of the Environment Act establishing any Restricted Development Area and where the result of the establishment of the Restricted Development Area is to achieve any or all of the purposes specified in section 15(1) of The Department of the Environment Act, as amended by section 3 of this Act, the regulations shall be conclusively presumed to have been made and to have the same effect as though they had been made on the basis of a report specifying that purpose or purposes.

Now, Mr. Speaker, it doesn't matter how you cut that; that's retroactive legislation. You can define it any way you want. We can try to change the English language, we can have the sort of approach of various politicians who say it isn't really retroactive legislation. It reminds me of some of the statements of the former president of the United States when he

said, that statement is inoperative — that was Mr. Nixon — or protective reaction, the sort of gobbledygook that we find the politicians coming up with. And quite frankly, Mr. Speaker, that's what we've had from the minister today. This is retroactive legislation and let's be fully aware of that point.

Mr. Speaker, what we're doing here is passing essentially the same kind of legislation that was entailed in Bill 29, which the government suggested was not really retroactive legislation; it wasn't taking away land claims, it was dealing with a legal mechanism. The fact of the matter is, what we're dealing with here is the legal mechanism. The Heppner brothers went to court. As a result of their case — the minister's right — the first hearing decided in favor of the government. But on appeal the court ruled that the minister simply didn't have the power under the act to set up an RDA for the purposes of establishing a utility corridor. That's the judgment of the appeal court. What we have now decided to do in this act is, we are saying, "regulations shall be conclusively presumed to have been made". Now, Mr. Speaker, that is reaching back into the past and in my judgment is denying people in the area an important legal mechanism. The minister can say, we're going to go back and renegotiate the south link again — fair ball. But that doesn't alter the fact that this act is still retroactive legislation and that an important legal mechanism — an important right — has been removed from the landowners in the area to tidy up sloppiness on the part of this government.

This government wanted to have the power to have a utility corridor, as such. We find out that the greenbelt is not a greenbelt, it's essentially a utility corridor. Quite frankly, the legislation should have been brought in two, three, or four years ago when the whole negotiation began, instead of just tidying it up after the fact. I suggest, Mr. Speaker, that what we're doing here is something the members of the Assembly have to ponder. The Human Rights Commission made the point — and I thought they made it very well in assessing Bill 29 — that they were extremely troubled by the retroactive nature of that legislation. Here we are, after we receive the report of the Human Rights Commission, passing the third piece of legislation this year with retroactive features. Mr. Speaker, quite frankly, I think we have to say, is that a justifiable thing to do?

As members are aware, retroactive legislation is completely illegal in the United States; it's against the American constitution. Members will recall the reason that particular provision is made in the American constitution is because the founders of the American republic were fed up with the retroactive legislation of George III. Well, Mr. Speaker, we apparently have a government with a George III complex, because we have three pieces of retroactive legislation in one session. Admittedly, there is no prohibition in the BNA Act or in our constitution against retroactive legislation but, Mr. Speaker, the precedents I have been able to uncover lead me to the conclusion that the arguments, the public interest, has to be at stake so overwhelmingly — it's not just a question of what is convenient, of tidying things up, of making it a little easier for the minister — before we can possibly grant any form of retroactive legislation.

I submit, Mr. Speaker, that it is up to the minister, in making his case on this particular bill which will

undo the legal work of the Heppner brothers and their challenge, to make the case that no other alternative was available. Mr. Speaker, I submit that the alternative is contained in the first amendment, the expropriation provision. Why don't we try to settle the thing and purchase the land, as the hon. Member for Clover Bar indicated? That would be the fairest thing to do rather than propping up an RDA at this stage of the game.

I don't argue that there are not times and occasions when it might be necessary for RDAs. What I'm troubled with is the very point I made when we were debating The Planning Act and we looked at this issue of special planning areas. Let's not kid ourselves; RDAs, special planning areas, completely alter the value of the land in the area. There's no question about that. Land that could be worth \$10,000, \$15,000, or \$20,000 an acre is suddenly worth a quarter or a tenth of that. With the stroke of the pen, Mr. Speaker, we can completely alter the property rights of individuals with an RDA. As a consequence, it seems to me that we have to be exceedingly careful in the way in which we approach this sort of thing.

When the minister comes to the Legislature, as he has today, and says, the RDA around the city of Edmonton is a crucial part of provincial policy, it may well be that a utility corridor is necessary. But I submit, Mr. Speaker, that the people in the area have rights too. What we are doing with this piece of legislation, make no mistake about it, is making it a good deal easier for the government to prop up their RDA, but at the expense of the rights of the people in that particular restricted development area. I submit, Mr. Speaker, that convenience is not a justification for retroactive legislation.

I would like to conclude my remarks by saying that I hope we don't have to go through this sort of thing again. It's been the third time this year that legislation with retroactive features has been presented to this Legislature. I submit we have to get out of the habit of drifting into legislation that is administratively convenient but, when one looks at The Alberta Bill of Rights or The Individual's Rights Protection Act or our whole history of the rights of individuals, that is wrong in principle.

MR. COOKSON: Mr. Speaker, I'd like to say a few general words about the whole idea of RDAs and the rights of individuals. I suppose it would be fair to say that I represent a very large group of people in agriculture, who presumably own property — at least they're attempting to pay for it. The question continually raised with me is whether they really do own their property and how much in the way of rights they really have.

Much of the legislation the province has to pass in this area of rights to property concerns me to a degree, because we say this is done in the common interest. You know, that's awfully hard for some of our people to buy. But I have to accept that premise, because I really have no alternative to propose for government. It's a very basic thing that if we didn't provide some legislation to prevent the kind of obstacles that could occur, if the property owner had total rights to the land he purchased, I'm afraid we would be in a pretty serious dilemma as our province grows. I'm talking in terms of both overhead and underground structures that must go from A to B. To

the minister and government: I think that having accepted that fact, it is important first of all that we be sure it is serving the common interest; and secondly, that we're absolutely certain in both our legislation and the way it's interpreted, that we make provision for a way as democratic as possible to give those property owners fair value for the inconveniences which can occur. I know it's certainly difficult for lay people and legislators to be able to determine what is fair value.

We have legislation in force to provide for boards to hold hearings and determine fair value, we have appeal procedures for those who aren't satisfied, and finally I suppose we have resort to the courts if we're still not satisfied. I think it's important that we make our system not so complicated, with so many frustrations built in that the person on the land finds it almost totally hopeless to go through this process, throws his hands up in despair, and takes whatever is given to him — one might say, acquiesces to the system.

Probably one of our most powerful pieces of legislation is the permitting of the cabinet to define a restricted development area. And by the way, this can be done anywhere in the province. It could suddenly be done tomorrow to the land in the Lacombe area. I think our people probably don't really realize the seriousness of this kind of provision, yet it has to be there. At present the only two major areas are around Calgary and Edmonton. I sometimes question, when we talk about the common good, whether the restricted development area really is designed for the major metropolitan areas, which seem unable or unwilling to control their own destinies, or for the major industrial complexes, where these facilities have to end up. I sometimes question whether, because of their extreme bargaining power in the province and their knowledge of the system, they in fact have an advantage over the person out there who has no organization, no funding, and so on to represent him. So I say again it is important that we make our system as uncomplicated as possible, so the little fellow out there does get a fair hearing and fair representation.

I put this in as an aside — perhaps the minister might like to comment on it. We deliver a large amount of produce to the city of Edmonton day by day — and I'm thinking in terms of meat delivery — to major packing plants and stockyards in the large metropolitan area of the city, and I constantly hear the problem of truckers, for example, trying to get from the outskirts of the city to the centres where they deliver their products. I just wonder, if we're talking about the common good of RDAs, whether we've ever given consideration to those people who deliver from 100 miles out, who are suddenly faced with a situation on the outskirts of a major city and two or three hours later through stop signs and devious routes find their way to the area in which they have to deliver. I wonder, Mr. Minister, if we're talking about the common good, whether somewhere along the way we shouldn't define a restricted development area within the metropolitan areas of large cities to facilitate this sort of thing. I put that in because I think it would make the little fellow out there feel a little better if the system were working once in a while in his favor, instead of the obstacles he's faced with.

In conclusion, I don't quite agree with members of the opposition that the legislation is not necessary. I think we have to have it. They talk somewhat about retroactivity, and you can play around with these words quite a bit. I think we just have to accept the fact that in a growth area — again it goes back to The Planning Act — we have to have orderly planning. In the long run it has to be. I think, though, that when we're talking about restricted development areas we should be sure — and I'm not sure whether it says that in legislation, because legislation can always be changed — that RDA will continue as such [indefinitely] if necessary. But I have some question in my mind whether this will ever be possible, because as the pressures of urban growth move outward, I can conceivably see the restricted development area will move with it. If that's the case, I would [respectfully] submit we're really not talking about the common good. We're talking about who can exert the greatest pressure, where, and when. That of course remains to be seen.

MR. YOUNG: Mr. Speaker, just a few brief comments — hopefully brief — on the main principle, as I regard it, of this bill.

First of all I don't think there's any question that one of the responsibilities of a government is to make some tough decisions, and the decision of forward planning is one of those kinds of decisions. We're looking at and weighing in the balance the greater common good against the privileges of individuals, in this case individuals' ownership of land and how they can use that prerogative. We can carry on that debate on every decision made. That's an honest debate, and it involves a judgment call as to what was the best decision to have made. I don't believe that's a debate we're undertaking right now.

Mr. Speaker, the hon. Member for Spirit River-Fairview has suggested this morning — the real red herring, if I may suggest to him — that this is retroactive legislation. How can it possibly be retroactive legislation? The pipeline is already in place. So from the point of view of whether that pipeline's in place or not, this legislation, as I understand it, has no bearing. So what it really does is say that we're going to have an RDA in that area. Surely that's not retroactive any more, because it's going to be established anew after this. With respect to the hon. gentleman, I have very great difficulty with his whole concept of any retroactivity about this. If it would be a case of the pipeline being torn out and put in again if we didn't put this in, then I see a point. But I fail to see it on the basis that he is levelling his charge this morning. Surely it would have been easier for us to have passed retroactive legislation a little while ago and avoided some court discussions and decisions than it would have been to do what we're doing today.

Mr. Speaker, the suggestion has been made that there's no compensation. If I may suggest, my understanding — and I suppose the understanding of an economist ought to be weighed at least as validly as the understanding of a dentist on this issue — is that the compensation paid in this case is the compensation which would normally be available to any landowner who was unfortunate enough in the circumstances to have a pipeline go through his property. I understand the compensation was at least that much.

Further, Mr. Speaker, I understand our policy of dealing with an RDA has been — and it's an evolving position, I think — where there has been significant imposition in terms of the change of use of land in the immediate term, to purchase that land at values equivalent to that of adjacent land that has been sold; in other words, trying to be fair to the landowners and fair to the public at the same time. In total I believe the value of purchase in the Edmonton area approaches \$19 million at this time.

Mr. Speaker, I think some questions are raised here, but a much broader question, if I may submit, is the position of the landowner when land is up-zoned or down-zoned in a commercial sense, action taken by government that creates, if you will, an incremental value or seems to decrease the value. So far neither of those issues has been addressed by government, other than the method we're doing, which is purchasing when there does seem to be a major problem. But I do not believe that in the immediate sense here the owner of the land over which the pipeline has gone has been any more unfairly dealt with than any other landowner.

In conclusion, Mr. Speaker, I'd just like to say I regard this piece of legislation as an intermediary provision, a provision which will help us in our evolution of planning policy to the point where we have a new planning act. Hopefully, that's not too far down the road. I would wish to express the preference that this sort of provision appear in planning legislation rather than environmental legislation, and I think that's on the drawing board now.

Thank you.

MR. SPEAKER: May the hon. minister conclude the debate?

HON. MEMBERS: Agreed.

MR. RUSSELL: Mr. Speaker, I'd just like to respond to two or three issues raised during the debate. The Member for Edmonton Jasper Place of course talked about the difficulty any group of legislators faces in dealing with zoning or land-use policies as they affect the individual property rights of owners. I think that's an important issue, and I suppose it covers a broad range of legislation, not only dealing with land rights but with any kind of rights, insofar as we do regulate ourselves in the interest of the common good. As the member pointed out, it's a very difficult thing to do.

I did want to respond to a couple of points brought up by the hon. Member for Lacombe, in that he said he was afraid that under the pressures of growth the RDA might move out. I don't believe that will happen, Mr. Speaker. I can see that perhaps in the next century, if growth takes some kind of dramatic change, additional kinds of RDAs or special planning areas might have to be instituted as growth proceeds outward. But I would hope that this government and future ones would be able to maintain the existing one, because as all hon. members know, things will be and are being put into it, and attempts are being made to preserve it, particularly with respect to the transportation difficulties alluded to by the hon. member. I think it's fairly well known that there is a right of way for a possible metropolitan road through the RDA, and as landowners come forward with plans for subdivision or sale or whatever, any known plans

for road construction are of course taken into consideration.

I must admit I'm a little puzzled by the theme of the remarks of the hon. Member for Spirit River-Fairview. On another issue earlier in this session he urged amendment to legislation based on a court decision, and that's what this is. I think that's not uncommon under the British parliamentary system. As laws are continually tested in court the legislators, who have the final responsibility, have to make the decision as to whether or not amendments based on decisions of the court are necessary. In this case, in our judgment, they are. That's why the legislation is being recommended for consideration by the hon. members.

The idea that the land is frozen either in use or value is another popular concept, but is in fact not quite true. That's the whole essence of restricted development area regulations, or notices against a title; that is, existing land uses may continue. If there is a proposed change in land use, in addition to getting the authority required by a variety of planning agencies, permission must also be sought at provincial level by way of the Minister of the Environment. In some cases it's granted. In other cases where it is not granted the land is purchased. If we've taken away a person's legitimate development rights, rights that could have been pursued without the RDA, we have purchased that land at fair market value using a variety of appraisers. So the continuing reference to frozen [land] is simply not true, Mr. Speaker, and I'd like to try to clarify that again.

I must close by specifically emphasizing that this is not retroactive legislation. In my opening remarks I said I did not know of any other RDA that has this particular series of circumstances attached to it; that is, the pipeline, the instructions to the pipeline company, and the particular wording of that order in council. Those things combined were the basis of court action resulting in the removal of the RDA and, if this legislation is passed, will result in the RDA being put into place again, according to the new legislation.

The section the hon. member referred to as being retroactive is not, because it says that after this act is passed, if it's passed, from that day on, all RDAs are assumed to have been passed under those regulations. That is quite different, because I know of no other action proceeding, or any other circumstance similar to the one we're talking about. That's an important distinction, Mr. Speaker. That concludes my remarks on this second reading of the bill.

[Motion carried; Bill 81 read a second time]

Bill 73 The Motor Transport Act

DR. HORNER: Mr. Speaker, in rising to move second reading of Bill No. 73, The Motor Transport Act, I might very briefly amplify the purposes of the bill. In essence the bill is a rewrite of the old Public Service Vehicles Act, which has some years to its credit and was slightly behind the times relative to some important provisions, particularly as it applies to such things as insurance required.

Essentially, the act re-establishes the Motor Transport Board. The major change is to not restrict the

number of members on the board, but to allow in future for participation perhaps by members outside government service, which is not the case now. This may be particularly important in dealing with the regulated portion of the industry; that is, the passenger-carrying industry. It might be useful to have non-government people on the board to hear those applications relative to the question of moving passengers by bus, particularly, and the charter applications by certain bus companies relative to their wishes and attempts.

Essentially, it redefines. There isn't any major change in the powers of the minister relative to the reciprocal arrangements we have to make with other provinces, and states in the United States, which are important to us. It also outlines the powers of the minister relative to our approach and co-operation with the municipal governments.

One of those areas is the attempt we are making right now to improve and clarify the weight restriction policies. In moving towards an axle-weight rather than a gross-weight system, we allow a great deal more flexibility. The industry can carry on, where in the past they couldn't do so, while at the same time we protect the roads in those municipalities.

The whole question of how the government, or the Motor Transport Board, deals with the trucking industry is of major importance to Alberta. The trucking industry in Alberta is a very important component of our transportation system. As I've said before in this Legislature, Alberta has more trucks operating than the other three western provinces combined. That surely has to be a factor when we consider the trucking industry in this province.

You will recall, Mr. Speaker, that some time ago we set up a select committee of the Legislature to review the question of interprovincial trucking, and the regulation thereof, in the province. This committee was headed by the hon. Member for Calgary Glenmore. The other members were the members for Clover Bar, Medicine Hat-Redcliff, Sedgewick-Coronation, Lesser Slave Lake, and Wainwright. I want to compliment all members of that particular committee for doing an excellent job on a subject which I think members of the Legislature were not generally knowledgeable about in the past. They held a number of hearings throughout the province and heard from all interested people. They reported this spring and made a number of recommendations.

It wasn't my intent to go over all recommendations made. But it was my intent to have available perhaps for committee study an outline of the recommendations and what happened to those recommendations, with reference to the method of implementation, because some of the recommendations required legislation. A great many of the recommendations can be done by either administrative policy or regulation. I have already [submitted] the bill to the Alberta Trucking Association and it is my intent to hear their comments prior to committee study of the bill.

I think there is essentially a great deal of agreement relative to this matter, except for two areas: the question of whether or not we regulate rates, as other provinces do, and whether or not we regulate routes, as certain other jurisdictions do. It is the recommendation of the committee that we not regulate rates or routes, but that we improve the system of entry control into the trucking industry.

Generally, I think the committee's point was made: in their studies, in studies they had done for them, in representations made, and in the study [of] impact of rate regulation on other provinces, it was very difficult to show that rate regulation in fact had any impact on the actual rate that was charged. Therefore we agree with the recommendation of the select committee that we should not have trucking industry rate control by legislation in this province. I think that's probably the major area of dispute between ourselves and certain segments of the Alberta trucking industry which would perhaps benefit from rate regulation. However, the government would like to encourage people to have initiative and entrepreneurial opportunity to enter the trucking industry without rate regulation.

So far as route control is concerned, the recommendation of the select committee is that no route control be added to the regulations. Again we agree with the recommendation of the select committee, and that is the other area in which there could obviously be some disagreement. Naturally, particularly in the short-haul area, there are people who are going to complain that they should have route control. Mr. Speaker, the essence of the matter is that the economics of the situation will control that better than government regulation could.

All in all, Mr. Speaker, we are accepting the recommendations of the select committee practically in their entirety. There are one or two administrative matters they have recommended with which, on examination, we have found some difficulty. I don't think they are much of a problem. As an example, their recommendation 2(a), under entry control, in which they suggest everyone appear in person within 14 days of the application for a permit, is physically impossible. We would do it on an exception basis rather than have everyone appear.

I think there are certain areas and recommendations which we'll have to depend on moral suasion and education to implement, inasmuch as some of the recommendations, albeit they were good, are difficult to legislate. In that area, Mr. Speaker, I might say we have already moved on a number of them. We have moved in regard to the residence requirement for an entry. We have moved jointly with the Alberta Trucking Association and other interested groups in regard to the educational program. We recently had a symposium in Calgary which was, from reports I'm getting on it, an outstanding success. A real compliment should go to the people in my department who organized it and the hon. Member for Calgary Glenmore, who chaired it.

We were lucky enough to have the chairman of the Interstate Commerce Commission make his first trip outside the U.S. to address us at that symposium. The nature of that symposium was the role of trucking in north/south trade between ourselves and the various states in the U.S. Also at the symposium were a number of regulatory bodies from Montana, Idaho, and other affected states, as well as representation from all three other western provinces and their equivalent motor transport boards. The report, as I said earlier, leads me to believe it was excellent and did a great deal to inform members of our trucking association how they could improve their entry not only to the other provinces but to the United States as well.

In conclusion, Mr. Speaker, we think the new act is a major step forward in relation to updating the old Public Service Vehicle Act; the opportunity to expand the operations of the Motor Transport Board in a very useful way, implementing 95 per cent of the recommendations that were reported to this Assembly by the select committee on interprovincial trucking. I recommend to the House the passage of Bill 73 on that basis.

MR. HORSMAN: Mr. Speaker, I wish to say a few words on this bill. Speaking as a former member of the select committee which has reported to the Assembly, I think it's important that we compliment the Minister of Transportation for taking seriously the recommendations we made, and implementing them in this legislation. I'm sure that the hon. Member for Calgary Glenmore, had he been in the Assembly this morning, would have wanted to express these views. He is unfortunately unable to be here and I would certainly like, on his behalf, to advise the minister that the committee is impressed by the speed with which the government has acted in implementing the recommendations of the report.

I think it is significant, and I am sure the hon. Member for Clover Bar, who was also a member of our committee, will agree with me for a change, perhaps . . .

AN HON. MEMBER: Maybe.

MR. HORSMAN: . . . that this concept of going out into the province and holding hearings in the various centres was educational for us as members of the committee, and certainly was a way of having input from the various sectors of our economy which are directly affected by this massive trucking industry in the province of Alberta.

As we went throughout the province I was impressed with the input from every aspect of society directly affected. Certainly in some areas there was, I think, some measure of surprise that the government was going out, through this type of committee, into the various . . .

AN HON. MEMBER: Boondocks.

MR. HORSMAN: . . . regions of the province and hearing the views, because this is a type of approach that had not been used in every instance. As we went along we received a number of compliments that this was the type of government interaction with people directly affected that the people are really looking for. I am sure that it was not only educational for the members of the committee, it was educational for the public as well, that this is a government prepared to go out to all parts of Alberta to receive the views of Albertans on policy before it is implemented in the Legislature.

Certainly, without going through all the recommendations and indicating where they have been accepted and form part of this legislation, I wish to compliment the minister once again. As a private member of this Assembly, certainly on the government side, I think we can usefully adopt this type of approach to deal with future matters which affect the province as a whole. I heartily recommend to the government this type of public hearing approach in dealing with

matters which affect the entire province.

Certainly I do wish to emphasize and underline the point made by the hon. minister this morning, to the effect that this province is not prepared to implement rate control. That of course was urged upon our committee by certain elements within the trucking industry. However, we felt, and we were extremely pleased, I'm sure, speaking on behalf of the members of the committee, that the government has accepted our recommendation in that area.

Furthermore I think it is important to point out, Mr. Speaker, that the government has adopted the limited entry control we recommended in our report to the Assembly. Certainly we have not given that strict type of entry control which is found in other provinces throughout Canada. I think it is important to underline that we are the least regulated of all provincial jurisdictions. Certainly, looking south of the border to the Interstate Commerce Commission and the various regulatory bodies within the States, we are very free indeed from the type of regulations found there. I would suggest we should be monitoring this question constantly. I'm convinced the hon. minister will do so. Also the board should be keeping a good eye on what is happening in other jurisdictions with regard to entry control to the trucking industry.

That was one area, of course, where it was strongly urged upon the committee that we adopt a strict entry control providing for a series of public hearings every time anybody wanted to enter the trucking industry. We have not recommended that approach, and the government has not gone beyond a very limited entry control, which we believe is important and essential for the proper operation of the trucking industry in this province. But it will certainly not build into our trucking industry the same type of approach that was used particularly, we noticed, in the Interstate Commerce Commission in the U.S.

I'm not being critical of their system, because they have adopted a system to suit their needs. But we felt it was not the type of system that would meet the needs of Alberta and its growing and vibrant economy, where the trucking industry will play such a vital role in providing the necessary movement of goods and services throughout Alberta. As we diversify our economy and decentralize and build the smaller centres of this province, we will need a vibrant and alive trucking industry, not one that has its arteries hardened by artificial and regulatory controls on the entry of entrepreneurs to the trucking industry.

Mr. Speaker, I would like to say one thing before I conclude my remarks this morning, and that is I would like to pay particular tribute to my colleague the hon. Member for Calgary Currie, who started the work with this committee and unfortunately was not able to continue to occupy the position of chairman. But certainly his initiation of the committee and his work with us during the inception of our studies was very useful and much appreciated. I certainly appreciated the fact that while he was not able to continue, he maintained an interest in the work of the committee and certainly in the report and recommendations we made to the Assembly. I did want to add that for the record, because his continued interest was noted and appreciated, and certainly we're glad he is with us again, although he's not here all the time. He's a busy man. We appreciated what he had started and

what he tried to encourage us to do as we went along with our studies.

That's all I have to say, Mr. Speaker, other than to once again, if I may, pat the minister on the back. It's always nice to know one's recommendations are accepted. I think it makes a member feel a little more appreciated. We don't always feel we can have the type of input we have had with this particular report. I wish to thank the minister once again.

MR. SHABEN: Mr. Speaker, I would like to make a few comments on Bill 73. However, it's difficult to follow the hon. Member for Medicine Hat-Redcliff. I certainly don't want to make the minister uncomfortable today by complimenting him in the extreme.

AN HON. MEMBER: Why not?

AN HON. MEMBER: You just go right ahead and try.

MR. SHABEN: As a member of the select committee that looked into trucking in Alberta, it was an excellent experience that I enjoyed in two areas: the opportunity to visit many parts of the province, and to discuss with truckers, with chambers of commerce, and with interested people this very important aspect of our commercial lives. I too would like to compliment all the people who attended the hearings, not only those who made representations but many of the people who sat at the hearings throughout Alberta and listened and took a keen interest in what was going on. Many of them came forward after we had completed the hearings and discussed it and said they had certainly appreciated the opportunity to understand the complexity of the situation, and that the government, through the select committee, was listening and trying to tackle the problem.

One of the opportunities I had, as a member of the committee, was to visit Manitoba and to discuss with the counterpart of our Motor Transport Board and the counterpart of the Alberta Trucking Association the way they view the industry. That was a very, very useful experience. A number of other members visited other jurisdictions to discuss with truckers, the industry, and their boards how their systems functioned. I can say that I'm really pleased with the report the committee has put together, and with the chairmanship and leadership the Member for Calgary Glenmore provided to our committee, and that I believe we have taken the correct route in the interests of the industry and of the citizens of Alberta.

There are always people who will disagree. That's the nature of democracy, and it's as it should be. But we have taken a course, as has been mentioned by the minister and by the Member for Medicine Hat-Redcliff, not to regulate rates or routes. The industry in Alberta is healthy, and is the envy of other industries throughout North America. Ontario established a committee to look at de-regulating their industry. The committee results thus far are unknown, but that was the object of the committee's activities. European countries are looking at the same thing.

So I believe the course of action being taken by this province — and again I'd like to compliment the minister and the Motor Transport Board on the speed with which they have implemented the majority of the recommendations. I believe we will have, as a result of this continued free enterprise system in the

trucking industry, a very viable transportation system. Thank you, Mr. Speaker.

DR. BUCK: I'd like to say a word or two on the bill before us. I won't be quite so flattering to the minister, he doesn't need it.

I'd just like to say there's one way you can keep the opposition out of the government's hair during the summer. You set up a lot of legislative committees and appoint one to each of these and you keep them busy for the summer. It works pretty well; it keeps the boys doing their homework.

But, Mr. Speaker, I would like to say I did enjoy serving on this legislative committee. Mr. Minister, I think it was a timely legislative committee in that there did appear to be some problems. Of course there will always be problems in any industry. But the route the committee members took in indicating in the report that we stay out of entry control and route control, and these things, is the system you have to keep to provide a healthy industry. It seems to me, in the 10 years I've been in this legislature, that the minute you want to foul something up, you just get a government involved in it. It just seems to work that simply. If you want to . . . "Foul it up" is about as good a term as I can use under the dome.

I would like to say to my hon. colleague from Medicine Hat that going out to different areas of the province is nothing new; legislative committees have been doing this for years. The only thing that's new to the member is that it's the first or second time he's had the opportunity. But this is how legislative committees function, hon. Member for Medicine Hat-Redcliff. The government hasn't invented it; it's been going on for years. I just want the record to bear out that . . .

MR. SPEAKER: Could the hon. member's cosy education of the hon. Member for Medicine Hat-Redcliff please be done in the ordinary third person.

DR. BUCK: Mr. Speaker, I'd just like to say to the hon. Member for Medicine Hat-Redcliff that this function of legislative committees going out to hear what the people have to say is not unique to this government; it's a well-established parliamentary procedure. That's neither here nor there, but I just didn't want the hon. member to think it was so new and had been invented by this government.

The small area that I'm sure has concerned the minister is the problems we always seem to be having with the small, independent trucker. It's a problem that will always be with us, as far as I can tell, because the competitive, free enterprise system not only affords you the opportunity to make some money and make a profit and keep your business going, it also offers you the opportunity to go broke. When you start a business you don't feel this is going to happen, but sometimes it does happen.

Many times we have people going into any pursuit you want to name and somebody's not going to make it. So the only suggestion I can give the hon. minister in this regard — we don't want any more legislative or bureaucratic bodies set up to help any specific segment of an industry — is that possibly we open wider avenues for the independent trucker so he could come to the Motor Transport Board or someone and say, "We have this problem". The first thing you

say is, "Do you belong to your Alberta Trucking Association?" Well, nine out of 10 times the guy will say, "I haven't got time. I'm busy hauling gravel. I'm trying to make a living to make the payments." If we could just look at some type of encouragement for these people to join their own association, so they've got a combined voice speaking for them, also some way of encouraging them to deal with some type of agency that could help them if they have a problem.

I would like to say, Mr. Speaker, I'm pleased the bill is before us; I think that speaks for itself. Thank you, Mr. Speaker.

[Motion carried; Bill 73 read a second time]

DR. BUCK: Mr. Speaker, would the minister's modesty have prevented him from saying any more before the debate closed?

DR. HORNER: That's correct. [laughter] Mr. Speaker, I move you do now leave the Chair and the House resolve itself into Committee of the Whole to study certain bills on the Order Paper.

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

HON. MEMBERS: Agreed.

head: **GOVERNMENT BILLS AND ORDERS** (Committee of the Whole)

[Dr. McCrimmon in the Chair]

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

Bill 74 **The Environment Conservation** **Amendment Act, 1977**

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to any sections of this bill?

MR. CLARK: Mr. Chairman, I think I should indicate to the hon. minister and members of the House that we regard the amendments to The Environment Conservation Act as one of the three worst pieces of legislation we're dealing with at this session, and it certainly isn't our intention to let the bill slide through late on a Friday morning. We have a number of questions we'll be asking the minister, and I just want to make the point again so that it bears on the record, that what we're really seeing here today is the committee study of the emasculatation of the ECA.

We had a rather lengthy debate at second reading. Systematically what's happened: in 1972 the government chose to remove the independence of the ECA, and the ECA had to get the authority of the minister before it could be actively involved in hearings. In this piece of legislation, we're now seeing the ECA being buried and this new agency, the environment council, is appearing on the scene. We think it's a regrettable mistake. Mr. Chairman, it's obvious the government is bound to go ahead with this ill-conceived legislation, despite representation that has

been made to them not only by ourselves but by a number of organizations across the province.

One of the things I'd like to have appear on record is some of the groups who have been involved in the advisory committees on the ECA. I think the hon. Member for Cardston, the other day, very conveniently picked some groups; he indicated he had some difficulty understanding why they were on the advisory committee. Some of the other groups that are on the advisory committee: the Canadian Petroleum Association, Alberta Association of Registered Nurses, Edmonton Chamber of Commerce, Indian Association of Alberta, Alberta Teachers' Association, Alberta Fish & Game Association, the city of Edmonton, Alberta Federation of Labour, the city of Red Deer, Alberta Wilderness Association, Unifarm, city of Medicine Hat, Association of Professional Engineers, the city of Lethbridge, the United Grain Growers, YWCA, Calgary Chamber of Commerce, Alberta Association of Municipal Districts and Counties, Alberta Irrigation Projects Association, and The Alberta Chamber of Commerce.

Mr. Chairman, I think, it's important that members recognize that the advisory groups for the ECA have not been a rather fringe group of organizations who have been involved and interested just in environmental matters and nothing else. Mr. Chairman, I think it's also important that members recognize that at the very time we're being asked to give committee approval to this bill, many of the organizations I've mentioned are involved in what might be referred to as a last-ditch effort to try to get this government to reconsider its actions in this particular area. I simply say again, Mr. Minister, I believe you're making a very, very serious mistake.

I've tried to assess why the government has decided to move in this direction now. Initially I thought it was because of the results of the hearings on the Red Deer dam. But having had a chance to reflect on that, I see that back in 1971 the ECA was involved in a proposal to restore water levels in Cooking Lake and Hastings Lake. In 1972 they did a report and made recommendations on the impact of surface mining on the environment in Alberta; in May 1973, on the conservation of historical and archaeological resources in Alberta. I point out that in the areas of surface mining and historical and archaeological resources the recommendations made by the ECA were to a great degree accepted by the government.

In October 1972 the ECA was involved in the question of sulphur extraction from gas plants; in January 1973, a staff report on animal health and sour gas plants, which would have affected the area of the hon. Member for Cardston; in July 1973, land use in the eastern slopes; in October 1973, restoration of water levels in the Peace/Athabasca delta; and in July 1975, water management and flood control in the Paddle River basin.

On the Paddle River one and on the levels of water in the Peace/Athabasca delta, the government substantially accepted the recommendations of the ECA. The government accepted a number of their recommendations on land use and resource development in the eastern slopes. In 1975 there was the report on herbicides and pesticides; and in June 1975, environmental effects on the residential development of Leduc/International Airport. I could go on, Mr.

Chairman: in January 1976, the erosion of land in northwestern Alberta.

The reason I think it important that members realize the ECA has done these reports is that basically the ECA likely has a higher batting average, from the standpoint of the government taking their recommendations and implementing them, than any other environmental agency in Canada. Many people, including myself, were amazed on occasion at how the government took the ECA's recommendations, and moved. Because of the apparent credibility the ECA had with the government, the ECA was successful in gaining not only the respect of Albertans but also an international reputation. Now for some reason we are seeing the ECA ripped apart.

Earlier in my remarks I indicated I initially thought the ECA was being taken apart because of its recommendations on the Red Deer dam. In retrospect I'm not so sure. I think it's basically a new *modus operandi* that this government is developing. We see it as part of what's taking place in The Planning Act — the centralization of power — so that really this is one less agency able to criticize the government. This removes an agency that's admittedly been pretty freewheeling, an agency that has caused the government embarrassment on occasion. But in balance I'm sure the ECA has added to the credibility of the government, until this decision to wipe it out.

I am of the view that it isn't really because of the recommendations on Red Deer. It isn't really because of the staff problems the ECA was involved in earlier this year. It's really a concentrated effort by the government to silence an effective organization that had a reputation; when it spoke, people listened. I say to the members of the Assembly that you do this at your peril. Members would be very, very wise to talk to some of their constituents over the weekend. In fact I expect the debate will carry on over the weekend, so members will have that opportunity once again to check with their constituents to get their views on the ripping apart of the ECA.

Specifically, the first question I'd like to ask the minister is about the new chairman. I'd like to ask the minister if he would outline some of the background of the new chairman. I'd also like to ask when the new chairman is expected to take on his responsibilities, and what hearings the minister expects this new agency, however ineffective it's going to be, to be involved in in the next six months.

MR. RUSSELL: Mr. Chairman, with respect to the new chief executive officer, Mr. Crerar is a gentleman 51 years old, presently in Ottawa on an executive exchange from the government of British Columbia. His background makes him extremely well-suited for this job, and the wide reference check we carried out with respect to Mr. Crerar brought nothing but very fine recommendations and compliments about him.

His formal education is in land planning. His career spans planning; the development of zoning and planning matters in British Columbia and for Metropolitan Toronto. Later in his career he worked with DREE in both Ottawa and the Atlantic provinces, concerned primarily with the development and protection of the fisheries.

When the previous government was elected in British Columbia, he had the responsibility of heading their secretariat on land use and the environment.

As the hon. members know, the British Columbia government did not have a department of the environment at that time, but had this interdepartmental secretariat dealing with land use and environmental matters.

He was maintained in that role after the change in government in British Columbia, which then went on to form a department of environment but kept the secretariat in place. It was the present government of British Columbia which entered into an agreement with Ottawa, and Mr. Crerar went on an executive exchange to Ottawa where he is with the fisheries branch in the federal Department of the Environment. He was due to go back to British Columbia at the end of the year.

Rather than return to British Columbia, he elected to come to Alberta. Quite frankly, I think we are very lucky to get a man of his broad experience and strong administrative capabilities, because it was in administrative functions that the ECA had been very weak. I'm not trying to downplay the importance of good public hearings, but it's also very important that the permanent staff and the day-to-day organization of the ECA have effective administration and ongoing liaison with the public. That is one thing I'm sure Mr. Crerar will be able to do very well. He's coming here on December 12.

There is only one set of hearings scheduled during the next six months, and they are the ones on forestry operations in Alberta. At the present time those are under way, by way of information sessions. Although it's not within the six-month period, work has already started on preparing for the hearings on the Oldman River flow regulations scheduled for the fall of 1978.

MR. CLARK: Mr. Minister, you recall that during second reading of the bill we discussed the question of the Public Service Commissioner's report and the private consultant's report. The minister indicated to us at that time, Mr. Chairman, that the report from the Public Service Commissioner was verbal and so he wasn't able to table that. I can appreciate that. Secondly, if I recall accurately, the minister said he didn't want to table the private consultant's report now, because it would impinge upon some individuals who may have been or perhaps still are involved with the ECA.

My question to the minister on both reports: did the Public Service Commissioner recommend to the minister that the ECA be changed legislatively, and did the private consultant recommend for or against this kind of reorganization?

MR. RUSSELL: The Public Service Commissioner made no recommendation. That was not in his term of reference. He was dealing specifically with a very serious situation regarding four personalities. And that was not within the scope of the organization or the legislation; it was a different kind of problem.

The management consultant really laid out three options which we could follow insofar as the ongoing activities of the ECA. One, we could continue the way it is with the four-headed body. Secondly, we could continue with four members and reorganize it or restructure it more on a project basis with job captains and make each of the different members a project leader. I think quite frankly that that was the way the management consultant favored. The third

option outlined was the one we have selected. There are also some variations of options within that; that is, you can get into rotating membership or rotating the chair among permanent members, and details like that. But I think I've outlined essentially the three broad selections given to us in that report.

MR. CLARK: Mr. Chairman, to the minister. Mr. Minister, would it be possible for you to table that portion of the consultant's report that dealt with the basic recommendations? I can agree with the minister on the question of not wanting to get involved as far as personalities of the ECA is concerned. But, Mr. Minister, I think it would add considerable credibility to the argument the government has put forward if we could see those three recommendations the consultant recommended to the government. And might I ask the minister, did the consultant express a preference within the three, or did he rather leave it open?

MR. RUSSELL: I think I said that his preference was for the second one I mentioned; that is, the project leader type of organization. I don't recall that the way we're following was his recommendation.

Insofar as taking out the part of the report and tabling it, that is something I'll take under advisement and consider. I think I mentioned during second reading of the report that I don't really want to make it public now for two reasons. It deals with a number of positions that identify people not by name, but because it's such a small organization they're easily identifiable and I think that would be unfair to the individuals involved. It's also our intention to give the report to Mr. Crerar when he comes on the job and give him time to consider it and carry out whatever changes he wants to do, because that will be his responsibility. It could be at that time the entire report might be tabled. But I'll certainly consider withdrawing the recommendation part only and making that public.

MR. CLARK: Could we move on, Mr. Minister, to the question of the Red Deer dam and the area we discussed in the House yesterday and the seepage studies. Mr. Minister, what role do you see the restructured council, agency, whatever it is, playing once the government receives the report from its consultants on this seepage question, which I guess we established in the House yesterday would be around the end of this year, that general time?

MR. RUSSELL: I don't see the ECA being involved in the determination of any kinds of engineering issues. That has not been and never should be their role. In fact the technical reports the ECA used for their hearings were prepared by the Department of the Environment, either directly by department personnel or by consultants hired. Of course that has been the standard pattern of the ECA: for technical or complicated professional advice they usually go outside and get it, generally from a department of government. In fact it's in the original bill and continued under the amended act that they can demand that kind of information. So I don't believe it ever was the intention for them to make determinations on engineering or economic matters. They are lay people selected to

advise on environmental considerations in the management and development of resources.

MR. DOAN: Mr. Chairman, I would like to say a few words in support of Bill 74. Contrary to what the hon. Leader of the Opposition has said, that we're burying the old Conservation Authority, I think it's just a restructuring or reorganization.

I would like to relate some of my remarks to my reaction to the hearings held regarding the Red Deer River dam, which I feel has the biggest bearing probably on this act. As most of these hearings were held in my constituency, I attended most of them. My final reaction was that in the report from the Environment Conservation Authority to our government, I feel there wasn't a complete picture given of the complete effect of a dam on the Red Deer River over the total area. In attending these hearings, I found that 90 per cent of the people who attended them and gave briefs to the hearing were the people immediately affected by the dam, or their neighbors. I maintain, Mr. Chairman, that these people represent only about 10 per cent of my area, or at the most 25 per cent. So I made it my business to travel the other 75 per cent of my constituency to find out what the reaction of the rest of the people was to this dam on the Red Deer River. I found that 90 per cent of the other 75 per cent of the area felt that a dam on the Red Deer River was a good thing.

Now that put me in a bad spot, because until that point I had been supporting opposition to a dam, particularly on Site 6. But after taking a reading on the rest of the area, I had to support the majority of my constituents, who were in favor of a dam on this river.

The second item I'd like to mention is the attitude of the former members of the Environment Conservation Authority. While I understand their report to our government and their reaction to the fact that our government didn't adopt 100 per cent of their recommendations, even though the majority of their recommendations were adopted, I felt the attitude of the members of the old Environment Conservation Authority represents a small type of reaction. I think it showed they felt they were the authority. Because they were named the Environment Conservation Authority, I think they felt they were the final authority. This was contrary to my feelings. I felt it was up to our government to make the final decision.

I would also like to mention a third item. I think it is a good idea that our minister is going to rotate the members of this board. This will get away from bickering among the members themselves, who is to have the say of that board, who should chair it, et cetera.

Thank you.

DR. BUCK: Mr. Chairman, I'd like to say that I compliment the government on its subtle approach to the murder of the Environment Conservation Authority. I compliment them on the subtle method they are using.

There's a thing called subliminal advertising, the subliminal approach. You wouldn't want to call it underhanded, because that's not a good term. But I'm always reminded of the buckle-up campaign. That's what you call subliminal advertising: when you are trying to brainwash a person without that

person really knowing it's happening to him. I found it very, very interesting to see the buckle-up campaign in Tory orange and blue. Now that's what you call subliminal advertising.

When people will be talking about the ECA, many people will think they're still talking about the original ombudsman type of Environment Conservation Authority. So I'd like to compliment the government on the fine, very delicate method they're using in misleading the public of this province, because that will be a very, very smooth approach to saying: well, we still have the ECA; what are you talking about, that the ECA is dead. But the original concept of the ECA has been murdered by this government, and let's not be namby-pamby about that. [interjections] Let's get that straight, hon. Member for Edmonton Kingsway. Not even a talented medical doctor like you can bring that Authority back so that it's breathing and it's alive.

MR. CLARK: It would take more than a heart transplant.

DR. BUCK: It would take more than a heart transplant. It would take an entire transplant, Mr. Chairman. The Environment Conservation Authority is dead, dead, dead. It has been killed by this government.

We always have to look back at what history teaches us. There was a government in Alberta that did a good job for the people of this province for 32 or 35 years. We had a discussion in this Legislature on the Bighorn Dam. The discussion on the dam in a major way contributed to the downfall of the previous government. I would like to say that the discussion on the Red Deer dam site is going to contribute in a major way to the downfall of the government sitting in this Legislature at the present time.

MR. R. SPEAKER: It comes back to haunt you.

DR. BUCK: Mr. Chairman, eventually the murder of the Environment Conservation Authority is going to be another nail in the coffin of this government.

MR. BATIUK: You wanted to murder the Public Utilities Board.

DR. BUCK: Oh yes, the hon. Member for Vegreville says that by murdering the Public Utilities Board . . . I said let's have a look at it, but let's not murder it. I didn't say that. If I was ever forming the government, I would say, let's review the Public Utilities Board.

For the hon. Member for Vegreville, what we're talking about here is the murder of the Environment Conservation Authority. This was an act passed by this Legislature so that the people in this province who have environmental concerns can go to an agency, an authority independent of the government, and bring before that authority their concerns about what we're doing or not doing for the environment. If an authority is going to function, it has to have that type of independence. It has to have that type of independence.

I don't ever say, and I would never say to any government, you must listen to every recommendation of an independent authority. That is nonsense. No government should have to listen to everything.

But let's say that government does listen, makes use of some of the independent information that that authority has gathered, and then makes a decision. But let's not go through the charade of having public hearings, even under the old authority, and before that authority has really given you any recommendations you've already made an in-house decision. To me, that is a real mockery of the utilization of the former Environment Conservation Authority. To make decisions before you hear the entire case presented and summated, you have really made a mockery of the appeal for public input. You have made a mockery of that process. This government has an excellent record of not listening; of going through the motions of having the hearings, but really turning a deaf ear to the results of those hearings.

Mr. Chairman, I am now in the process of pursuing . . . The Minister of the Environment said to us, don't worry. We'll not slap an RDA on the people in the Cooking Lake area. A lady phoned me the other day and said, Doc, what's with this caveat I have against my land? I said, give me the information; I'll check it out. Because the minister assured me in this House that that would not happen in the Cooking Lake area. I believe the minister is a man of integrity and would not lie to this House. I don't think any member would lie to this House. So I am trying to get the facts together.

Mr. Chairman . . .

DR. HORNER: Get to the facts [inaudible].

MR. CLARK: It's a matter of whose facts one's looking at.

DR. BUCK: I was wondering if the John Howard Society would like to buy my farm.

Mr. Chairman, the ECA, 'The Environment Council Act', is going to be an agency of government, and that should not be. That is really what we are doing. We are making it just another servant of the cabinet.

Mr. Chairman, when we discuss the advisory board — what is that called, Mr. Minister? We had about 150 people.

MR. CLARK: The public advisory committee.

DR. BUCK: When I was a member of the government, I sat on that committee, and I believe the hon. member Mr. Yurko, at that time an opposition member, was also on the committee. Even though it was large, the people on that advisory body were genuine in their concerns and in their input, and I thought it had a useful function. I thought it served a need. From what I could gather, all these people were very genuinely concerned about the protection of the environment, and they felt they would have some input to concerns for the protection of the environment.

Mr. Chairman, once you lose confidence of the people that you are genuine in your concerns, it takes a long time to rebuild that confidence. And the people of this province have lost confidence in the government that their input is going to be listened to. The people of this province have lost confidence that the government is genuinely concerned about the protection of the environment. The government killed the Environment Conservation Authority. It's going to be a long time before this government will restore the

confidence of the people of this province that the government is genuinely concerned about the protection of the environment.

MR. BATIUK: The next election, Walter.

DR. BUCK: The next election, the hon. Member for Vegreville says. We're going to do our best to make sure the hon. Member for Vegreville isn't back the next time. We're going to try to do our bit. I think it's just about time the hon. member retired back to the farm and looked after things there. Because there are people who are concerned. You know, you can't always buy elections. We've got the environmental lab in Vegreville, and we have some new facilities. You can't keep dropping things into constituencies all the time to try to buy elections, hon. Member for Vegreville.

Getting back to the point; I'll just finish that point, Mr. Chairman. [laughter] The hon. Member for Vegreville should know you just can't keep buying the people with their own money. You know, eventually either you run out of money or you run out of confidence of the people.

AN HON. MEMBER: They can have Social Credit.

DR. BUCK: I'm glad to see the hon. member for bees is back. [interjections] I'd like to say to the hon. Member for Athabasca that he should get his 'beehind' into the support of the old Environment Conservation Authority. If he was to ask the people in his constituency if they are aware this government is murdering the Environment Conservation Authority, he would be doing something for the people of his constituency.

AN HON. MEMBER: Any other members you'd like to work on?

DR. BUCK: Oh, I'm working on a lot of them, hon. member, working on a lot of them. As a matter of fact we're even trying to do our best for the hon. Member for St. Albert. [interjections] Trying to do a little bit for him.

MR. CLARK: So are some others.

DR. BUCK: Mr. Chairman, on a more serious note. The Environment Conservation Act was one of the best acts passed in this Legislature in the 10 years I have been here. That includes this Bill of Rights the government brought in — they said that was going to be their big, big deal, the first time they came into government — and The Individual's Rights Protection Act. But all we have to do is look at some of the things the government is doing and, you know, rights don't really matter. Rights don't really matter if we're going to accomplish what we want to accomplish.

Mr. Chairman, in light of the time I beg leave to adjourn the debate.

DR. HORNER: Mr. Chairman, I move the committee rise, report progress, and ask leave to sit again.

[Motion carried]

[Mr. Speaker in the Chair]

DR. McCRIMMON: Mr. Speaker, the Committee of the Whole Assembly has had under consideration Bill 74, The Environment Conservation Amendment Act, 1977, and begs to report progress.

MR. SPEAKER: Having heard the report, do you all agree?

HON. MEMBERS: Agreed.

DR. HORNER: Mr. Speaker, I move we call it 1 o'clock and that the House adjourn until Monday at 2:30 p.m.

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

HON. MEMBERS: Agreed.

MR. SPEAKER: The Assembly stands adjourned until Monday afternoon at half past 2.

[The House adjourned at 12:53 p.m.]

