

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, November 1, 1977 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: INTRODUCTION OF VISITORS

DR. HORNER: Mr. Speaker, it's my pleasure this afternoon to introduce to you, and through you to the members of the Assembly, Dr. Arthur M. Pearson, the Commissioner of the Yukon Territory, who is in your gallery today.

Dr. Pearson was born in Manitoba and attended the University of British Columbia, where he received both his Bachelor of Science and Master of Science degrees. He then attended the University of Helsinki, Finland, where he received his doctorate in 1962. He joined the Canadian Wildlife Service that same year, and has spent most of his time working in the Yukon as a research scientist. Dr. Pearson has been very involved in community activities, including serving on the Yukon Research and Development Institute, the Whitehorse board of health, the Yukon Conservation Society, the Yukon Fish and Game Association, and many others. He was appointed and sworn in as Commissioner of the Yukon on July 1, 1976.

Dr. Pearson is in Edmonton today, Mr. Speaker, discussing areas of mutual interest between our two governments. I would ask him to stand and be recognized by the Assembly.

head: PRESENTING PETITIONS

MR. TAYLOR: Mr. Speaker, I have great pleasure in presenting a petition on behalf of more than 1,200 persons from the Calgary area, prepared by Mrs. G. D. Cook of Calgary, in support of Bill 202, requesting that consumers receive a discount of not less than 2 per cent on all cash purchases at all retail outlets that normally honor national credit cards such as Chargex, master charge, and American Express.

head: INTRODUCTION OF BILLS

Bill 252
An Act to Amend
The Teachers' Retirement Fund Act

DR. WEBBER: Mr. Speaker, I request leave to introduce a bill, being An Act to Amend The Teachers' Retirement Fund Act. The purpose of this bill is to make a teacher's spouse the beneficiary of the teacher's pension automatically upon marriage.

[Leave granted; Bill 252 read a first time]

head: TABLING RETURNS AND REPORTS

MR. SCHMID: Mr. Speaker, I beg leave to table the reply to Motion for a Return No. 102.

MR. DOWLING: Mr. Speaker, I'd like to file with the Legislature Library copies of the 1977-78 Index of Manufacturers in Alberta. The purpose of this document is to assist businessmen in identifying sources of Alberta-made products, and perhaps be an aid in providing a key to market development.

head: INTRODUCTION OF SPECIAL GUESTS

MR. FOSTER: Mr. Speaker, I take pleasure in introducing to you and to all members of the Assembly 60 special guests in the members gallery. They are students at the Red Deer Central Junior High School. They are accompanied on this occasion by their teachers Mrs. Marriott and Mr. Freeman. I would ask that they rise and be recognized by the Assembly.

MR. STROMBERG: Mr. Speaker, may I introduce to you and to the members of this Assembly 25 of some of Alberta's most outstanding students. With them today are their principal Mr. Les Wiberg and the school bus driver Mr. Jensen. Naturally, these 25 outstanding students come from my home town of New Norway, and the same school I graduated from. Mr. Speaker, they are seated in the public gallery. I would ask them to rise and be recognized by this Assembly.

MR. CLARK: Has the calibre increased?

head: ORAL QUESTION PERIOD**Benzene Plant Negotiations**

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of Energy and Natural Resources. The question flows from the recommendations to the government by the ERCB some months ago with regard to the benzene plant. My question to the minister is: what action does the government plan to take on that recommendation of the ERCB? If my memory is accurate, the ERCB recommended the proposition put forward by Hudson's Bay, Alberta Energy Company, and the Mitsubishi group. What action is being taken on that recommendation, and what are the effects of the government's action on the Turbo proposals?

MR. GETTY: Mr. Speaker, the first part of the question had to do with the recommendation from the Energy Resources Conservation Board. That report is being considered before a planning committee of cabinet, and there are ongoing consultations with the company as to various conditions that might be necessary before approval is given by the government to the Conservation Board report. It's difficult for me to know when we might come to a decision with regard to the report.

As far as Turbo Resources is concerned, to the best of my knowledge we have not received a recommen-

dation from the Conservation Board with regard to them.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Is it the government's intention to continue negotiations with the Hudson's Bay group prior to the government receiving a recommendation from the ERCB on the proposals put forward by Turbo, which also would fit into the broad, general area of a benzene plant?

MR. GETTY: Yes, Mr. Speaker. We would continue discussions with the other group, because it's almost impossible for the government to anticipate whether or not follow-up applications might be approved by the Conservation Board. Therefore we must deal with what is before us.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Has the minister given a commitment to the Hudson's Bay group that in fact the finalization of a government decision on their project would be held up until the ERCB has finished its hearings and made a recommendation to the government with regard to the Turbo proposition?

MR. GETTY: No, Mr. Speaker.

MR. CLARK: Mr. Speaker, has any commitment been given to the Turbo people by the government that the government will not enter into an agreement which would eat away at their proposal prior to the ERCB hearing that proposal and making a recommendation to the Executive Council?

MR. GETTY: No, Mr. Speaker.

MR. CLARK: Mr. Speaker, I'd like to ask one further question of the minister. In the course of the discussions on the Hudson's Bay proposition, has a site been determined yet? There have been discussions with regard to a possible site in the Wetaskiwin area or east of Wetaskiwin, also out in the Skaro area. What is the government's thinking now with regard to the most desirable location for the Hudson's Bay group?

MR. GETTY: Mr. Speaker, that's one of the considerations being negotiated with the company now. While I am answering the question of the hon. Leader of the Opposition, I might say that my colleague the Minister of Business Development and Tourism would be involved in these matters, certainly the Minister of the Environment, the Minister of Transportation, and the Minister of Municipal Affairs with a decision like this. All these considerations go into a decision as to whether or not we would approve the plant.

But in terms of the site, we have not come to a final decision with the companies involved.

MR. CLARK: Mr. Speaker, then a supplementary question to the minister. Has the government written off the possibility of the plant being located in the area adjacent to Wetaskiwin?

MR. GETTY: Mr. Speaker, when a variety of locations is being considered, I think it would be best for me not to deal with any of them specifically.

MR. CLARK: Mr. Speaker, may I put this question to the minister as a final supplementary? Has the government had discussions with the Hudson's Bay group regarding the possibility of them being told to locate their plant in what's commonly referred to as the corridor from Fort McMurray down to Hardisty? Is that one of the locations the government has said to the group: you might well locate here, or should consider that area.

MR. GETTY: Yes, Mr. Speaker.

Water Management Committees

MR. CLARK: Mr. Speaker, I'd like to direct the second question to the Minister of the Environment. Would the minister indicate on what basis river basin management committee members are selected?

MR. RUSSELL: Well, I hope the hon. leader could be a little more specific. A number both of advisory and management committees are set up, dealing with different projects that are at different stages of progress throughout the province. If he'd give me the specific one he has in mind, I could perhaps answer the question.

MR. CLARK: Mr. Speaker, I'll do better than that. I'll give him the specific two: the Oldman and the Paddle projects.

MR. RUSSELL: Mr. Speaker, in the case of the Paddle River, two committees were set up: what we call a technical management committee, and that's the one made up of professional people from the departments involved and citizens selected from the area. It also has a citizens' advisory committee, and in that case we asked for nominations from the MLAs who were involved in the region.

With respect to the Oldman basin study, at the moment there is only a management committee; that is, I think it's three professional civil servants from Agriculture and from Environment, and a group of citizens, four at the present time I believe. They were selected in consultation with the MLAs from the region in discussions with me, trying to get a broad range of interests throughout the basin; in other words, trying to get the geographic regions represented as well as agribusiness, an irrigation farmer, a dryland farmer, that class of representation.

MR. CLARK: Mr. Speaker, a supplementary question to the minister, and the question really deals with the executive positions on the advisory committees. Is it common practice to appoint senior civil servants to those committees in executive capacity? I refer specifically to the Oldman situation where, I believe, the chairman and the vice-chairman are both senior civil servants.

MR. RUSSELL: Yes it is, Mr. Speaker, and for a very good reason. I believe it's done in all cases with the agreement of the committee members. In the case of the Oldman, they're meeting in Lethbridge. Certainly the professional civil servants are the best ones to transmit communications back and forth from Edmonton to Lethbridge, whether it's from my office or from

departments of government. I have never heard any hint of criticism with respect to using that method.

MR. CLARK: Mr. Speaker, one last supplementary question to the minister. Has the minister adopted a policy that there would be no representation on these committees — both the Oldman and the Paddle — of residents who may have their homes flooded? It is my information that on both committees there are no representatives from the area who would potentially have their homes or land flooded.

MR. RUSSELL: No, there's no policy regarding that kind of item, Mr. Speaker.

MR. BRADLEY: A supplementary question to the hon. Minister of the Environment with regard to this matter. Is it not true that there was a representative from a region in the Oldman River area that may have been flooded by one of the potential dam sites?

MR. RUSSELL: Yes, Mr. Speaker. That's why I said there was no policy. There's no standard policy. In the case of the Paddle, we didn't specifically look for anyone who may or may not have been flooded. It was simply a group of regional citizens.

In the case of the Oldman, because one specific site had been identified and there was some concern from landowners, we did appoint one of those landowners to the committee. But he subsequently resigned.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. In making an additional appointment to take that individual's place, is it the minister's intention to appoint someone from the area that will be flooded?

MR. RUSSELL: No, Mr. Speaker. We dealt with that matter in the House last night.

Crowsnest Pass Highway

MR. BRADLEY: Mr. Speaker, I'd like to direct my question to the Deputy Premier and Minister of Transportation. If I might be permitted a short preamble, over the last weekend representatives from towns, cities, and villages along Highway 3 from Medicine Hat in Alberta to Hope in British Columbia met and formed an association, called the Crowsnest Highway 3 Association, to promote and develop Highway 3 from Medicine Hat to Hope, British Columbia.

My question is: would the minister consider a request to have Highway 3 designated, in conjunction with the province of British Columbia, as the Crowsnest Highway 3?

DR. HORNER: Mr. Speaker, we've done a lot of work on our portion of Highway 3 over the past several years, and there is some yet to be done in the Crowsnest Pass itself. But I think the suggestion by the hon. member is a good one, and we'll certainly give it every consideration.

MR. BRADLEY: A supplementary to the minister, Mr. Speaker. Would the minister consider a request to

have a unique Crowsnest Highway 3 symbol designated for use on signs along Highway 3?

DR. HORNER: That would go along with the first suggestion, Mr. Speaker. We'd be pleased to have a look at that.

MR. BRADLEY: Mr. Speaker, I'd like to file with the Legislature Library one of these suggested highway symbols, if I may.

RCMP Activities

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Attorney General. It's a follow-up to a question put yesterday. In light of the undertaking which I believe Mr. Fox made yesterday in the House of Commons — that he would contact provincial attorneys general with respect to any alleged illegal activities by the RCMP security service in their respective provinces — my question is: is the Attorney General in a position to advise the Assembly whether or not the federal minister has contacted the government of Alberta with respect to whether there have been any illegal activities by the RCMP in this province?

MR. FOSTER: Mr. Speaker, Mr. Fox was trying to contact me about a week ago when I was unavailable. Then I was in Ottawa last week, and he was in Quebec City, so we haven't been able to make contact.

MR. NOTLEY: Could I put a supplementary question in the form of the same question to the hon. Solicitor General?

MR. FARRAN: Mr. Speaker, I've said before that I have no reason to doubt the word of the commanding officer of 'K' Division, RCMP, that the RCMP in this province are performing their duty in a completely honorable and satisfactory manner.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Attorney General or the Solicitor General, so there's no misunderstanding. There have been no conversations between the federal Solicitor General and either of the two ministers with respect to any alleged illegal activities by the RCMP in this province?

MR. FOSTER: Mr. Speaker, if there's a conversation between me and another minister of the Crown, federal or provincial, concerning illegal conduct in this province that suggests that perhaps further investigations are necessary or, indeed, charges are to be laid, then it is my responsibility to see that that matter proceeds, in which case I would not be discussing it or giving any details of it in this House. I've made that statement here several times before.

Mr. Fox and I have not discussed the matter. Should Mr. Fox be in touch with me on the matter, I would not propose to discuss it publicly even if he did give me some indication of illegal conduct here, since it's my responsibility to have that matter further investigated and deal with it according to law. However, I would be prepared to discuss the contents of such a discussion after the fact, and after I was satisfied that the matter was properly dealt with. But I've

not had that discussion. If Mr. Fox does indicate such to me, it would not be my intention to deal with it publicly until it's concluded.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. Attorney General. Has the government of Alberta made any decision yet with respect to making a submission to the McDonald Commission set up by the government of Canada to investigate this question?

MR. FOSTER: Mr. Speaker, there has been no formal decision that the provincial government would make representations to the McDonald Commission. Indeed I would query whether or not that would be appropriate. We may have some things to say to the McDonald Commission if they're interested in our specific concerns. But I wouldn't frame that in the definition of a formal submission from the government. I'm sure Mr. Justice McDonald will be considering what has been happening in the Laycraft matter, and matters may arise from that that Mr. Justice McDonald wishes to deal with. But I don't think I want to leave any impression that the government is contemplating formalizing a presentation, as it were, to the McDonald Commission. I don't think that is the situation at the moment.

MR. NOTLEY: A further supplementary question to the hon. Premier. During the course of the meetings — plural — yesterday, was there any discussion of expanding the perimeters of the McDonald inquiry, as was suggested yesterday in the House of Commons by the hon. Leader of the Opposition, I believe?

MR. LOUGHEED: Mr. Speaker, no there was not.

Beverage Room Sizes

MR. YOUNG: Mr. Speaker, my question is to the Solicitor General. It arises out of policy of that department which removed from my constituency of Edmonton Jasper Place its rather unique characteristic of having the largest tavern in the province, let alone the town. I'm just wondering if the hon. minister could report whether other tavern managements have been as compliant as that one in my constituency?

MR. FARRAN: Mr. Speaker, I'm happy to report that the policy to change the mode in beverage rooms in the province is proceeding very satisfactorily. Final plans have been submitted from all 123 beverage rooms which were required to reduce their size; 120 have been approved in principle, and some 79 are completed and operational. I might say, Mr. Speaker, that both the operators and the customers now agree it was a very worth-while policy to introduce.

MR. YOUNG: A supplementary, Mr. Speaker. I wonder if the minister, through his department or through the ALCB, has in place any mechanism to ascertain whether behavior has improved as a consequence of this change in policy — whether in fact the reduction of the size of beer parlors will lead to fewer deviant developments.

MR. FARRAN: Mr. Speaker, both the ALCB inspectors and the police report a reduction in incidents of rowdiness and a distinct improvement in atmosphere.

MR. GHITTER: Supplementary, Mr. Speaker. On the basis of the recommendation of the hon. Solicitor General and the success of the de-emphasis on large taverns, I wonder if the hon. Solicitor General is now considering the desire of urban Albertans to proceed to the implementation of community pubs.

MR. FARRAN: Mr. Speaker, you will recall that we've already done that in respect to changing the rules in regard to dining lounges. If an operator chooses to close at 12 o'clock, the same time as the beer parlors, he can serve drinks without food after the supper hour at 9 o'clock. However, if he wants to stay open until 2 and 3 in the morning, he must still continue to serve a full meal. So in effect, the dining lounges that take the early-closing option become a form of neighborhood pub, because most are situated in the commercial zones and suburban areas.

MR. GHITTER: A final supplementary, Mr. Speaker. I wonder if the hon. Solicitor General is then considering allowing the implementation of smaller facilities where the food service is not a requirement to obtain licensing.

MR. FARRAN: No, Mr. Speaker, we've followed very carefully the recommendation of the Alcohol Legislation Committee, and we place great emphasis on the serving of food and the playing of games.

AN HON. MEMBER: What kind of games?

MR. TAYLOR: Supplementary to the hon. Solicitor General. Is the minister considering small stand-up pubs where there are no seats at all?

MR. FARRAN: At the present time we are not considering what have been called stand-alone pubs. This means that the pub stands alone and is not hitched to either hotel rooms or a dining lounge. This is a different standing, perhaps, from the one the hon. member refers to. However, in cocktail bars we have permitted a small number of standing customers. But in order to control capacity in accordance with the regulations, the emphasis continues to be on seating.

MR. GOGO: Supplementary, Mr. Speaker. Was the legislative committee referred to by the Solicitor General the one known as the Ghitter report?

MR. FARRAN: Yes, Mr. Speaker.

Coliseum Proposal — Calgary

MR. KUSHNER: Mr. Speaker, I wish to direct my question to the minister in charge of Calgary affairs. I've had quite a few inquiries not only from my constituency but outside my constituency — and I don't mean Calgary East. Could the minister inform this Assembly what progress has in fact been made with reference to construction of a coliseum in Calgary?

MR. McCRAE: Mr. Speaker, this is a particularly timely question, because I'm sure all Calgary members of

this Assembly will have had questions on the topic.

Mr. Speaker, a facility such as the one he mentions, the coliseum, normally results as a local initiative; that is, local people get together and make some recommendation to a senior level of government. I would think our government would want to follow a consistent policy on that, and not impose any type of facility on the local community. I can say, Mr. Speaker, that I've not yet had any specific representations toward any specific type of facility. When and if such a recommendation does come, if it appears to be a reasonable one and has reasonable public support, it would be my intention to take that recommendation or request forward to the members of Executive Council for consideration.

MR. KUSHNER: Supplementary question to the minister. Has there been any discussion with regard to financing or share financing?

MR. McCRAE: Mr. Speaker, I find that a very general question and difficult to answer. I've had plenty of discussions with members here and elsewhere on the type of facility Calgary might want. What I was getting at is: I think it's up to some elected or appointed organization down there to come up with some recommendation or project and, within the project terms of reference, some recommendations as to financing.

Treaty Indian Rights/Services

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Federal and Intergovernmental Affairs, and is relative to provincial services and treaty rights. I'd like to ask for clarification on a certain policy. Is it the intention of the provincial government to await amendments to Section 88 of the Indian Act and Section 10 of the agreement contained in the act to transfer natural resources of Alberta, which would make all Alberta laws apply to Indians and non-Indians, before it will endorse the Enoch Band development as such?

MR. HYNDMAN: Mr. Speaker, to answer the question intelligently would require at least a 15-minute review of the background of this highly complex matter. As I mentioned before, we're interested in trying to assist the Indians in every way we can in facilitating the development of the Enoch Reserve. We wrote to the federal government and we're hoping they will make, it may well be, amendments the hon. gentleman has referred to, I'm not sure. But I will have to read the transcript, check as to the hon. member's question, and endeavor to provide him with more information if he wishes. We're continuing to press ahead.

MR. R. SPEAKER: Mr. Speaker, to the minister. Would the minister table the letter he directed to Ottawa relative to this matter?

MR. HYNDMAN: I'd have to review the contents of the letter, Mr. Speaker. I'd want to be very sure the tabling of it would not in any way prejudice the interests of the Enoch Band or their solicitors. I will check on that and see if it's possible.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier relative to this matter. I wonder if the Premier could indicate whether his discussions with the Prime Minister led to any conclusions relative to treaty Indians and provincial legislation.

MR. LOUGHEED: As I mentioned in the House last week when I was asked that question, I wasn't sure whether or not an opportunity would present itself by the nature of my discussions, which were on the two subjects set on the agenda by the Prime Minister: national unity and the economy. It was not possible to complete those items, so I did not have an opportunity to follow up on the particular matter the hon. member raised. But the government will be following up through the Minister of Federal and Intergovernmental Affairs.

Driedmeat Hill

MR. STROMBERG: Mr. Speaker, in light of the estimated 5,000 people who gathered on Heritage Day at Driedmeat Hill to watch the re-enactment of the signing of Treaty No. 6, will the Minister of Culture declare Driedmeat Hill an historic site in order to protect this historic hill from the mining of gravel by the Department of Transportation?

MR. SCHMID: Mr. Speaker, in light of the heavy disturbance of this site early this century — it has been investigated by the federal government as well as the provincial government, and because of this excavation that had been done previously, it has been found that while it may be of local significance, it is not of provincial historic significance.

MR. STROMBERG: Supplementary, Mr. Speaker, to the Minister of Transportation. Has the minister received correspondence from Chief Joe Dion of the Indian Association of Alberta recommending that Driedmeat Hill be preserved, as this landmark has for hundreds of years played a major role in the culture and tradition of the Alberta Indian people?

SOME HON. MEMBERS: Agreed.

DR. HORNER: Mr. Speaker, I'd have to check my correspondence on that matter. I don't recall having received that information.

MR. STROMBERG: Supplementary, Mr. Speaker, to the Minister of the Environment. Will the minister use the funds for land reclamation made available through The Alberta Heritage Savings Trust Fund Act to help restore the extensive damage done in the past to Driedmeat Hill by the removal of gravel?

AN HON. MEMBER: Tell him to move the gravel back.

MR. RUSSELL: Mr. Speaker, as I indicated when we were discussing that particular vote, we do give direct grants to the Department of Transportation for work on those specific kinds of sites.

Life Insurance Counselling Fees

MR. MANDEVILLE: Mr. Speaker, my question is to the

hon. Minister of Consumer and Corporate Affairs. Has the minister's department received any complaints from life insurance salesmen who are charging a fee for counselling above the normal commission charged for life insurance policies?

MR. HARLE: Not that I'm aware of, Mr. Speaker.

MR. MANDEVILLE: Mr. Speaker, a supplementary question. Has the minister given any consideration to introducing legislation which would make it illegal for insurance salesmen to charge a fee for counselling?

MR. HARLE: Mr. Speaker, that matter is related to whether or not an agent is entitled to charge fees. It's one I've had some discussion on with agents' associations. At the moment, there has been no firm conclusion on the matter.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Has consideration been given to establishing a testing procedure which would enable people to get a consultant's licence to charge a fee?

MR. HARLE: Mr. Speaker, I believe I'm right in saying that under the present legislation, there's really no such provision for licensing of a consultant.

Meeting with Prime Minister

MR. TAYLOR: Mr. Speaker, my question is to the hon. Premier. Is there any information arising out of the meeting yesterday between the hon. Premier and the Rt. Hon. Prime Minister of Canada that can properly be made public at this time?

MR. LOUGHEED: Mr. Speaker, as the hon. member is aware, the nature of these meetings has to be between leaders of government, and a certain amount of restraint has to occur in terms of public expression. I believe, though, as I've already responded publicly, that the subjects discussed could be raised in the Legislature.

On the area of the Canadian economy, there was discussion with regard to those items contained in the premiers' communique from St. Andrews regarding the structural weaknesses in the Canadian economy. In particular, there was the reference to assuring that settlements in the public sector did not exceed settlements in the private sector being a very important point for Canada. There were discussions on those areas in the Canadian economy with regard to sectoral strength that could be built upon.

I raised with the Prime Minister at some length the concern we have about grain marketing that I mentioned in the House on October 12, and told him I would be writing him at length on that matter before the end of this week. There were a number of other subjects in that area.

In the area of questions of national unity, we of course discussed the patriation matter which led to the amending formula. I confirmed to the Prime Minister the strong position taken in this Legislature on the amending formula and, in fact, the direction this government has from the Legislature on that matter. We then discussed a number of other matters, including French language instruction and the follow-up on that from the Council of Ministers of

Education. And of course we discussed special status, delegated powers, and matters generally that I raised in the House on October 12.

MR. TAYLOR: A supplementary. In view of the strength of the Alberta economy and the weakness of the Canadian economy at the present time, did the hon. Premier give the Prime Minister some suggestions on how to strengthen the Canadian economy and get it moving?

MR. LOUGHEED: I did give one suggestion, Mr. Speaker. I thought it was extremely important to develop within an economy a confidence in investment by risk investors, and that one of the weaknesses in our economy seems to be far too high a profile for those people who do not recognize the need for risk investment in our country.

AN HON. MEMBER: Hear, hear.

MR. CLARK: A supplementary question to the Premier on the question of Alberta's continuation within the anti-inflation program. Did the Premier discuss that area with the Prime Minister, and what is Alberta's position?

MR. LOUGHEED: Mr. Speaker, I believe I informed the Prime Minister — as I have the House, and as the Minister of Federal and Intergovernmental Affairs has previously in the House — that it's our tentative conclusion to terminate our participation in the federal anti-inflation program at the end of this calendar year, but that we have not made a final decision on the matter and would be making it shortly.

MR. GOGO: Supplementary, Mr. Speaker, to the hon. Premier. Was the matter of moving the Farm Credit Corporation to Camrose, Alberta, and its economic impact discussed?

MR. LOUGHEED: No, not with the Prime Minister, Mr. Speaker.

Hallowe'en

MR. GOGO: Mr. Speaker, my question is to the Solicitor General. In view of the precautions announced by the Solicitor General with regard to Hallowe'en night, were any unusual occurrences of vandalism reported last night?

MR. FARRAN: No, Mr. Speaker. I've heard of nothing unusual.

Land Titles Legislation

MR. CLARK: Mr. Speaker, I'd like to direct a question to the Minister of Labour. It flows from a question I asked the minister some time ago with regard to the Human Rights Commission and their assessment of Bill 29. At that time the minister said the legislation itself was not discriminatory. Since it is the actual effects of the legislation we're concerned with, can the minister state whether the government plans to reassess the legislation on the grounds that the effects of Bill 29 are clearly discriminatory?

MR. CRAWFORD: Mr. Speaker, that question might well be directed to the Attorney General, who of course brought to the House the amendments which are now law in regard to The Land Titles Act. My response to it would be: certainly there would be no reason to reassess that legislation.

MR. CLARK: Mr. Speaker, may I phrase the same question for the Attorney General and ask: in light of the report from the Human Rights Commission, can the government state whether it plans to reassess the legislation on the grounds that the effects of Bill 29 are clearly discriminatory?

MR. FOSTER: Mr. Speaker, I don't agree with the opinion that the effects of Bill 29 are clearly discriminatory, if that's the assumption made by the Leader of the Opposition. On that basis the government is not planning to modify its stance with respect to amendments to the land titles legislation.

MR. CLARK: Mr. Speaker, to the Attorney General. Is the Attorney General aware that basically the position of the Alberta Human Rights Commission is that the effects of the legislation are clearly discriminatory? Has the Attorney General had the opportunity to look at the report of the Human Rights Commission and report to his colleagues?

MR. FOSTER: Mr. Speaker, I've had the benefit of perusing rather quickly — and I'm doing some work on it — the information that gave rise to some comment by the Human Rights Commission. I don't agree that Bill 29 is discriminatory to the native people of this province. If that's what the Human Rights Commission is saying, I happen to disagree with them. I don't think that's the legal opinion they got, and that's what I'm currently assessing. I intend to reply to the Human Rights Commission to that effect.

Off-Highway Vehicles

MR. TAYLOR: Mr. Speaker, my question is to the hon. Solicitor General. In view of the vast difference between snowmobiles and other off-highway vehicles, is the minister or the government considering separate legislation for snowmobiles?

MR. FARRAN: Mr. Speaker, we already have The Off-highway Vehicle Act, which applies to vehicles that don't run on the highway.

MR. TAYLOR: A supplementary. In view of the great difference between and among the various off-highway vehicles, is any consideration being given, at least, to putting special sections for those that are vastly different, such as snowmobiles?

MR. FARRAN: Not at the present time, Mr. Speaker, that I am aware of. The Minister of Transportation may be able to add something. But if the hon. member has some representations to make in this regard, we'll certainly look at them.

Hog Marketing Report

MR. NOTLEY: Mr. Speaker, I'd like to direct this ques-

tion to the hon. Minister of Agriculture. Has the government received the Harries report on the hog marketing question?

MR. MOORE: No, Mr. Speaker, we have not yet received the report. Dr. Harries said some time ago he expected to have the report in my hands on Friday last. However, it's my understanding from him that he wanted to review with both the packing industry and the Hog Producers' Marketing Board certain matters contained in his report. My information as well is that he has met with those two groups again, as he did a number of times throughout the development of the report, and now expects to have it ready by Friday of this week. If I receive it by Friday or Saturday of this week, I hope I would be in a position to make it available to the Legislature and make it public on Monday next.

Benzene Plant Negotiations (continued)

MR. CLARK: Mr. Speaker, I'd like to go back to the first question I asked in the question period today, and ask a question of the Minister of Energy and Natural Resources. That dealt with the negotiations between the government and the Hudson's Bay group on the benzene plant. In the course of the negotiations presently going on, is the plant going ahead contingent upon Bill No. 54, The Petroleum Marketing Amendment Act, 1977, being approved by the Assembly?

MR. GETTY: Mr. Speaker, right now I think that's a matter of judgment. My judgment is that it's not an essential part of the plant going ahead. However, as I said in the House last year, we would prefer that industry, two contracting groups, could come to an agreement and not require the provisions of Bill 54. We are assessing whether or not that will happen. If it does not appear that that will happen, then Bill 54 will be necessary in order that we will have an assured supply for a liquid-based petrochemical industry in the province.

MR. CLARK: Mr. Speaker, a supplementary to the minister. Is it the government's intention to move ahead with Bill 54 at this fall session?

MR. GETTY: Mr. Speaker, we're trying to make a decision on that. If the session is still active when the decision has been made, we'll be able to . . .

MR. CLARK: How long will the session go on?

MR. GETTY: . . . move with the bill.

Forage — Freight Assistance

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Agriculture. In the question period the minister indicated there was a possibility of setting up a freight assistance program, which has been in the province previously. Since a lot of our ranchers in the dried-out areas are transporting hay, has the minister made a decision on whether there will be freight assistance for moving hay to these drier areas?

MR. MOORE: Mr. Speaker, no decision has been finalized. Part of the difficulty lies in the fact that we're trying to get a handle on the kinds of forage supplies available in various regions of the province, and whether in fact there are surpluses in some areas or not. I might add as well that the situation has improved substantially over the course of the last few weeks, indeed very substantially since early August. The indications I have been receiving from district office staff and farmers throughout several municipalities and counties in southern Alberta are that the fall pasture situation is much better than we might have hoped for, and that there are in fact additional and surplus supplies of forage within the irrigated areas of the southern part of the province.

As a matter of fact, Mr. Speaker, it was indicated to me last week that in the alfalfa-growing areas many people are now involved, or were involved just recently, in taking a third cut of alfalfa. So the situation is improving. We're watching it very closely relative to whether or not we would implement a program of assistance.

I should remind hon. members, Mr. Speaker, that the forage freight assistance program is something we've done previously and would do again in co-operation with the federal government. There have been before, and would likely be again, certain restrictions placed on the distance hay has to be hauled before any assistance would be provided. At the present time it's my view that generally speaking in southern Alberta, sufficient forage is available within distances where a forage freight assistance program of the nature we had some years ago would not be of great assistance. But that's still open to review. I would hope that I can make some final decision on whether or not we will have a forage freight assistance program by the end of this month.

ORDERS OF THE DAY

head: MOTIONS FOR RETURNS

MR. FOSTER: Mr. Speaker, I move that Motion for a Return 163 stand and retain its place on the Order Paper.

[Motion carried]

160. Mr. Notley moved that an order of the Assembly do issue for a return showing:

For the fiscal year 1975-76, a list which for each city, town, village, summer village, county, municipal district, and improvement district separately lists the total amount of funds

- (a) spent by the Department of Transportation,
- (b) granted by the Department of Transportation, and
- (c) granted by the Department of Municipal Affairs for the purposes of building, constructing, maintaining, upgrading, and/or developing roads, bridges, culverts, overpasses, and such similar structures for the orderly conveyance of vehicular traffic.

DR. HORNER: Mr. Speaker, I don't have any problem with this particular motion, other than the man-years it's going to take to compile the information. I've

spoken to the hon. member and would suggest the following amendment after the words "vehicular traffic": "except those funds for the primary highway and secondary road systems". I move that amendment.

[Motion as amended carried]

161. Mr. Notley moved that an order of the Assembly do issue for a return showing:

For the fiscal year 1976-77, a list which for each city, town, village, summer village, county, municipal district, and improvement district separately lists the total amount of funds

- (a) spent by the Department of Transportation,
- (b) granted by the Department of Transportation, and
- (c) granted by the Department of Municipal Affairs for the purposes of building, constructing, maintaining, upgrading, and/or developing roads, bridges, culverts, overpasses, and such similar structures for the orderly conveyance of vehicular traffic.

DR. HORNER: Mr. Speaker, the same thing applies here. I might just point out that the expenditures for primary and secondary highways, of course, are readily available from the annual report. So I would move the following amendment, again after the words "vehicular traffic": "except those funds for the primary highway and secondary road systems."

[Motion as amended carried]

162. Mr. Notley moved that an order of the Assembly do issue for a return showing:

For the fiscal year 1977-78, a list which for each city, town, village, summer village, county, municipal district, and improvement district separately lists the total amount of funds

- (a) projected to be spent by the Department of Transportation,
- (b) projected to be granted by the Department of Transportation, and
- (c) projected to be granted by the Department of Municipal Affairs for the purposes of building, constructing, maintaining, upgrading, and/or developing roads, bridges, culverts, overpasses, and such similar structures for the orderly conveyance of vehicular traffic.

DR. HORNER: Mr. Speaker, I would again like to amend this one in a similar way and move that the following words be added at the end of "vehicular traffic": "except those funds for the primary highway and secondary road systems."

[Motion as amended carried]

166. Mr. Notley moved that an order of the Assembly do issue for a return showing a copy of a study entitled Information on Student Employment and Unemployment for the Planning of Summer Temporary Employment Programs, Summer 1977, Alberta, prepared by the planning secretariat, Advanced Education and Manpower.

DR. HOHOL: Mr. Speaker, the position of the government is that we cannot accept this motion for a return for the following reasons. In the first instance we are

not dealing with a study here; we're looking at a paper that summarizes information and data with respect to employment and unemployment of young people out of college, high school, and universities. This is a process, it's day-to-day work which the planning secretariat does. Its results are looked at by the manpower people and by the department, and at some point the information is fine enough and effective enough to lead us to some conclusions one way or another about a summer work program.

The work is of the kind that is ongoing; it is the normal work of the planning secretariat. If we were to have to table work of this kind, Mr. Speaker, I would suggest there's hardly any other kind we would not have to table. So, on the proposition that this is the normal, usual work of a branch of the department which another branch of the same department uses in its workup for officials, for the ministry, and for executive council, I have to deny the request for a motion.

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

HON. MEMBERS: Agreed.

MR. NOTLEY: Mr. Speaker, I would simply rise to express disappointment that the government is not prepared to release this particular study. It seems to me that this kind of information is not only relevant for the government but the kind of information which in my view is not really an interdepartmental memo but the sort of background information which is no different in basis from most of the other consulting reports which from time to time are released in this House and would be useful information not only for students but for the general public to have in assessing the government's programs in this area.

[Motion lost]

167. Mr. Notley moved that an order of the Assembly do issue for a return showing:

- (1) a list of all newspapers which carried two-color, full-page advertisements entitled The Alberta Heritage Savings Trust Fund — Digest of the 1976-77 Annual Report, showing the date the advertisement appeared, and the cost;
- (2) the cost of production and placement of the above advertisement and the name(s) and address(es) of the agent(s) involved;
- (3) the separate cost of producing, printing, binding, packaging, placing gold seals, and distributing the 1976-77 annual report of the heritage savings trust fund.

MR. NOTLEY: Mr. Speaker, I'm sure I'll have unanimous support for Motion 167.

MR. LEITCH: Mr. Speaker, I propose an amendment to Motion 167: that the word "separate" in paragraph (3) be replaced by the word "total". I'm not at all sure we could separate the various cost items listed in that paragraph, and that may be required by the use of the word "separate". I assume the total cost is going to be satisfactory, and that's the reason for the amendment.

MR. CLARK: [Inaudible] the gold seal.

MR. NOTLEY: Yes, that's what we want to find out about.

[Motion as amended carried]

168. Mr. Notley moved that an order of the Assembly do issue for a return showing a copy of a study entitled Labour Force Data for Decision on Priority Employment Programs, Alberta — Winter 1977-78, prepared by planning secretariat, Advanced Education and Manpower.

DR. HOHOL: Mr. Speaker, for exactly the same reasons as with Motion 166, we have to decline. I should give one additional information: while 166 and 168 differ only with respect to programs — one being STEP and one PEP — it's important for the House to recall that when these programs are completed and finished, we do a comprehensive review, analysis, and report in detail to the House. We table a report on these two programs in the House. That report includes the information asked for in motions for returns 166 and 168, but that information is then in the context of the whole report of those two particular work programs.

[Motion lost]

169. Mr. R. Speaker moved that an order of the Assembly do issue for a return showing:

- (1) the total number of hours which Jackson Norman Willis, on behalf of Rune Associates Ltd., has worked in his capacity as consultant to the Minister of Hospitals and Medical Care, between November 1, 1976, and September 30, 1977;
- (2) a listing of all reports and/or studies which Jackson Norman Willis, on behalf of Rune Associates Ltd., has submitted in writing to the said minister, and the dates on which said reports and/or studies were submitted to the minister;
- (3) a listing of all meetings Jackson Norman Willis, on behalf of Rune Associates Ltd., has participated in at the request of the Minister of Hospitals and Medical Care,
 - (a) with Alberta hospital boards,
 - (b) with ministers and departments of the government of Alberta other than the Minister and Department of Hospitals and Medical Care, in his capacity as a special adviser to the said minister;
- (4) a listing of all seminars and meetings which Jackson Norman Willis, on behalf of Rune Associates Ltd., has conducted for members of the staff of the Minister of Hospitals and Medical Care between November 1, 1976, and September 30, 1977, pursuant to Section 2(c) of the contract entered into between Rune Associates Ltd. and the Minister of Hospitals and Medical Care;
- (5) a listing of all reports which Jackson Norman Willis, on behalf of Rune Associates Ltd., has contributed to the review or preparation of, upon direction to so do by the said minister, pursuant to Section 2(e) of the contract specified in (4).

MR. MINIELY: Mr. Speaker, Motion for a Return 169 is perfectly acceptable, with the exception of 3(b). There I would like to propose an amendment, for the reason that meetings between ministers of the Crown are generally accepted to be confidential. I would therefore propose the following amendment to Motion for a Return 169: that existing item (3) be deleted and a new item (3) substituted, which reads as follows:

a listing of all meetings Jackson Norman Willis, on behalf of Rune Associates Ltd., has participated in at the request of the Minister of Hospitals and Medical Care with Alberta hospital boards in his capacity as special adviser to the said minister.

[Motion as amended carried]

170. On behalf of Dr. Buck, Mr. R. Speaker moved that an order of the Assembly do issue for a return showing:

- (1) the total number of full-time permanent female employees of the government of Alberta as at March 31, 1977;
- (2) the average salary of all female employees referred to in (1);
- (3) the total number of full-time permanent male employees of the government of Alberta as at March 31, 1977; and
- (4) the average salary of all male employees referred to in (3).

[Motion carried]

171. Mr. R. Speaker moved that an order of the Assembly do issue for a return showing the steps which have been taken and changes which have been implemented to the major cultural/recreation facility development program since April 15, 1977, for the purpose of speeding up the consideration and processing of applications for grants under that program.

[Motion carried]

head: **GOVERNMENT DESIGNATED BUSINESS**

MR. HYNDMAN: Mr. Speaker, I'd like to ask the Assembly for unanimous consent to resolve into Committee of Supply to continue consideration of the heritage savings trust fund, capital projects division.

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

HON. MEMBERS: Agreed.

head: **GOVERNMENT MOTIONS** head: **(Committee of Supply)**

[Dr. McCrimmon in the Chair]

MR. CHAIRMAN: The Committee of Supply will come to order.

ALBERTA HERITAGE SAVINGS TRUST FUND CAPITAL PROJECTS DIVISION 1978-79 ESTIMATES OF PROPOSED INVESTMENT

Development and Improvement of Alberta's Transportation Facilities

Transportation

1. Airport Terminal Buildings

MR. NOTLEY: I have four questions I'd like to put to the minister. First of all, Mr. Minister, could you outline what recent discussions you've held with the federal government, particularly on the Grande Prairie terminal building, in view of the Alcan proposal? Now that we're into this pipeline, it would seem to me it would be logical that the federal government would give a higher priority to their responsibilities in this particular case than would have been the situation before. That being the case, I would ask you to outline to the committee whether there have been any recent discussions with Mr. Lang or his colleagues on their responsibilities.

The second question relates to the rents, and this would be apropos not only of Grande Prairie but of Lethbridge too — the minister indicated commercial rents. Do we have any sort of indication at this point whether or not there will be sufficient revenue from the rents to cover the operating costs of the terminal buildings? Because they're obviously going to fairly substantial operating costs.

And while we're on that, in view of the fact that we are building these terminal buildings now; it's my understanding that at the present time both of them are MoT responsibilities. Are we then in a position where the money will come in to cover the cost, or will there have to be some payment from the provincial treasury?

The third question really deals with Whitecourt. Where do things stand now in terms of a scheduled air line? Are you negotiating with Time to stop at Whitecourt on the way to Grande Prairie? Are you looking at another level carrier such as Wapiti? Where do things stand vis-a-vis the Whitecourt air service question? I know that Thunderbird used to stop at Whitecourt, but my understanding was that it wasn't too lucrative from their point of view and they weren't overly pleased to do that. But I think it would be interesting to know just what options the government is examining at this juncture for Whitecourt.

The final point, Mr. Chairman: I would really be somewhat happier if I saw more of this money being shifted into airport construction itself. I'm sure all the members in the House have particular airports they would like to see under way. But I think the government's move in airport construction is useful, and one that is valuable not only for the flyers or for commercial development.

Let me just give you an illustration: in the little town of Spirit River they are attempting to get paving of the airport. It now looks quite possible that next year we can complete the paving of the airport and have landing lights. Now, the administrator of the hospital was taken very ill, so an air ambulance came in, but with considerable difficulty because there were no lights at the airport. They had to have the

cars out there and they got the plane down well and fine; it was fortunate for him that they did. But I think the sooner we can move the better, in many of these smaller airports. So I have a good deal of sympathy for that kind of investment from the heritage savings trust fund.

But I notice that this year we're talking about terminal buildings. I wonder if the minister would care to outline what — I believe he made reference to it, but I'm not entirely sure it was clear in my mind — we'd be doing in the future from the heritage fund as far as small town airport construction is concerned.

DR. HORNER: Mr. Chairman, to answer the last question first, it's not our intention at this time to use heritage trust funds to build the airports themselves. We are spending this year in the neighborhood of \$7.5 million on a variety of airports throughout the province. In fact we have opened 14 new ones this year and now have 41 provincial- or community-owned, lighted airstrips in the province. We expect in an additional two years that the program will be substantially complete and we will have one of the finest networks of airports in North America. These are in a more specialized category relative to the ones noted.

In response to the hon. member, relative to the question of Grande Prairie: in our discussions with MoT they simply said they couldn't bring these two airport terminals up in their priorities because of lack of funding. In both cases — in Lethbridge and particularly Grande Prairie, since the announcement of the foothills pipeline — we felt that something had to be done with those terminals. Therefore we entered this arrangement with MoT to provide that facility for Albertans who will be using it. The rental will be based on a commercial application to MoT. They will pay for the space they use, and they will operate that space. The rental moneys should more than offset the operating costs that will accrue to the government of Alberta.

In the case of Whitecourt we're hopeful that once we get the airport completed, a third-line carrier will find it a better opportunity to take up the service Thunderbird did fly at one time and, more particularly, with the Simpson operation now going strong and with a great deal of activity in the foothills area west of Whitecourt, that indeed Whitecourt will become a scheduled airport site.

I think that answers the four questions.

Agreed to:

Airport Terminal Buildings \$6,000,000

Developing and Producing Canadian Content Educational Resources

Education

1. Alberta Heritage Learning Resources

MR. KOZIAK: Mr. Chairman, during the course of the ministerial statement which I presented to the House last week — or a little earlier, I don't recall the exact date — I was fairly specific in outlining to the members of the Assembly details of the projects that were proposed in the overall investment. Perhaps this afternoon, if there are any questions, I could add

to the members' knowledge. Otherwise I would highly commend this particular investment to the members of the Assembly and hope it will receive the support of all members of the Assembly.

MR. NOTLEY: I really have two questions. First of all, Mr. Chairman, I understand that there's to be a panel of noted Alberta writers, educators, and citizens who will select the title for the heritage book series. My question on this particular matter is: will there be one panel for all the different series; in other words, will this panel choose all the books, or will there be panels for each of the series? When and how will the panels be chosen?

MR. KOZIAK: Mr. Chairman, at the moment I envisage one panel of well-noted individuals, perhaps we can call them the blue-ribbon committee, that would set broad guidelines for the selection of individual titles and perhaps then monitor the fidelity of each task force in carrying out those guidelines. There would be a committee that would deal with each particular project. But at the moment I'm looking at the possibility of having one overall committee.

With respect to the date of choosing, I would hope we could get on with that as soon as we receive approval for the investment. The method may be somewhat more difficult than in other respects, because some of these people may have to be sought out and asked to join such a committee, as opposed to cases where the volunteers far exceed the positions available. The method of choosing the members of the committee, of course, is under consideration now. But I would invite hon. members of this Assembly to submit suggestions to me in regard to the composition of the committee.

MR. NOTLEY: Mr. Chairman, in view of the fact that we have target dates for each of these series, there must be a target date for the selection of the panels. Because the panel will have to undertake an awful lot of work in order to fulfil its responsibilities. What is the target date in the minister's mind? What's the time frame we're looking at for the selection of this blue-ribbon panel?

MR. KOZIAK: As I indicated previously, Mr. Chairman, I would expect this would take place as soon as possible after the investment had been approved by this Assembly. It is my expectation we will have such a committee in place before year-end.

MR. NOTLEY: Mr. Chairman, who specifically is entrusted with the responsibility of putting together the proposals for a panel? Obviously the minister is going to select the panel in the final analysis. But at this stage is any one person assigned the responsibility of undertaking an inventory of blue-ribbon types we can appoint to this panel?

MR. KOZIAK: I'm not stuck on the color. If hon. members have suggestions as to changes of color, we can always change that. That's just a description.

MR. GETTY: Orange and blue.

MR. KOZIAK: Orange and blue? The hon. Member for Edmonton Whitemud suggests orange and blue.

Mr. Chairman, we expect to have a project director in place as soon as the investment's approved. I have in mind an individual now, subject to approval by this Legislature of this investment. It would be the project director's overall responsibility to ensure that the project moves along in accordance with time lines.

MR. NOTLEY: Mr. Chairman, I would like to suggest that one person I hope you will approach — perhaps even as the person to chair the panel — would be Grant MacEwan, our former Lieutenant-Governor. I can't think of anyone who would be better suited to head the panel and give this entire program the sort of initial boost it needs in terms of public recognition and, I think, respect among the educational establishment of the province, both school trustees and the teaching profession.

The other question I wanted to raise, Mr. Chairman, is with respect to the publishing. In reading over the ministerial announcement, I understand there's going to be some recognition of the need to do the publishing in Alberta. To what extent can the minister assure us that Alberta publishers will be able to handle it? At this stage is there any sort of understanding on the minister's part that the work will be farmed out to the publishing industry in total, that all the publishers will get a little share of the action; is it going to be up for competitive bid: how, in fact, are we going to be able to give some assurance that it will be the Alberta publishing industry that in fact does the publishing of these series?

MR. KOZIAK: Mr. Chairman, first of all reacting to the suggestion of the hon. member with respect to the appointment of our former Lieutenant-Governor, the Hon. Grant MacEwan: a very excellent suggestion and one that's been right at the top in terms of the possibilities for this committee in my mind. Keeping that in mind, my earlier comments are probably well understood. I'm sure our former Lieutenant-Governor, although retired, is a very busy man with many demands on his time by people not only within this province but outside the province because of his abilities, knowledge, and leadership. I hope he would accept our invitation to serve on such a committee.

In connection with the opportunities available to the Alberta publishing industry, I think this will depend to a large extent on the industry itself. We've indicated well in advance that this opportunity will be available to Alberta publishers. I would hope they would rise to meet the occasion. I expect over 95 per cent of the moneys involved in this investment would be spent in the private sector, whether through binding costs, publication costs, authors' fees, royalties, and what have you. In the case of publication costs, I would also expect this would be on the basis of tender, with the normal tendering procedures applying.

MR. R. SPEAKER: I might have missed the answer to my question. In some areas the writings or necessary information will not have been put together. Will the committee, or whoever is heading this particular program, put out a request for proposals for writing in certain areas to cover certain subjects? Will any kind of technique like that be used in gathering information and developing the necessary literature?

MR. KOZIAK: Mr. Chairman, it's difficult to respond to such a question in terms of the entire project, because basically we have a number of different projects. We have four main projects and, under the fourth project, a number of sub-projects.

In the first project, which is directed toward elementary students, we will be taking existing history and rewriting it with illustrations so it's easily readable by students of the grades 4, 5, and 6 levels. The senior high school and adult publication will be just a rebinding of existing materials. In the junior high school materials, selections will be drawn out of existing books.

The original writing will probably take place mostly in the fourth project, under the 16 units of Canadian studies kits or Canadian content kits that will be developed there. That's where I see the need for original writing and development of materials. I don't believe a request for proposals on these will be put forward. Thirteen of these are being developed by various school boards throughout the province of Alberta, working in conjunction with their teachers, parents, trustees, students, and resource people from the department.

MR. GOGO: Mr. Chairman, following up on the Member for Spirit River-Fairview, I'm particularly encouraged to see one area where there is a particular agreement, and that is with regard to the proposed chairman, the Hon. Grant MacEwan. I can't think of an Albertan better suited to the task both in terms of having lived in Alberta and participated in the history of Alberta, and in the amount of time he spends informing Albertans about the history of Alberta. I think that would indeed be a wise choice and certainly merits consideration.

In terms of history in Alberta, Mr. Minister, with regard to an area, for example, like the Crowsnest Pass: it's steeped in history, as I know other parts of Alberta are. But I think it has a particular part of history: the rum-running through the Whiskey Gap, the North West Mounted Police coming up from Fort Benton, the Macleod area, and certainly the Crowsnest Pass. In terms of history, I'm sure that would be considered in one of those four sections.

An area that concerns me somewhat is: what emphasis, if any, has been given to considering large-print books? Since the passage of Bill 9, we have in our Alberta libraries a new influence of large-print books for senior citizens who have difficulty reading. I think that is particularly important, if it could be arranged. Many of them have lived through the history that will be discussed, and large-print books would be of particular significance to them.

Another area is those youngsters in Alberta who are mentally retarded. I think we've seen tremendous progress with regard to improving the capability of retarded people in the last 10 years, not only in Canada but in Alberta. Mr. Minister, has consideration been given to pictorial as opposed to written types of history for retarded people? I would ask you or your department to give some consideration to that area if possible.

MR. KOZIAK: Mr. Chairman, with respect to the large print, thank you for the suggestion. I'll pass that on to the people working on the project, to see if it's feasible.

With respect to the other item, perhaps an understanding of the fourth project will be useful. We're looking at — for example, the 16 Canadian studies kits — kits that contain print, audio, and visual material: tapes, filmstrips, flash cards, pictures. They'll basically cover the whole gamut of learning processes. Particularly in the flora and fauna area — I think that area would be of interest to the hon. member — there will be 620, 35mm slides depicting the flora and fauna of the province. These could be used very well, I think, with the type of class indicated by the hon. member.

MR. TAYLOR: Mr. Chairman, I would like to bring to the attention of the hon. minister another special need. It applies to everyone, but particularly to native people. A lot of native people leave school at a reasonably young age, and when they're 18, 22, 36, or even older they want to start back at school. They've had life experiences, but their reading may well be only at the third, fourth, or fifth grade. In the adult classes these grown-up people then have to go back to raise their reading standards, and so on. It's a matter of accreditation for these particular people.

I'm wondering if the minister is giving any consideration to accreditation for adults who have not yet completed high school, and must go back and complete sometimes the elementary but certainly the intermediate grades before proceeding with their education. I think it's most important for these people to get some type of accreditation when they improve themselves. I believe the hon. minister may already have some representations on this from various parts of the province.

I'm wondering if the minister is giving some consideration to that type of thing. Also, could he advise if it would fit into the program he now has in mind?

MR. KOZIAK: Mr. Chairman, the hon. member seems to be referring to the type of program offered by the Department of Advanced Education and Manpower in AVCs throughout the province. I'm struggling, but I find it difficult to relate the comments to our learning resources project under the capital projects division. Perhaps the hon. member might take some time to bring me into focus on that.

MR. TAYLOR: Mr. Chairman, I don't want to pursue the matter at length at the present time, but it seems to me it does have a very close bearing on the learning process we're talking about now.

While the program may be under Advanced Education and Manpower, the difficulty arises through the fact that these adults, before they can proceed, must go back to elementary, intermediate, or high school in order to get accreditation. As I've said before, sometimes we've gone education-mad in insisting that a cook, for instance, has to have certain subjects he'll never use in a cooking facility.

The point I'm making now is that these people who go back to improve their reading skills so they can advance in their education, have to go back sometimes to the primary or intermediate school. If there's no accreditation for that, it's pretty discouraging and they can't proceed very far. All I'm asking the minister to do right now is take a look at this to see if it would be — work out a program of giving accreditation to these adults who must go back to the lower

grades in order to improve their basic skills before they can advance very far in any other educational field.

Agreed to:

Alberta Heritage Learning Resources

\$4,500,000

Kananaskis Regional Recreation Facility Development

Recreation, Parks and Wildlife

1. Kananaskis Country Recreation Development

MR. ADAIR: Mr. Chairman, the project description of Kananaskis country recreation development is probably one of the more exciting concepts that has been put forward by government. It relates to the establishment of the Kananaskis provincial park and the prime park area, plus the area around the park in a boundaried area called Kananaskis country. It will see the development of additional recreation facilities, upgrading of facilities that are in that particular area — now basically under the various jurisdictions of the Minister of Energy and Natural Resources, forestry division; or Transportation — or in the provincial parks that are adjacent to that particular area. Bragg Creek Provincial Park is one of them.

Mr. Chairman, within that particular project we hope to begin what will be the first of a number of country concepts that will be along the eastern slopes and possibly in other areas within the province, where we will be able to provide additional concentrated recreational facilities for a given area to allow the people of Alberta to have outdoor experience by either back-packing or horseback riding on the various trails in the Kananaskis country, some upgrading of existing snowmobile areas, some provision, for example, of overnight camping facilities within the Kananaskis park, and various road improvements that will lead to the park. Presently there is construction on Highway 940. It will be within the actual park concept itself. Some junctions will be developed for future work, within the Smith-Dorrien valley, of a road going back up into the area within the park there.

To outline some of the areas where we hope to proceed, with the permission of the Legislature, is the development of the park itself. I guess the best way for me to lay that before you is to give you an idea of what in fact was in the area and what we are hoping to provide.

In campsites, the area within the prime park will see 375 new campsites. In the Kananaskis country, outside the prime park area, there will be some 700 upgraded and new sites; that is, existing sites, in place as forestry sites, upgraded and expanded to provide some 700 spaces. Day use area: within the park, some 200; outside the park, some 250. In the trails area, we're developing some 50 miles of back-packing trails within the park and approximately 100 miles outside the park in the Kananaskis country area. Along with that, of course, will be the development of an interpretive centre to direct people from the park area into the various regions.

Two things, I think, should be noted. Cross-country skiing, outdoor back-packing experiences into the higher alpine areas within the park, are going to be

available to the public at large. In the Kananaskis country the cross-country skiing along with the existing facilities in the region — and one of them is the Fortress Mountain area, that hopefully will benefit from what is going on in the Kananaskis country as well — the development of additional upgrading facilities for the snowmobilers in the McLean Creek and Sibbald Flat area within Kananaskis country, the upgrading of those two areas, by way of increasing the trail capacity, providing warming huts, the parking facilities for those snowmobilers who will be bringing their snowmobiles to the area. In addition to that I should point out that two other areas outside the Kananaskis country are being looked at for upgrading of snowmobile facilities, and those are in the Wapiti trail area and the Cataract Creek area.

Mr. Chairman, in the road area relative to the entrance to the prime park, I would think there will be a fair amount of work involved in the actual upgrading of the road to the area just east of the lower Kananaskis lake, which is the prime use area we're developing for campers. That will be paved, hopefully by this time next fall, along with the junction that would be used in the future for the Smith-Dorrien valley.

Again I should emphasize that it's an extremely bold — if we can use that term — concept that takes into consideration the many, many briefs presented on the eastern slopes through the ECA, and takes into consideration practically all the recommendations made on that particular area, providing the critical protection areas for wildlife. From a departmental point of view we're pleased to see that. It provides the recreation opportunity for just a tremendous number of people within the province of Alberta to enjoy a mountain-setting park. Along with that, in the Evans-Thomas area, consideration is being given to the creation of a golf course that will provide a mountain golf course setting in that particular area, and it's being looked at and will be reviewed beginning with this particular appropriation, Mr. Chairman.

MR. GOGO: Mr. Chairman, I certainly want to commend the minister for all the work he has done in this very exciting concept with regard to Kananaskis country and Kananaskis park. I am sure those members from Calgary, the surrounding area, and certainly southern Alberta are pleased in two regards: one, not only the opportunity of having Kananaskis country available, but the extremely heavy load of tourists going into the southern Alberta parks. Another thing I'm particularly excited about is that although tourism is our third largest industry, this is geared for Albertans. I think this is particularly important, and I want to commend the minister for that.

A couple of questions, though. I'm trying to recall the various speeches the minister has made, and I'm wondering if Kananaskis country could be used, for example, by local school boards for outdoor education, if that was a consideration. I think the very nature of the country is so important to students in the southeast corner — the Medicine Hat area, for example — who don't see the mountains. I think there is a particular advantage to be offered there.

More importantly, and I'm just trying to recall some of the comments made by the minister several weeks ago, is that in Alberta we have a tremendous number of single parents — I think there are 13,500 on

assistance — and many youngsters. The traditional role of the church was to offer the summer camp concept, with perhaps cottages. We have seen a decline in that with the absence of the railways through Alberta. Another area is the disadvantaged children of Alberta. I'm thinking now of mentally retarded youngsters.

So there would be two groups, Mr. Minister: foster children, of whom I think there is a tremendous number in Alberta, and perhaps the volunteer sector could be encouraged to become involved in excursions, taking these youngsters into, not so much the Kananaskis country, but the park itself; and the disadvantaged children, the mentally retarded of Alberta, whom I think number a fair number. I'm trying to recall if the minister did not make an announcement to the effect that perhaps within Kananaskis park cottages would be constructed. I'd like him, if he would, to confirm that or expand on it.

MR. ADAIR: Mr. Chairman, I appreciate the comments made by the hon. member. Certainly within the plan, and I had neglected to indicate that, was what is called a special-use cabin concept, where we would be creating cabins — not necessarily a camp concept, but cabins — that could be used by the elderly, the handicapped, and the disabled, covering I think the broad range in that particular area. That concept is being developed right at the moment, and that's one of the more exciting ones as well: providing at least the beginning of some cabins that could be used on an individual family basis for people in that particular capacity or category.

MR. TAYLOR: Mr. Chairman, I'd like to say a word or two in connection with snowmobiles. I think the Kananaskis concept is a very excellent one. I think it's going to enhance recreation in that part of Alberta, possibly for the whole of Alberta.

I'm just wondering why, in the vast area you have, that an area could not have been found for snowmobiling. The snowmobile today is an entirely different vehicle from what it was seven, eight, or 10 years ago. It's no longer loud and noisy. It has proper mufflers. It's really an excellent machine. It enables what you might call the poor man to enjoy winter perhaps more than any other particular sport. I understand there are about 55,000 of them in the province of Alberta, so it's an industry worth millions of dollars to the economy of Alberta. But even beyond that, if an area was set aside somewhere in this park it would actually enhance the park, because it could bring snowmobilers from all over the western part of the U.S.A. and Canada if it was carefully thought out and properly placed, with some facilities provided. I think it would enhance the park actually.

We're now talking about hundreds of people who enjoy this particular sport. It's done on top of snow; it's not one that destroys the environment or the terrain. The enticement of people to the park in wintertime would, I think, be amplified through a proper place in the park for snowmobiling. I'm wondering if the hon. minister can give this matter further consideration, because there are a lot of disappointed people in my constituency and I suppose elsewhere in the province. They hoped they too would have a part in this beautiful new park that's being developed in the province of Alberta.

It is my view that snowmobiling would enhance the value of this park to the province, would continue to bring more buoyancy to the economy, and give this industry, that is worth millions of dollars to our economy, a proper and rightful place in the recreational program being planned for that particular area of Alberta.

MR. R. SPEAKER: Mr. Chairman, if I could just make some comments on the same topic of snowmobiling. In the minister's response I wonder if he could reflect on the conference with the snowmobilers that was held over the weekend. Maybe your colleague would be able to do that for you. I think he was at the meeting while you were at a very important engagement, which I understand.

You also mentioned in your remarks, Mr. Minister, that the area around Cataract Creek was in the planning stages, or you had hoped to get it into operation for snowmobiling this coming winter. I wasn't sure whether you said it would or wouldn't be in operation. Maybe you could clarify the stage of development with regard to that.

MR. LITTLE: Mr. Chairman, to the minister, I too would like to add a couple of words about snowmobiling. I've had a great number of letters and phone calls from constituents. Until this was brought to my attention I had no idea of the scope of this industry; that is, the huge number of persons engaged in the sport, and the tremendous amount of money represented. I understand the industry is worth approximately a quarter of a billion dollars.

I did point out to these constituents the areas assigned to them at the present time, but I too would like the minister to reconsider the possibility of extending some portion of the parks area, or at least extending areas for this sport that is growing so much in popularity in the province.

I would also say that in speaking to these constituents, I was quite impressed with a number of them. They are very responsible citizens and had something important to say.

MR. ADAIR: Mr. Chairman, going back, if I may, to the first question raised by the hon. Member for Lethbridge West relative to outdoor education. We would be considering the area around Barrier Lake for an outdoor education site. So I should put on record that that may well be taking place. It's under consideration in that particular area.

Relative to snowmobiles, I think two things should be made clear to start with, if I can, and it's in response to the hon. Member for Drumheller. First of all, when the announcement was made back in 1974, under our present regulations, once a park is actually O.C.'d and is in place, there is no snowmobiling within the provincial park. One of the reasons we delayed putting the boundaries in place was to ensure we had some mechanism to begin upgrading existing snowmobile areas.

There are two things that I think should also be noted — I'm speaking now of Kananaskis country, that very small portion of the eastern slopes that also provides an opportunity outside that particular country area for snowmobilers. I think one of the questions that relates to many of the snowmobilers in the Calgary region is that one of their prime use areas

over the years has been Smith-Dorrien valley, which is now in the middle of the park. So that is no longer open to snowmobiling.

In order to try to compensate, if I can use that word, we attempted to begin upgrading a couple of the snowmobile areas within the Kananaskis country, and to provide and begin to plan for extended trails in the McLean Creek and Sibbald Flat areas, also looking beyond that, outside the Kananaskis country to the other two areas; that is, Waiparous Creek, to the north of Highway 2, and the Cataract Creek area that the hon. Member for Little Bow was referring to. It is our intention to attempt to have all four of those in place for this winter.

The upgrading relating to this appropriation will primarily be in within the Kananaskis country. But the plans will also be put in place relative to the extension and development of trail systems in the Cataract Creek and Waiparous Creek areas, as well as the other two.

Another concern that was raised with me was the fact that last year there was very little, if anything, in the way of snow in most of those areas. Now I appreciate that last year we had that problem all over Alberta. The best information we have is that under normal conditions these areas do have snow. Of the four, the best one is the Cataract Creek area.

Having said that — and I think I should also indicate, as a creature of habit, that when you change my habits, I become a little upset. I can appreciate the problems snowmobilers in the Smith-Dorrien valley are having. We're hoping to work that out and to explain to them, relative to these other areas, including where they can in fact snowmobile in the rest of the eastern slopes, because it's not an exclusion in the balance of that area. I want to differentiate between the eastern slopes as a total area along the western border relative to country called Kananaskis country and, more specifically, to the area called Kananaskis provincial park. Once we put the boundary around Kananaskis provincial park, we eliminated snowmobiling in that area. I would certainly indicate to all hon. members that we will continue to look at the improvement and the inclusion of other areas for snowmobilers in the Kananaskis country. I would hesitate to include that in the prime park area at this point in time.

MR. PLANCHE: Mr. Chairman, I too would like to commend the minister on behalf of all the people in the Calgary area for his far-sighted designation of a park area at Kananaskis. However, a park area brings to mind a lot of people coming in. There are a lot of creeks there, and that naturally leads me to the fish business. I'm wondering what the status is of our egg hatchery and whether we're going to have sporting fish available in some kind of numbers to make it interesting enough to take a rod into that particular area when it's complete.

The second question I would like to ask is: since the park has been designated, what is the status of buying land from private landowners, if in fact there was any, or if we're going to get into the next expropriation thing? Perhaps he could update us as to the status of that.

MR. KIDD: Mr. Chairman, since the park is in my constituency, I think it is appropriate that I say

something about it. I'm delighted to have this park. I think the park, which is intended to diffuse people through the park and, frankly, not have them go to a centre like Banff and never leave the town, but to get out into the park and see it, is an excellent concept. So I'm just delighted, as I repeat again.

In his summation, I think it would be important to me, and perhaps to some others, for the minister to say a few words about cattle grazing in the area and how that will be affected, or if it will be affected. My understanding is that there will be very little effect on those now using it for grazing purposes, in fact it may be beneficial. But in summation the minister may say a word or two about that.

Thank you very much.

MR. ADAIR: Mr. Chairman, if I may respond, I hope positively, to the hon. Member for Calgary Glenmore relative to fishing. There are a great number of streams in that particular area, and we have begun to look at the possibility of doing some stream stocking by creation of impoundments to provide a place to stock, and give some additional opportunity to fish other than the normal stream fishing available in the area.

Now, relative to the fish hatchery — I believe your question was relative to where it's at with the fish hatchery or the brood stock. That's a little out of Kananaskis country but I'm hoping we'll have something in place a little bit later this year relative to the brood stock station. The hatchery is in operation to a point of around 6 to 8 million fish being stocked annually in the province. So, if I can use that as a response relative to additional fishing opportunity in Kananaskis country, we would be looking at the creation of impoundments for stocking on some of the streams in that particular area as well.

Relative to grazing, it's my understanding, and it is the policy, that this plan superimposes itself on the eastern slopes policy. In that particular case very few, if any, changes relative to grazing would be made. That would still remain the responsibility of my hon. colleague, the Associate Minister of Energy and Natural Resources responsible for lands. In that particular capacity, he may wish to respond a little further. But basically no changes relative to grazing in those areas would be made because of the creation of Kananaskis country being imposed on top of that.

I should also point out, Mr. Chairman, relative to any of the people living in that particular area, that it is the intent to use Canmore as the service centre and have the least number of permanent people living in that particular area. I speak of the possibility of some staff in the park and a couple of the other areas there, relating to other facilities that would be within that country. The basic service centre would be the Canmore area.

MR. PLANCHE: Mr. Chairman, if I may, I'd still like an answer as to the status of land purchasing, if any, in the area. The second thing, in terms of the fish problem again, my understanding is that we are going to have to grow our own fish eggs here rather than import them. I was of the impression that we were somewhere in the construction stage of that kind of facility. There's going to be enormous pressure on additional waterways, and 6 million is not very many fish relative to anybody else around us — in Montana

or North Dakota — in terms of trout, which will be indigenous to the area. If you could maybe embellish those remarks a little and give me a hand with that problem and land ownership, I'd be grateful.

Thank you.

MR. ADAIR: I'll attempt to do that, Mr. Chairman. Relative to land, all the land included in Kananaskis country is Crown land and would be by lease disposition through the hon. associate minister responsible for lands. Getting back to the creation of brood stock facilities, we have the Raven facility that, in my mind, is being upgraded at a very slow pace, relative to the problems we may have facing us, as we discussed last year in the estimates, in providing our own capability to produce fish. I appreciate the fact that 6 to 8 million may not be a large number in the eyes of some of the more prominent fishermen in the country, but it is a fairly successful program to this particular point in time, and we hope to expand that in the very near future.

DR. WEBBER: On behalf of my constituents in Calgary, I just want to express appreciation for a facility such as the one the minister has announced. In the last few weeks I've heard many excellent comments about this particular recreational development, and I'm sure they'll make good use of it.

Also, Mr. Chairman, in view of some of the negative comments about citizen input that some members of the opposition have made, I would like to refer to a letter I received from a member of the Alberta Wilderness Association. This gentleman indicated he's very pleased with the good, solid homework that has gone into the Kananaskis project, and that he feels citizen input certainly hasn't been ignored in this particular case. Again, not just related to the Kananaskis project, but to the whole eastern slopes policy statement, he feels that there has been good citizen input, and would want to commend the government on that policy statement as well as the Kananaskis park.

MR. FLUKER: Mr. Chairman, when we talk about trout and crossbreeding these fish that are supposed to go in some of these streams in the park, I wonder if the minister has been thinking about some of the crossbreeding that has been going on. I understand they've been crossing the coho salmon with the walleye, and have come up with what they call the "cowall" — a very lazy fish, not much of a fighter, not much of a sports fish. Then they took this "cowall" and crossed it with a Skeena River trout and came up with what they call a "Kowalski" — a real good fighter, but they had to teach the darned thing to swim. I wonder if they were thinking of putting in one like this.[laughter]

Agreed to:

Kananaskis Country Recreational
Development

\$15,000,000

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

[Motion carried]

[Mr. Speaker in the Chair]

DR. McCRIMMON: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions, reports same, and requests leave to sit again.

Resolved that for the fiscal year ending March 31, 1979, amounts not exceeding the following sums be granted to her Majesty from the Alberta heritage savings trust fund for making the following investments: \$6,000,000, the airport terminal buildings project to be administered by the Minister of Transportation; \$4,500,000, the Alberta heritage learning resources project to be administered by the Minister of Education; \$15,000,000, the Kananaskis country recreation development project to be administered by the Minister of Recreation, Parks and Wildlife.

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

HON. MEMBERS: Agreed.

head: **MOTIONS OTHER THAN GOVERNMENT MOTIONS**

1. Moved by Mr. Cookson:

Be it resolved that the government of Alberta give consideration to reviewing The Alberta Wheat Pool Act and reporting to the Alberta Legislature on the adequacy, or otherwise, of the existing act in relation to the requirements of The Companies Act and The Co-operative Associations Act.

[Adjourned debate May 3: Mr. Taylor]

MR. TAYLOR: Mr. Speaker, the resolution moved by the hon. Member for Lacombe has taken a long time to come back to the top of the Order Paper, but just prior to the time that I moved the adjournment, the hon. Minister of Agriculture mentioned in his address that he was considering the appointment of a committee composed of people from his department and the Wheat Pool to study the matter contained in the resolution, as to whether or not the best set-up would be a private act, under which the Wheat Pool is operating today, or under The Companies Act, or The Co-operative Associations Act. I suppose that's what the resolution was asking to be done, so there isn't really too much more to be said about the resolution. However, I would like to point out that when a group applies for a private bill, at that time it is certainly within the prerogative of the Legislature to grant that bill. It was granted to the Alberta Wheat Pool, and they have continued to operate under that for many years.

I doubt that this Legislature or the government should be telling the members of the Wheat Pool whether they should change their set-up, whether they should now consider a set-up under The Companies Act or The Co-operative Associations Act. The study that I believe has been carried out at the request of the Minister of Agriculture is certainly excellent and will give the members of the Wheat Pool the information they need about these various types of set-ups. But I think the final decision on

whether or not they remain under the private bill or move to The Companies Act or The Co-operative Associations Act must rest with the members of the Alberta Wheat Pool. I would not favor the Legislature or the government telling the Wheat Pool how they should conduct their business. I think the members are quite capable of coming to that decision themselves. I welcome the information on the various set-ups, and I'm sure every member of the Wheat Pool will, but the final decision must rest with the members of the Wheat Pool.

MR. BUTLER: Mr. Speaker, I wish to say a few words on Resolution No. 1 this afternoon. Firstly, I'd like to move an amendment to it. The amendment would be that the words "in co-operation with the Alberta Wheat Pool" be added to the resolution following the words "The Alberta Wheat Pool Act" and before "and reporting to".

The purpose of this amendment is that I think this inquiry should be in co-operation with the Alberta Wheat Pool, and I think they should have some input to it. That is about all I have to say on the amendment. Thank you.

MR. SPEAKER: Is the Assembly clear concerning the purport of the amendment?

HON. MEMBERS: Agreed.

MR. SPEAKER: So the debate is now continuing on whether or not the resolution should be amended in the manner which has been suggested by the hon. Member for Hanna-Oyen.

MR. MOORE: Mr. Speaker, if I might speak briefly to the amendment and say, first of all, I'd be pleased to support the amendment brought in by the hon. member, because in fact what has occurred over the course of the last few months is very close to the import of the amendment brought in by the hon. Member for Hanna-Oyen.

On May 2, 1977, after having some discussions with some of my colleagues, I took it upon myself to write to the president of the Alberta Wheat Pool, Mr. Gordon Harrold, and to suggest to him that a joint committee of appointees from the government of Alberta and the Alberta Wheat Pool be constructed to review The Alberta Wheat Pool Act. The terms of reference which I suggested to Mr. Harrold were as follows: to consider other relevant legislation and determine if there is a contradiction between The Alberta Wheat Pool Act and other provincial legislation; secondly, to determine if The Alberta Wheat Pool Act provides sufficient powers to the Alberta Wheat Pool to carry out the functions of the Alberta Wheat Pool; thirdly, to determine if the existing act provides powers to the Alberta Wheat Pool which are not required and are not in the best interests of the board of directors, delegates, and members of the Alberta Wheat Pool; fourthly, to provide for such other changes in the act which may be considered necessary by the committee; and finally, to provide a final report to Mr. Harrold and myself by October 1, 1977.

Mr. Harrold responded on May 17, indicating that after a meeting of the board of directors of the Alberta Wheat Pool they were agreed on the terms of reference I had suggested, and appointed to the joint

committee Mr. Parke Dobson, Alberta Wheat Pool director from District 4, and Mr. Steve Wood, their legal counsel, together with the appointees I had suggested, Mr. Orland Bratvold of the Department of Agriculture and Mr. Michael Funduk of the Attorney General's department.

I had the opportunity last week to discuss the matter with Mr. Bratvold, who was named chairman of the committee. He advised that the committee was unable to meet the October 1 deadline because of the task in front of them, but that they would hope to be able to provide a report to me and to Mr. Harrold by the end of November, if not earlier, on what that committee views as appropriate legislation for the Alberta Wheat Pool to operate under.

The only thing I would want to say in conclusion is that no one should consider this action, in terms of developing the committee or the work that they are doing, as an action that is going to result in solving those problems suggested by some members of the Alberta Wheat Pool as being ones related to the act. In fact, in my view, a good many concerns brought before the [Private] Bills Committee with respect to the Alberta Wheat Pool were not ones that resulted from any clauses or lack of clauses in The Alberta Wheat Pool Act, but rather were problems of concern with respect to how they viewed the management operations of the Alberta Wheat Pool and their board of directors. However, there are certain things within the act that may result in the board of directors of the Alberta Wheat Pool having a greater responsibility to the membership, and that's the kind of thing we asked the committee to consider.

In conclusion, Mr. Speaker, when the report of the joint committee is received, it would be my intention to provide copies of it to all Members of the Legislative Assembly. I don't know what direction it would take from that point but I would certainly be appreciative if any member, after having received the report wants to have discussions on it, feels free to contact me.

MR. SPEAKER: Are you ready for the question on the amendment?

[Motion carried]

MR. COOKSON: Mr. Speaker, perhaps I could say a word or two in closing the debate on the general motion.

MR. SPEAKER: May the hon. member close the debate?

HON. MEMBERS: Agreed.

MR. COOKSON: I proceeded with this resolution, and I think it had a good purpose. I think it brought the concerns of the legislators to the executive and administration of the Alberta Wheat Pool. I don't totally agree with the Member for Drumheller, although he says — if I understand him — if the members wish a change, it's their responsibility to invoke that change.

In a sense I would agree, but in this respect I disagree. We as legislators are responsible for any amendments that come before us in the area of a private act, which covers the Alberta Wheat Pool. It was at this point, Mr. Speaker, that I flagged the

private act, because some people came to me who were part of the membership of the Pool, who had expressed concern about some parts of the private bill, and also about the reserves which were being asked for in the most recent amendment. I think we have a responsibility, and I think the resolution had a good effect, in that I know the members are today far more aware of what is going on. I am sure that through their proper democratic process they will be questioning a little more closely exactly what direction they should be going with regard to this very large organization.

During the summer we had an opportunity to meet with the president of the Alberta Wheat Pool and his directors. We had good, frank, open discussions. I want to commend the minister for his part in the deliberations, and I think that along with the amendment we have pretty well followed through with the intent of the resolution. I hope in this respect that what was intended has really been accomplished.

[Motion carried]

2. Moved by Mr. Mandeville:

Be it resolved that the Legislative Assembly of Alberta urge the government to develop programs designed to reduce the possible impact of drought conditions in the short term by:

- (a) introducing a freight assistance program to promote the transport of fodder to dry areas of the province and the transport of cattle out of dry areas in the province,
- (b) permitting deferral of Agricultural Development Corporation loan payments in cases where the borrower has suffered severe financial losses as a result of drought,
- (c) developing a well-drilling assistance program; and in the long term by:
 - (a) placing an even greater emphasis on water storage and irrigation projects,
 - (b) creating a fund to provide low-interest loans to encourage levelling and ditching projects and the purchase of sprinkler equipment, and
 - (c) expanding the current weather modification program to include means of increasing rainfall during periods of drought.

[Adjourned debate May 5: Dr. Webber]

DR. WEBBER: Mr. Speaker, I'm pleased to continue debate on Motion No. 2 as moved by the hon. Member for Bow Valley, urging the government, by a number of suggested steps, to develop programs designed to reduce the possible impact of drought conditions in the short term.

By the time the hon. member's motion was debated last May 5, a number of events occurred which watered it down. The first event was that it was raining over most of the drought area on the day the debate took place. However, I would hope that when the hon. member is campaigning in the next election he would not try to claim that his motion caused the rain in the first place.

Another event happened on May 3: the Minister of Transportation announced a number of measures that I think essentially took care of the short-term programs recommended in this motion. Members may recall that the Minister of Transportation

directed the Alberta Disaster Services Agency to set up a team to review the water and fire hazard situation in the province. With respect to the water situation there was, I believe, a review of the municipal needs at that time. In addition portable pumping equipment was provided to the municipalities, plus \$1.2 million made available by the Alberta Environment for drilling up the 300 deep wells. Also, Mr. Speaker, hon. members may recall that the Red Deer regional waterline was brought into temporary early operation.

In addition, the Minister of Agriculture took a number of steps, including the extended deadline of applications for the Alberta hail and crop insurance program. This was done to provide farmers with adequate opportunity to protect themselves from financial hardship should there be a crop failure or crop losses, caused by the continuing low moisture conditions at that time. The minister also proposed a feed- and forage-freight assistance program and, in addition, the Agricultural Development Corporation was asked to review loan payments with a view to deferral for drought-stricken farmers. Throughout the summer, Mr. Speaker, the Minister of Agriculture announced a number of assistance programs for farmers and ranchers in the drought area.

However, during the spring debate I directed my remarks to the last part of the motion, dealing with the recommendation that there be an expanded weather modification program to include means of increasing rainfall during the period of drought. I reviewed at that time the weather modification program in Alberta, with particular emphasis on the hail suppression program. With respect to rain-making, I believe it is true that researchers have found it difficult to evaluate the results of any of the experiments that have taken place. The Alberta Research Council has confirmed that, with the exception of several special programs in Florida and Colorado, no operations to date have convinced the scientific community that substantial and sustained increases in precipitation can be achieved through cloud seeding. Although I would like to see continued research in the area of weather modification, I would not like to see inordinate amounts of money go into that particular area.

I'll conclude, Mr. Speaker, by congratulating the hon. Member for Bow Valley for his excellent timing in this motion, and look forward to further debate from other members. Thank you.

MR. MOORE: Mr. Speaker, I would like to take the opportunity to speak for a few minutes on this motion about some of the things we've done over the spring and summer months with respect to alleviation of the drought situation through some parts of the province.

I want to say first of all that in drafting this resolution, even though at that time it was rather dry throughout the province, the hon. Member for Bow Valley did manage to make his resolution pretty close to a carbon copy of what the Progressive Conservative government has been developing over the course of the last several years, in terms of the kind of thing that's required in the future to determine what assistance can be provided in certain of these areas. I want to speak about all of those.

First of all I want to deal with the question of the Agricultural Development Corporation and loan pay-

ments. I stated in this Legislature on more than one occasion prior to last spring that the Agricultural Development Corporation, and the nature of the lending that corporation does, puts it in a position from time to time where we're lending to people who cannot borrow at reasonable interest rates anywhere else. Therefore, with direct loans from The Agricultural Development Corporation, you almost always have a situation where the individual is always in a precarious position if he suffers serious drought, early snowfall, excessive wetness in the early spring, or whatever, because in fact he would not have come to the Agricultural Development Corporation in the beginning if he'd had such equity that he could have gone to Farm Credit Corporation or some other lending institution. So some time ago we developed a program wherein, on an individual basis, an individual who suffered some kind of severe financial hardship not as a result of his own management or unwillingness to work hard and to co-operate with ADC officials; where an individual simply has been the victim of bad weather conditions or severe market price depressions, we always look at and will approve a situation where principal and interest repayments are waived for one year and extended over a further period of time.

Mr. Speaker, in concluding, the only thing I want to say is that it's not possible to have a blanket program where everybody in southern or northern Alberta, or some particular municipality, who has a loan with the Agricultural Development Corporation does not have to pay. It's very easy to see what would happen if we went that route. It would simply be a case of deferring some loans when the individuals did, in fact, have a reasonably good harvest, livestock production, or whatever, and were able to make some profits. So it is by individual application. We encourage individuals who have difficult repayment problems, through no fault of their own, to seek out their local ADC loans officer with a view to trying to get their repayment terms extended.

Mr. Speaker, I want to talk a bit about our water supply program for livestock. Hon. members know that about the time this motion was introduced — May 5, or slightly before that — we developed a program of purchasing pumps and pipe to fill livestock water supply dugouts in the areas of the province most severely hit by the drought. I want to say I was extremely pleased with the co-operation received from the hon. Minister of Government Services who was responsible for purchasing the pumps, pipe, and related equipment. It was not more than 10 days from the initial conversations I had with the hon. minister until we had some pumps in the field. We were finally able to purchase 10 pumps, together with a sufficient supply of pipe to service almost all the requirements thus far for dugout filling.

To give the members an idea of what we've been able to do with 10 pumps and 10 individuals on contract to ensure the pumps are moved around and set up properly: from about June 1 until now we filled 575 dugouts throughout the province. I've had letters from people who said they were thinking of selling their livestock. They were having a difficult time with grass and forage. On top of it, they had no water. But they said once the pumps came in and filled their water supply, they were able to carry on. It's hard to estimate the total effects of that program. There's no

question that a considerable number of brood cows would have gone to market in this province had we not got involved in the pumping program.

In addition, a number of dugouts were filled by two other pumps: one operated by the Youngstown co-op and one by the M.D. of Pincher Creek. At the present time, there are 35 dugouts left to fill in Region 1 of the department, which is Lethbridge and area. There are four left to fill in the Calgary area. We would expect these additional requests for some 39 dugouts to be filled will be met by the end of November. That would put us in a position where we filled in the order of 620 dugouts with the 10 pumps.

In addition to that, Mr. Speaker, when I was in Lethbridge in June, I had representations from the MLA and members of the Pincher Creek area who are representatives of local government, with respect to trying to develop some kind of program that would assist farmers in hauling water. While a good many people can be accommodated by the pumping program and other action taken, there are people who need to haul water and will continue to have to haul water for some time. It's very expensive for every farmer to buy a tank and a pump. So we developed a program — that day, as a matter of fact, after some consideration and phone calls — providing some \$6,000 by way of direct grant to any municipality which requested the funds, to purchase smaller tanks and pumps that they would then provide to farmers to haul water for their livestock. To date, and I expect all the applications are pretty well in, 11 counties, municipal districts, or local authorities have taken advantage of that program.

I want to move to the crop insurance program. In 1972 we had some 13,000 policyholders in Alberta, mainly outside the areas which suffered the worst drought in 1977. By way of a number of programs — an agreement between ourselves and the federal government, wherein the Alberta government would pay all the administrative costs of the all-risk crop insurance program while the government of Canada paid 50 per cent of the premium costs of each individual farmer; improving the crop insurance program to make it more attractive to the better farmers who were in crop insurance; moving the crop insurance program into some new crops which were not previously insured — we were able to substantially increase the numbers over a period of time to 1976. In 1976 we had just over 19,000 people in the all-risk crop insurance program. It appeared we would have a few, but not too many more, in 1977.

As members recall, we announced in late April that we would extend the deadlines for crop insurance applications a further week. Then we went on a fairly extensive advertising campaign through this Legislature, and the radio and newspaper media of the province, advising farmers of the extended deadline and that crop insurance would cover a variety of things, including something that at that time we had not thought of, which was unseeded summer fallow that couldn't be seeded because of wet ground. That resulted in an additional 2,000 to 3,000 farmers joining the crop insurance plan, so that in 1977 we have some 22,000 farmers covered by the all-risk crop insurance program.

To give you an idea, Mr. Speaker, what that means in dollars and cents: thus far this year the crop and hail insurance board in Calgary has had between

3,300 and 3,500 claims directly related to drought. While the total tally isn't in yet, those 3,300 to 3,500 claims will result in a pay-out of between \$15 and \$20 million. It is important for all members of this Assembly to realize that what we are trying to do is ensure that the Alberta all-risk crop insurance program is the major vehicle through which farmers who have suffered an income loss because of poor crop conditions and adverse weather of various kinds will be compensated.

The substantial contribution both by the government of Alberta in the administration costs, and the government of Canada in paying 50 per cent of the premiums, is a contribution which, I think, is as much as an individual farmer should expect in terms of an insurance program. The only difficulties that lie ahead of us are making sure we continue to have a program that can be purchased by the top 50 per cent of the farmers in Alberta, who are consistently achieving good yields and taking out a good crop, and that we don't get into a situation where those whose support is needed most in the program are dropping out.

I could move from there, Mr. Speaker, to the matter of feed-freight assistance, and talk a little about programs we've had in the past, and what we're doing this year. In 1973 and I believe again in 1974, we operated a feed-freight assistance program in co-operation with the federal government. We paid a fair amount of freight on forage that was moved over a certain distance. In those particular cases, the province of Alberta was one region. It didn't require you to move it from one specific location to another to receive payment.

That did result, in our review of our experience there, in a situation where forage was moving out of a surplus area into a deficit area, and at the same time forage was moving out of the deficit area into another deficit area. What we are really trying to do this year, in making an assessment of whether we will even have a feed-freight assistance program, is to determine two or three things: first of all, where the surplus forage is. If it's close to or adjacent to some of the areas lacking in forage, then a program that pays freight on something over 50 miles may not be of any use to them. Secondly, we wanted to wait as long as we could to determine the value and extent of fall pasture growth. Mr. Speaker, as I indicated in the question period today, my information is that the amount of pasture growth since the rains began in August has been more than what could have been expected. Quite naturally there are still some areas where pasture is limited and winter pasture is simply not as good as it was in other years.

Mr. Speaker, with respect to the direct kinds of things we have done this year and continue to do with regard to forage, we have a listing service operated by the Alberta Grain Commission with offices and telephone numbers located throughout the province where individuals who wish to sell or buy forage can phone in and give their name and location and the amount and kind of forage they have. That will be provided to anyone who makes an inquiry with respect to purchasing forage. At present about 50,000 tons of forage are listed with the Alberta Grain Commission listing service.

In addition to that, during the course of the year we knew it was important for farmers who had cattle and

were not able to pasture them to have some knowledge of where additional pasture was available. So we instituted as well a pasture listing service where individuals who had unused pastureland could phone the Alberta Grain Commission information desk and list with them their unused pastureland. Then others who were looking for pastureland could phone and find out where it was. I have information that a considerable number of people were helped by utilizing existing forage. All they had to do was have a vehicle to find out where it was.

In addition to that, Mr. Speaker, the hon. minister responsible for the lands division did go to some extent in changing various regulations and procedures within the lands branch to accommodate persons who were short of pasture and others who had excess pasture and were unable to use it — specifically, things like grazing leases, where the regulations stated that you could only graze your own cattle, you couldn't in fact rent part of your grazing lease or part of your grass to someone else. That was changed so individuals who had a grazing lease that wasn't filled to capacity with their own animals could allow someone else to bring animals in. That in itself was a considerable help, not to mention the determined effort made by my colleague, the Associate Minister of Energy and Natural Resources, to find and open every possible grazing area in the province that we could.

In addition to that we made representations to the federal government with respect to the use of Waterton National Park. At one point we had an agreement in that regard, then it seemed to be pulled back and there were certain environmentally concerned people who thought it was inappropriate for that to occur. Quite frankly, Mr. Speaker, on my review of what would happen if, on an emergency basis, you were to allocate part of that park area that's not being used by people to the grazing of sheep, for example, you would do nothing but good for the park itself. It's unfortunate, however, that there are some whose voices are quite loud, who really don't know the facts of the matter in terms of the kind of value that can occur from a limited amount of grazing in an area like Waterton Park that's not used by our citizens on a daily basis.

Mr. Speaker, I want to go to the area of our cow/calf loan extensions and, once again, this is related to the difficult problems that occurred in drought areas. There's no question that there has been some improvement in calf prices and in feeder cattle and fat cattle prices during the course of this fall. It may not have been necessary for us to extend the cow/calf advance loan program, but we looked at that situation relative to all the problems that individuals have had in the beef cattle industry over the course of the last few years. We felt there were a considerable number of people who were required, because of the drought conditions, to buy forage. Others had suffered losses during the course of the last three years and were using a previous loan to cover those losses. We didn't feel the price improvement was such that we could discontinue the loan altogether. In other words, it's pretty difficult, having lost money in 1974 or '75 and taken out a loan, to expect those people, with the price improvement we've had, to pay back those funds in 1977. I was pleased that there seemed to be general support from

all quarters for an extension of the cow/calf loan program, which we announced a short time ago for another year.

Finally, Mr. Speaker, I want to talk about two other items: weather modification, and water storage and management. With respect to weather modification, rain increase programs, hon. members are aware that the Weather Modification Co-op, which has to be distinguished as being separate and apart from the Alberta Weather Modification Board operated under my office, did in fact go into areas of southern Alberta and contracted a weather modification organization to go into a rain-increase program, using largely, as I understand it, ground generators. I was asked over the course of June and July to support and assist that co-op and others in establishing emergency weather modification programs for rain increase.

There's no doubt, Mr. Speaker, that there are a lot of people in the province who, when conditions are very dry, will grasp at almost anything that might help them in any way in getting some rain or additional water. The facts of the matter are that after a very careful study by the Alberta Weather Modification Board, by my office, we could not see where we would be able to go into a program of that nature in the short time frame that was involved and be able to assess in any way whether we did any good. We did not believe as well that the nature of the program being proposed would be very effective.

What I did do some months ago, Mr. Speaker, was ask the Weather Modification Board to spend some amount of time reviewing every rain increase or snowpack increase program in North America, and others if they felt so inclined outside North America, relative to determining what kinds of programs were in existence, how many different firms were involved in contracting rain increase and snowpack programs, and to report to me as soon as possible — and I believe that will be before the end of this calendar year — as to whether it would be advisable for the government of Alberta to be involved in either a ground generator or aircraft seeding or a combination of both, a program of rain increase or snowpack.

Mr. Speaker, all I can say thus far is that the initial results of the work of the Weather Modification Board would indicate that if we consider there is some value in going into a weather modification program to increase the rain or snowpack, it's likely that the best benefits could be obtained by trying to increase snowpack in the mountain areas, thereby providing additional runoff for our irrigation reservoirs and dams. However, I would hope to be able to report to the Legislature during the spring session on results of the in-depth study that's going on by the Weather Modification Board in co-operation with the Research Council of Alberta as to whether this government should be involved in a rain-increase program and, if so, what form it should take.

Mr. Speaker, I want to conclude with respect to the clause in the motion before us with respect to placing an even greater emphasis on water storage and irrigation projects. In March 1975, I think all hon. members are aware that we announced a very major and direct input in terms of dollars into placing a greater emphasis on water storage and irrigation projects. It has been debated and discussed many times in this House; I believe the last time was yesterday.

I suppose, Mr. Speaker, I was a little surprised that the hon. Member for Bow Valley would place that on the Order Paper. Throughout the course of the summer, the hon. Minister of the Environment, I, and others were involved in a very tough decision in terms of water storage and management on the Red Deer River basin, where we had to consider the cost/benefits to all the communities along the river basin, where we had to consider such things as the ongoing expense of the alternatives of off-stream storage, expensive irrigation systems, and so on. I was a little surprised, Mr. Speaker, that the hon. Member for Bow Valley, and perhaps the hon. Member for Little Bow, didn't take the Leader of the Official Opposition to task for what I think was unfair criticism of a very sound decision with respect to water management and water storage projects.

There isn't any question, Mr. Speaker, that every time you get involved in developing a dam to store water for agriculture, for industry, for human needs, you are going to be involved in taking some land out of production. It simply can't be helped. One [cannot] with very little thought just go out and say that was a wrong decision. But one has to spend some time considering whether the benefits outweigh the fact that some of that land is taken out of production. One has to consider, for example in the case of the Red Deer River dam, how much land has been lost over the years to erosion from the site we're talking about downstream. I don't think there's any question, Mr. Speaker, that the amount of good agricultural land lost by the development of the dam would, over a period of 20 years or so, be lost by erosion downstream from it, were it not for the development of a dam in that area.

I mention that, Mr. Speaker, because I want to conclude with respect to water storage and management on the Oldman River system. The hon. Minister of the Environment and I, together with a number of interested MLAs, were at a meeting a few weeks ago in Picture Butte where there were 500 people crammed into a high school auditorium saying to us, please do whatever you possibly can to speed up a decision-making process that will lead us to water management and additional storage, either on stream or off stream in the Oldman River system.

I would hope, Mr. Speaker, that when that decision is made, which will be a tough one regardless of how it goes, we would have some support from all quarters of this Legislature for water storage, water management in that area. Because of all the resources available to agricultural production — and I would include in that land — the most important aspect of agricultural production on a world-wide basis is water. There is no question that there are many countries, with which all of us are familiar, that simply wouldn't be able to produce any kind of food in any quantity, were it not for water storage and irrigation systems.

So I want to conclude, Mr. Speaker, by saying while I think the hon. member's motion was presented with very good intentions, we have to a large extent, either as a government before the presentation of this motion or since, moved in almost all aspects with whatever speed we possibly could in ensuring that although we can't do the entire job, we in government do whatever we can to make sure the impact of drought in areas of this province is minimized to the

greatest extent.

Thank you.

MR. THOMPSON: Mr. Speaker, I'd like to speak to this resolution too. I honestly believe that both sides of the House can agree that 1977 has been a peculiar year in the province of Alberta as far as agriculture is concerned.

I'd like to describe what has happened to the forage crop in the south. Most farmers and ranchers know that the way you get a good forage crop on dry land in any part of the province is to get early and plentiful rains or snows. Unfortunately, in southern Alberta this year we just didn't get those rains and snows. Consequently, the hay land that usually produces the forage for the winter, not for the fall, grew up about six, seven inches tall.

Mr. Speaker, many farmers, many ranchers, never pulled their balers out this year. In the middle of July, when they saw they weren't going to get a hay crop, they turned the cattle into their hay pastures. Fortunately after that we got a certain amount of rain and growth. This has carried the cattle on since that time. But these people are still faced with what is going to happen when winter comes, because in my constituency they have about 20 per cent of normal as far as their forage for winter feed is concerned. I would strongly urge the government to come up with some kind of program that would assist these people with freight — they buy their hay, but with some assistance with hauling.

Another thing I'd like to say: as far as the Alberta hail and crop insurance is concerned, they've pretty well looked after the grain farmer. But I would like to see the Alberta Hail and Crop Insurance Corporation come up with a scheme so a rancher can pay a premium and have some assurance that he will get some kind of hay crop. I really think this is one place this program could be added to. If the Alberta Hail and Crop Insurance Corporation would insure forage for ranchers we would get out of this fix we're in right now of helping ranchers with their forage.

As far as the well-drilling program in this resolution is concerned, I think that right now we have a fairly adequate system. It's financed by the federal government under PFRA, where if you drill a well you get \$4.50 per foot on a cased well, up to \$550 on a well that's 122 feet or less. I don't know why they put 122 feet in, but it must be significant. PFRA has a supplementary program this year that under the supplementary policy an additional grant of \$3 per cased foot will be paid for depths greater than 122 feet, but the total grant for the well shall not exceed the lesser of either half the cost of the well or \$1,500. I would think that basically speaking — now this program is in effect just for this year, until March 1978. I think right now this program is available to anyone who wants to take advantage of it. So as far as drilling wells is concerned, I think that is a pretty adequate program.

I'm interested in a section here about "creating a fund to provide low-interest loans to encourage levelling and ditching projects and purchase of sprinkler equipment". Now anyone who develops irrigated land — it's a very expensive process — can go one of two ways. You can level land, which is basically an expensive process but your costs afterwards aren't that high. Or you can buy a sprinkler system. You

don't have to level the land but your energy costs afterwards are considerably higher. I would like to see, whether in the heritage trust fund or the Department of Agriculture, some kind of a revolving fund set up where young farmers starting out in irrigation would be able to get a fairly low interest loan and pay it back as they go along. Basically, the ones in irrigation at the present time can more or less finance their own operation. But the people coming in, developing new land, need a real boost to get started. Mr. Speaker, I think I'll call it a day on that.

MR. SPEAKER: Do I interpret that as the hon. member having concluded, or does he wish to move adjournment of the debate?

MR. THOMPSON: Yes, I'll adjourn debate.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

DR. HORNER: Mr. Speaker, I move that you now leave the Chair and the Assembly resolve itself into Committee of the Whole. In that way we can start off in committee at 8 o'clock.

MR. SPEAKER: Does the Assembly agree with the motion by the hon. Deputy Premier?

HON. MEMBERS: Agreed.

[The House recessed at 5:29 p.m.]

[The Committee of the Whole met at 8 p.m.]

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

[Dr. McCrimmon in the Chair]

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

Bill 15
The Planning Act, 1977

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

MR. NOTLEY: Only two hundred and eighty-four pages.

MR. CLARK: A one hundred and seventy-five page amendment.

MR. CHAIRMAN: I have some government amendments. I would like to talk about this for a moment. As you all know, there are in the neighbourhood of a hundred government amendments to this bill. I think it would take a long time to go through each of the hundred. If I have the agreement of the committee, I would ask anybody who has anything to say on any of

the amendments if you would like to list for me those amendments you would wish to speak on. We can do it that way, or we can go through amendment by amendment.

MR. CLARK: Mr. Chairman, I have a faint feeling — well more than a faint feeling, I know very well — there are going to be some amendments other than the government's amendments. Perhaps we don't have to call every section, but every page or something like that.

MR. CHAIRMAN: We could do it that way.

MR. CLARK: That would allow people to go back and forth with a certain amount of flexibility. Maybe after some general discussion and after the minister outlines the amendments he's bringing in, we could perhaps try it that way and see how it works. Does that sound reasonable?

MR. CHAIRMAN: As I say, we have in the neighborhood of a hundred amendments. I'm hoping we can speed up the process. We can go through amendment by amendment if the committee so wishes, or we can list the amendments that the committee requests of the Chair. The process we'll go through is: we'll take the government amendments first; after the government amendments have been disposed of we'll take other amendments. Now it's up to the committee which process we proceed with.

MR. R. SPEAKER: Mr. Chairman, so once we move through the act we've pretty well gone through the process and we've got things in. I wonder if it would be all right just to call — for example, Section 1 includes a number of subsections, but we wouldn't call the subsection; you'd say Section 1 and we'd deal with that particular section, which involves six pages of the act. Then you could call Section 2 and Section 3 and just go by the section numbers, not get into the subclauses, et cetera. We could maybe move through it in a somewhat organized fashion. Now that means we're calling 196 numbers, but it would give us a feeling of progress and we wouldn't be going back and forth and all over the place as much. I think that would keep us a little more organized.

MR. CHAIRMAN: Is it agreeable to the committee to go through by numbers all the amendments to Bill 15, The Planning Act?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: We'll go through the government amendments first.

MR. NOTLEY: Mr. Chairman, if we're going through it section by section, it would seem to me to be appropriate to take all the amendments as we go through. That way we don't get through one set and have to go back again. In fact as we do each section we will have dispensed with both government and other amendments that may or may not arise.

SOME HON. MEMBERS: Agreed.

MR. HYNDMAN: General comments.

MR. CHAIRMAN: We'll have the general comments first. I want the plan of strategy to go through this act, as long as we all agree on the plan we're going through. If I understand correctly, you want to go through The Planning Act calling section by section, amendment by amendment. Is that correct? Is that agreeable to the committee?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: We will proceed in that fashion. We have an amendment to Section 1.

MR. R. SPEAKER: Mr. Chairman, is the minister first going to make a general comment with regard to the reason for all these amendments, what his intent is, and that type of thing?

MR. CHAIRMAN: Mr. Minister, do you have any opening remarks?

MR. JOHNSTON: Mr. Chairman, with respect to the amendments before you, I believe I outlined in my discussion on second reading that we have had a substantial number of submissions to the legislation over the last seven months, certainly by the municipalities, planning officials, and interested citizens across the province, and have attempted so far as possible to react to those suggestions. The difficulty in planning, I suppose, is to try to effect, so far as possible, an operational process: while it may represent the broad policies of the government and while it may set out in perhaps a normative sense what should be done in planning, there is always the difficulty of making these operational. To that extent, after making the changes we did in Bill 15 — the changes from the existing planning legislation — and after reviewing it over the summer months, we found that making this bill operational had some practical problems. Those practical problems, those perhaps technical amendments, are reflected here in front of you, circulated in three different batches, dated October 19, 31, and November 1, 1977. To a great extent that, Mr. Chairman, is the real reason that the amendments are before you.

I might add that we think we have reacted very positively to the recommendations. Naturally we can't embrace all recommendations, because some are policy and some do involve, perhaps, differences of opinion between what we think is the way land use should be controlled in the province, and the way others recommend it to us. So, we have assumed the responsibility for making those decisions and for accepting responsibility.

We would also suggest that again we are looking forward to an active debate and, perhaps, through that debate process further recommendations may be revealed to us. We're not closing our mind on it, nor are we suggesting we have a perfect piece of legislation. I think any piece of legislation which is as complex, far-reaching, and pervasive as this Planning Act is will be subject to a very great number of differences of opinion as to how it should be implemented. We are looking, certainly, to further reaction to it.

As I also said, there are really not too many

fundamental changes in terms of principle in the amendments. The principles are really reflected in the bill. I think these amendments would not challenge the principles spelled out in Bill 15, but would perhaps assist us in terms of operationalizing the planning process in the province.

MR. CHAIRMAN: Are there any questions to the minister before we get into the actual clause-by-clause [study] of the bill?
Section 1, Part 1.

MR. NOTLEY: Are we moving the amendments?

MR. CHAIRMAN: We haven't moved to the amendments yet. We're on Section 1 of The Planning Act. We'll come to the amendments of Section 1. Do you all have the amendments?

[Section 1 as amended agreed to]

MR. CHAIRMAN: Part 1, Division 2, Page 7.

MR. GHITTER: Mr. Chairman, is it not your intention to deal specifically with some of the sections, or are you going by division? I wish to make some comments on section . . .

MR. CHAIRMAN: We have to go by division.

MR. GHITTER: Oh, I'm sorry, Mr. Chairman. Then might we revert to Division 1? No?

MR. CHAIRMAN: Yes, we can.

MR. GHITTER: Mr. Chairman, I'd like to go on the record as making some comments with respect to the obvious conflict in my mind between Section 2 and Section 4. I think it's important, and I was hoping that possibly these sections would be better resolved in the legislation. I well appreciate the difficulties of the hon. minister with respect to these sections.

But Section 2 in my mind is very important and sets out the basic purpose of planning legislation. Section 2 talks in terms of the very purpose of this act, Mr. Chairman. I quote from the act:

. . . without infringing on the rights of individuals except to the extent that is necessary for the greater public interest.

Mr. Chairman, I think it is vital to this legislation that we always keep in mind the difficulties with planning legislation, in that what is paramount is that you must not infringe the rights of individuals, unless in the public interest.

If one then proceeds to Section 4, you end up with a situation where even though you may be infringing the rights of individuals, no compensation will be payable to the individual whose rights are being infringed. The "no compensation" requirements in Section 4 are probably one of the most philosophically insidious aspects of the act.

It seems to me, Mr. Chairman, and we've seen it in many jurisdictions in this province, that situations arise where individuals have the planning process take away their rights to their land, but have no rights to compensation for the diminishment of their rights. I think we in the Legislature should be well aware of the fact that in this legislation we are placing great

powers in municipal councils, powers to set out a particular area of our cities and our rural areas under particular designations. Once those designations are there they are binding upon development appeal boards. Even our Provincial Planning Board now must comply in matters of subdivision.

Now we have seen situations in this province where municipal councils by dealing in terms of what will now be called an area structure plan — we're dealing in terms of municipal plans and general plans — by merely placing some lines across a man's land can severely reduce its value, and that individual has no rights to compensation. I was hoping that at the time this was going through the process of consideration, there would be some provisions to compensate a man when the planners come forward and say, the designation on your land has now been reduced. We've seen that situation in Victoria Park in the city of Calgary, where property owners have lost land value merely by planners putting some squiggly marks across the plan. That plan reduces the value of the property and they have no recourse at law, even though they are now apparently trying to do so. It seems to me that at present the status of the law is that they have no rights to compensation.

Mr. Speaker, I know the argument on the other side is that if those squiggly lines that go across the plan are of such a nature as to increase the value of the land, then possibly something should be done about that as well. To be consistent, and from the point of view of future consideration by the minister, I for one would have no objection to a value-added tax being placed by the municipality, or the municipality having that power to create a value-added tax when they increase the zoning. That's not a tax on holding land, Mr. Minister of Housing. [interjections] Yes, I know your arguments, sir. I do. But where a planning process increases the value of land, I for one have no problems with the municipality having the power to increase a value-added tax by virtue of that upward zoning. Similarly, when there is a downward zoning, when a man has purchased land that has a valuation for R-4 purposes placed on it and overnight, after a hearing at a municipal council, turns around and finds that land is now R-1 and has suffered severe diminution of its value, there must be some compensation available.

I would be hopeful, Mr. Chairman — and I won't delay the matter any further — that the hon. minister will consider this possibility. I think it would be far-reaching, fair, reasonable, and just. In keeping with trying to deal with contemporary problems in contemporary legislation, I would think that the obvious situation where Sections 2 and 4 in my view conflict it would be beneficial for future amendments — and I'm sure they will be coming in the spring or elsewhere — if the hon. minister would consider the possibility of re-doing Section 4 and allowing for compensation when the planning process has severely hurt a person financially.

Thank you, Mr. Chairman.

MR. R. SPEAKER: Mr. Chairman, I want to make a comment with regard to the purpose of the act and the whole concept of the right of the individual. It says:

... without infringing on the rights of individuals except to the extent that is necessary for the

greater public interest.

I think the interpretation of the concept of "the greater public interest" should be of concern to all of us. If it means this greater public interest is a way of getting a plan, development, or change made where the development or whatever it may be does not really infringe on the rights or needs of others, then I don't think we can define it as the greater public interest.

I often find that planners or people who work in the bureaucratic system will use that to veto certain plans and programs. I think the philosophy of administration of the act by the minister should keep that in mind. The greater public interest we're protecting is the interest of individuals in the rights they have relative to their property. I think that is the most significant thing.

MR. NOTLEY: Mr. Chairman, I'd like to make a couple of comments on this section. Unaccustomed as I am, I find myself in agreement with several observations made by the hon. Member for Calgary Buffalo. I hope that doesn't entirely destroy his position in caucus. I'm sure not everything I say he will agree with, but on at least several things he may.

First of all, Mr. Chairman, as we look at the question of application, I just want to reassert something I said during second reading. It seems to me the purpose is really quite general, Mr. Minister. As I see it what is required is a more definitive statement of land-use policy. I say that for a very deliberate reason. I think if we're really going to meet this question of the greater public good versus individual property rights we have to do so, as much as possible, within the context of legislation that sets out the framework of our policy. I think we really do get into an area where we can have considerable abuse of individual rights if we play it by ear.

I submit, Mr. Chairman, that the more we can specify within the act what this Legislature defines as goals, the less likelihood there is of the abuse of individual rights. It's not a guarantee that there won't be abuse of individual rights. But I think it is incumbent upon us as legislators to recognize that the balance between these two things, the greater public good on one hand and the rights of the individual on the other, must be reviewed within the context of clear goals stated as definitively as possible by the Legislature, not by order in council.

Mr. Chairman, I want to deal with the point raised by the Member for Calgary Buffalo. It seems to me it's valid. We have to recognize that planning decisions can alter property values not only within a city. We've seen the example of the RDA around the city of Edmonton. Special planning areas are going to have enormous impact on the property values in a given area. It seems to me we have to look at it in a balanced way. If in fact we're going to say that planning decisions which reduce the value of property should be actionable then, on the other hand, I think the gain has to be taxable as well. Now I'm not sure whether the proposal the Member for Calgary Buffalo is making, and that I find myself supporting, is a sort of 1977 version of Henry George, but it's one that in my view is at least founded on equity, providing we do have the balance.

I would just say two things, Mr. Minister. One, as you consider amendments in the future I think we

have to be a little more definitive about our purposes. Two, the balance between the gains that can be made as a result of planning decisions and the losses that can be suffered should be addressed in legislation. We would not think of acquiring land as a result of the public domain, the greater good, without recognizing the important principles in expropriation legislation, as we did in this House in 1973 or 1974. The house-for-a-house concept was founded on the basic proposition that if you're going to buy somebody's house you have to recognize that in fact it's a parcel for a parcel, a house for a house, what have you. Because the planning process can in a sense do the same thing without going through expropriation proceedings, it does seem to me that if we're concerned about elementary fairness we are going to have to address this question.

MR. TAYLOR: Mr. Chairman, I would also like to deal with the phrase "greater public interest". In my view this is open to misinterpretation or wide interpretation. If it's for the greater public interest in one sense, it should be paid for by the general public.

I want to give two illustrations, one of which bothers me very much; it bothered me when I was in government as well. Where a subdivision takes place and so much of the land is used for streets, alleys, and so on, the subdivider normally does not lose because he adds that price to the price of each lot. I think that is common sense and acceptable, because they are the people using those particular streets and alleys.

But where the matter is extended to include a public road in front of the subdivision which is for the greater public interest — it's a public road, and some municipalities have developed their public roads in that way — the price of that is again added to the lots. In my view that's an unfair price, an unfair thing to do to the people who are buying those particular lots, because that public road is open to everybody, not just the ones using that subdivision. In the "greater public interest", it is not sound to charge the price to the lots. In my view that should have been paid out of public revenue, whether it is a city, a town, or the province. In the province it is paid by the general public. But a number of our municipalities have interpreted this "greater public interest" to permit them to get a cheap public road, a throughway, which is not actually part of the subdivision. Yet the subdivider must donate that land, and he in turn charges it back to the particular people in that subdivision, which I think is infringing on the rights of the individual. I think that type of thing should not be in the greater public interest. That should be paid for by the general public who are going to use that particular wide roadway.

All I'm trying to do is stress the point raised so excellently by the hon. Member for Calgary Buffalo that the "greater public interest" is open to misinterpretation. I would like to see the minister of the department try to define "greater public interest". It is not defined at all now. But it certainly should exclude roads and other items, probably such as lagoons, that are not particularly required only for the people of the subdivision. There I can understand it. It's a charge; they are paying for it themselves; they are going to use it. But when it is extended to include something the general public is going to use, I think it

is a misinterpretation of the phrase "greater public interest".

MR. KUSHNER: Mr. Chairman, I am very concerned because that portion of the act certainly has been abused, as one of the hon. members from the opposition mentioned. The house-for-a-house concept as far as I'm concerned is certainly not good enough these days, because you have to make a sacrifice for the good of everyone. The person whose property is being expropriated certainly hasn't in the past been given the type of moneys to be able to buy the kind of home they probably lived in. First of all, it may be a home worth say \$40,000 or \$50,000. There is no way he can buy an equal kind of home or surroundings in another area but by getting himself into debt. I don't think that person should be making a sacrifice for the good of everybody. It causes problems and hardship. My experience in city council and with people who had been expropriated in the past is that they in fact suffered.

At this point, Mr. Minister, I hope provisions are made that people who do make a sacrifice for the good of the public — I don't care if it is a road, a park, or whatever — should be looked after better than the sacrifice they have made. They should be looked after. As I understand it, at this point the legislation does not really provide compensation in that way. I certainly would like a reply from the minister. Has that area really been explored, and would it look after people who do make a sacrifice for expansion of road, parks, or whatever it may be in the future.

MR. MUSGREAVE: Mr. Chairman, I just have a general question. I find great difficulty in dealing with this bill. At 5 o'clock about 25 pages of amendments to the act that the city of Calgary are obviously quite upset about were dumped on my desk. They sent a very detailed summary to the province back in April with over 100 suggested changes. Some of them have been responded to, but unfortunately many of them have not. Some of them that I see in here I have great concern with. I just wondered if the minister would like to advise the committee how he intends to respond to these particular ... Probably he's in as difficult position as I am in this situation.

MR. JOHNSTON: Mr. Chairman, there are several comments which could be made as we deal first of all with the apparent conflict between Section 2 and Section 4 of the legislation. I think the arguments have been presented as to the position of the individual and the rights of the province or the government or the state, and those are the two polarities [between] which of course you try to strike some mid-ground in terms of a balance between the rights of the individual on one hand and the need or the greater public interest on the other. I don't think anybody can strike a perfect balance between competing factions. All we can attempt to do is to moderate some mid-ground and to ensure that the rights of the individual are protected by all possible means. I think we have done that in this legislation.

I said two things before. We recognize in this province that an individual's right to property is essentially exclusive. He has the right to that property, to do most things which he wants with it. But we recognize that it's not an absolute right and we

recognize, as some hon. members have indicated, that the state's right of eminent domain is prevalent. We understand that.

I will not enter the debate with respect to how the expropriation procedures proceed. We know and we feel that there is very adequate legislation in this province to protect the rights of individuals, should they have to go to expropriation. My hon. friend from Calgary Mountain View made that point, yet I believe that is really not the debate nor really the context of the issue before us here.

However, I suppose there is the case where, by way of zoning, some land may be claimed for government use; for example, for a park which is the one use which really freezes that land in some permanent form for some long period. Well, contrary to what my hon. friend from Calgary Buffalo indicates, planning is much more than the drafting of squiggly lines on a piece of paper. As he well knows, there is a process here that is rampant and replete with an opportunity for public input, and I can quote his own words in *Hansard* to ensure that. But he knows that the drafting of those squiggly lines is generally well considered and generally reflects the best interest and debated resolution of a position by the municipality, with ample opportunity for public input.

Certainly where the legislation usurps, takes away, or changes an individual's right in that property, there is in this legislation ample opportunity for him to have a fair opportunity to debate and make his presentation. Certainly in the case of the need for parkland, whereby zoning parkland is isolated or sterilized or taken out of some other purpose or some higher purpose, then of course there is no question that the owner is compensated for that loss. That has been the case and will continue to be the case in this planning legislation.

The hon. Member for Drumheller indicated he felt it was perhaps unreasonable that a subdivider of land should dedicate public roadways to the municipality. In some sense it might be argued that this is an unnecessary contribution to the province or municipality by a subdivider. Yet this is really just barren land. Any additional costs for improvement are generally borne by the greater public entity. Of course they also cover the costs of operating on a day-by-day basis.

So while the dedication does constitute a significant portion of a subdivision, we have attempted in this legislation to add certainty to the amount of land required for dedication by being very specific that no more than 30 per cent of a subdivision, under a calculation or formula, can be contributed for streets and roads. Although that has been abused in the past, we've attempted to add more certainty in this legislation.

Finally, I would have to state that in a piece of legislation it is always difficult to perfectly outline the goals of a government, a minister, or of planning for that matter. Because it affects so many people and does change rights of individuals, because it requires legal interpretation almost daily, a piece of legislation has to be couched in the most perfect terms possible. To talk about broad goals, even as we have done in Section 2, perhaps leads us into more difficulties in the certainty and determination which we feel is in the bill.

MR. TAYLOR: Mr. Chairman, I don't want to labor the point, but if the 30 per cent is included in the subdivision I say fine. That's the way it should be. But people in that subdivision certainly should not be required to pay for the roadway that's going to serve everyone in the city. This has been done in the past in some municipalities, and I think unfairly so. That should have been paid for by the people of the municipality or city, not by the people in the subdivision. The 30 per cent might look after it. But if it doesn't, if they only use 20 per cent inside the subdivision, then I think it's very, very unfair to charge the people in that subdivision for a public roadway. They should pay their share as citizens of that city, but the whole cost of that roadway in front of their subdivision should not be borne by the people who buy the lots. That's the only point I'm making.

MR. R. SPEAKER: Mr. Chairman, could I just add to that and get a response from the minister? In negotiating with the city, some of the people who have been subdividing or putting together a development project have been requested to put up, besides the road that runs into the development, bus stops and a number of other things like this. This is outside of the streets, the roadway, the lights, that type of thing. Things continually seem to be added to the list. The developers are saying, how far do we have to take the responsibility? What protection have we got in negotiations with the city? I can see very well the point they make. The other day one of the remarks of a developer was, well, do we next have to buy the bus to come from downtown to the new development area? That hasn't happened yet. But in the act, is there some protection for a person such as that, and some definition that's a little clearer?

MR. JOHNSTON: Mr. Chairman, I perhaps omitted to comment on the submissions we have received today from the cities of Calgary and Edmonton. I think the best way to deal with those is to handle them as they come along in terms of the various sections. We think we have accommodated the major criticisms and recommendations of both the city of Calgary and the city of Edmonton. As a matter of fact, the last amendment we circulated today probably corrects the most serious imperfection that the city of Calgary points out to us. Obviously we can't react to all of them, because there are questions of policy and we don't necessarily agree.

However, the submission from the city of Calgary outlined one important point to us, that the process is getting too strict. In the words of the Member for Little Bow, we have been more specific in this legislation in the kinds of costs that can be charged to a subdivision. In fact there is one section where we deleted the term "and services", so there is no broad misunderstanding as to what costs can be charged. I have to agree with the hon. Member for Little Bow that that should be more specific, and that we do not want to see additional costs unnecessarily passed on to the land when they are for the greater public benefit of that municipality.

Yet, you can just imagine the difficulty we have when on one hand we have the Member for Little Bow taking that position — I think rightly so — and on the other we have the city of Calgary suggesting that it's impossible for them to unload those costs on a

subdivision and, therefore, they're losing one major source. So right away we're into the kinds of conflict that we deal with day by day. Really, in the case of the city of Calgary, I think their position is perhaps a little overstated when they say we have crippled their right to take a reasonable return on subdivisible land.

MR. GHITTER: Mr. Chairman, in reply to the position taken by the hon. members for Drumheller and Little Bow I think it should be stated that many additional costs required by the city are costs that assist the people who are going to be living within that particular subdivision. I would think by far the greatest amount of those costs — for example, sound attenuation, berms, width of roads so that fire department trucks can come in and out, and the servicing of buses in and out of the particular subdivision — are really there for the use, advantage, and benefit of those who are living there. The additional cost, for example, of the hookup of a major artery isn't a cost of the subdivision; taking it to the artery is. The same with hooking into the city servicing and matters like that.

I would think that by far the greatest percentage of those costs, and I'm talking in terms of 90, 95 per cent, are with respect to making a subdivision beneficial for the people who will be utilizing that particular subdivision. I think it is right that the city should have sufficient powers to require a development agreement which will make sure these services are provided for by the developer. It is true they are passed on to the people who are using it, but I really can't see any other solution. I would have to support what the hon. minister has stated with respect to that difficulty of achieving the balance that is always the problem and challenge of planning legislation.

MR. TAYLOR: Mr. Chairman, apparently I haven't made myself clear. I agree entirely in that case, but there have been cases where they've gone beyond that and have taken the roadway outside, which is the public road, and charged that to the people of the subdivision. That's the point I'm arguing against. That isn't right. That should have been paid for by all the people of that municipality. But if it's used entirely by the people of the municipality, certainly they should pay for it. It shouldn't be shoved onto the shoulders of people who've already provided themselves with that service elsewhere in the city. But I'm talking about a public roadway that everybody's going to use. This has been used in, pardon the expression, a sneaky way really, to get a cheap road as far as the money of the municipality is concerned.

MR. JOHNSTON: Mr. Chairman, just for clarification. I know the hon. Member for Drumheller has had an infinite amount of experience in the way roadways are acquired in the province. All I can indicate to the concern he has already expressed — I think very well — is that in the case of arterial freeways or major roadways, those would be paid for and, of course, the landowner would be compensated. He would not be charged until the land is sold.

[Section 2 agreed to]

Section 3

MR. TAYLOR: Mr. Chairman, I am wondering why drainage ditches, public utilities, and railways have been omitted from this section. It seems to me that drainage ditches are proper and necessary for that highway or that road. It's hard to visualize a railway in this type of thing; I could understand that being dropped. But the drainage ditches give me some concern. It was in the previous act and has been omitted.

MR. JOHNSTON: Mr. Chairman, I can speak to the case of railways. Not specifically noting in Section 3, we feel we have included railways in the planning process. Depending on whether or not we're legislating within our authority we may subsequently have to make some adjustments to that, but for the time being we have included that in our legislation.

We think the case of drainage ditches is important, given the high priority of agricultural land in the province and the fact that we are in a pretty substantial program of rehabilitation and new irrigation ditches, particularly in the southern part of the province. They should conform to some extent to a broad regional plan, because they really do affect more than one municipality and they are really of the local sector governments in the area. I might add as well that in recognizing that responsibility of irrigation districts and irrigation boards as a local sector of government, we have included them as one of the authorities in terms of the subdivision process, so it's not just a one-way street. So in terms of better planning, and to satisfy the criteria of a regional plan in terms of better land utilization, we have included them in the penumbra of this section.

MR. PLANCHE: Mr. Chairman, how about LRT right of way? Would that be included there?

MR. JOHNSTON: Yes, Mr. Chairman.

[Section 3 as amended agreed to]
[Sections 4 through 7 agreed to]
[Section 8 as amended agreed to]

Section 9

MR. R. SPEAKER: Mr. Minister, under this section a number of criticisms have been brought to my attention that it is sort of taxation without representation. I know it was in the old act. It's just that it has been brought forward as such. I wonder if the minister could comment on the operation of this process he's directly involved in.

MR. JOHNSTON: Mr. Chairman, for information I will clarify the way the Alberta planning fund is and should work, and maybe if I'm not totally covering the hon. member's question he would just check me on it.

The municipalities in the province of Alberta are required to contribute uniformly to the Alberta planning fund, which is a revolving fund, and from that fund is paid the cost of operating the regional planning commissions throughout the year. Secondly, some of the specific studies of municipalities are also paid from that fund.

It should be noted that the major assistance to the Alberta planning fund comes from the province. Historically, in the last two or three years, that has been about 80 per cent on behalf of the province and 20 per cent on behalf of the contributions through the province. I don't think you can argue that it's taxation without representation, because while this money is collected uniformly across the province — in a central, Alberta fund — it is given back to the regional planning commissions for expenditure under their own guidelines and criteria. The people who operate those regional planning commissions are elected.

MR. GOGO: Mr. Chairman, just for clarification from the minister. All municipalities in Alberta pay a specified mill rate into the Alberta planning fund, which then pays the regional planning commissions 80 per cent, I think you said, of their requirements. Under this proposed legislation, the cities of Alberta for example would have their own planning departments. Does that enter into the mill rate for the contribution to the planning fund? That would be one question.

Another one would be: do those that are not cities have the right of withdrawing from the regional planning commission, in terms of the assessment of the mill rate?

MR. JOHNSTON: Mr. Chairman, the hon. Member for Lethbridge West makes two good points. First of all, those municipalities which participate or do not participate pay a uniform mill rate that would be based on an equalized assessment. It wouldn't be a uniform mill rate, but as an equalized assessment it's uniform. The exceptions are the two cities which have their own municipal planning commissions which also double as subdivision approving authorities, namely, the cities of Calgary and Edmonton. They pay a slightly reduced rate because they have to bear the costs of their own subdivision approving authority for their own area.

As we pursue subsequent sections, I imagine a similar case could be made that, where a city is allowed to form its own subdivision approving authority under the suggested legislation, we would also have to contemplate a reduction in mill rate to allow them to balance that cost.

The second the point is, I believe, the province does contribute 80 per cent of the cost of operating the Alberta planning, and 20 per cent is raised by this uniform taxation.

[Sections 9 through 11 agreed to]

MR. NOTLEY: Mr. Chairman, I'd like to raise a couple of questions which are really under Division 1, dealing with sections 12 through 19. As I look over the sections under Division 1 there is, in my view, little doubt that there is substantial latitude for the Lieutenant Governor in Council in conferring powers and for a good deal of ministerial discretion. As I look at the old Planning Act and compare it to Bill 15, it seems to me, Mr. Minister, you are asking us to give rather broader powers under this act.

Under Bill 15, the Lieutenant Governor in Council may confer or impose upon the board such duties or functions as he considers necessary, whereas under the old Planning Act the powers and duties of the board are outlined: to advise the Lieutenant-Governor

with respect to regulations, to advise with respect to establishment and operation of planning commissions, assist regional planning commissions, discharge duties or functions assigned to it by the minister, and what have you.

So, I would just put a question to the minister. In the review of the planning procedure, could the minister outline to the committee the reasons for the rather more general powers that the Lieutenant Governor in Council has with respect to the composition of the planning board and, rather more important, its powers and duties?

MR. R. SPEAKER: Mr. Chairman, I have a comment under this section too. I am concerned very much with the amount of flexibility that the minister has built into this section for his responsibility.

The other area that concerns me very much is that each member of the board holds office "during pleasure". I notice later on in the act we have a three-year term specified for development appeal boards. I was wondering why the minister didn't specify a term of office so that the person placed in this responsibility knows how long he has the responsibility, and when that particular position is reviewed. I think that's a concern.

MR. JOHNSTON: Mr. Chairman, in discussing what might be implicit, implied, or imagined as to the range of powers and responsibilities the Alberta Planning Board will have under this legislation, I think one must take into consideration the ways in which we have perhaps restricted some of this board's powers. As we proceed through the legislation I think we'll see, for example, that it is required to comply with land use by-laws in its dealings, to deal only with appeals. Very specifically it has a range of responsibilities and duties, perhaps more specifically determined in the balance of the legislation. I disagree that it provides a greater process of flexibility for the minister and places in the hands of the Lieutenant-Governor any greater flexibility than it probably now does under the perhaps more prescriptive sections found in the current Planning Act.

In our attempt to deal with this section and with the other sections whereby we outline the responsibilities of other planning boards, we have been less than prescriptive. We have been less than specific in the kinds of responsibilities and operations we think the Planning Board would anticipate or carry out as part of its general mandate. The reason is that we don't think the legislation itself has to prescribe in that section the formal duties that we think will flow from the subsequent sections and from the practice itself.

I think one of the things that can be said about the Provincial Planning Board is that it has been criticized less than any other board which operates with a pretty substantial range of powers, which operates essentially in a judicial capacity. I think it has not been challenged to the extent that other boards have; in other words, it's a very well-respected board and carries out its responsibility both to the citizens and to the other regional planning commissions in an almost time-honored tradition, with a great deal of responsibility.

I don't imagine any difficulty with this board. I think its general operation will be essentially as it is found in the legislation now. But I do see it having a

stronger role in terms of making broader land-use policy recommendations which would affect the province as whole. One of those responsibilities will be dealing with the regional planning commissions as they develop their regional plans, for it is through that medium that these broad Alberta policies on land use and land-use priorities can be reflected.

I should add, Mr. Chairman, in terms of the term, we have found that the board has not any difficulty operating with these high-level civil servants. We imagine that they will be at least directors, or better, that they will be well respected across the province in their own area of expertise, and that they will represent approximately 15 to 18 different departments. We have not had any problem with lack of specificity in their term. They tend to rotate. New thoughts tend to come in at all times. But we haven't had any necessity to specify a direct or a very limited term for their time of service on the Provincial Planning Board.

MR. R. SPEAKER: Mr. Chairman, I would take some exception to the fact that there is not more flexibility in the act as it now stands. As I read the old act, more things are spelled out as to how the committee works, what the responsibilities of the board are. If we look at Section 16(3):

The Lieutenant Governor in Council may confer or impose upon the Board such duties or functions as he considers necessary.

I think that leaves a lot of flexibility in the section to do whatever the minister wants.

MR. NOTLEY: I was going to make essentially the same point. Section 16(3) does provide very considerable flexibility. I submit that what we're looking at here is a division of this act that, from what I can gather in listening to the minister, is going to give both the Lieutenant Governor in Council and the minister very substantial flexibility. The question is, do they need that flexibility? Also, is it not possible to define more clearly within the act the perimeters of that responsibility? I look at the old act and think it fair to say that the powers of the board are more clearly spelled out as it relates to this section.

The minister indicates there is a flowback because of other sections of Bill 15 which in fact set out more clear-cut criteria for the powers of the board. But at least when as laymen one reads the act — and we're all laymen, with the exception of perhaps one or two. I see the hon. Minister of Housing and Public Works isn't here at the moment. I'm sure he wouldn't want to be considered a layman in the field in view of his published speeches, but I think the rest of us are laymen. It appears to me that what we're doing is moving away from the present Planning Act where the powers are fairly clear to one where there seems to be a fair amount of flexibility, at least under this section.

The other point I would raise: would the minister in responding outline to the committee what consideration you and your colleagues gave to the Land Use Forum recommendation of a permanent advisory agency? In your remarks today in effect you indicated that the Provincial Planning Board is going to be undertaking major recommendations in the area of land-use planning. Does that mean the recommendations of the Land Use Forum for a permanent secretariat have in fact been incorporated in the new

planning board, or does it mean that at some point there may be a secretariat heaped on the Planning Board?

MR. GHITTER: Mr. Chairman, in response to the statements by the hon. Member for Spirit River-Fairview, I think really he is taking Section 15 out of context. You can't just look in terms of what the powers of the board are in those sections and say, well this has great latitude. If you look later in the act at the responsibilities and powers of the boards relative to ratification of regional plans dealing in subdivision, where they must comply with area structure plans and the like, you will see very specific requirements imposed upon the board by the legislation. The board has to have latitude in the sense that they're dealing with areas of responsibility given to them very specifically later in the legislation.

I think they and the Lieutenant Governor in Council also need an amount of flexibility from the point of view of other utilization of the expertise which resides within the Provincial Planning Board and now the Alberta board. The caliber of men who have traditionally sat on that board is held in high respect in the planning community. Those who say this legislation is creating centralization of power, as we have heard or heard implied on a number of occasions — I just don't think the act says that. Taking these sections out of context and not looking in terms of the whole purport of the act is probably the danger people get into when they read it and try to communicate those points of view elsewhere in the province.

MR. NOTLEY: Were you going to say rural Alberta today or ...

MR. JOHNSTON: Mr. Chairman, we did of course weigh very carefully the specific recommendation of the Land Use Forum as to a full-time secretariat in place of the Provincial Planning Board, and we just did not agree with that as a recommendation. We thought it would be better if the members of the board assumed line responsibility to a minister so there would be a more direct flow of policy, so the policy could remain with the elected people, would flow through their senior people under the Provincial Planning Board and would, therefore, be a two-way flow. Any general policy recommendations would come up through the deputies and would go down through the minister as a policy flow. We did not agree that we should have a permanent secretariat.

I might hasten to add, however, that it could be contemplated that a full-time chairman of the Alberta Planning Board may be required. As you know, we now do have an administrative core which deals with the daily routine of the Provincial Planning Board: correspondence, liaison with the regional planning commissions, and dealing with the subdivisions appeal process — which in itself is a weighty task.

I might also add that the requirements for an individual to serve on the Provincial Planning Board demand an awful lot of that individual's time, because a lot of travelling is required. The frequency has increased as the activity in this province has increased. We would like more emphasis given on this board to basic recommendations for land-use policy across the province. It may well be that a full-time chairman will be one of the decisions that will

flow from the reconstituted or renamed Alberta Planning Board.

I have to agree with the Member for Calgary Buffalo that this is not a centralization of power; that really the functions of the Planning Board are spelt out very specifically in the Legislation. We will add to that, re-emphasizing a broader land-use policy and more recommending opportunities for the Provincial Planning Board. But I feel the real seat of power in terms of planning is with the municipalities or with the regional planning commissions.

[Sections 12 through 14 agreed to]
[Section 15 as amended agreed to]

Section 16

MR. JOHNSTON: Mr. Chairman, in the circulated government amendments No. 2, October 31, 1977, we have amendments which affect amendments. Perhaps for clarification you might spell out how we will deal with those, because as we have gone through Section 16(2)(b) we have got into one of those amendments to an amendment.

MR. CHAIRMAN: I'm sorry. Would you repeat that?

MR. JOHNSTON: Mr. Chairman, we have found in the amendments circulated under government amendment No. 2, October 31, 1977, that we had to add another clarification to Section 16(2).

[Section 16 as amended agreed to]

Section 17

MR. MANDEVILLE: Mr. Chairman, I'd just like to ask the minister one question on this section. The board will be assigned duties by cabinet, and I was wondering if there is any provision that the board will have to have hearings for people who are going to be affected. I'm thinking of appeals to the board. Will there be some provision so the board will hear anyone who is affected?

MR. JOHNSTON: Mr. Chairman, on appeal of subdivisions the act specifically indicates that the board may contact and allow to be heard members who are affected by a subdivision.

MR. MANDEVILLE: Did I understand they "may" do this? Where someone wants a hearing with the board, is there any appeal for them if the board won't give them a hearing? Or it is just that they "may" have a hearing with the board?

MR. JOHNSTON: Mr. Chairman, I'm trying to imagine the times when the board would have public hearings. In terms of frequency the most common one is when the board acts as a subdivision appeal board, in which case the board will entertain anyone, generally, who felt they were affected by the subdivision and wanted to make a presentation to them. In the legislation itself the subdivision approving authority would not hear anyone who is affected, but on appeal the board opens the door essentially to allow any individual they would judge to be affected by the subdivision who wants to make a case. Obviously those who

would be merely triflers would not be allowed to speak. But generally in the wide definition, if you were affected by the subdivision you could speak at the hearing on appeal.

MR. TAYLOR: Mr. Chairman, I'd like to make a suggestion that I think will save your voice and save us a lot of time. If the Chairman would call Section 17 and the members would say "agree" or else stand and object, it would save voting on each individual section. Over the whole evening, it will save an awful lot of time and will also save the voice of the Chairman.

MR. CHAIRMAN: Thank you, hon. Member for Drumheller.

[Sections 17 through 19 agreed to]

Section 20

MR. NOTLEY: Mr. Chairman, there are probably at least two questions on the regional planning commissions that have come to my mind as a result of the proposals of the Peace River Planning Commission.

The first, Mr. Chairman, is the feeling of the planning commission in Peace River that allowing or permitting incorporation is not a very wise thing. I'd like the government's view on that.

The second is the question of the composition of the planning commission. As I understand both the original proposal in Bill 15 and the amendment, the minister shall designate the councils that are to appoint the members of the commission. The question that was brought to my attention by members of the planning commission in the Peace River area is that the composition of the planning commissions should, in fact, be determined by the commission itself.

MR. JOHNSTON: Mr. Chairman, we have made perhaps a couple of changes in the existing legislation, but I think they follow the argument that more autonomy should be given to the municipality. From that we have decided we would allow only those people who are elected by their constituents to be members of the regional planning commission. There are, I think, three or four cases throughout the province, one of which is the Peace River Regional Planning Commission, wherein non-elected people serve as members of the regional planning commission. They serve well, but they do not suffer from that fault we all have of being elected. We have maintained that only elected people in this legislation should deal with policy so fundamental to the province and municipality as land use. Therefore we have legislated that only elected people will serve as members of the regional planning commissions.

We have also provided for the regional planning commissions to incorporate or develop a legal entity. The reason, of course, would be that there is a necessity for these regional planning commissions to effect contracts, lease space, and acquire assets. Without having the legal ability to do so, any liability would flow back to the directors, and the directors individually could be responsible. To provide for facilitators so they could effect and negotiate contracts, leases, and hire employees for example, it's important

that the entity be allowed to be formed for each regional planning commission.

MR. NOTLEY: Mr. Chairman, I'd just like to make a couple of comments on this question.

First of all, the minister is correct. Over the last number of years the Peace River Planning Commission has had several people who are not elected representatives from the town. As a matter of fact, representatives from the Department of Transportation and several other departments have been members of the commission from time to time.

The argument within the Peace River country for this sort of structure is that, number one, these people are in a position to integrate the activities of the commission with ongoing government policy in their areas. For example if you're talking about the district highway engineer, that is a pretty important person to have in one way or another at a regional planning commission meeting. I suppose the minister can respond by saying, fair enough, there's no reason the district highway engineer from Grande Prairie or Peace River cannot sit in. The problem I guess is that it's a little more difficult just to have them sit in if they are not part of the commission. The feeling on this particular matter, in the Peace River country anyway, is that having them on the commission itself underlined the importance of integrating public-sector services, if you like, into the whole planning concept in the Peace River country.

However, Mr. Chairman, the second question really relates to the point that the planning commission feels every municipality should be represented on the commission, and the size of the commission doesn't really worry them too much. The idea of having 15 or 20 members on the commission is not considered as important a goal as making sure there is representation, particularly when we're talking about drawing up regional plans. I don't think there's any doubt these regional plans are going to have a fair amount of impact on the communities within a given planning region. It seems to me the more we can ensure representation from the communities on planning commissions, the better the planning process that will occur.

I recall sitting in on at least several meetings of the Peace River Planning Commission where this question of representation from the improvement districts was addressed. The minister is probably aware that in the case of the Peace River Planning Commission, the administrator of the three improvement districts sits in as the representative of the improvement districts. There was a fair amount of feeling in the three improvement districts within my constituency that it wasn't good enough for the administrator to be their representative on the planning commission. They wanted the chairman of the improvement district committee from each of the three improvement districts — IDs 19, 20, and 21 — or a representative from their duly elected boards. In this sense I suppose that attitude was slightly different from the business of having public servants on the commission, except the proposers of this amendment didn't say either/or. They felt that both concerns could be accommodated but that each level of local government — town, village, new town, improvement district, or what have you — should be represented on the commission.

I realize that's going to lead to fairly large meetings. But I have come to the conclusion, Mr. Minister, at least in watching the operation of the Peace River Planning Commission, you can just go so far in improving regional relationships and understanding if you have representation from the affected communities. They get together. If you have representation you can go a long way toward overcoming some of the rivalries between towns, between municipalities, between the county and the city of Grande Prairie, or an adjacent municipality and a town.

So it's obvious that these proposals from the Peace River Planning Commission have not been accepted. However, I would make the plea that I think they have a good deal of merit, and I would ask the minister and the government to consider them in the months ahead.

MR. JOHNSTON: The hon. member is right. We did not cast out the recommendations from the Peace River Planning Commission. We dealt with them, examined and weighed them, but we didn't agree with them. We felt there were larger arguments which suggested, first of all, that the entity concept was required. Secondly, we felt that elected people should be responsible for land-use planning in the municipality.

I might point out that we are currently attempting to find some arrangement or formula which will allow us to affect representation on regional planning commissions. At the present time, generally any municipality which is a member of that planning commission can name a representative. Essentially that forms a larger group, and from that large group a small executive committee is formed. However, when the regional planning commission is dealing with any item that affects that town, obviously the member has a right to attend, to speak, and to vote.

In the case of IDs, I would probably agree that the elected people to the advisory council should be the members of the planning commission, and we'll attempt to better formulate a way in which representation can be designed. That's particularly important when you deal with the metropolitan areas, where you have the rural/urban trade-off, as opposed to a purely rural area.

MR. TAYLOR: I strongly support the concept of having only elected officials making the decisions. I think it's comparable to a city council. It's the elected people who make the decisions. They may call upon all of the appointed people. When you mix the two, as has been done in regional planning commissions to this time, you get a mixture where those who are not elected are not responsible to anyone. They don't have to stand for election. I don't think district engineers and other civil servants should be voting on matters that deal with these towns, cities, villages, and so on. I think they can be called upon to give their advice, and they probably will. But the actual voting should be done by elected officials. I think that's democratically sound.

MR. GOGO: Mr. Chairman, just for clarification on the point raised by the Member for Spirit River-Fairview. Mr. Minister, we'll say there are two IDs on the regional planning commission. The IDs, as I understand it, are under the department's jurisdic-

tion, and either an administrator or a department person is appointed. Does that mean that it's at the discretion of the minister as to whether or not there would be representation on the regional planning commission from that ID? Is that a matter that rests solely with the department, at its discretion?

MR. JOHNSTON: Yes.

MR. GOGO: Okay, that's fine.

MR. MANDEVILLE: Mr. Chairman, the act indicates that the Lieutenant Governor in Council may establish one or more planning commissions. I would like to ask the minister: are there any plans for creating more planning commissions in the province?

MR. JOHNSTON: Yes.

MR. NOTLEY: Yes?

MR. JOHNSTON: Yes.

MR. NOTLEY: Where?

MR. MANDEVILLE: Mr. Chairman, could the minister indicate how many more planning commissions, or redistribution of the present planning commissions, are going to be created in the province?

MR. JOHNSTON: Mr. Chairman, as a result of the last southeast cabinet tour into the hon. member's jurisdiction, we had a substantial number of recommendations made to us. In this positive way that we deal with the people of southern Alberta, we would consider seriously a new planning commission for what is described as the Palliser area, focused on Hanna and Drumheller. That is now ongoing in my department, and we expect to have a decision perhaps within a few weeks.

[Sections 20 through 25 as amended agreed to]
[Section 26 agreed to]

Section 27

MR. NOTLEY: Mr. Chairman, perhaps the minister could outline for the committee the reasons for this section. It is my understanding that the minister has received a copy of a submission by a number of groups, including the Social Planning Council in Edmonton. Among the concerns they expressed, to me at least, was a feeling that to leave the question entirely up to the local councils . . . No doubt the minister is going to say this is a new example of local autonomy. Fair ball, I assume that's said. But let's move on from there and address the question.

The concern they brought to my attention was that they did not want to see anyone sitting on those planning bodies, either the municipal planning commission or the development appeal board, who in any way, shape or form could be judges in their own case; in other words, at some level of the administration that they were party to a decision and then suddenly found themselves on a municipal planning commission or development appeal board. My question to the minister is: in light of this not unreasonable concern, what safeguards does the minister see to

ensure that that sort of potential for conflict of interest if you like — not the kind where somebody is going to make a buck on the side, but the kind of conflict of interest of having a fair amount to say in the initial stage and then being in a position to judge what you've said. That kind of conflict may exist.

MR. JOHNSTON: Mr. Chairman, with respect to conflict of interest, both in terms of the external conflicts of interest which are potential for any elected person and, secondly, the apparent conflicts of interest which may affect a person's decision as he deals with a series of events, we have attempted in some of the sections to preclude members from serving on more than one board. Specifically, in Division 4, Section 33(3) we have indicated those preclusions that "no person who is a development officer or a member of a municipal planning commission shall be appointed to or act as a member of a development appeal board".

MR. MUSGREAVE: Mr. Chairman, I want to comment on this particular section in regard to the remarks made by the Member for Spirit River-Fairview. In the case of the municipal planning commission in Calgary, I know there was some difficulty when we had department heads on the commission and the chairman quite often was one of the commissioners in charge of planning. Quite frequently you found a head of say the parks' department or the city engineer having to cast a vote against the commissioner. This was a good test of professional integrity. I found over the years that while some people were nervous of this situation, in general it worked quite well on behalf of citizens. I found that those professional people who were prepared to vote against those in authority in effect, were quite often the ones who eventually rose to positions of power within the civil service. So if anybody on that council has a conflict of interest and hasn't the courage to vote the way he should be voting, he pays for it in the long run.

[Section 27 agreed to]
[Section 28 as amended agreed to]
[Sections 29 and 30 agreed to]
[Section 31 as amended agreed to]
[Sections 32 and 33 agreed to]
[Section 34 as amended agreed to]
[Sections 35 through 38 agreed to]
[Sections 39 and 40 as amended agreed to]

Section 41

MR. MUSGREAVE: Mr. Chairman, on Section 41, the city of Calgary has some concerns. Unfortunately the city of Calgary, particularly councils of which I was a member, didn't have the courage to enforce their own laws. They are once again crying the same kinds of tears they cried in those days — they didn't have power. Unfortunately it wasn't that they didn't have the power, they just wouldn't exercise the power they had. I'm talking now of conversion of duplexes to fourplexes.

They do make a point though, Mr. Chairman. They feel the way this amendment has been written, in effect it makes accommodations towards rural areas that may not fit urban areas. They complain rather bitterly about the fact that the legal process has become more involved, therefore more expensive. I

appreciate the minister may not have had an opportunity to look at their complaint, but I would like him to comment because it does look as though the enforcing agencies within the urban areas are being frustrated by these amendments.

MR. JOHNSTON: Mr. Chairman, I would be glad to reply. I have had just an opportunity to check briefly what the city of Calgary has provided us.

I don't agree with the position of the city of Calgary. First of all, the legislation now protects more fully the rights of the landowner, and I think that has to be a principle in both urban and rural areas. I don't differentiate between either.

Secondly, the section becomes operative when the municipality wants to check on compliance, and after notification and consent of the landowner they can go to court. That has been the process. The process continues. If it is expensive to get a landowner into court, I'm sure the power of the municipality to hire lawyers is probably better than the power of an individual to defend himself in court in some cases. So I don't really agree with the city of Calgary's position. I think they have the right to enforce compliance if necessary, and even if they have to go to court, the rights of the individual must be maintained.

MR. MUSGREAVE: In defense of the city of Calgary, I'd just like to point out to the hon. minister that the city of Edmonton made the same points.

MR. NOTLEY: I find myself in the rather awkward position of agreeing with the minister. Members got the information from the city of Edmonton tonight, and I notice that Mayor Purves is making essentially the same point. I'd like to make just a couple of observations on this.

I think it is very important that we recognize the planning process is not something that has to be or should be in conflict with the rights of individuals. The planning process in my judgment must be conducted in such a way that the rights of individuals are indeed protected. I think one could even make the argument that planning and protection of individual rights, rather than being positions that are juxtaposed, are positions that must go hand in hand. It is very easy for people to simply say, look, we want easy right of entry so we can have various inspectors tramping on someone's property. Sure, that is convenient. But I would submit that if we have a proper respect for the planning process to begin with, it must recognize that the rights of those individuals can and must be protected — in most cases. In 99 cases out of 100, simply requesting information from landowners is going to work. We're talking about a very small number of cases where the city of Edmonton or the city of Calgary is going to have to get a right-of-entry order authorized by the district court. So let's not blow this out of proportion. If we have one case out of 100, I don't think we should in any way, shape, or form alter the basic rights of the other 99. I feel pretty strongly about this. Planning gets a bad name because we short-circuit sensible steps to protect individual rights. That need not be the case, nor is it consistent with the philosophy of good, advanced planning.

MR. R. SPEAKER: This was one of the concerns raised I'm sure with all of us prior to the opening of this session of the Legislature. I want to say to the minister that we appreciate the amendment that has been brought in and certainly feel it goes a long way toward meeting the criticism.

We had thought in the earlier stages that possibly there should be some indication in there that the person who wished to enter the land or the building should give some type of due notice, and we've considered that. However, I think the whole success of this section of the act lies with the person who must enter the land or building for the planning process or the planning purpose which is at hand with that person. Hopefully common sense prevails in the performance of duties by that particular person. If that prevailed we wouldn't even need the section, but this does cover the criticism to quite an extent. I'm sure during the next few months we will observe what is happening.

MR. MUSGREAVE: Just for the edification of the hon. Member for Spirit River-Fairview, I'd like to point out that it isn't an isolated case here and there. In the urban scene there are many hundreds of these infractions. Regrettably, because of the populist mayor that was our unfortunate experience in the city of Calgary, we were always accused of being against poor people who had nowhere to live. What it really meant was a deterioration of many neighborhoods, and many hundreds of homes were subjected to this kind of thing. It was a serious infraction in our planning, and I put most of the blame at the feet of the city council for not having the courage to just enforce the laws they had at the time. But I don't want it to be left with the House, as the Member for Spirit River-Fairview suggested, that it's an isolated situation. In the big cities it certainly isn't.

MR. HORSMAN: Mr. Chairman, I wanted to comment on this amendment, because to many of us in southern Alberta this has been a matter of considerable contention. I just want to point out for the record how responsible the government and the minister have been in responding to the many criticisms.

Certainly throughout southern Alberta this matter of the right of entry has been spoken about in many public meetings, in many letters to the editor of various newspapers, and many letters to the minister himself: many letters and personal representations made by individual constituents who are indeed very concerned. I should like to say that this is one of the finest examples of responsiveness on the part of government to the real concerns of the people. Therefore I commend the minister and the government for having accepted the representations and for having moved in a very dramatic way indeed to alter in the planning legislation the previous right-of-entry provisions, which have been on the books of this province for some 23 years. For those many people in southern Alberta — not only in southern Alberta; indeed, throughout Alberta, particularly rural areas — I think this serves as a fine example of how the government is prepared to respond to their representations.

May I also say, Mr. Chairman, how encouraged I am that this particular amendment has been accepted by all parties in the House and all members who have

spoken on this important section of the act. I think this should put to rest for a good long while the very many concerns that have been expressed. Certainly I know my colleagues from Highwood and Cardston have both had representations. I think this will certainly alleviate the many concerns, particularly in rural Alberta.

While I'm on my feet, may I say as well that I agree with the hon. Member for Spirit River-Fairview that in fact there will be very few cases where this section will ever have to be invoked. Really it reads very simply: an authorized person may only enter land or a building if the owner or person in possession of it gives his consent to the entry. In the vast majority of cases, Mr. Chairman, that in fact will happen. I would suggest to those concerned about the necessity of loss of control and enforcement ability by the cities, and increased cost necessitated by court appearances, that those are small prices to pay for the right of the individual landowner to his individual rights in his own property. I suggest that the cities that have raised these problems are really magnifying them out of all proportion.

In conclusion, Mr. Chairman, I want to commend the minister for his responsiveness, for his real concern for the rights of the individual property owners not only in the cities but indeed throughout all Alberta.

MR. YOUNG: Mr. Chairman, as a member who has to respond to the same voters as the persons who submitted this to us, I wish to express that while the city says in its submission it's not aware of any evidence to indicate abuse of the current provisions, at this stage of the act and the legislation before us I'm not aware of any evidence to indicate that it will incur tremendous problems for the city. I would therefore suggest that we're indulging in a somewhat hypothetical concern at the moment. If that concern turns out to be fact indeed, and the city wishes to show us the facts after some experience with the legislation, then I would be most prepared to listen to the city's case. At present I think the other concern is the greater one, therefore I support the legislation before us.

[Section 41 as amended agreed to]
 [Sections 42 and 43 agreed to]
 [Section 44 as amended agreed to]
 [Section 45 agreed to]
 [Sections 46 and 47 as amended agreed to]
 [Section 48 agreed to]
 [Sections 49 through 54 as amended agreed to]
 [Section 55 agreed to]
 [Section 56 as amended agreed to]

Section 57

MR. NOTLEY: Mr. Chairman, with respect to Section 56, I'd like to move an amendment. It seems to me we've had altogether too much agreement.

Mr. Chairman, on a more serious note, I'd like to move a new Section 57 after Section 56 which, following the heading Division 2: Statutory Plans, would read:

57. (1) (a) A council shall, during the preparation of a general municipal plan, area structure plan and community plan provide an opportunity

beginning at the formative stage to those persons likely to be affected by the plan of participating in the preparation of the plan.

- (b) A council shall notify those persons likely to be affected by the proposed plan of the intention to prepare a plan and of the matters which they propose to include in the plan.

- (c) A council shall inform those persons likely to be affected by the proposed plan of their right to provide input and the manner by which they make representations.

- (2) Prior to a council adopting by by-law general plan, area structure plan or community plan, one or more public hearings shall be held and notice given thereof to those persons likely to be affected.

- (3) A council may by resolution delegate the authority to any person or group of persons for the preparation of a general plan, area structure plan or community plan.

Mr. Chairman, very briefly, the reason for the amendment is to take the whole concept of citizen involvement one step further. Provision for citizen involvement has been made both in Bill 15 and the amendments we have dealt with, but the concern expressed to me by a number of organizations in the city of Edmonton is the feeling that the process should really begin at the initial stages. I am suggesting in these amendments simply that in the formative stages there be a responsibility on the part of the council to notify those people who in fact are going to be affected, of their rights. In other words they would be notified of their rights by mail, not only with respect to what may happen once the plan is adopted, but how to go about making submissions and providing input. Mr. Chairman, the other point is to make it clear that there must be a public meeting, and that notice of that meeting should be given to all the people affected by any of those aforesaid plans.

MR. GHITTER: Mr. Chairman, I would like to speak against these amendments. They are the same suggestions we heard earlier in the debate on principle with respect to this bill. The hon. mover of this amendment was the first to get on his feet and talk in terms of the importance of the study of the Land Use Forum and the fact that certain of their recommendations were not followed. Yet one of his first amendments to come forward will delay the planning process to such an extreme that the recommendations of the Land Use Forum which encouraged the speeding up of the process, for the benefit of the citizen as well as the affordable housing requirement in the province . . . I think these particular suggestions first, will slow down the process and, secondly, are very naive.

When they took the Calgary plan to the communities — after the plan by way of general approach had been prepared — and went from community to community, the apathy of the citizens was something to behold, in the sense of their lack of involvement. It seems that citizens get involved when they see something which is going to affect them directly on a specific development. The citizens come forward and want to participate — and so they should — because that has that direct impact. But suggesting that citizen participation is going to be of any great assistance in the formative stage will end up dragging out the process further and further. Citizens need some-

thing to look at, something to conceptualize, something to deal with. After they do that, and then go to the public meetings — that is something important, and so they should. But even when they have that opportunity, they seldom show up, other than a few university types who like to get out and deal in that conceptualizing that is important but that really doesn't get down to the roots of citizen involvement.

Suggesting that people who may be affected should be advised of these meetings means everybody in the municipality. When you're talking in terms of a regional plan, a general plan, an area structure plan, everybody in the city is affected by that. That means that the municipality is obliged to send notices, I assume, or somehow advise everybody by publication. I suggest that the amendments won't work. I suggest that they're impractical. I suggest that they're even a little naive, and I would also suggest that the end result will merely be to draw out the approval process, which is not in the interest of the potential purchaser of land who needs some affordable housing to come on stream, and certainly not in the interest of really getting participation where it counts: on the specifics when they come forward, as a specific development that will particularly affect or take away from the rights of individuals.

MR. JOHNSTON: In speaking against the suggested amendment to Section 57, I think an attitude of responsibility and responsiveness on behalf of the municipalities has to be pointed out. I think even now, without a very specific or prescriptive formal process for public participation, the municipalities attempt in a very deliberate way to have ample input from the public in terms of planning decisions, both at the zoning design brief stage and certainly in the formulation of the very important general plans.

As the hon. Member for Calgary Buffalo points out, it's not always an easy task to excite that kind of response. For example, public hearings on a very major issue — the annexation question in southeast Calgary — generated maybe 12 or 13 people. So the real point to be made here is that unless there is something the population can look at, direct their criticism toward, perhaps react to, it's very difficult to have any kind of public responsiveness or input.

The other difficulty is that unless some criteria are set down as to what public hearings will generate, as to selection among choices and for the process of formulation of goals, for the design itself of a general plan, it's almost impossible for two groups to get together. I think that's one of the frailties we have in other processes we have built into our own institutional system in this province. Nonetheless, I think it's even more difficult for people to express their cogent views on planning unless they have some broad framework to deal within. Maybe that framework isn't correct, but at least it's an opportunity for an initial or stage one decision.

Secondly, Mr. Chairman, I think this legislation — even though the one section in Statutory Plans, which says the council shall provide an opportunity for those persons affected by it to make suggestions or representations, might be described as being very small — nonetheless does provide an opportunity for the municipalities to set up a process. That process is not only at the formulation of the planned stage but, it's important to note, is also at the by-law stage.

So in my view there's ample opportunity for public participation in planning, and in the statutory by-law when the municipality does decide to pass the municipal plan into a statutory form.

AN HON. MEMBER: Agreed.

MR. NOTLEY: Mr. Chairman, I'd just like to make a few comments in response to both the minister's contribution to this debate and that of the Member for Calgary Buffalo. First of all I think we have to keep in mind that particularly in our urban areas . . . Well let me just start by saying that basically these statutory plans are related to planning in the city and, in most instances, will not necessarily be directly related to new subdivisions. Obviously, on the periphery of a city they are. I'm not arguing that. But the bulk of the planning will be in existing neighborhoods. In a sense I had to get a little bit ahead of myself by our technique tonight because I wanted to move an amendment down the road dealing with community plans, and of course these amendments make a good deal more sense if one looks at it in that perspective.

Mr. Chairman, probably three things need to be said. I submit that in many urban neighborhoods you find a new awareness about the planning process. I would just like to cite one example. This spring I was in one particular neighborhood in Edmonton, after the session adjourned for the summer. I was amazed because about 90 people showed up to deal with a neighborhood plan. They grilled me in no uncertain terms about something that really wasn't in my area of jurisdiction at all. The city was moving on this particular question. There was a very strong give and take by people who had definite opinions. The Member for Calgary Buffalo says, you know, this is a matter of a few university types. Sure there are a few university types who like to conceptualize and be in on the beginning of any planning process. But I would submit there are more than just a few university types in that category, people whose opinion would be useful.

For example, I think of the way in which the REDA people set up the Land Use Forum. Mr. Minister, when they set up the Land Use Forum they didn't go out and say, here are the hearings. They went out — the first set of public meetings throughout rural Alberta, and they were just general public meetings — they just simply said, hey, look guys, we're going to have a Land Use Forum. What do you think?

We had all sorts of people come out, and out of those initial meetings the REDA people conducted we found the format that was used for the formal hearings of the Forum itself. So I wouldn't dismiss the idea that people are not able to conceptualize something. I think that's a very, very dangerous thing to say, because in my view we sell the average Joe short when we make that assertion. I realize the minister didn't make that assertion, but the hon. Member for Calgary Buffalo did.

The other point the Member for Calgary Buffalo raised: this is going to lead to a lot of time. I submit, Mr. Chairman, that part of our problem in this whole business of urban citizen participation is not that participation in itself delays the process; it is that reactive participation leads to a confrontation type of atmosphere. The more we can eliminate confrontation in the planning process, the more it is a hand-in-

hand approach so we do not have the good guys and the bad guys in the planning approach, the more successful, it seems to me, our procedures are going to be.

I would just say in trying to make the case for these amendments that what is suggested in the amendment is to try to develop an atmosphere of as much co-operation between the planners and the plan.

MR. MUSGREAVE: Mr. Chairman, I just want to comment on the remarks of the hon. Member for Spirit River-Fairview. I agree that if we could get confrontation out of the planning process it would be a tremendous improvement. But frequently I attended meetings on the formation of the general plan in Calgary, and about 15 or 20 people were there. They were not, as the hon. Member for Calgary Buffalo said, university professors. A lot of them were would-be aldermen in the city of Calgary, and fortunately most of them didn't make it.

From my experience in neighborhood planning it quite frequently is an attitude of do nothing or maintain the *status quo*. In those areas the hon. member mentioned about the Edmonton situation, I feel that too frequently we hear from those people who have no commitment to that community. Essentially many of them are drifters. They are very outspoken, but they have no concern for the long-range needs of the community. They don't put their money where their mouths are. They have no intention of it — if they had it. They have no intention of putting forth any energies to try to make the community a better place in which to live. Therefore I would speak very strongly against the amendments.

MR. CHAIRMAN: Are you ready for the question on the amendment to Bill 15 under Section 57, proposed by the hon. Member for Spirit River-Fairview?

[Amendment defeated]

MR. KIDD: Mr. Chairman, just a very brief comment on Section 57. Regardless of the amendment, I think we're obscuring an extremely important part of The Planning Act by the amendment. It's a real and very important change. It says "shall" rather than "may". I've sat in on many council meetings where decisions on subdivisions and so on are made by the seat of their pants. Here they're going to be made based on a plan the council has to make. As far as I'm concerned I wouldn't want this section to go by, obscured by an amendment, without recognizing this as an extremely important part of The Planning Act we're talking about.

[Sections 57 and 58 agreed to]
[Section 59 as amended agreed to]

Section 60

MR. GHITTER: Mr. Chairman, on this section could I ask the minister whether it's the intention, within the transitional interval before the area structure plans are created, to place any statutory significance upon existing design briefs? I would encourage the minister that that would be a very important thing to do. In many municipalities where they now have design briefs it would make a lot of sense, because the

transition period will be a lengthy one. To bring this very important section and future sections into place, I would hope the minister would consider, in the transition, calling existing design briefs area structure plans so they can be in place and this act can be as operational as soon as possible. I think it's very important that it become operational as soon as possible. I'd very much appreciate the minister's comments in that regard, Mr. Chairman.

MR. JOHNSTON: We recognize that the requirement of an area structure plan, or for that matter a general plan, by some municipalities, as the hon. Member for Banff pointed out, will impose a further responsibility and perhaps a load to some extent: the requirements on a municipality of providing a very formalized plan and a very rigorous opportunity for the public to have a fair amount of participation in that planning process. I can assure the Member for Calgary Buffalo that over the interim period the design briefs, zoning by-laws, or whatever in the various municipalities will be the statutory by-law by which land-use decisions will be carried out. I would encourage all municipalities to have the other area structure plans brought into place as soon as possible. But in the interim the existing by-laws will prevail.

[Sections 60 and 61 as amended agreed to]
[Section 62 agreed to]
[Section 63 as amended agreed to]

Section 64

MR. R. SPEAKER: Mr. Chairman, the hon. Member for Banff indicated that the change from the word "may" to the word "shall" was a very important step in the planning process. I'd like to say that I certainly do not support this section in the intent that is indicated here, where municipalities "shall pass a by-law in accordance with Part 6, to be known as the ... Land Use By-law". As a province I think we are infringing on local autonomy when we say "shall" pass the land use by-law. The legislation formerly, as some people refer to it — how much credibility that has in using as evidence — did state the council "may" have the land use by-law. Certainly that worked all right. I don't know of any type of representation from any municipality that asked to have the word "shall" entered into the legislation. That's the first point.

Secondly, if we look at Section 65(3), where we have outlined some of the types of things that can be outlined in a land use by-law, it says that these may be involved in the land use by-law. But at the local level we know when a list such as this is established that usually these are the types of things that are entered into the by-law. Often the presentation to the general public is: the province said we must do this. I think at that point we are misleading not only the municipalities but the general population of the province.

Mr. Chairman, I think we are overstepping our powers by using the word "shall", and certainly "may" is the one that should be there. I'd like to move at this time that Section 64(1) is amended so that the word "may" shall be substituted for the word "shall".

MR. MANDEVILLE: Mr. Chairman, in speaking in support of this amendment, this is the amendment that does bother me. This could lead to a lot of control; for example, over our farm buildings.

I would just like to outline an example of a by-law I got involved in. A county was going to establish it about a year ago, but it was vetoed in the process. It was drawn up by a planning commission and outlines pretty well identically what is in this act the ground area, floor area, height, size, and location of a building; the amount of land to be provided around or between buildings; the landscaping of land or buildings; the locations, height, and maintenance of fences and walls. These were the types of things incorporated in the by-law drafted by this particular municipality, and thank goodness the by-law was vetoed and didn't get into existence.

One of the areas there was a lot of concern with in irrigation districts was the excavating and filling of land. It could venture out and even mean irrigated land; also the trimming and removal of trees and hedges and the removal of buildings. This is why I think it very important that a municipality "may" set up a by-law, not that they "shall" set up a by-law. Mr. Chairman, this gives far too much power to control our development, especially in our rural areas.

MR. JOHNSTON: Mr. Chairman, I want to speak in opposition to the amendment to Section 64(1), as moved by the hon. Member for Little Bow.

I think the member misunderstands the intention of planning; that is, that we're forcing some strange phenomena on the municipalities. In fact the municipalities themselves have suggested this. If the hon. Member for Little Bow does not agree with that, he should of course take that up with the municipalities. But generally the municipalities themselves are supportive. As the hon. Member for Banff pointed out, so many municipalities now find themselves dealing with very complex situations, where indeed a substantial amount of resources and dollars has to be committed over a longer period of time to provide needed services as development takes place and a subdivision comes on stream. They agreed it is necessary that they make some choices and assign some strategies in determining the future growth of their municipality.

So I think in terms of providing certainty and predictability as to what kinds of options municipalities can deal with, the necessity for a general plan is generally well received across the province and has the support of the municipalities. As well, the legislation provides that certain opportunities hinge on them having that general land use by-law; for example, the ability to form a development appeal board, which sets up a separate autonomous group in a judicial form to deal with development, apart from the council itself. In that sense it provides for more objectivity in terms of determining choices for development. So I think it's important that a DAB be formed for a municipality, and it's necessitated by the land use by-law.

With respect to rural municipalities, it's probably true that some of the rural municipalities have opted for various choices in terms of their land use by-law. Some have suggested that they want a very rigorous land use by-law; others have suggested that it merely set out very few guidelines. But it is up to the municipality in a rural area to assign whatever con-

tents are required in that land use by-law. So I think the comments of the member for Bow Valley perhaps may not be really applicable in that sense.

Mr. Chairman, I think we would have to deny the merit in that amendment. I would encourage the members to vote against the amendment.

MR. R. SPEAKER: Mr. Chairman, I think the question at hand is one of self-determination. If a local municipality is supportive of a land use by-law, if they're able to sell it to their local electors, if they feel that it is necessary to carry out the functions the minister outlines so well — and I don't disagree with those functions, about the organization of the area, the plans that have to be done, the development plans, et cetera. I'm not arguing that point.

But here we are saying to the municipality, you shall pass a land use by-law. We are imposing this by-law, that responsibility, on you. All I'm saying is that we should allow for self-determination. If the local municipality says, no we don't want to do it, then they have the right to do that — they are answerable to their electors. If planning doesn't go as the minister or the planners at the provincial or some regional level want it, maybe it just doesn't have to be that way. Because the self-determination, the responsibility, rests with that local municipality. That's all we have to do. We have to make it possible so that they can pass it and carry on their own self-determination. That, I think, is the important principle we are talking about here.

When we impose the land use by-law, as you have suggested by this act, we should look a little further in the act to where the minister is given the power to amend, delete, or do whatever he wishes with the land use by-law. I can find the section if the minister is so interested. Under those terms the minister can reflect upon this local land use by-law. Maybe that is stretching it a bit, but I believe the power is in the act.

I feel that the arguments of the minister as to why we should have "shall" in there rather than "may" just do not hold water. Under a more permissive type of atmosphere, local self-determination, I feel the very same type of thing the minister wants to happen can happen — and without conflict. At the present time the minister is saying, you shall; they have to do it. That's confrontation. Immediately what's going to happen is that a local planner, someone who knows how to write a sophisticated land-use plan, will submit it to the local municipality. They will go through the process and say, well this is the typical thing passed in municipalities A, B, C, X, Y, and Z, so we should pass it too — whether it's legitimate or not. Mr. Chairman, I don't think that's fair to the municipality, particularly the people who are represented in the various municipalities.

We can say the minister has said the municipal bodies are in favor of it, they want this kind of direction, while under the use of the word "may" here they can do exactly just that: take the responsibility themselves. Nothing prevents them from taking that responsibility. But if they don't want to, with "may" they don't have to. I think that's very significant.

If you talk to the rural people about how this type of sophisticated planning might affect their lives, the voters of this province, particularly the rural ones, will say very clearly to you: we might accept "may" in there. But to say we "shall" in our local district have

a land use by-law that we must live under . . . The powers carried by the municipality can be very extensive. If the municipality wants to pass them and move ahead with them no matter how much representation is made at the local level, the councillors have that particular power. If they want to move ahead with them, the people have to live with that kind of power. By the democratic process we can elect or not elect certain people if they don't agree with it. That protection is there. But I don't think we have to push this section as far as it's pressed at the present time.

MR. GHITTER: Mr. Chairman, that was a pretty speech. It sounded very good and was very eloquent, except it didn't really have that much to do with the sections.

SOME HON. MEMBERS: Agreed.

MR. GHITTER: I don't know how you can possibly have a piece of planning legislation, with what is built in here, without having a land use by-law. [interjections] Wait a minute. The whole system breaks down unless you have a land use by-law as to how development permits are going to be issued.

MR. R. SPEAKER: I'm not arguing with that.

MR. GHITTER: If the hon. member would stop waving his hands in the air and put his eyes on the legislation for a moment, possibly it might be of some assistance. It is a requirement. It is mandatory. They "shall" pass the land use by-law. There are certain things that must be in the land use by-law.

The hon. member should remember, Mr. Chairman, that earlier in the debate he was decrying the fact that planning must have a degree of certainty in it. There must be certainty. There must be local autonomy. When we provide certainty and local autonomy, we're getting amendments that take it away. That's an unusual and somewhat inconsistent approach.

But if we look at the legislation, it says in Section 65, "A land use by-law shall . . .". Then it talks in terms of dividing the municipalities into districts. Now that makes sense. It talks in terms of what are permitted uses, what are discretionary uses, and the procedures by which development permits shall be issued under the land use by-law. You have to have that. Those are procedural matters that are a must. If you don't have them the whole system breaks down.

What the hon. members for Bow Valley and Little Bow are complaining about are the nuances that come into it. But if they look at Subsection 3 you end up with, they "may provide for . . . the following matters" in land use. That is not mandatory. Matters like ground area, floor height, the amount of land, landscaping, and fencing are discretionary, as I understand the legislation. They don't have to do it if they don't wish to. So I don't understand what the complaint is about. We have certainty, local autonomy, a mandatory aspect which is essential for the system to function, and the rest of the areas of their complaints are discretionary in any event.

So it was a very nice speech. We all enjoyed it. It's a shame it didn't relate to the legislation.

MR. R. SPEAKER: The minister can . . . The minister? Why don't you take a portfolio? I want to call him honorable but . . .

The Member for Calgary Buffalo can say all he wants, that the powers in here are discretionary. I agree with that. That's right. But we must come back to the initial directive that's going to the municipalities. It's saying to the municipalities, they "shall" pass a land use by-law. That's the question I'm raising and the concern I have at that point in time. There is no reason we can't be discretionary and say they "may" pass that land use by-law. If it is important to the other functions the hon. member listed, the council, the municipality — they're elected people; the same people who elected many of us are responsible persons — will take the land use by-law and pass it as necessary within that municipality. But maybe they just don't agree with it. The hon. minister also has said some people feel there should be more teeth in the land use by-law. Others feel there should be less. That's certainly the discretionary part after the land use by-law is passed. But I am saying, let's leave the discretionary part right at the beginning and allow the municipality either to have one or not have one in the initial stages. I am sure that under that type of optional or more flexible approach, we will most likely reach the same ends both of us want to reach anyway.

MR. COOKSON: Mr. Chairman, I think the Member for Little Bow is possibly overlooking some of the other sections which are important in the legislation when he feels that "shall" should be deleted and "may" included in that section. I have found in my area that in fact the council are very happy to have some kind of land use by-law. They want the authority under the legislation to designate areas for certain purposes. If we're going to have municipal government, I think it's only fair that we give them some authority in this area. At the same time, I don't think the intention here is for municipal governments to abuse the privileges of the legislation we write.

As I read the sections, I think our government has sufficiently covered the areas so that the public in general is aware and will have an opportunity to participate when the land use by-law is passed. Section 65(1), for example, says that "A land use by-law may prohibit or regulate and control the use and development of land and buildings within a municipality". So you have a "may" provision under 65(1). But the part I think is important is Part 6, Section 122. That section lays out pretty clearly to the public and the people the councils represent the procedure they have to go through to pass a land use by-law. For example, Section 122 lays out the procedure for public participation in by-laws. It says, "a council shall hold a public hearing". I'm sure the Member for Little Bow wouldn't want to change that back to "may". This provision is in there.

All the way through, this is laid out: dates, times, places, procedure, and an opportunity for the public to participate. Section 123 again lays out procedure: they shall hear persons or groups of persons, and any other person who wishes to make representations. If you go on further in 123, it even makes provision that the council may defeat the proposed by-law. So after presentation from the people they represent, they have the option either to accept or reject the land use

by-law.

So I think it's important, Mr. Chairman, that it be put on record that this isn't going to be an arbitrary decision on the part of municipal councils, that they are going to have to go back to the people they represent and go through the democratic process to determine whether or not they wish to have that by-law and the way it's put together.

MR. JOHNSTON: Mr. Chairman, I just want to make one observation. It strikes me somewhat strange that the hon. member makes the criticism of the land use by-law being imperative when in fact we have already gone through sections which make, first of all, the regional plan imperative and the general plan imperative; that is, the municipalities must carry those out. There doesn't seem to be any disagreement with that. The hon. Member for Little Bow indicates an affirmative position. Therefore, Mr. Chairman, it seems to me that if that is accepted, and presumably we have accepted that, then the municipality has no other way to implement that general plan but through a land use by-law. It follows after that, therefore, because of that. If we have the land use, the general plan, the regional plan, there have to be some ways by which the municipality can implement that plan. Therefore I think the fact that that is mandatory is consistent with other sections of legislation.

MR. R. SPEAKER: Just to respond to the minister on how I interpret that, I'm not against general overall planning and making general guidelines, zoning, and that type of thing. The reason I'm more concerned with regard to this section is that it goes down to the specifics, down closer to the farmer X, Y, Z, and comes closer to the individual landowner, maybe closer to the developer or whoever it may be. I think the grass roots of the province are more concerned about that type of thing than maybe the overall general plan, the broader guidelines, and this type of thing. I'm suggesting that this is where possibly more flexibility in the planning process is necessary. That's the way I feel about it and why I make this suggestion, recognizing even when I studied the act that I could be accused of being inconsistent from one section to the other. I understood that, but I've made that particular decision on the basis I've just indicated.

MR. YOUNG: Mr. Chairman, just a question for clarification, if I may, to the minister. I'm a little concerned — and maybe I've missed it here — what is the status with respect to the section and the requirements we're dealing with, in the transition period between now and the time this mechanism is in place?

MR. JOHNSTON: Mr. Chairman, I guess I can deal with that as a question of the amendment. The requirements are that a regional plan has to be completed by . . . I believe this bill states December 31, 1980, but perhaps we'll have to look at that with respect to a deadline. There is a requirement that within a reasonable time a general plan should be completed. So there is an interim process to allow for these statutory plans to be completed. Presumably this would tie in with that statutory requirement. In

the meantime any existing land use by-law or general plan or design brief would be applicable.

MR. TAYLOR: Mr. Chairman, in addition to the reasons given by the minister, I think there are one or two others that prescribe the use of "shall" rather than "may". One is that this is provincial legislation, and if there's going to be no planning when a town reaches a certain size, it's going to be very unfair to the people of that town. If there's no by-law, people are not going to know where they can build various types of businesses and so on. I'm thinking of fairness to the people of the town if a council should decide not to pass a land by-law. But the requirement "shall" doesn't include all the items, as pointed out by the Member for Calgary Buffalo. The "shall" part applies to dividing the municipality into districts, which is only logical and proper. You should know where you're going to have your stockyards, where you are going to have your industries and so on; prescribing what can be done with respect to each district and establishing a method of issuing development permits. These are the requirements under the by-law.

Now when it comes to the "may" part, I have some strong feelings about that too, where a by-law may be very unfair in regard to the size of buildings. Some of our by-laws now almost eliminate a small home for a couple. They don't want a big elaborate home, but under many of the by-laws and regulations it has to be a certain size. I've had couples tell me they don't want a house that big. Surely we shouldn't be prescribing minimum sizes for houses. Surely if a couple wants a house with fewer square feet than that, and if it meets other requirements and is not infringing on the rights of other people, why should we start establishing rules that make it necessary for them to build a certain size? All we are really doing is increasing the cost of housing and helping to get it out of the reach of many people who want a smaller place.

The same with the amount of land. I'm astounded sometimes at the amount of land we require for a house. In some areas you have to have 20,000 square feet. That's a lot of 100 by 200 feet; 100 by 50 feet provides a nicely-sized lot, or 100 by 75 feet. Even where you don't have water and sewer, I've seen houses carefully planned without those large requirements. I heard a representative of the Calgary Regional Planning Commission endeavoring to persuade the ID advisory board that they would not sell anybody anything unless it was 20 acres. In the Drumheller valley this is a ridiculous proposition. It is a waste of public land to make people buy 20 acres when all they want is a small plot of land.

These are the things I object to, but this is under the "may" section. But I do think that some planning commissions — I wouldn't say all — have used their influence with councils, advisory boards, and IDs to put on these figures which are just not practical at all. This is under the "may" section, Subsection 3. I hope we can do something about getting these dimensions within reason and not as large as they are today. Someday we are going to run out of land, and I don't see any reason for insisting on large lots when a person is quite content to have their property on a small lot.

I know of one village in my constituency where, under today's requirements, they have to make every

two lots into one lot, and they expect to have water and sewer within the next year. This is really a waste of land, and I hope we can do something about that.

While I'm on my feet, I want to commend the minister for striking out Section 65(3)10 dealing with the storage or screening of any building; subsection (3)12, filling in the land or removal of topsoil from the land; and subsection (3)13, the trimming or removal of trees or hedges. But I'm wondering why subsection (3)11 wasn't struck out also. This deals with the enlargement of a house or building, the alteration of a house or building, the repair or removal or relocation of buildings. Surely a farmer shouldn't have to go to the municipality to get permission to add another room to his house. To alter his house, to change a bedroom into a bathroom, or repair the house in putting new shingles on the roof is not infringing on anyone else's rights. Surely we're going too far when we ask a farmer or an owner of a house to go and get permission to do that. Removal or relocation of buildings — as long as it is a thousand feet back from the highway and on his own land, why should the municipality care whether it is in the middle of the section or in the southeast quarter? I really can't follow why we want to give that type of power, because sometimes municipalities can get very autocratic and arrogant in extending powers over the people.

I would like to see subsection (3)11 struck out along with 10, part of 12, and 13, which are really things that are the business of the person who owns the house and not the business of government.

MR. GHITTER: Mr. Chairman, I wonder if the hon. minister would possibly take under advisement the comments he made both to the important question by the hon. Member for Edmonton Jasper Place and the earlier comment I made with respect to design briefs about the transitional period. I'm looking at the transitional sections of sections 140 and 142. I don't really think those transitional sections cover the situation between the coming into force of this act and the expiration of the two-year period referred to. I don't see anything in here that talks in terms of design briefs being regarded as area structure plans by definition in that transitional period. I don't know where the land use by-law presently in existence is maintained in the transitional period. I would like the minister to take that under consideration and come back to us — maybe we can have further discussions — because I think it's very important to this legislation.

MR. JOHNSTON: Mr. Chairman, I agree to that. As the hon. Member for Calgary Buffalo knows, the definitions as found in the transitional sections are not necessarily consistent with what we're dealing with here in terms of area structure plans and design briefs. I'm sure he's well aware of that. However, Section 140, in its prescription of those by-laws which will remain in force until the new legislation comes into place, would in my best judgment at this time include all kinds of municipal by-laws which may be applicable to zoning, development control, general plans, and land use by-laws. So I'm assuming that over that period we've caught the kinds of by-laws which are in effect until the area structure plans or land use by-laws come into place. But I will certainly add to that by checking it further.

[Amendment defeated]

[Section 64 agreed to]

Section 65

MR. TAYLOR: Mr. Chairman, could we have the comments of the minister on number 11?

MR. JOHNSTON: Mr. Chairman, I'm sorry, I neglected to react to that. I think the hon. member really gave the explanation for me when he said that the land use by-law is broken into two parts: that which is "shall" and that which is "may". In the case of the "may" side the enumeration of about 19 points in Bill 15, which has now been amended, spells out certain items which may be included, and of course that would be determined by the type of municipality affected. If it was a rural municipality, perhaps it may not be quite as prescriptive, including those items enumerated in the land use by-law. I think it's important that we do have the opportunity in an urban municipality for control over alterations, repairs, or renovations of buildings, because of course that could encroach upon a neighbor maybe a few feet away on the next parcel of land.

MR. NOTLEY: Mr. Chairman, the only point I want to make in dealing with this section is that I think it's worth while that the minister and other people as well have made that point formally. We're talking about "may". I would simply say, Mr. Minister, that I hope that in any communication from your department to the municipal secretaries as a result of Bill 15 you will be very careful to make it crystal clear that we are talking about "may". Because I think the point the Member for Little Bow raises is valid. It is all too easy to get into the situation where we suddenly find that somebody comes along with a model proposal. And we suddenly get into the situation the Member for Drumheller talks about, where we're prescribing whether a person can add a room to a house on a farm. It's the sort of situation we wouldn't really want or envisage in most cases, in terms of setting out this legislation today. So I think it is important that that be stressed, not only in the Legislature but in whatever formal communication exists from your department to the municipalities of the province after Bill 15 is passed.

[Items 2, 3, and 33 agreed to]

[Section 65 as amended agreed to]

MR. MUSGREAVE: Mr. Chairman, I appreciate that some members don't necessarily want to respond to some of the comments made by the cities of Calgary and Edmonton, but in fairness to them I think they have done a very commendable study of the plan. They also addressed themselves to the 97 amendments and responded to them as fast as they could.

I would like to add my comments to those of other members of the House who complimented the minister in second reading on getting this act before us. I think it was a very fine piece of work in his department. However, Mr. Chairman, I'm a little concerned that perhaps some members of his department got a little carried away with some things. In defense of the city of Calgary, which has environmental prob-

lems that may not exist in other parts of the province, I would like to point out a few things that do concern the city.

One of these is the fact that under the proposed amendments there is no control of the removal of topsoil from land. I recall my days in city council when this was very important, particularly in the subdivisions in the northwest part of the city. As they were commenced it was very important as to when the soil had to be stripped, because if it wasn't handled correctly you had a continuous pile of dust over the city.

Another part of the act that concerns me is that development of the top of the escarpments is not being addressed, as the city had asked. The other problem of care of trees and shrubs: again we're not as fortunate as those of you who live north of Red Deer where trees and shrubs can be grown fairly easily. In Calgary it is a pretty strong challenge at the best of times. Quite often in developments I think it is important that the planning process does have control over trees and shrubs, particularly in the older part of the cities where redevelopment is going on.

I could touch on other items such as the provision of set-backs from the streets, taking money in lieu of parking, and things of this nature. These items all come under this section. I'd like the minister to comment on his reaction.

MR. JOHNSTON: Mr. Chairman, I do agree that the city of Calgary has done very commendable work in providing for us both input to Bill 15 and reaction to the amendments. When they talk about the land use by-law, I think their major concern is losing what they describe as flexibility. They operate under a very flexible development control by-law, whereby the council has the right to change very quickly some of the land-use controls within the municipality. We have perhaps tightened that up somewhat by putting a blend of the zoning control and the development control in our land use by-law. Yet there still remains the possibility for the municipality to have a direct control district under the direct control of council, and therefore they do have that flexibility.

On the specific points with respect to what may be included in the land use by-law, however, I'm open to suggestions. Should the city of Calgary convince me after further discussion of this brief, I'd be pleased to respond to it in terms of making some amendments, perhaps next spring, if we can accommodate or meet further the needs of that city.

[Section 66 agreed to]

[Sections 67 through 71 as amended agreed to]

[Section 72 as replaced by item 40 agreed to]

[Section 73 as replaced by item 41 agreed to]

MR. JAMISON: Mr. Chairman, I'm concerned about the amount of good farmland that has been gobbled up in annexations in the greater Edmonton area. I would like to submit to the minister that of the area I represent — the municipal district of Sturgeon and the city of St. Albert — Sturgeon is possibly the first municipality that had a general plan. After six years they are now in the midst of reviewing this general plan. I would like to suggest to the minister that a recommendation of the municipal district of Sturgeon, which is very much concerned about the loss of

good agricultural land in the subdivision of quarter sections in the 280s — they have found through their six years of study that probably thousands and thousands of acres are now not in the production end of it. I'd like to suggest to the minister that in The Planning Act consideration be given to the possibility of allowing a farmer to subdivide three acres out of 160 acres, so they may have some cash flow which they badly need.

I planned on putting through an amendment. I'll read the amendment so it's on file for, possibly, next spring. Bill 15, The Planning Act, 1977, is hereby amended as follows: Section 73(2) is amended in Clause (b) by striking out "80" and substituting "3"; 81(2) is amended by adding "or" at the end of Clause (b) and by adding the following after Clause (b): "(c) the subdivision results in the separation of a parcel of not less than two nor more than three acres from a parcel of not less than 100 acres, that has not been created by a subdivision registered without subdivision approval pursuant to this clause."

Mr. Chairman, I believe this amendment won't be necessary until possibly next spring, but I would like to recommend to the minister that if changes in the regulations, and particularly Section 50(c)(1) of the subdivision and transfer regulations, whereby a municipality in conjunction and with the approval of their regional planning board — that this part of Section 50(c)(1) could be waived when the municipality and the planning board approve it.

Thank you.

MR. GOGO: Mr. Chairman, I wonder if the minister would clarify a point in 73(3)(a), perhaps after other members have spoken, regarding the definition of an "agricultural pursuit".

MR. MUSGREAVE: Mr. Chairman, I'd like to address a question to the minister. Again it's a point raised by the city of Calgary. It seems to have some validity. They are concerned that under Section 73, the way it is written it would be impossible to build any condominium or group project unless a board order is issued, because the municipality would be unable to issue the required development permit until a condominium plan is registered. The condominium plan can't be registered until the development has started. What they're saying in effect is that this will delay, with extra cost to the developer, the processing of development permits, and demonstrates further loss of city autonomy for no apparent reason. They suggest that just adding comprehensively designed group developments to the amendments would overcome this problem.

MR. KIDD: I'd like to make a few comments on Section 73(2)(b), which says: "a second dwelling unit is proposed to be constructed or located on a lot of 80 acres or more." Mr. Chairman, I'm in sympathy with the many letters and petitions the minister has had where farmers have requested an additional dwelling on their farm without detailed justification. I'd like to make that clear. I have a great deal of sympathy for that approach. However, I have a constituency that consists of a great number of small holders. Their buildings are taxed as non-farm buildings. It seems to me that where this second dwelling is allowed, and where there does not need to be any justification that

it is a farm dwelling, it should be taxed as a non-farm building under The Municipal Taxation Act. In the minister's summation or comments on this, I would like to have his assurance that that is indeed the intent.

One other point that I think needs pretty complete clarification is that the intent is indeed that an additional dwelling would be allowed per farm. As I read this section, that doesn't come through quite clearly to me. It seems to me an additional dwelling will be allowed per lot, and the definition of a lot as I read it — and it may be clarified by the minister — is a parcel of land of up to 160 acres. A section of land could have four additional dwellings without justification or without requiring subdivision approval. I would very much appreciate the minister's clarification of those points.

MR. MANDEVILLE: My question is along the same line as that of the hon. Member for Banff. Could the minister clarify or explain how the act is going to affect a family farm where they're going to put the second family farm home on a particular parcel of land?

MR. TAYLOR: Mr. Chairman, my question is along a similar line to that raised by the hon. Member for Bow Valley, where a father and mother are retiring or the son and daughter are going to continue to farm and they need a second home. Also an extension of that: the section says the buildings are "to be occupied by a person who is employed full time for at least six months ...". On many of the farms they need the second home during seeding and harvest time. They don't have them full for six full months. I wonder why we don't permit a farmer to have proper housing for his help, even though it's only for one or two months. To keep it for six months, I think, is going to defeat the purpose of many farmers who need a second dwelling and should have a second dwelling to carry out their farm operation properly.

MR. COOKSON: Mr. Chairman, I guess the minister probably wants the whole load all at once and then he can respond to it.

I am concerned about Section 73, and some other members have alluded to the concern I have. In fact I think it's safe to say that there was an upset in the county of Lacombe in the recent municipal election. In assessing it I think part of it was due to this problem of subdivision of land versus good agricultural land and the implications, the assessment, and the whole bit. I think we're going to see more and more of it. I think it's time our government addressed itself to this, instead of delaying. It's going to be a tough decision, but I think this government is capable of making tough decisions. We can't delay the kind of dilemma we're in.

For example, in my particular area I have a number of small parcels. Through the present legislation, some of them have been able to substantiate the fact that they're classified as farmers. They do this because there is a provision that they derive farm income as long as they can substantiate personal income tax exemptions. They've been able to pull this off. In other cases down the road they haven't been able to do this, even though they may be totally in the farming area. Therefore it becomes part of the tax-

tion problem as well as The Planning Act. So in these two areas, Mr. Minister — and I know you're aware of it; you've had lots of submissions — we've just got to sort that problem out.

As for Section 73(3)(a), there is a provision for an additional unit if it is to be occupied by a person who is employed full time for at least six months each year in an agricultural pursuit. So he spends the first six months of the year in an agricultural pursuit; he acquires his exemption because of the provision; and the next year he goes full time at some other kind of job. So he's used that provision to qualify for that exemption under that section, and he goes on about his work, profession, or whatever it may be. I could spend all night citing examples of how everybody is screwing up the system. I don't think we can look the other way and let this continue. As I say, I think the municipal election in my particular area was partly because we haven't clearly set out what we should be doing with regard to taxation and dwelling units.

Mr. Chairman, I guess to conclude I have some difficulty with regard to 73(b). Perhaps the minister could clarify that, because I'd like to know whether, because of that section, we are going to further fragment agricultural land, provide for more encouragement of movement onto agricultural land because someone can see a way of by-passing taxation. If you could indicate in those two areas whether in fact that provision is going to make this possible, I'd be very interested in your comments.

MR. NOTLEY: Mr. Chairman, I was going to raise essentially the same concerns. In meeting with municipalities in my constituency before the session convened, this issue of how we define a farmer and the question of the taxation matter came up in all three municipal districts in the constituency.

As I read the amendments we have before us, Mr. Minister, what in fact we are doing with 73 (b) is opening the door to a form of subdivision: "a second dwelling unit is proposed to be constructed or located on a lot of 80 acres or more". In other words, to follow up the point the Member for Banff raised, it would seem in reading this section that if you have a quarter-section farm, there would be a second dwelling unit on each parcel of 80 acres. Or if we have a section of land, there would be two on each quarter or eight in the total section. That of course is going to open the door for a form of not illegal subdivision, but a form of subdivision — the very point the Member for Lacombe raised. I know that Lacombe county is concerned about that sort of thing, because they certainly brought it to my attention.

It seems to me it really stems from the problem of defining a farmer. Unifarm has worked on this and very recently submitted proposals on how we would define a farmer. It seems to me the government found itself in this situation: the proposal in Bill 15 raised the hackles of a number of people — quite properly, because older people who wanted to retire on the farm suddenly thought, ah ha, we're not going to be able to have a second dwelling unit. And so the easiest way to meet that would be to say, all right, we'll just allow a second dwelling unit on an 80-acre parcel. That's going to solve the problem. But then it just opens up the problem the Member for Lacombe cites: all of a sudden you're going to have this section being used by people in whose interest it will be to

move out on the land and acquire a home, or for that matter even the farmer, who will be able to sell or build a home and rent it out.

It seems to me that until we tackle the larger question of how we define a farmer — and I know that's a tough one; I know that ministers have been grappling with that, and the farm organizations have been talking about it for a long time — we're always going to be in a bit of a jackpot, in that no matter what happens, there's going to be some ambiguity and some unfairness in the legislation.

The other point deals with Section 3, where the person is occupied full time in an agricultural pursuit for at least six months a year. Again some of the people in the improvement districts raised the question with me: what do they mean by "is to be occupied by a person"? Presumably under the human rights act that means one of the spouses could be living there, the other spouse out working — the mere fact that, say, Mrs. Jones is living on a parcel of land and has ten chickens, that person would meet the provisions of 3 (a). I don't know, but it seems to me there are just innumerable examples we can cite of how people can beat the system. Again it leads me to the conclusion, and this was sort of the view too — I should say more than sort of the view; it was the unanimous view of the three municipalities and the three improvement districts in my constituency — that no matter how we try to solve the concerns that have been raised over Section 73, until we can work out some sort of definition of what a farmer is we're just going to be bedevilled by a new problem for every one we try to solve.

MR. JOHNSTON: Mr. Chairman and members of the Assembly, I think the points made today really do underscore the very difficult time we have in rural Alberta as the structure of rural Alberta tends to be changing, particularly in the metropolitan areas as more and more there is a urban trend of further increase in country residential development. Of course this all leads to the very serious problems of how we determine who is and who isn't a farmer, and how we assess and tax a property on some equitable and fair basis which would bring into consideration those who are in the legitimate farming business, those who may be marginally affected, and those who are using that as a ploy to avoid property taxation.

There have been suggestions that we should attempt definitions. It is my view that perhaps we should not attempt to define anything, but apply a uniform and consistent basis so that (a) all houses and residences are covered and all land is treated the same, and that way [interjections] you may avoid the necessity of defining, as Unifarm has, who would be a farmer. It's very difficult for people, assessors in particular, to step on somebody's land and say by the sheer fact that you don't have enough income to qualify as a farmer, ergo you have to pay a substantially higher tax. In the case of land, that could be an infinitely higher tax and becomes a very substantial portion of his capital investment. I recognize that.

I will not add much more to the debate, because hon. members recognize that it's very difficult. We have attempted to deal with it by assigning some income criteria at this point that are weighed carefully both by the assessor and by the Court of Revision

when these applications and appeals come before him. In that case I won't pursue that further. I share the views that I am concerned that further encroachment on the good agricultural land in rural Alberta is taking place, and perhaps the agricultural industry as an institution has not taken a stand, dug its heels in and said, whoa, we're not going to allow any more of that. There seems to be an attitude that they would like to realize substantially higher gains from disposal of that land for country residential development.

However, I think this section will not really encourage a dramatic increase in the numbers of subdivisions in rural Alberta. In fact the intention of the section is not to encourage subdivisions but to allow development to take place on existing parcels. Obviously a need has been expressed to us which we are not really capable of dealing with, and that is the compassionate opportunity for either the government, the Provincial Planning Board, or the municipality to waive and be lenient in allowing that the family home and the mother-in-law and father-in-law can locate close to the existing farm home.

However, what is important in my mind is that if someone exercises the option to build the second home under Section 73 without qualifying or being in an agricultural pursuit, that second home would have to be taxable. That in itself will probably defer a lot of the excitement and encouragement to move on to agricultural land, to take advantage of this waiver under this section. As you know there is already an opportunity in the existing legislation for those who are in an agricultural business to continue to develop a third, fourth, and fifth home if necessary to provide the needed accommodation, outlined by the Member for Drumheller, and I think that provision now stands. The assessors, in looking at those residences, generally take a lenient point of view. Generally they would say, well maybe it's not exactly six months, but there is a clear indication that this individual certainly is in the agricultural pursuit. And while it's vague, perhaps it's intentionally vague so as to allow that flexibility.

First of all, I think we're not encouraging further encroachment, further division. We're not taking away a right of the municipality. We are probably indicating that it will be taxable, in my view, and that we'll not encourage further movement to rural Alberta. I don't think the numbers are that great, quite frankly — that there are other provisions and other means by which subdivision or development can take place if necessary, and that of course is up to the municipality.

You might note that in Bill 15 we had a provision whereby land split by a main highway could, upon application, receive a separate parcel or separate title to that parcel. In these new amendments we have taken that section out for that very reason. We did not want to encourage that kind of development, because in fact along the main highways in Alberta something like 24,000 different parcels could be generated. In reaction to the recommendations from regional planning commissions and others, we have removed that section for that reason.

Let me also indicate to Mr. Musgreave, who raised the point that the city of Calgary feels it will be very difficult for them to develop condominiums: I have some difficulty with that section or that recommendation, because clearly Section 73, as it now states,

specifically precludes The Condominium Property Act. So I really don't know what the city of Calgary is getting at. Perhaps I misunderstand their comments, but I think we have specifically precluded that from inclusion in that section. I will have to study that section further to make sure I'm accurate.

MR. KIDD: Mr. Chairman, I think the explanation the minister gave regarding the taxation problems is acceptable to me. But he certainly didn't clarify in a crystal clear way whether additional dwellings can be built on 160-acre parcels without subdivision approval. Because as I read the act, just taken at face value, I see nothing to restrict a man who has one section of land — if I interpret it properly — to build four residences on that land without any justification that they are farm residences, without subdivision approval.

MR. JOHNSTON: Mr. Chairman, I actually did omit a very important comment that should be made, and it really deals with the comments made by the Member for St. Albert. As a result of the petition he has made to us, not just today but over the last couple of weeks, we have formed a special committee made up of members from the Department of Agriculture, from my department, from the county of Sturgeon, and perhaps one or two others, to deal with the very question of whether the recommendation made by the hon. Member for St. Albert is applicable and can be reflected in the legislation as operational. I neglected to mention that we're in the process of studying that, and through that study we would also touch on the concern raised by the Member for Banff. But I would imagine that development could take place as the section now stands without subdivision. And in a section of land, it would appear to me that there would be four — at least an opportunity for eight — dwellings at this point, without any subdivision approval.

MR. COOKSON: Mr. Chairman, I think this is really a dangerous section. I can't stand here and accept this particular section. I just disagree with it. If that's the intent — and I had the feeling all along that this was possible — then my personal opinion is that it's simply going to upset the whole concept of land use. The rest of the members can do as they see fit. But I'm definitely opposed to Section 73(2)(b).

MR. MANDEVILLE: Mr. Chairman, I would like to make a few comments in relation to a second family farm home. For example, if a couple wanted to retire and turn the farm over to their young son, I would say it should be possible for them to build him a second home without subdivision.

As far as taxation is concerned, under the present assessment act they can tax a second farm home on a farm if they are getting revenue from the home. That is possible at the present time. But the part that bothers me, Mr. Chairman: "No person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel". I know that is clarified to some extent in the amendment; however, it still doesn't clear it up to my satisfaction or to that of many people who have got in touch with me in rural Alberta, especially people who want to retire on family farms and have a second family farm home. I

would like to make an amendment: that Section 73(3) (a) be struck out and the following substituted therefor:

- (a) is to be occupied by a person who is or has been employed full time for at least six months each year in an agricultural or agricultural household pursuit . . .

In other words, Mr. Chairman, this would be anyone who is involved in agriculture or an agricultural pursuit.

MR. NOTLEY: Mr. Chairman, I wonder if the minister would take this amendment under consideration and hold it until we get back to discussion of the rest of The Planning Act. I assume we're not going to go through the entire bill tonight. [laughter] They're going to try it.

The reason I raise that is twofold. It seems to me the amendment is one which bears serious consideration by the government. It would certainly accommodate the concerns expressed in rural Alberta about this second home for the retiring farmer who wants to pass on the farm to the son but wants to stay on the parcel of land. I think the hon. Member for Lacombe raised points we should not dismiss lightly. If we go with the package of proposals we have before us today, we are talking about up to eight homes on a section of land. One can say there won't be all that much incentive because these additional homes — if there is one home on a section of land now, the seven additional homes — will be taxable. But the fact of the matter is that it is going to completely defeat the concept of a land use by-law.

Looking at the county of Lacombe, I can imagine there would be no way in a thousand years it would pass a land use by-law that would allow one home per 80 acres. Knowing as I do a little about the council, I just don't think they would be inclined to pass that sort of land use by-law. But that is what we are going to be getting into with this package of amendments. It seems to me the proposal made by the hon. Member for Bow Valley is one the government should look at. Drop the 80-acre section in Section 73 and accept this amendment. You have accommodated the problem of the older farmers and at the same time you are not opening the door to backdoor subdivision.

MR. GOGO: Mr. Chairman, on a point of order.

MR. CHAIRMAN: The hon. Member for Lethbridge West. You have a point of order?

MR. GOGO: Yes, Mr. Chairman. Could we see the amendment by the hon. Member for Bow Valley before we proceed in discussing the amendment?

MR. CHAIRMAN: I'll read it out to you. I don't think there are enough copies to go around.

DR. HORNER: Mr. Chairman, in view of the fact there aren't enough copies to go around, and also in view of the fact the amendment is redundant — if hon. members would read the amendment that is proposed they will see it is also proposed in the amendment suggested by the minister relative to Subsection (2)(a). If they would bother to read the amendments there, they would see that that is

covered. But to allow them that opportunity to do some reading, I move that 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 15, The Planning 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 the House now adjourn until tomorrow afternoon at 2:30.

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 tomorrow afternoon at half past 2.

[The House adjourned at 11:20 p.m.]