

LEGISLATIVE ASSEMBLY OF ALBERTATitle: **Thursday, November 10, 1977 2:30 p.m.**

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

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF VISITORS**

MR. COOKSON: Mr. Speaker, on behalf of our Member for Calgary McCall, it's a real pleasure this afternoon to introduce to you and to the members of the Assembly a person who is personally involved with legislation with regard to seeing eye dogs which the Member for Calgary McCall presented in the way of a private bill, and which was later accepted as a government bill and passed. It's a great pleasure to introduce Mr. Bill Owen and his seeing eye dog Gerri. Mr. Bill Owen is president of the Alberta Association of Dog Guide Users and he has had Gerri since March 20, 1975. He is sitting in the members gallery along with Gerri. I would ask Mr. Owen, and perhaps Gerri too, to rise and receive the warm welcome of the Assembly.

head: **INTRODUCTION OF BILLS**
Bill 102
The Matrimonial Property Act
Bill 103
The Matrimonial Home Possession Act

MR. NOTLEY: Ah, here it comes finally.

MR. FOSTER: It's a great day, Mr. Speaker.

MR. NOTLEY: Deferred sharing at last.

MR. FOSTER: Mr. Speaker, I beg leave to introduce Bill 102, The Matrimonial Property Act, and Bill 103, The Matrimonial Home Possession Act.

Mr. Speaker, while the bills were introduced separately, of course both bills must be read together and deal with the same principles: to provide for a new property regime with respect to property of the marriage being divided between the spouses upon marriage breakdown. The bill essentially provides that the courts and the parties in a marriage must consider certain guidelines established in the bill, referred to as guided judicial discretion, as the principle upon which property will be disposed of between the parties upon marriage breakdown.

The Matrimonial Home Possession Act deals with the rights of one or other of the spouses to the possession of the matrimonial home and the assets and chattels within the home.

[Leave granted; bills 102 and 103 read a first time]

Bill 255
The Environmental
Bill of Rights

MR. CLARK: Mr. Speaker, I beg leave to introduce Bill 255, The Environmental Bill of Rights. The purpose of this bill is to give standing to Albertans in the courts as public protectors of the environment. This bill also allows class action, and thus recognizes the interests of all present and future generations of Alberta in the quality of their environment.

[Leave granted; Bill 255 read a first time]

Bill 246
An Act to Amend
The Alberta Labour Act

MR. NOTLEY: Mr. Speaker, I beg leave to introduce Bill No. 246, An Act to Amend The Alberta Labour Act.

Briefly, Mr. Speaker, two principles are contained in Bill 246. With Christmas and New Year's coming on Sunday this year, the bill provides that if a holiday occurs on a normal day off for a working individual, they will have guaranteed in the Labour Act an additional day in lieu of that day off. It would provide essentially the same benefits for the unorganized that most people have who come under normal collective agreements.

The other principle is that when a person is required to work an additional day to make up for a statutory holiday, that will be done at time and a half.

[Leave granted; Bill 246 read a first time]

Bill 89
The Collection Practices Act

MR. TESOLIN: Mr. Speaker, I request leave to introduce Bill 89, The Collection Practices Act.

Mr. Speaker, this bill provides for an administrator with more clearly defined tools to ensure that the business of collecting debts is done in an ethical, proper manner, as well as providing the necessary guidelines to ensure that trust funds are handled correctly in a clearly defined manner. It will assure that those individuals collecting debts have a clearly defined set of standards by which they can operate without interference in their business.

[Leave granted; Bill 89 read a first time]

MR. HYNDMAN: Mr. Speaker, I move that Bill No. 89, The Collection Practices Act, be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 257
An Act to Amend
The Individual's Rights
Protection Act

DR. WEBBER: Mr. Speaker, I request leave to introduce a bill, being An Act to Amend The Individual's

Rights Protection Act.

The objective of this bill is to allow an individual the maximum opportunity to follow his or her own choice of whether to work or retire. Under the current provisions of The Individual's Rights Protection Act, no recourse is available for those persons who wish to remain in the work force beyond age 65 and are prevented from doing so because of age.

[Leave granted; Bill 257 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. HARLE: Mr. Speaker, I'd like to file with the Clerk for placement in the Legislature Library three documents relating to tax discounting.

MR. MINIELY: Mr. Speaker, I'd like to table the 1976 annual report of the Alberta Hospital Visitors Committee.

MR. RUSSELL: Mr. Speaker, I'd like to table the last annual report of the Department of the Environment.

MR. CLARK: The last one?

MR. RUSSELL: The most recent.

DR. WARRACK: That's pretty quick. He's sharp today.

MR. CLARK: Retroactive legislation next year.

DR. HOHOL: Mr. Speaker, I should like to table motions for returns nos. 158 and 159.

MR. ADAIR: Mr. Speaker, I would like to file with the Legislative Assembly the annual report of the Buck for Wildlife project.

MR. DOWLING: Mr. Speaker, I'd like to table the reply to Motion for a Return 132.

DR. WARRACK: Mr. Speaker, I'm pleased to file an important document: the submission of the Electric Utility Planning Council to the Energy Resources Conservation Board's Alberta energy and energy resources requirements. This was the hearing that took place in September 1977.

head: **INTRODUCTION OF SPECIAL GUESTS**

DR. WEBBER: Mr. Speaker, I'd like to introduce to you, and through you to members of the Assembly, 44 eager and enthusiastic young men and women from Thomas B. Riley School in the community of Bowness in the constituency of Calgary Bow. They are accompanied by teachers Mr. Quan and Mr. McConnell, and secretary Mrs. Komusi. They are seated in the members gallery, and I ask them to rise at this time and receive the welcome of the Assembly.

MR. CLARK: Mr. Speaker, I'd like to introduce to you, and through you to the members of the Assembly, representatives of the Alberta Status of Women Action Committee who are in either the public or the

members gallery. They were here with the expectation that this would be a day they would long remember. I'd like the ladies to rise and be recognized by the members of this side of the House — despite their disappointment.

MR. NOTLEY: Mr. Speaker, I'd like to introduce to you, and through you to the members of the Assembly, 15 members of the Alberta Options for Women. I believe they are seated in the members gallery. I would ask them to stand and take a good look at the hon. Attorney General.

DR. BUCK: He is a handsome rascal, isn't he?

MR. KOZIAK: Mr. Speaker, it gives me pleasure to introduce students through you to the Assembly. In light of the very interesting — and as far as I am concerned, one of the highlights of my term in this Assembly — debate we had on education over the last couple of days, I'd like to point out to hon. members that the students I am introducing to them this afternoon attend the Old Scona Academic school in my constituency of Edmonton Strathcona. It is a school in which the three years of high school are devoted to a strict academic approach to study. I thought that that fact would be of interest to members, in light of the debate we've had on goals of education, particularly during the course of the last two days.

Mr. Speaker, there are 18 grade 10 students, accompanied by the principal, Mr. L. Bateman. They are seated in the members gallery, and I would ask them to rise and be recognized by the Assembly.

head: **ORAL QUESTION PERIOD**

RCMP Contract

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Solicitor General, and he may want to pass it off to the Attorney General. It really deals with the agreement entered into by the province of Alberta and the federal government on April 7, 1977, with regard to RCMP service with the province.

My question to the Solicitor General who, I believe, signed the agreement: in the course of the negotiations, when was Alberta advised that that portion of the agreement which would have made it incumbent upon the commissioner to provide information to the Attorney General — when was it decided that that would be struck out of the agreement?

MR. FARRAN: According to my recollection, it was about two months ago, Mr. Speaker.

MR. CLARK: Mr. Speaker, to the minister. Mr. Minister, the agreement was signed in April 1977. Let me put it this way: it couldn't have been struck out two months ago because the agreement was signed in April, and I would assume this was struck out before the agreement was signed.

MR. FARRAN: There is an easy explanation, Mr. Speaker. We signed the agreement, then the federal government refused to countersign the amendment.

We held it signed for some time before we finally executed it.

MR. CLARK: Mr. Speaker, to clarify the situation, is the Solicitor General saying Alberta signed the agreement after discussions between Alberta and Ottawa; then after Alberta had signed, the federal government backed out on the agreement Alberta thought it had with the federal government, and this resulted in that portion being struck out of the agreement?

MR. FARRAN: There's no great mystery, Mr. Speaker. I'm sorry to disappoint the hon. member, but there isn't a mystery. There were two drafts, a draft from the Alberta end and a draft from the federal end. The portions struck out were struck out of the provincial version of the draft by the federal Solicitor General.

MR. CLARK: Mr. Speaker, a supplementary question to the Solicitor General. When was Alberta advised that the feds would not go along with that portion of the agreement?

MR. FARRAN: I've just told the hon. leader, Mr. Speaker. I can't give you the exact date offhand, but it was about two to three months ago.

MR. CLARK: Mr. Speaker, a further supplementary question to the Solicitor General. In the course of the negotiations, had the federal government indicated they would go along with that provision in the agreement?

MR. FARRAN: I don't know what the hon. leader is driving at. In the course of negotiations one side takes a position, the other side takes a position, and you discuss and argue. Some compromises were made by the federal government in regard to supply, recruits, and control. In this particular instance they didn't go along with the Alberta recommendation to give the Attorney General the right to information direct from the commissioner. Their view was that our right to information from the commanding officer of "K" Division was sufficient, that we could go through this particular channel. So there was a difference in interpretation.

MR. CLARK: Perhaps I could expand on the question to the Solicitor General. Did the negotiations go on between Alberta and Ottawa for a period of many months, and wasn't one of the items of disagreement between Alberta and Ottawa the financial backing off by the federal government for support for Alberta?

MR. FARRAN: Certainly, Mr. Speaker. I don't know what the hon. leader is asking such an obvious question for. If we were negotiating, there was something to negotiate about. It wasn't just rubber-stamping an agreement presented to us by the federal government.

In regard to the particular section you referred to earlier, perhaps the hon. Attorney General can add something to what I've said.

MR. CLARK: Mr. Speaker, a supplementary to the Solicitor General. My question is: why did Alberta rubber-stamp Ottawa's effort to take this out of the

agreement? Why didn't Alberta protest, like we did on the insulation question?

MR. FARRAN: Mr. Speaker, the agreement begins in April 1976. We have negotiated in excess of 18 months. There comes a time in agreements when the boxcar has to leave the station. In this case it did leave with a locomotive. We wanted to continue with the RCMP as a provincial police force. This particular area of disagreement — we didn't win everything in the ball game. We won a lot of points. We won points over direct costing. We won many improvements in this contract over and above the old contract that the former government had. But we didn't win them all.

MR. CLARK: Mr. Speaker, to the minister. Did the minister consider this point that Alberta lost on to be a very major point of the agreement?

MR. SPEAKER: Now we're quite obviously getting into the area of opinion, and it looks as if we have a promising beginning for an irregular debate.

MR. CLARK: Perhaps we could postpone that irregular debate by rephrasing the question to the Minister of Federal and Intergovernmental Affairs. Was it the position of the government of Alberta that the provision that Alberta had put into the proposed agreement — about the commissioner of the RCMP shall provide the Attorney General of Alberta with information — was that a major area of discussion between Alberta and the federal government?

MR. HYNDMAN: Mr. Speaker, I think the question has been more than adequately answered by the hon. Solicitor General. But perhaps the Attorney General, who was mentioned in the question, might wish to add a comment.

MR. FOSTER: Mr. Speaker, why do these things always eventually come down to me? My colleagues the Solicitor General and the Minister of Federal and Intergovernmental Affairs were talking about agreements between the commissioner and the Attorney General, and here I sit very quietly.

DR. BUCK: You may not be back next time.

MR. FOSTER: I've answered this question before, but let me try it again.

I did not discuss with the federal Solicitor General the question of the inclusion of the commissioner in the contract at the time I met him in the early spring last year, when I went down to see him on the Laycraft inquiry. Subsequent to that, we felt that we wanted to add the commissioner into the contract. It wasn't discussed with the federal Solicitor General; it was included in the contract, as my colleague the Solicitor General has pointed out, and sent to Mr. Fox. He was not prepared to agree to the inclusion of a reference to the commissioner — and I think two or three other items — and he struck them out, sent the contract back to us, and wanted us to initial the deletions and as a result have a valid contract. Until we initialled the deletions, there could be no valid contract.

I wasn't quite prepared to give up that easily and . . .

MR. CLARK: You were or weren't?

MR. FOSTER: I was not prepared to give up quite that easily, and following that, I had a discussion on the matter with my colleagues the other provincial attorneys general to discuss this specific point, and found a good deal of support for my view. I indicated to my provincial colleagues that I would be approaching the federal Solicitor General again, asking if this matter could be included and giving my reasons.

I got, I think, quite a sympathetic response from the federal Solicitor General — and I think I indicated this a day or two ago in the House — and that was that while he had some sympathy for our position, he didn't feel it was strictly speaking necessary. But more particularly, he didn't want to create in an Alberta contract something fundamentally different from every other RCMP/provincial government contract in the province, because it would open all the contracts. I think we were the last to sign, and he just wasn't prepared to go through further negotiations on this or any other point with any other provinces for any longer, recognizing that these negotiations had gone on for a great many months at that point.

He assured me I would have the co-operation of himself and the commissioner, if needed, and he didn't feel that I needed to have it in the contract now. I responded by saying that I would like some assurance from him that this matter would be dealt with positively when the contract came up again, recognizing that we'll going into negotiations in probably another 18 months.

Somewhere in that time frame the new commissioner came into office. This is Commissioner Bob Simmons, who is currently the commissioner of the RCMP. My reading of that gentleman — information I have on him, and my personal meeting with him — made me feel a good deal more comfortable about the relationship between my office and the commissioner of the RCMP in this country. As a result I was quite prepared to have the matter dealt with by the provinces and the federal government in the next round of negotiations.

Mr. Speaker, I don't consider that the province has lost anything at all. I think it's a very good idea. I think it should be included in the next contract. I'm not the least bit unhappy that it's not in this one. If I were not happy with the commissioner of the RCMP in this country, I might not take that point of view. But I am happy with Commissioner Simmons. I think he's an excellent person and he'll do a great deal for the force, and I'm content to work with him in that capacity. I don't have any reason to believe, Mr. Speaker, that Commissioner Simmons will be reluctant at all to provide us with any information that we may call upon him for and which we are entitled to.

MR. CLARK: Mr. Speaker, just one further supplementary question of the Attorney General. In light of Alberta's desire to still have that added into the next agreement, did Alberta have this issue placed on the agenda for the meeting of attorneys general that was held not long ago?

MR. FOSTER: Mr. Speaker, I think I indicated in the course of my remarks — and perhaps it was missed — that I raised this with my provincial colleagues sometime in the spring. I don't recall the precise time. I did discuss with my colleagues, I think it was in Toronto, the matter of the commissioner being included in this contract, and got general support from them. Having had their general support, being happy with Commissioner Simmons, and being satisfied that the relationship between my office, my colleague the Solicitor General, the federal Solicitor General, and the federal commissioner of the RCMP would be a good relationship, I didn't think it was necessary to put it on the last meeting of the AGs in Charlottetown a week or two ago.

I do think, however, it is a subject the provinces will be discussing in about 18 months' time, as I said, when we enter new negotiations. I'm sure that while I am not part of those negotiations in any formal sense, because much of it is handled by my colleague the Solicitor General, this one aspect will be raised again, and I'd like to suggest it be included in the provincial agreements. I'd be willing to push a little bit to get it there. I'd be willing to push very, very hard if I were unhappy in any way with the commissioner's office, but I'm not.

Water Management — Paddle River

MR. CLARK: Mr. Speaker, perhaps I should address the second question to the Minister of the Environment, but I think I'd sooner address it to the Deputy Premier. It flows from comments the Deputy Premier made with regard to the construction of dams on the Paddle River. Is the Deputy Premier speaking on behalf of the government when he indicates that dams will be built on the Paddle River?

DR. HORNER: I too saw the write-up in the paper, Mr. Speaker. I'd like to point out to the hon. Leader of the Opposition that I haven't made any comment relative to dams on the Paddle River for some time. I have been working for it, though, for 30 years.

MR. CLARK: Mr. Speaker, then perhaps I should direct my supplementary question to the Minister of the Environment. In light of the fact that no commitment has been made by the Deputy Premier with regard to dams on the Paddle River, my question to the Minister of the Environment is: what is the present status of the question of the erection of dams on the Paddle River, in light of the most recent hearings and meetings out there?

AN HON. MEMBER: They're not over yet.

MR. RUSSELL: Mr. Speaker, if hon. members recollect, about three years ago the ECA held hearings in the Paddle River basin and submitted its report to government. Based on the report and their recommendations, we took a program to caucus and Executive Council. By way of that recommendation, I have the funds approved to proceed with the full program, which includes channelization and dams.

Following approval of that kind of financial commitment, we set up a management committee and, in turn, appointed a citizens' advisory committee. The planning and public input has been going on since

that time. The newspaper article the hon. leader is referring to deals with a meeting arranged by the citizens' public advisory committee in order to get input and report progress on the status of the proposed program.

MR. CLARK: Mr. Speaker, supplementary to the minister. I should point out, Mr. Minister, the questions come from individuals who were at the meeting. I pose this question to the minister: what is the time line the government now has, one, for channelization and, secondly, for the construction of dams?

MR. RUSSELL: Mr. Speaker, the channelization has been under way for some two or three years, and that program will continue. The question of whether or not a dam should be built as a matter of flood control has not yet been decided. But we have been very clear that we do have the commitment of funds and the authority to proceed with the planning. We're trying to proceed on that basis.

I think it's important to point out to the hon. members that this issue is now going full circle. The citizens are now starting to ask for public hearings based on action taken as a result of public hearings. I think that should be clearly pointed out.

MR. CLARK: Mr. Speaker, I think the minister's point is well taken. It's really why I pose the supplementary question to the minister: what will be the sequence of events from now until a decision is made either to go ahead or not to go ahead with the dams on the Paddle River, and what kind of time line?

MR. RUSSELL: Mr. Speaker, the way I see it at the present time is that the citizens' advisory committee will finish getting its input from these public meetings, give its final advice to the management committee which, in turn, will recommend the course of action to the government. At that time we would make our final decision.

MR. CLARK: Mr. Speaker, to the minister: is the government looking at a period of months, of one or two years? Can you give us some indication of the time line?

MR. RUSSELL: Mr. Speaker, it's difficult to answer that question because, as I say, some elements of the program are under way now; for example, the channelization, and I see no reason to discontinue that. The items that are engendering the public interest are: should there be flood control structures by way of dams and, if so, where should they be built? We're giving this question pretty careful consideration, but we're anxious to make a decision as soon as the engineering and public input parts are complete.

Metis History

MR. TESOLIN: Mr. Speaker, my question is to the Minister responsible for native affairs. I wonder if the minister might inform the House if his department would give consideration to funding projects in relation to the writing of a northern Alberta Metis history?

MR. BOGLE: Yes, Mr. Speaker. The entire question of the preservation of one's culture and historical past is one that this government gives great attention to, primarily through my colleague the Minister of Culture. In the area of native matters, we have in the past given support to specific projects.

I might point out, Mr. Speaker, that we assist native organizations wherever possible to go through a line department to receive funding for that kind of proposal. In other words, if the Department of Culture is the more appropriate vehicle, we attempt to assist the organization in that direction. If it is not possible, we take a second look at it and try to act as a funding resource as a last resort. Another department that might be looked at for a venture such as this would be the Department of Education.

I might mention, Mr. Speaker, that one such venture that we did fund last year — I believe the amount was \$2,000 — was to the Metis historical society which has its headquarters in Calgary. That was to assist with the establishment and maintenance of their mobile museum.

MR. TESOLIN: Mr. Speaker, a supplementary, if I may, to the Minister of Education. Would the minister consider incorporating such a history, if done, into the Canadian learning resources project which he announced as of late? Also, would the minister give consideration to lending some financial support to such a program?

MR. KOZIAK: Mr. Speaker, the very important learning resources project, which will be funded under the capital projects division of the Alberta heritage savings trust fund, will include in it, in terms of our Alberta and Canadian history, a great deal of material on Canada's native people.

Hunting Licences

MR. WOLSTENHOLME: Mr. Speaker, my question is to the Minister of Recreation, Parks and Wildlife. I was wondering if many problems have been brought to the minister's attention relative to the draw system regarding special licensing, and the special season for antelope, female deer, and other species.

MR. ADAIR: Yes, Mr. Speaker, some problems have been brought to my attention; some relating to the luck of the draw, if I can use that term. I've had some indication from a number of residents that they have not been successful in the last 10 or 13 years. We've had some others relative to the lateness of the applications getting out this past year due to some problems we had with printing. Then of course you have the annual problems of some human error that may in fact take place in that area.

Mr. Speaker, those problems having been brought to my attention, I might point out that we're developing and hoping to have in place by next year — I'm hoping it will be for next year — a total computerization system where the draws would be by computer, and would identify and remove from the succeeding years those who were successful the year before.

MR. WOLSTENHOLME: Mr. Speaker, I presume then that regulations are in line that we could have to give to some of our dissatisfied constituents who aren't

happy with the draw. Do you have a list of regulations so we can explain it more fully?

MR. ADAIR: Mr. Speaker, if you would direct the particular unhappy applicants to me, I will try to explain the problems we've had and how we're trying to rectify them.

MR. STROMBERG: Mr. Speaker, as one of the hunters who are not too successful, I was wondering if the minister could indicate what the pheasant population is in central and southern Alberta this year. Is it up or down? [interjections]

MR. ADAIR: Mr. Speaker, I can only pass off in a very broad sense that I understand it's reasonably good. That's in central Alberta.

Grain Handling Facilities

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to either the hon. Deputy Premier or the hon. Minister of Agriculture. In view of reports emanating from the recent UBC seminar on west coast ports, where apparently people from the Department of Transportation were represented, is the minister in a position to advise the Assembly where things stand on the question of possible heritage investment in a new grain terminal at Prince Rupert?

DR. HORNER: Mr. Speaker, there have been some discussions by members of my department with the B.C. Development Corporation relative to their possible development in Prince Rupert. We've also had discussions with the Alberta Wheat Pool and other grain companies relative to the requirement at Prince Rupert. No commitment of any kind has been made relative to any investment by the province of Alberta. But we are encouraging the B.C. Development Corporation, or at least somebody, to get on with the job — that's 25 years late — of building a proper terminal at Prince Rupert.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Deputy Premier. Is the Deputy Premier in a position to advise the Assembly where things stand on the commitment that I believe the federal government made during the 1974 election, to some \$22 million for upgrading the Prince Rupert terminal?

DR. HORNER: Mr. Speaker, that is like a number of commitments made at that particular time frame that have not been carried out.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister of Agriculture. Have there been any recommendations from the Alberta Grain Commission with respect to possible investment of heritage money in either renovation of the existing terminal or a new terminal at Prince Rupert?

MR. MOORE: Mr. Speaker, I've had some discussions with the chairman and members of the Alberta Grain Commission about the entire grain handling system and about the port system both at Prince Rupert and Vancouver.

In relation to the hon. member's first question to the Deputy Premier, I would say further that the

front-page article a week ago in a *Report on Farming*, quoting certain persons with regard to views of my office and the government of Alberta, is substantially incorrect.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister of Agriculture. In view of the minister's last answer, is the government of Alberta, in reviewing the options, prepared to consider a joint venture between the federal government, the Alberta Wheat Pool, and the heritage trust fund to construct a new terminal?

MR. MOORE: Mr. Speaker, I think the hon. Minister of Transportation substantially answered that question a little earlier. We're certainly in a position to look at any kind of proposal that might be brought forward by the private grain sector, by the farmer-owned grain companies in Alberta. Discussions have been held with many of these people, and indeed with the B.C. Development Corporation.

MR. NOTLEY: Mr. Speaker, a supplementary question to the Minister of Agriculture. During the discussions with the Alberta Wheat Pool, was there any consideration of a joint venture between the Pool, the federal government, and the provincial government?

DR. HORNER: Mr. Speaker, the discussions we've had with the Alberta Pool have been very preliminary, and have been very good ones. Out of those discussions, the Pool itself has been travelling around the world looking at grain handling equipment, particularly as it relates to ports, to see what kind of proposition it can come up with. I would see the eventual proposition involving probably the Alberta Wheat Pool, the B.C. Development Corporation and, in a minor way, the federal government.

MR. NOTLEY: A supplementary question to the hon. Deputy Premier. During the government's assessment of the situation at Prince Rupert, has the government sufficient preliminary information to determine whether the most prudent course would be the renovation of the existing terminal or the construction of a completely new one? I believe a facility is there, that the government of Canada has spent considerable money on, at a place called Fairview in the Prince Rupert area. So my question would be: are we at a point yet where we've determined the most feasible alternative to expand the use of Prince Rupert?

DR. HORNER: Mr. Speaker, the so-called Fairview terminal is in fact a dock that the National Harbours Board people have built in Prince Rupert primarily for container shipments and that type of freight, rather than grain. The present terminal in Prince Rupert is some distance away from that Fairview dock. The Fairview dock would not be used in the expansion of the grain area.

For anyone interested in the port of Prince Rupert, one of the problems at the moment is looking at sites. The B.C. Development Corporation now owns some land which might be suitable. The National Harbours Board also owns some land which might be suitable.

So it's quite preliminary. We hope we could continue our discussions with the grain companies, the B.C. Development Corporation, and the National Har-

bours Board to see whether we can come to a final decision. My own opinion is that the present elevator at Prince Rupert is practically non-expandable, and a new one with a capacity of between 3 million and 6 million bushels is required.

MR. NOTLEY: Mr. Speaker, one final supplementary question to the hon. Deputy Premier. In view of the foregoing, it would be a fair assessment then, and I hope I'm correct in saying this, that the Alberta government would at least be prepared to consider an investment — it would not be closing the door — of heritage money in Prince Rupert?

DR. HORNER: Yes, Mr. Speaker. I think that's a fair assessment. We would certainly consider a proposal, particularly if it involved grain companies which are active and productive in the province of Alberta.

Farm Labor Supply

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Advanced Education and Manpower. I was wondering if the minister could report further with regard to Mexican farm laborers available in 1978 in Alberta.

DR. HOHOL: No, I can't. The procedure would be for our department to be in touch with the federal government at the federal government's initiative, because it's a federal program under Bill 24, the Immigration Act. My clear understanding with the appropriate minister in the government of Canada is that from about two years on, there would be no unilateral kind of movement of a number of people into Alberta by contract, as had been the case previously. A case could be made, but would have to be made on things like the temperature, the nature of the soil, and so on. But there are other human considerations that we have to be careful about: things like health coverage, medicare, schooling if it happens to be September.

There are certain laws here that have to be adhered to, and it's our concern that the crops with respect to the sugar beet industry, the potato industry, and other kinds of crops, be attended to in the best way possible, even with assistance from foreign places if necessary, but that we do it bilaterally between this province and the government of Canada, not unilaterally by arrangement between the federal government and groups of local farmers with the best of intentions and need. This government must be, has been, and will be involved in this kind of enterprise.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. I certainly agree with the statement that's been made. In light of that statement, Mr. Minister, would you make a commitment at this point to do all that's possible to assist the farmers who wish to have this type of labor available in 1978?

DR. HOHOL: Yes. On that representation certainly I'd be in discussions with my colleague the hon. Minister of Agriculture, other significant people, Members of the Legislative Assembly who represent the area, and our officials with those in Ottawa. It is not our intention to do anything but give effective and proper service to Albertans. But it has to be between gov-

ernments, and not a parachute approach of people by the federal government with arrangements, say, with Mexico or whichever foreign country. It's simply unacceptable.

MR. R. SPEAKER: A final supplementary to the minister. Would the minister indicate whether representation from the farmers to the minister should be initiated at this time, or what would be the prime time to make that representation? Would it be toward spring, or prior to Christmas?

DR. HOHOL: Mr. Speaker, if any group anticipates need for this kind of assistance, now would be about as late as it might be effective. If it comes later, we'll do everything we can to assist, if it appears to be reasonable to perform in that way and to pursue that course of action. It may not be. But with respect to the specific question "when", it might have been done long before, but certainly no later than within a few days.

Water Level — Lake Newell

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Recreation, Parks and Wildlife. Has the minister or his department made any assessment on the potential impact of wildlife as a result of raising Lake Newell, located in the eastern irrigation district?

MR. ADAIR: Mr. Speaker, I assume you're commenting on the island on which the cormorants and pelicans are nesting. Yes, we're involved in discussions with the EID, and have been since their application to increase the water level in Lake Newell. We haven't finalized any assumptions as to what the impact might be, other than that the level may in fact submerge the island almost totally. They're looking at alternate islands around there or the possibility of building the island up in the wintertime.

Kinbrook Island Park

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Has the department, or any officials of his department, negotiated with the eastern irrigation district for further acres of land for the Kinbrook Park?

MR. ADAIR: Mr. Speaker, a separate question, but I understand negotiations are under way with the EID relative to some land over by Kinbrook Island now, and Kinbrook Island Provincial Park.

Red Deer Dam — Safety

MR. COOKSON: Mr. Speaker, I would like to ask a question of the Minister of the Environment. It has to do with the rather tragic event that happened in Georgia, United States, a few days ago. I would like to ask the minister if he has had any discussions with his officials with regard to the standards we are setting for earth dams. I am thinking in particular of the Red Deer dam, which is to be constructed in the future.

MR. RUSSELL: Yes we have, Mr. Speaker, and for the past several months, in consultation with The Engi-

neering Institute, have been devising what we call a dam safety program. Within a few months I think I'll be in a position to announce details of that.

MR. TAYLOR: A supplementary to the hon. minister. Is the minister considering a road around part or all of the dam, which in most cases could be very beneficial?

MR. RUSSELL: With respect to the proposed dam across the Red Deer River, Mr. Speaker, we are considering that option if it's possible. It obviously would have several community benefits, and the engineers are looking at that.

MR. TAYLOR: My next supplementary, Mr. Speaker, is one that hundreds of people in Drumheller and, I believe, in Red Deer are asking: when is the government going to start building that dam road?
[interjections]

MR. RUSSELL: There are so many possible answers to a leading question like that, but I'll resist the temptation.

Mr. Speaker, we are now in the process of hiring a project manager and getting a team of engineering consultants together, getting some components of the total program — such as flood control for Drumheller and Sundre — under way, also the land acquisition for the reservoir site itself. I would not expect that any construction, insofar as the major dam itself, would occur prior to early 1980.

Juvenile Restitution Program

MR. TAYLOR: Mr. Speaker, my question is to the hon. Solicitor General or possibly the hon. Attorney General. A short explanation is necessary. In the municipality of Mississauga or Peel in Ontario, they have had a restitution program under which young people who vandalize property are required to work on weekdays or during the holidays. It has been very successful, to the point where not one of these people has appeared in court again.

My question is: is the restitution program in Alberta having a similar effect, and is it now embodying a program of having young people who vandalize go out and work to show how stupid their act really was?

MR. FARRAN: Mr. Speaker, the pilot restitution centre in Calgary has finished its research and has reported some 70 per cent success, but that they required amendments to federal laws for an improved success rate. The procedures demonstrated by this pilot study have now been incorporated generally into our community services branch, the probation service. We are hopeful there will be amendments to the Criminal Code on the entire matter of alternative sentencing — work orders, restitution, and so on — in this coming year of 1978.

As far as juveniles under the age of 16 are concerned, that would come under the jurisdiction of my colleague the hon. Minister of Social Services and Community Health. Some unofficial discretionary restitution has been applied by police forces as a diversion from the courts. I'm not able to say — perhaps the Attorney General or the hon. Minister of Social Services and Community Health can indicate

— to what extent juvenile court judges have used restitution as a sentencing tool.

MR. FOSTER: Perhaps I could supplement the answer of my hon. colleague. It was assumed, and perhaps erroneously, that the capacity to legislate restitution in the law lay with the federal government under the Criminal Code. There was a recent case in Winnipeg: a Manitoba court of appeal held that the restitution provisions of the Criminal Code were *ultra vires* of Parliament in that they were neither criminal law nor criminal procedure, and that they fell more properly under the heading of property and civil rights, therefore it was in the jurisdiction of a province. That case is being appealed to the Supreme Court of Canada. No doubt we'll be making representations on the matter. We'll then have some firm guidance as to where the jurisdiction rests, because frankly right now there is that doubt. If in fact that case is upheld by the Supreme Court of Canada, it will then fall to this Legislature to make certain decisions with respect to restitution in juvenile and family courts and other courts in the province.

Municipal Election — Bruderheim

DR. BUCK: Mr. Speaker, I would like to address my question to the hon. Minister of Municipal Affairs. They're having a problem in the village of Bruderheim where — with your indulgence, Mr. Speaker — the electorate voted for five councillors, but they were only supposed to vote for three. I'd like to know if the minister has had this brought to his attention, and if the minister or his department have assisted the village in trying to resolve this problem.

MR. JOHNSTON: Mr. Speaker, as a result of the municipal elections and of human systems, there have been very many notifications to our office of strange proceedings in the municipal elections over the past month. One of them has been the case of Bruderheim, wherein the town failed to give notification of changing the number of electors from three to five, as is required. While they hadn't given that notification, they proceeded to hold the election for five people. We have suggested that they should proceed with the three, and should any individual or elector in that jurisdiction decided to challenge it, of course the right process is to court.

While I'm on that issue, Mr. Speaker, I might add that I've directed my department to review some of these irregularities and items which were reported to me, by contacting certainly the Alberta Urban Municipalities Association and The Alberta Association of Municipal Districts and Counties, and all other electoral offices, so that we can get a pretty good comprehensive review of some of the problems and, if necessary, change this in regulation or in amendments to The Election Act.

Driver Safety

DR. PAPROSKI: Mr. Speaker, a question to the Deputy Premier and Minister of Transportation. In view of the Alberta Motor Association's recent comments and high index of concern regarding automobile accidents, especially drunken drivers, would the minister

indicate to the House if he is planning any new direction in policy in that regard?

DR. HORNER: Mr. Speaker, we've had a recent meeting with the Alberta Motor Association and, as well, have had numerous representations from the Alberta Medical Association relative to those matters: on the one hand, the Alberta Medical Association stressing the need for mandatory seat belts; the Alberta Motor Association reporting that only 50 per cent of their membership approves mandatory seat belts. My response has been to try to put the two groups together in an advisory capacity with my safety branch. Hopefully we can look at all these matters. Because there isn't just the question of seat belts; there is, as my colleague has pointed out, the question of the drinking driver and the other questions involved in the field of psychiatry relative to automobile accidents.

DR. PAPROSKI: Mr. Speaker, is the minister considering increasing the public relations programs dealing with the item of drunken driving and the desirability of voluntary seat belt use, even before these committees get together and have their deliberation?

DR. HORNER: We'll continue to do that, Mr. Speaker. We now have what I think is a very competent accident investigation team. They're at work now, and we think that by analysing these accidents in a more thorough way, we'll be able to learn from them. Then perhaps additional steps can be taken to try to alleviate them.

ORDERS OF THE DAY

MR. HYNDMAN: Mr. Speaker, at this time I'd like to make three procedural motions, bearing in mind the possible pace of business this afternoon. The first motion is that Bill 15, The Planning Act, 1977, be not read a third time but be referred back to Committee of the Whole for an amendment. Speaking to the motion very briefly, Mr. Speaker, the amendment has been distributed and relates simply to one section.

MR. SPEAKER: Having heard the motion by the hon. Government House Leader, does the Assembly agree unanimously?

HON. MEMBERS: Agreed.

MR. HYNDMAN: Secondly, Mr. Speaker, I'd like to ask the Assembly for unanimous leave to move to third reading those bills on the Order Paper now standing at second reading and committee, assuming that they are passed, notwithstanding Rule 63.1 which requires that bills must have a separate day between two readings.

MR. SPEAKER: Having heard the motion by the hon. Government House Leader, does the Assembly agree unanimously?

HON. MEMBERS: Agreed.

MR. HYNDMAN: Thirdly, Mr. Speaker, while I'm on my feet, I'd like to move that upon consideration of Motions for Returns on page 3, the Assembly move to government business for the balance of the afternoon.

MR. SPEAKER: Does the hon. Government House Leader have unanimous consent for this motion?

HON. MEMBERS: Agreed.

MR. McCRAE: Mr. Speaker, I'd like to raise a point of personal privilege. On November 8, during my remarks in moving second reading of Bill 95, The Glenbow-Alberta Institute Amendment Act, 1977, I indicated, or intended to indicate, to the House that the provincial financial support for the institute had reached a generous level of approximately 70 per cent of the institute's annual budget.

Mr. Speaker, it has been brought to my attention that the *Hansard* record for November 8, page 1953, indicates that I said 7 per cent rather than 70 per cent, and I would ask leave of the Assembly to have *Hansard* reflect that I did intend to say 70 per cent rather than 7 per cent.

MR. SPEAKER: Agreed?

HON. MEMBERS: Agreed.

MR. McCRAE: Just dropped a digit.

head: MOTIONS FOR RETURNS

MR. FOSTER: Mr. Speaker, I move that motions for returns 172 and 176 stand.

MR. CLARK: Mr. Speaker, before we vote on this motion, which really means that these motions for returns would not be dealt with at all, I think it would be fair to ask the Attorney General the reason we can't deal with them today. Because by agreeing to that motion, we're really saying they won't be answered.

MR. FOSTER: Mr. Speaker, if I may, that's clearly true. It's not necessarily intended that they not be answered. It's just that 172 relates to my colleague to my right, and he had an amendment to propose. He's absent today and I haven't got access to the amendment and therefore am not in a position to move the amendment, so it would be unacceptable in any event because of that. I would suggest that if the hon. leader would like that information, if there's no difficulty with it, he might write my colleague or otherwise provide the information informally without going through a motion for a return. If there is some difficulty, no doubt it could be handled in the spring.

With respect to 176, Mr. Speaker, perhaps I could indicate that our practice is to discuss these matters at our caucus so everyone knows what's intended. As it turns out, I was absent from caucus today. It relates partly to my responsibilities, and we haven't had a chance to discuss it and determine how we're going to handle it. So in the absence of concurrence, our rules internally would say that the matter will stand. Again, speaking for my part, much of that

information is no doubt readily available, and I could provide it if the hon. member proposing the motion wishes me to do so, but I simply can't agree to accept the motion in its present form because I haven't had a chance to review it.

[Motion carried]

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

Bill 90
The Appropriation (Alberta
Heritage Savings Trust Fund,
Capital Projects Division)
Act, 1977

MR. LEITCH: Mr. Speaker, I move second reading of Bill 90, The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1977.

Mr. Speaker, this would provide legislative approval for the capital projects investments that have already been approved by the Committee of Supply. I didn't intend to say anything further on second reading.

DR. McCRIMMON: Mr. Speaker, in rising to speak on Bill 90, I would like to make some points that I feel have direct reference to the principles of this bill.

The committee on the heritage savings trust fund, of which I have been the chairman, has completed its deliberations and filed its report. Under House regulations, minority reports may be filed. In the case of the Alberta heritage trust fund committee, two minority reports were filed.

The first minority report, filed by the hon. Member for Spirit River-Fairview, restated some of his recommendations to the committee and his arguments. Members do not agree with his reasons, but I can find no fault with the procedure used in writing his minority report.

However, in the case of the second minority report, filed by the hon. Leader of the Opposition and the hon. Member for Little Bow, the procedure is completely wrong and misleading. The hon. Member for Little Bow attended two of the nine meetings, so how he can sign this document in all sincerity is questionable. [interjections]

With respect to the recommendations listed in this minority report, most of them were never brought to the committee, yet the report gives the impression that these recommendations were discussed and turned down by the committee. This is not the truth. The majority of the recommendations listed in this minority report were never discussed nor received by me as chairman. The first I heard or saw of them was when I read the minority report.

Mr. Speaker, the method used appears to me to be a deliberate attempt to mislead the people of Alberta . . .

MR. SPEAKER: Order please. I would respectfully ask the hon. Member for Ponoka if he might give some further consideration to his last statement, in that it would appear to be contrary to good order in this Assembly to impute that kind of motive or action to another hon. member.

DR. McCRIMMON: Mr. Speaker, the report has been filed and is out there before the public. I can see no . . . how it can bring to the public something that did not happen. So if that's not misleading the public, perhaps there may be another name for it, but I don't know of one.

MR. SPEAKER: Might I respectfully suggest to the hon. member that it might be appropriate, under the circumstances, if he were to make some further remarks or observations with regard to the topic, which might take away the implication or statement that there was anything intentionally done by the hon. Member for Little Bow with regard to misleading.

DR. McCRIMMON: Mr. Speaker, to clarify it a little: the committee, with myself as chairman, received the recommendations from the hon. Leader of the Opposition and the hon. Member for Little Bow. They were all thoroughly discussed and gone over in the committee. Some of them were passed, some were turned down, and some were amalgamated into a differently worded recommendation. However, the recommendations listed in the minority report were never brought to the committee or the chairman, and were never discussed in committee. Therefore I find it rather difficult that perhaps — it's certainly misleading to the people when it's stated in the report that this is a minority report laid out on something the committee never talked about, Mr. Speaker.

MR. SPEAKER: With great respect to the hon. member, he is fully entitled to state his version of the fact, and also to disagree with a question of fact that might have been brought up by another member, or even to correct something which is misleading. The difficulty with what I understood the hon. member to say a few moments ago was the reference to an attempt to mislead, and that implies intention. I would be grateful if the hon. member might feel it appropriate to say he is not suggesting there was any intention to mislead, however the result might have been. Would he be prepared to withdraw the suggestion that it was intentional?

DR. McCRIMMON: Mr. Speaker, I would withdraw the "deliberate attempt to mislead". However, a great deal of misinformation was given out to the people of this province, and the hon. Leader of the Opposition will have to make up in his own mind whether it was deliberate or whether it wasn't.

Thank you, Mr. Speaker.

MR. TAYLOR: Mr. Speaker, I'd like to say a word or two on the matter, because I think an important principle is involved. The hon. member, who is chairman of the committee, stated there was provision for a minority report. Unless Section 55(2) has been amended without my knowledge, I don't think there is provision for a minority report under our standing rules. I'll stand corrected if this amendment was made and I missed it, but 55(2) in our rules certainly does not permit a minority report.

I'm going to deal with the matter of a minority report, because some years ago minority reports were authorized by the rules. In a number of legislative standing committees minority reports were given and

debated along with the major report. I think this has also occurred in the House of Commons from time to time. But minority reports must definitely consist of items the committee refused to accept. Otherwise the minority report is not a minority report at all; it's new material being advanced.

It makes me think of a position I was in — a very awkward position — at one time when I first came into the House. I had the pleasure of moving the Speech from the Throne. When I was closing that debate I made reference to a certain item, and the late hon. Mr. Duggan, who was leader of the Conservative party at that time, and very, very helpful to me as a new member, got up and said I was out of order because the point I was mentioning had not been referred to at any time during the debate. I immediately answered the point of order and said: oh yes, it had; I mentioned it myself. Immediately Mr. Duggan got up and said, are you refuting your own statement? — which made me think pretty carefully about the thing, because that's really what I was doing in attempting to deal with this particular item. It had not been mentioned in the debate and, therefore, in closing the debate I had no right to deal with that particular point. It hadn't been debated, so I could not debate it in closing the debate. So I was properly out of order.

I think a minority report that does not deal with the items with which the committee dealt, and probably refused to accept, is in the same category. Otherwise a minority report gives a wrong impression to the people outside. When I read this minority report there are some items with which I can agree, but I had no opportunity in the committee to deal with those reports because they were not presented to the committee. That is the point I want to emphasize.

I tried to find some references in *Beauchesne*, which is the legislators' bible, but the point is probably so elementary *Beauchesne* didn't even deal with it. He apparently never even thought of someone issuing a minority report about something not mentioned to the major committee.

I want to emphasize that, because I'm not sure a minority report is permitted under our rules. But accepting that it is and is going to be in the future, I think we should definitely emphasize that any minority report must consist of items with which the committee proper has dealt and refused to accept. Then of course the member has a right to his own thinking in regard to that.

The minority report submitted by the hon. Member for Spirit River-Fairview is in that category. We had an opportunity to debate that particular thing, and it was not accepted. The member feels so strongly about it he wants it on record. I really have no objection to that. But I do have serious objection to a report containing items not discussed by a committee of which I was a member. I had no opportunity to say whether I agreed with them or not, but the inference from the minority report is that a majority of the members of the committee refused to accept these points raised in the minority report.

MR. R. SPEAKER: Mr. Speaker, on second reading of the bill I'd like to say, number one, with regard to the comment made on my participation in the committee: at all times during the period of time the committee was in process, the hon. leader and myself were in

contact discussing various issues, myself being aware as to what was happening in the committee. The reasons I was out of the committee, the member can judge for himself. I made a judgment that I wouldn't be at some of those meetings. I felt the reasons were strong enough from my own personal point of view. With regard to that judgment, I answer to my constituents. Certainly I feel an obligation with regard to this Assembly. But I think that question of judgment as to a person's attendance at meetings is questionable.

The second thing I'd like to refer to, Mr. Speaker, is the minority report and recommendations. Over a series of nine meetings, a number of things were raised in points of discussion. Over a period of time we raised two areas we felt quite strongly about. One is with regard to legislative responsibility — the responsibility of the elected people, the Legislature. The second is with regard to public input. Also in the committee were discussions with regard to ministerial accountability, responsibility, and so on.

Mr. Speaker, when we prepared our minority report we attempted to focus on those two general areas. What we did in our minority report also was an attempt to take some kind of responsibility. After being critical of a lack of understanding in those areas, we attempted as best we could to come up with some specific recommendations we felt would meet some of our needs at the present time. When we made the suggestions, we attempted to make them practical so they were operable. Maybe there is discussion as to whether they are or are not. That was the way in which we approached our responsibility with regard to the minority report.

During the last evening of discussion, when we put together the report — it was nearing 11:30 in the evening after we had been at it since 8 o'clock, and we had more recommendations we wanted to submit to the committee — we felt the discussions and attitudes in the committee at that point were . . . I just threw up my hands and said, I've had enough. That's where the discussion terminated. Maybe some of the specifics we then had at our fingertips didn't arise in the committee. But the specifics we have in our report relate to the two thrusts I've indicated to you, Mr. Speaker. We feel they relate to committee discussions in that manner and we proceeded as we did.

MR. SHABEN: Mr. Speaker, a few comments on discussion related to Bill 90. Minority reports of select committees are an unusual occurrence rather than the norm. This Legislature has allowed minority reports in order to allow maximum discussion and debate on various issues. I think it's a worth-while sort of procedure to follow; it demonstrates to Albertans that this government is interested in receiving minority reports.

But some of the comments that have been made, Mr. Speaker, just don't wash. There was one meeting that was to deal strictly with recommendations. The two opposition members, the learned Member for Little Bow and the hon. leader, presented recommendations in advance of that meeting — later, incidentally, than any others received. Many recommendations contained in the minority report were not in those recommended at that committee meeting. So it's just ridiculous for the members opposite to claim they had them ready but didn't bring them forward. I

really find it difficult to understand.

As a member of this Legislature, I'm disappointed in the approach taken by these members. I've admired their contribution to this Assembly over the years, but I'm really surprised at their bringing in a minority report where many of the items were not discussed by the committee. I think dealing with a committee in that way is unfortunate and irresponsible.

MR. SPEAKER: It appears what we've really been having in this last while, instead of debate of the motion for second reading of Bill 90, is a discussion on a point of order. It is true that Standing Order 56 forbids the presentation of a minority report. However, the practice we've been following under Standing Order 36 with regard to tablings and filings has been perhaps a little informal and perhaps even a little lax. It would seem to me there would be some difficulty in reconciling the two standing orders insofar as a minority report is concerned, because an hon. member could file a statement of his position. We've had a number of filings made in the last two weeks, merely for the purpose of recording information given in the form of documents instead of in the form of speeches. A filing could take place, whether it directly referred to the committee proceedings or not. I would suggest that whether a document is acceptable for filing shouldn't necessarily depend on the label put on it or the title that has been given to it.

I would further respectfully suggest to hon. members that between now and the 1978 session we might give further consideration to these two standing orders. Because, as I mentioned the other day, there is some question in the minds of the officers of the Assembly with regard to the filings that have been done and, frankly, the work connected with some of them and the amount of space the documents are starting to take up.

MR. CLARK: Mr. Speaker, just before we call the question, there are three or four comments I'd like to make. First of all, I want to associate myself with the comments made by my colleague the Member for Little Bow. Secondly, I would remind the House that the Deputy Speaker, the chairman of the committee, and the committee were the same members who wouldn't even let us put in the report that my colleague and I wanted to file a minority report.

Secondly, Mr. Speaker, our recommendations in the minority report centre around procedural improvements. Some hon. members may well want to get the transcript and refresh their minds with regard to the response I got from members of the Assembly when I asked if the president of the Alberta Energy Company would be prepared to come before the committee. We couldn't possibly do that. I think members of the committee would rather recognize that had it not been for the work done by the members of the opposition, the whole Southern Alberta Cancer Centre would not have come up before the committee.

AN HON. MEMBER: Baloney!

MR. CLARK: Baloney. Every member can say that. But the minister who says "baloney" didn't even know the details himself the first day he was here.

[interjections]

Well if he knew them, he didn't tell the committee. Why he wouldn't tell the committee is vastly beyond my ability to understand. In fact some members of the committee didn't know themselves.

Mr. Speaker, I simply say that our recommendations dealt with the area of procedural improvements, so the Assembly would have control over the fund — secondly, as a result of the things we found out with regard to the Southern Alberta Cancer Centre and the positive effort on our behalf to lay the thing before the members of the Legislature and the people of Alberta so we all better understand what's really going on.

MR. PLANCHE: Mr. Speaker . . .

MR. SPEAKER: With respect to the hon. member, might I just intervene for a moment. We have had a fairly full discussion on what appeared to be a point of order with regard to the filing of minority reports. What is before the Assembly now is a debate on the principles of Bill 90. I would suggest, therefore, that we might perhaps get on with that and consider that possibly what happened or did not happen in committee might have been discussed sufficiently already.

AN HON. MEMBER: Agreed.

[Motion carried; Bill 90 read a second time]

[Dr. McCrimmon in the Chair]

**Bill 97
The Legislative Assembly
Amendment Act, 1977**

MR. HYNDMAN: Mr. Speaker, I move second reading of Bill 97, The Legislative Assembly Amendment Act, 1977.

I don't think there's any need to elaborate to any large degree on the comments I made when this bill was introduced in first reading. Its purpose is to increase the remuneration of the office of Speaker to the amounts noted in the bill. The justification for that increase is, I think, sound and can be well documented.

There has been a very significant increase in the duties and responsibilities of the Speaker over recent years. For example, the Speaker now carries the responsibilities of a full department, similar to that of a minister. He is responsible for putting into effect the increasingly large number of recommendations of the members' services committee. He is fully responsible for the *Hansard* operation, which is one of the more complex and very accurate operations in the country. He is responsible for the interns' program, which has received favorable notice across Canada. There has been significantly increased scrutiny of bills and all other legislative documents over the course of the last two or three years.

In addition, the number of visitors from Commonwealth parliamentary countries coming to Alberta, being interested in and finding this province to be a unique one in Canada, has increased very, very significantly. Of course, the Speaker is under the responsibility of entertaining those visitors, arranging meetings, and the like.

As well it might be mentioned briefly, Mr. Speaker,

that this remuneration increase simply puts the office of Speaker of the province of Alberta roughly in line with, but still below, the remuneration received by those holding similar office in such other provinces as British Columbia and Ontario.

MR. CLARK: Mr. Speaker, in taking part in the debate on second reading, might say that we have no qualms about the bill before the Assembly. But I would like to say on a matter of principle that it seems to me rather appropriate that we look at this question again as to the Speaker's role with regard to the Legislature Building itself, and also the question of security. I'm aware the government is presently reviewing the question of security. It seems to me it would be a rather appropriate time to look at this question of the role of Mr. Speaker as it relates to the allocation of space in this building, as it relates to the question of security in the building. Now with the increased salary with regard to Mr. Speaker, and at a period of time when we're reviewing this question of security — and I appreciate the co-operation we've had from the Solicitor General — it seems to me this would be a very appropriate time for some new relationships to be worked out between the Speaker and the government on those two areas of allocation of space and security in the building.

MR. LOUGHEED: Mr. Speaker, with regard to the bill before the House and the remarks by the Leader of the Opposition, I would like to respond. First of all, I think we should go back historically with regard to this building and be aware that it serves a dual function. This building is not only a Legislative Assembly building, which we're in now, and the adjacent area is part of the Legislative Assembly, clearly under the jurisdiction of the Speaker; it is also the seat of government in this province. It has served that dual function over its history.

I recall, for example, when I came to this building for the very first time as a newly elected member of the Legislative Assembly. Actually I had to see the Premier to see whether I would be able to get an office. That was the circumstance I faced.

I feel there has to be an appropriate dual recognition. In no way should the government be involved in that area in which we're standing, or adjacent thereto, which is traditionally the appropriate role of the Speaker. That applies for both security and space. With regard to government it is, however, my view that the members of the Executive Council should be in this building as they now all are. As a result of that decision we, of course, have found ourselves in a tight position relative to space. That is difficult for the government and for the Legislative Assembly. We think that with the dual recognition of those space requirements matters can be worked out.

The government has responded over the course of the period since 1971 to the recognition of the appropriate role of the Assembly, recognizing first of all that when we first came to this Legislative Assembly I remember one time going into an office on the third floor here which was a government members' area and finding, to my surprise, that literally — although others may be able to correct me on this — if they did have a hanger and perhaps a locker, they were fairly well off. That was really the circumstance I faced when I came to this building. We were in opposition

and we pressed very hard for space. We had moderate success. We had one dispute with the then Minister of Public Works which almost took the then member for Banff-Cochrane into the fountain area. But we resolved the matter and I think since 1971 have improved the space situation for the offices of opposition members. We have improved the space for government members, which was even more serious. I think we have worked it out well on a dual responsibility basis relative to space.

It is difficult. We recognize that. But on the other hand, as leader of government in the province, I don't want to be in the position that ministers of the Crown are not in this building. I think it's very important they be in this building. They are then less inclined to refer to the people they're working with as "my people" — a little bit more associated with the fact of the elected process, and that's good. That's what we're about. So it's a dual responsibility.

As far as security is concerned, the Legislative Assembly traditionally in this province has met only over a period of approximately four months a year. That means there are eight months a year when this building is not occupied with a Legislative Assembly in session. We are well aware of the difficulties of security, which are under review by a government committee, chaired by the Solicitor General in co-operation and consultation with the Speaker. We think there is clearly a security problem in relation to the government.

We recognize that at times, when people gather at the front door of these steps, the demonstration, Mr. Speaker, is really not against the Speaker or the Assembly. At times it tends to be against the government for the decisions — sometimes not popular with all people — that the government has to make. We recognize to that extent that demonstration under those appropriate circumstances in which it has been lawfully conducted. We recognize the appropriate place of demonstrations. But they are demonstrations relative to the government, not just to the Assembly. For that reason we feel it's very important, in these difficult days, that the question of security again be a dual one, and beyond the premises of the Assembly and the adjacent portion of it, the matter of security be dealt with by the government in liaison and co-operation with the Speaker.

[Motion carried; Bill 97 read a second time]

**Bill 100
The Appropriation
(Supplementary Supply)
Act, 1977**

MR. LEITCH: Mr. Speaker, I move second reading of Bill 100, The Appropriation (Supplementary Supply) Act, 1977.

[Motion carried; Bill 100 read a second time]

[Mr. Speaker in the Chair]

**Bill 101
The Temporary Anti-Inflation
Measures Amendment Act, 1977**

MR. HYNDMAN: Mr. Speaker, I move second reading

of Bill 101, The Temporary Anti-Inflation Measures Amendment Act, 1977. I believe that this bill, which is short in its form, is self-explanatory and that the remarks I made yesterday on first reading will suffice.

[Motion carried; Bill 101 read a second time]

Bill 104
The Municipal Government
Amendment Act, 1977 (No. 2)

MR. BATIUK: Mr. Speaker, I move second reading of Bill 104, The Municipal Government Amendment Act, 1977 (No. 2).

Mr. Speaker, the purpose of this bill is to make several minor changes to The Municipal Government Act, but its main intention is to provide authority to the Lieutenant Governor in Council to annex Crown land abutting the boundaries of the municipality to which annexation is to take place.

Mr. Speaker, when our government took office in 1971, one of our many people's programs was to decentralize government services. Sometimes difficulties may arise because these programs are slowed down or even halted due to the time required for the Local Authorities Board to carry out its somewhat long routine of hearings, and sometimes even reject these applications. This would prevent the government from carrying out its policy programs which were intended to provide balanced growth for these communities.

Mr. Speaker, I would just like to give an example. One concern is the Vegreville Environmental Laboratory and Research Centre. Very early in 1974 the hon. Premier and the hon. Minister of Housing and Public Works, at that time the Minister of the Environment, jointly announced the research centre for the town of Vegreville. Had the announcement been made that it would be for the constituency of Vegreville, I would not have said anything, even if it would have been located in any of the villages or hamlets. However, this was intended for the town of Vegreville. Other programs, which could have been put in the town, have been given to other areas of the province. However, this required a considerable amount of space, and it was not possible to have it right within the town limits. When this application for annexing was made, the Local Authorities Board in its wisdom felt they should not be annexed.

Now even though the town had the privilege of re-appealing, this was a delay. At that time the Minister of the Environment made a deal with the town of Vegreville to provide utilities, water, services, police and fire protection, and it was expected that for these services the town of Vegreville would receive grants in lieu of taxes. The county also wanted this to remain within the county, and you can't blame them if they could get grants in lieu of taxes. However, it wouldn't be fair if one body would receive the grants and the other would have to provide the services.

Mr. Speaker, this amendment would give the Lieutenant Governor in Council the authority to annex without application to the Local Authorities Board. I think this amendment is good. I am going to ask all to support it.

Thank you, Mr. Speaker.

MR. CLARK: Mr. Speaker, in rising to take part in [debate on] this piece of legislation, might I say to the mover of the bill, and through him more directly to the Minister of Municipal Affairs, how we would have appreciated it a great deal if this kind of legislation could have been introduced somewhat earlier. It's regrettable that legislation which changes a pretty basic principle came in yesterday, and we want to [inaudible] today and get finished by this evening. It's a pretty poor way of handling legislation like this.

I want to make it very clear, Mr. Speaker, that I have no objection to this land being annexed to Vegreville. If that's what we're really trying to do here, legislation that deals with the Vegreville situation itself should have come in. I want to be very clear to the hon. member that I have no qualms about what the government is trying to do in that particular situation.

What does concern me, Mr. Speaker, is the situation we're opening the door to here. Bypassing the principle embodied in Section 20(2), we're really saying that any land that becomes Crown land can be transferred to any municipality in Alberta by the Executive Council. Mr. Speaker, I don't question the authority of the Executive Council to make decisions as far as annexation is concerned. But what does concern me is that we can be in a situation where the government can go out and acquire land through one of its variety of agencies and then that land is annexed to a particular municipality without any public discussion at all. That's really the basic point here, as I look at this particular legislation. It's a situation I would hope would never be used, but which can be used. The province, the Department of the Environment, the Alberta Housing Corporation, or a variety of other government agencies can go out and acquire land in the name of the Crown, and then have it annexed to a community without any people in that community having any hearings at all. Mr. Speaker, I don't think that is the direction in which we should be moving. Rather than getting more public input and participation, it is or can be a move in the other direction.

If the problem the hon. member is getting at here is that after the Local Authorities Board has held hearings, they recommend against the annexation, I would have no qualms about changing the legislation so that if the cabinet wanted to reverse a decision of the Local Authorities Board, that would be all right. To the hon. member who moved the legislation, then there would have been public hearings before. If my understanding of the situation in Vegreville is accurate, there was one set of hearings and the LAB said no. Then it's a matter of having to go back for a second set of hearings, which will put the town of Vegreville and the county of Minburn to great additional expense.

I think there are two much more desirable ways to go about this. One would be to have brought in a specific piece of legislation as far as Vegreville itself is concerned. We would have supported that; I want to make that very clear. The other way would be to give the Lieutenant Governor in Council the power to go ahead with annexation even if the Local Authorities Board recommends no. Then the public, the people we all represent in this Assembly, would have had their day at least to present their points of view to the Local Authorities Board and the government.

Then if the government didn't want to take the LAB's advice, fair ball; the responsibility rests where it should. Really what we're doing in this legislation, though, is removing the mandatory opportunity there is for the public to have a voice, for the public to make representation prior to annexation taking place.

MR. NOTLEY: Mr. Speaker, I wish to rise to comment very briefly on the bill. In restating one of the arguments of the Leader of the Opposition, I think we are dealing with a bill of some importance here. That being the case, I would ask the minister quite frankly why it wasn't possible to have the bill introduced earlier. Admittedly, we are talking about land owned by the Crown in the right of Alberta. But as has been pointed out, we are making it possible to side-step the public hearing process of the Local Authorities Board. Having just seen some of the results of annexation hearings in my own constituency, I can testify how strongly views may be held on whether annexation should occur or not.

This is particularly true, Mr. Speaker, when we address ourselves to the question of moves to decentralize government facilities in the province. I want to make it clear to the member introducing the bill that I endorse moves to decentralize facilities throughout rural Alberta. But there is the very clear question of who gets the grant in lieu of taxes. Does it go to the municipality? Does it go to the town, what have you? The fact of the matter is that under the present legislation, as I understand it, if we are going to construct a facility and want to see that annexed by a particular town, at least there is the public hearing process of the Local Authorities Board so those people in the surrounding municipality who may not want to see that annexation take place have an opportunity to express their views in no uncertain way.

In my view, Mr. Speaker, Section 20.2(1) certainly opens the door to the government to approve annexation without the process of public hearings. I say to the member who introduced the bill, and to the minister more particularly, that this is a reasonably important amendment and one which should have been given to us well ahead of time so we could have consulted with our respective municipalities and what have you. Just on general principle it concerns me if we eliminate the public hearing process at any stage.

I'm not arguing with the government's general thrust to decentralization, and I have no intention of getting into the question of Vegreville. But in terms of the principle contained in this bill of the hearings by the Local Authorities Board, it seems to me that it is not unreasonable that the minister and the government should have had their act together sufficiently soon enough so this bill could have been introduced some weeks ago.

MR. TAYLOR: Mr. Speaker, I'd like to say a word on the principle involved in the bill. In my view, the hon. members who have spoken from the opposition are reading into this bill many things that are not there. It's a very simple thing: where the land is owned by the Crown and is next to a municipality, the Crown is given the same right as any other owner. They can annex that to that of the town if they reach an agreement. It doesn't even say the Lieutenant Governor in Council "must" do that; it says "may". So if

other people are involved, the Lieutenant Governor in Council, the government, can contact those other people. It's very broad. It's not doing away with input from people who are concerned at all.

Secondly, if there is simply a road allowance separating the land from the municipality and the land owned by the Crown, the same thing may take place. It "may", not "shall" and not "will". So there is ample provision for the Crown to find out what the people, if any, who may be living on that Crown-owned land may think about it. But, secondly, the Crown is given the simple rights that any other owner next to a municipality now has.

If I own land next to the city of Drumheller in ID 7, and enter into an agreement with the city for that to go to the city, nobody else is involved who is going to have anything to say about that. If it goes through the Local Authorities Board, they're going to look into it the same way as the Crown would look into it.

So, Mr. Speaker, I think we're reading too much into this that just simply isn't there.

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

HON. MEMBERS: Agreed.

MR. BATIUK: Mr. Speaker, I would like to express a few opinions here. I would like to thank the hon. members participating.

I would like to say, as both opposition members have stated, that this bill should have been brought in considerably sooner; also that this bill would provide that there may not be any hearings. With Vegreville there have been hearings, and the hearings took a considerably long time. They cost quite a bit of money. Not to hold any hearings in the future was not the intention. However, when this had happened the town of Vegreville had appealed this decision. Actually another set of hearings are set. Additional expenses are going to be incurred.

Further — that this bill came so late — the Minister of Municipal Affairs tried very hard with both bodies that they in some way or other could come to an agreement. He tried to negotiate, but seeing that this would not work this was the only alternative. This bill does not say that from now on all Crown land is going to be — action such as this will be taken by the Lieutenant-Governor. There may not be another case.

The Local Authorities Board has made hundreds of recommendations, and they were accepted by this government and by the previous government. If there is one area that the government feels is maybe not just so, I think the government has the right to make these decisions. I think our government was elected on the promise and commitment to decentralize and help build rural Alberta, and this is one way we are doing it. Right in the Vegreville constituency every town and village has grown in population with the exception of one, and it's throughout the province. It's programs such as these that are bringing this about. So I just can't see that there should be any concern that this is going to be done continuously.

As the hon. Member for Spirit River-Fairview mentioned, who is going to get the grant in lieu of taxes? Now I have mentioned earlier, who is entitled to those grants in lieu of taxes if the municipality — if

there be 800 acres. If they're not going to provide any services there is no provision that the government must pay money in lieu of taxes. If they would, it would be only on the land if they are not going to provide services.

Now since the Minister of Housing and Public Works did go into a contract with the town of Vegreville, there will be big expenses, and that is the only way the town will be able to recover some of this to pay for the provision of services they're going to give to an environment centre. Also when this program is going to provide jobs for maybe 300 to 400 people, they will have to live in the area of Vegreville. Lots and services will have to be provided. It's only right that the town that's going to be providing that service should get the grants in lieu of taxes.

As for the hon. Member for Drumheller, his comments are exactly in this bill. So I would ask that we get support from the hon. members.

[Motion carried; Bill 104 read a second time]

MR. HYNDMAN: Mr. Speaker, I move you do now leave the Chair and the Assembly resolve itself into Committee of the Whole to consider bills.

MR. SPEAKER: Does the hon. Member for Medicine Hat-Redcliff have a point of order?

MR. HORSMAN: Mr. Speaker, I wonder if I could have leave of the Assembly to revert to Reports by Standing and Select Committees.

MR. SPEAKER: Could I have the leave of the Assembly to postpone putting the motion of the hon. Government House Leader?

HON. MEMBERS: Agreed.

head: **PRESENTING REPORTS BY STANDING AND SELECT COMMITTEES**

MR. HORSMAN: Mr. Speaker, the Standing Committee on Private Bills has had under consideration the undermentioned private bills and begs to report the same with the recommendation that they not be proceeded with: Bill Pr. 1, An Act to Incorporate The Alberta Real Estate Society; Bill Pr. 4, An Act to Incorporate The Association of Registered Professional Foresters of Alberta; Bill Pr. 5, An Act to Amend an Act to Incorporate the Society of Industrial Accountants of Alberta.

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

HON. MEMBERS: Agreed.

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

[Dr. McCrimmon in the Chair]

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

Bill 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?

There's one further amendment here.

MR. R. SPEAKER: Mr. Chairman, could the minister give us the reason this has to be brought in again at the last hour. What's the urgency?

MR. JOHNSTON: Mr. Chairman, I apologize to the House for interrupting the normal smooth process of the proceedings, but it's been drawn to my attention that an amendment included in Bill 15 affects the operation of the Land Titles Office by my hon. colleague the Attorney General. I would let him make the very vivid and important explanation as to why this amendment is necessary.

MR. FOSTER: Mr. Chairman, three little words crept into this section. They are "or other instrument". If that were allowed to remain in the law, the Land Titles Offices would be shut down. We have a long holiday until it could be changed, and nothing could be done. They were clearly a drafting error that should have been picked up and should not be in there, and we apologize for the fact they were not spotted before they got into the House.

MR. CHAIRMAN: Would hon. members please stand.

[The House interrupted its proceedings at 4:28 p.m., at which time Members of the Legislative Assembly rose and observed two minutes' silence in tribute to members of the public service who gave their lives in three wars. The Last Post and Reveille were sounded in the rotunda of the Legislature Building. The House resumed its deliberations at 4:35 p.m.]

MR. CHAIRMAN: Would hon. members please be seated.

MR. R. SPEAKER: To the hon. Minister of Municipal Affairs, two questions with regard to further amendments in this act. Will the minister consider bringing amendments in the spring session of the Legislature? I'm sure that with the new act and the 100 amendments, a number of presentations will be made available to you.

Secondly, is the minister considering any type of procedure through which he will be able to hear these presentations? I know two or three groups have contacted me and said, we hope we can meet with the minister. I said, I'm sure he'd be open to that type of process. Maybe you could elaborate on those two questions for me.

MR. JOHNSTON: Mr. Chairman, I believe I did agree that as we attempt to examine further the operation of planning in the province, I fully anticipate some further amendments may be required in the spring of 1978. I haven't denied that I would be receptive to a

presentation by any individual. Certainly they can contact my office and make arrangements either for me to visit with them or for them to attend at my office. If the hon. member has a group in mind, I'd be very pleased to meet with them.

[Title and preamble agreed to]

MR. JOHNSTON: Mr. Chairman, I move that Bill 15, The Planning Act, 1977, be reported as amended.

[Motion carried]

Bill 54
The Petroleum Marketing
Amendment Act, 1977

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

MR. CLARK: Mr. Chairman, I'd like to make a couple of comments with regard to this bill. I view this bill, and the comments the minister made in the House, with some concern. If my recollection of the minister's comments on second reading is accurate, the minister indicated it wasn't the government's intention to proclaim this legislation.

MR. GETTY: To trigger it.

MR. CLARK: To trigger it. Well, I would suggest the way to trigger it is that it's likely you'll have to proclaim it. The minister shakes his head. I'm sure he'll straighten the record then.

The concern I have is one we've often raised in this House: the question of the petrochemical industry in this province and public subsidization of the industry. I would refer hon. members to the report the Energy Resources Conservation Board gave the cabinet, with regard to the hearings held on the benzine plant east of Edmonton, the PetAlta proposition. I notice the Minister of Business Development and Tourism is listening very carefully.

I refer both ministers to page B3 of the report. There it talks about this question of the guaranteed supply, which I don't have any problem with. But the portion that does bother me is the matter of the pricing of pentanes. The proposition put forward by PetAlta indicated that historically, pentanes-plus have sold in Alberta at approximately the same price as the reference crude oil designated by the Alberta Petroleum Marketing Commission. The economics of the project are based on this form of pricing.

I refer hon. members to the ERCB report. The ERCB disagrees with the PetAlta assessment of the pricing, saying on page B3 of its report:

The board has reviewed the historical prices of pentanes-plus and crude oil and does not agree with PetAlta that this price relationship has been generally at parity. While the relative prices between pentanes-plus and light and medium crude oil submitted by PetAlta appear reasonable as . . . prices, the board's own studies of average annual historical prices show that, in recent years, pentanes-plus has been priced at a premium with few exceptions.

That's the part I want to draw to the government's

attention. The ERCB is really saying that, with few exceptions, pentanes-plus have been priced at a premium.

Mr. Minister, that leads to the question I really want to ask once again. To date it's been this government's position that there be no subsidization in any form of the petrochemical industry in Alberta. Mr. Minister, my fear of this legislation is that it does give the government — this government or any government in the future — the power to in fact do that by simply having the Alberta Petroleum Marketing Commission establish a price for pentanes-plus that can be determined in the public interest.

Mr. Minister, that is the reason I asked that the bill be held yesterday until you were back. I look forward to some assurance from you that this kind of thing is not going to happen as long as you are minister.

MR. GETTY: Mr. Chairman, because of the concern the hon. Leader of the Opposition has raised, I made a statement, on introducing the bill in the spring. I think it's perfectly reasonable, since it's been a long time since the spring, that the matter should be raised again. On introducing the bill I dealt with this matter because industry was concerned about it.

At the time I was introducing it to the House, I said:

On the matter of price, Mr. Speaker, producers may be assured that Bill 54 is not intended to be used as a mechanism to subsidize Alberta petrochemical feedstock costs. While it appears that pentanes [condensate prices] like crude oil [prices], will continue to be regulated in Canada in the foreseeable future, industry should note that such regulation will not be used to [diminish or otherwise] distort the historical price relationship between these two commodities.

Mr. Chairman, I think that deals with the matter the Leader of the Opposition — for this minister that's a statement of policy with regard to the bill.

The other point the Leader of the Opposition asked me about was the matter of not having the bill in effect immediately. The reason I said "trigger" is that this act comes into force on the day it is assented to; it is not to be proclaimed at some time in the future. But the triggering mechanism is actually in Subsection (2) at the top of page 6: "This section applies only to those agreements to which it is made applicable by regulations under subsection (3)", and then, "The Lieutenant-Governor . . . may make regulations . . ." As I said on second reading of the bill, it would not be the intention of the government to trigger the operation of this section of the bill unless it's absolutely necessary.

MR. CLARK: Mr. Minister, can you speculate for a moment as to what circumstances would cause the government — to use your term — to trigger this portion of the bill?

MR. GETTY: Mr. Chairman, if members of industry tried to enter contracts for condensates or pentanes — I'll use the words interchangeably — outside the province of Alberta on a long-term basis, then I think we would be neglecting our responsibilities in allowing these contracts to go on, and have no feedstock supply for liquid petrochemical industry in our province. The potential to enter into those contracts is there, because there is nothing to stop them now.

This bill could.

The National Energy Board is reducing the export of oil to the United States. In 1978 it will be somewhere between 100,000 and 150,000 barrels a day, and it will be phased out by 1980. Condensates will need to find a market. They are produced somewhat involuntarily. With crude oil you can slow down a well or slow down production from a field, but condensates are produced from natural gas and in association with some crude oil production. They will find a market; we want them to find a market. But we want that market to be of a short-term nature, and we want the long-term markets for this product to be in Alberta.

[Title and preamble agreed to]

MR. GETTY: Mr. Chairman, I move that Bill 54, The Petroleum Marketing Amendment Act, 1977, be reported.

[Motion carried]

Bill 90
The Appropriation (Alberta
Heritage Savings Trust Fund,
Capital Projects Division)
Act, 1977

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

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill 90 be reported.

[Motion carried]

Bill 97
The Legislative Assembly
Amendment Act, 1977

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

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill 97, The Legislative Assembly Amendment Act, 1977, be reported.

[Motion carried]

Bill 100
The Appropriation
(Supplementary Supply)
Act, 1977

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

[Title and preamble agreed to]

MR. LEITCH: Mr. Chairman, I move that Bill 100 be reported.

[Motion carried]

Bill 101
The Temporary Anti-Inflation
Measures Amendment Act, 1977

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

[Title and preamble agreed to]

MR. HYNDMAN: Mr. Chairman, I move that Bill 101, The Temporary Anti-Inflation Measures Amendment Act, 1977, be reported.

[Motion carried]

Bill 104
The Municipal Government
Amendment Act, 1977 (No. 2)

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

[Title and preamble agreed to]

MR. BATIUK: Mr. Chairman, I move that Bill 104, The Municipal Government Amendment Act, 1977 (No. 2), be reported.

[Motion carried]

MR. HYNDMAN: Mr. Chairman, I move that the Committee of the Whole rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

DR. MCCRIMMON: Mr. Speaker, the Committee of the Whole Assembly has had under consideration Bill 15 and begs to report the same with some amendments.

Mr. Speaker, the Committee of the Whole Assembly has had under consideration bills 54, 90, 97, 100, 101, and 104, and begs to report the same.

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

HON. MEMBERS: Agreed.

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

Bill 15
The Planning Act, 1977

MR. JOHNSTON: Mr. Speaker, I move that Bill 15, The Planning Act, 1977, be now read a third time.

MR. NOTLEY: Mr. Speaker, rising to speak very briefly on third reading of Bill 15, while I would be less than fair if I didn't acknowledge that in the myriad of amendments we have had to wade through during the last three or four weeks there have been some

notable improvements in the act, particularly with respect to the right-of-entry provision, nevertheless I'd like to make three or four very short comments.

As I mentioned on second reading, Mr. Speaker, it seems to me that Bill 15 doesn't really contain a comprehensive enough overall statement on land use. As I read the amended act there is still far too much ministerial discretion. In my view the special planning areas give the government a very great deal of power without the criteria specified in the legislation. It seems to me that while special planning areas are obviously going to be necessary from time to time, the test for us is to make sure we set out the guidelines as clearly as possible in the legislation. From the arguments I've heard to date, I am unconvinced that that is not possible to undertake.

Finally, Mr. Speaker, with respect to the whole question of public participation, there has been some improvement as a result of the amendments. Nevertheless I still maintain that our public participation approach in Bill 15 is very much one of reacting to public participation, seeing it in the sense of being on the other side — a we and they situation, a confrontation situation rather than one of being in from the ground up.

For those reasons, Mr. Speaker, notwithstanding the fact that in some areas Bill 15 represents an improvement over the present Planning Act, I find it does contain some very considerable shortcomings.

MR. LOUGHEED: Mr. Speaker, I want to say a few words with regard to the matter of the handling of Bill 15 regarding what was just responded to by the Member for Spirit River-Fairview.

I'm concerned about a matter of communication, Mr. Speaker, and troubled by it. Just yesterday I was required to respond to recent correspondence on this bill. The correspondence was within just a few days, and was with regard to a bill that was put into the Legislature last spring. Prior to that time, there had been very extensive public hearings, public discussion, and the bill was then presented in this Assembly. It was very clearly presented in this Assembly by the minister, not on the basis of what the Member for Spirit River-Fairview just said but clearly as a bill open to public debate, not on a we and they basis but very much on the basis: here is a proposal, let's hear from the public, and let's respond to it.

There have been some remarks with regard to the number of amendments. I'm delighted that there have been very significant amendments to Bill 15. I think it reflects the fact that the government has been prepared to be responsive to a bill that was presented on that basis.

I suggest, Mr. Speaker, that all people involved in legislation in this sort of process have a responsibility of communication. We all share that responsibility of communication, because if we're going to present bills in the sense in which they're presented — and two were presented that way today by the Attorney General — I think it should be clearly put forward that they're there and open for public debate. That is why we brought in a fall session in this Assembly, something that didn't occur before — an opportunity to bring these bills in in the spring and have them held over so there could be some input.

I am troubled. I do not know what the answers are. When we do it that way and then amendments are

made, in my judgment that obligation then rests on all members of this Assembly, whatever corner they sit in, to assure that the people who were concerned about the bill as it was presented understand that significant amendments were made and that those significant amendments were made as a result of public response, and there was no sense of we and they. There was a sense of presenting a bill — a very complicated bill — and a very good reaction from the public, but I think a need for better communication by us and others to assure that there has in fact been awareness of the magnitude of the changes that occur.

MR. R. SPEAKER: Mr. Speaker, in making some remarks on third reading, I think one of the things we as legislators must recognize, and I'm sure that was part of the import of the Premier's remarks, is that the democratic process and people involvement is not a rapid process. Often it is a very slow process. As I observed the participation of people across Alberta with regard to Bill 15, I recognized this particular process initiating itself very, very slowly. When our fall session started in October, a number of people were just becoming aware of the content of Bill 15. At that time we MLAs moved into our responsibilities here at the Legislature, and moved a bit away from the people. We have gained information by letter, by telephone, and we attempted to discuss the initial thrust of Bill 15.

But the people were interested at that time and wanted to have more meetings, more discussions with the minister. One of the meetings I relate to was in Claresholm, where there was a unanimous opinion that Bill 15 should be delayed till the spring session. The people did that because they were not aware of all the concepts in Bill 15, didn't have time to study it, and were concerned about it.

Then we move into the Legislature and a number of the ideas, input from these people, were incorporated in amendments. I want to give the minister full marks for that. I think that was good. There were a number of good amendments, and he receives full marks for that. But at this point in the process the people who made the suggestions haven't had time to review those particular suggestions. They haven't had time to review the amendments relative to the original act. I think that's where our concern lies. I know we have indicated to the minister and made requests to the government that Bill 15 be delayed until the spring.

In that process we could have further discussions between now and the spring session, clear up all the difficulties we have before us, and have an act that most likely will be very agreeable to — well, not to everyone; that's impossible — people right across this province. We have said we're voting against the bill, because we think that should be part of the democratic process or the participation that such a complex bill must have in this province. We still feel that way, even with regard to the number of amendments brought in and considered in this Assembly. As you noted in Committee of the Whole, we voted against the bill for that reason. In third reading, we still have that intent.

MR. TAYLOR: Mr. Speaker, I feel bound to say a word or two in connection with this bill. After the spring

session I or my office made it a point to give wide distribution to Bill 15 throughout the constituency for which I'm responsible or I have the honor to represent — to organizations, elected people, individuals, farmer unions, and so on. That was followed by what we call main streeting in some 25 points in the constituency.

At one little place called Nightingale so many people showed up — I think it was 9 o'clock in the morning — that they decided instead of staying on the street they'd open up their hall. The entire talk was about The Planning Act. One of the highly respected municipal councillors from the county of Wheatland was at that meeting too. The points that were cleared, either by the councillor, by Mr. Williams, who was with me at the meeting, or by me, pretty well settled on the major concerns they had. We assured them that these would be brought back to the minister and discussed. The major two — and I might say this was common throughout the constituency — were the right of entry. Once it was explained most people said, that's reasonable. Even without the amendment they said, that's reasonable. But the amendment makes it even clearer. I said to one chap, "If there's a new subdivision and you're going to buy a house in that subdivision, do you want to make sure the water system is working, the electric system is proper, and so on?" He said, "Of course I do". I said, "How can it be done without an inspection?" He said, "That's sensible". "But," he said, "somebody told me that this permits any MLA, government official, municipal councillor to just walk into my house any time during the day or night". There's a lot of misinformation.

As a matter of fact, I read in *The Three Hills Capital* just this week where someone from Innisfail was speaking to people in Three Hills. The statement as recorded in the paper was that anything the government wants to do, they would just simply invoke Section 132. Now that's a ridiculous statement for anybody responsible to make. You could keep this bill out in the hustings from now till doomsday if that kind of information is being spread by those who, for their own ulterior reasons, are spreading that type of information. Section 132 applies to special planning areas only. It doesn't give any government department the right to do things not involved in that particular section. I've spent most of my time trying to clear up things that were never in the act and never intended to be in the act. It applies to planning only.

There is still some concern about land by-laws. The minister did remove some of the most objectionable, as far as my people were concerned; two or three others were concerned. I think the explanation was given that this is a big province. Those sections were required in urban areas and would likely never be used in rural areas. I think my people will be satisfied with that.

The big thing I would like to say is that I think we have a reasonably good Planning Act at this time. It's better because it was held over during these intervening months, and it's better because the minister and the government were prepared to bring in more than 100 amendments. I don't say the government did wrong if there were 200. I think they should be commended for permitting the people to have input and then acting on that to try to reflect to the greatest possible degree in this legislation the thinking of the

people.

I think we have a reasonably good act now. But the proof of the pudding will be in the eating. I think those administering this act should always keep in mind that the basis of this act is that this is for planning for now and for the future, and I quote from the act:

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

That is the basis of the act. We need planning, but we want to keep to a minimum the infringing on the rights of people.

I'm supporting the bill. I think that when the people have an explanation of these, as I go back to them, they will say, you did right in supporting the bill. I have to say that having several months to consider this is really new in this province. I remember the previous Planning Act. We didn't have any length of time. As a matter of fact, in one day we put through two readings of the previous Planning Act. [interjections] So there's quite a difference in the procedure. I say that difference is good. Maybe it's evolved with time, but it's good.

MR. SPEAKER: Are you ready for the question?

[Mr. Speaker declared the motion carried. Several members rose calling for a division. The division bell was rung] [interjections]

MR. SPEAKER: On a question of order, it was the Chair's understanding that three hon. members had stood. [interjections]

MR. TAYLOR: On a point of order, Mr. Speaker. I have no objection to standing and voting the way I did. But this is the fourth time. How many more times does the opposition want us to do that?

[Three minutes having elapsed, the House divided]

For the motion:

Adair	Hohol	Musgreave
Appleby	Horner	Paproski
Ashton	Horsman	Planche
Backus	Hunley	Purdy
Batiuk	Hyland	Russell
Bogle	Hyndman	Schmid
Bradley	Jamison	Schmidt
Chambers	Johnston	Shaben
Chichak	Kidd	Stewart
Cookson	Koziak	Stromberg
Crawford	Kushner	Taylor
Doan	Leitch	Tesolin
Donnelly	Little	Thompson
Dowling	Lougheed	Topolnisky
Farran	Lysons	Trynchy
Fluker	McCrae	Walker
Foster	McCrimmon	Warrack
Getty	Miller	Webber
Ghitter	Miniely	Young
Harle	Moore	

Against the motion:

Clark	Mandeville	Notley
R. Speaker		

Bill 81

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

Totals:

Ayes - 59

Noes - 4

[Bill 15 read a third time]

[It was moved by the members indicated that the following bills be read a third time, and the motions were carried]

No.	Name	Moved by
54	The Petroleum Marketing Amendment Act, 1977	Getty
90	The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1977	Leitch

[Dr. McCrimmon in the Chair]

97	The Legislative Assembly Amendment Act, 1977	Hyndman
100	The Appropriation (Supplementary Supply) Act, 1977	Leitch

[Mr. Speaker in the Chair]

101	The Temporary Anti-inflation Measures Amendment Act, 1977	Hyndman
104	The Municipal Government Amendment Act, 1977 (No. 2)	Batiuk
57	The Forest and Prairie Protection Amendment Act, 1977	Shaben
63	The Financial Administration Act, 1977	Leitch
66	The Department of Hospitals and Medical Care Act	Miniely
68	The Alberta Heritage Savings Trust Fund Special Appropriation Act, 1977-78	Leitch
69	The Alberta Heritage Savings Trust Fund Special Appropriation Act, 1978-79	Leitch
70	The Motor Vehicle Accident Claims Amendment Act, 1977	Foster
71	The Nursing Assistants Registration Act	Musgreave
72	The Alberta Insurance Amendment Act, 1977	Young
77	The Natural Gas Price Administration Amendment Act, 1977	Getty
80	The Alberta Labour Amendment Act, 1977	Crawford

MR. RUSSELL: Mr. Speaker, I move third reading of Bill 81, The Department of the Environment Amendment Act, 1977 (No. 2).

MR. NOTLEY: Mr. Speaker, in rising to participate briefly in third reading of Bill No. 81, I would simply say to members of the Assembly that we have to recognize what we are doing in this bill.

Now admittedly, as one reads Section 4(2), the particular question of the south leg of the RDA — or the one that has been described as the Heppner case — is exempted and is not affected by the retroactive legislation as such, although as the result of this legislation the Heppners will find themselves very much in the position they were before they took court action.

But, Mr. Speaker, when one looks at Section 4(1) there is really no doubt this is retroactive legislation. During second reading, the minister indicated that to his knowledge no other cases would be affected. Well I hope that's true. But that doesn't alter the fact that this Legislature must realize very clearly that in Bill No. 81 we are indeed passing retroactive legislation. I sought the opinion of a number of legal people, including several experts in constitutional law, who have reviewed Bill 81 and advised me there is no question that Bill 81 is in fact retroactive legislation.

Mr. Speaker, we all know that in the United States retroactive legislation is unconstitutional. While it is legal in Canada, I think the presumption has always been that retroactive legislation should only be the last resort, and the test of introducing retroactive legislation must be that no other option is available. With respect to this particular incident, and the entire RDA question around the city of Edmonton, I am not convinced that the only course this government had at its disposal was retroactive legislation. I think there is a larger principle. Mr. Speaker, that principle is that retroactive legislation should only be used when there are no other alternatives. In my view, in this instance there were.

[Motion carried; Bill 81 read a third time]

[It was moved by the members indicated that the following bills be read a third time, and the motions were carried]

No.	Name	Moved by
85	The Social Development Amendment Act, 1977 (No. 2)	Ashton
87	The Metric Conversion Statutes Amendment Act, 1977	Chambers
88	The Social Care Facilities Licensing Act	Hyndman (for Wolstenholme)
91	The Alberta Housing Amendment Act, 1977	Jamison
92	The Consumer and Corporate Affairs Statutes Amendment	Harle

No.	Name	Moved by	Bill 62	The Auditor General Act
	Act, 1977		Bill 63	The Financial Administration Act, 1977
93	The Pension Statutes Amendment Act, 1977	Leitch	Bill 64	The Department of Business Development and Tourism Amendment Act, 1977
94	The Alberta Union of Provincial Employees Act	Young	Bill 65	The Utility Companies Income Tax Rebates Act, 1977
95	The Glenbow-Alberta Institute Amendment Act, 1977	McCrae	Bill 66	The Department of Hospitals and Medical Care Act
96	The Trust Companies Amendment Act, 1977	Ghitter	Bill 67	The Department of Recreation, Parks and Wildlife Amendment Act, 1977
98	The Motor Vehicle Administration Amendment Act, 1977 (No. 2)	Appleby	Bill 68	The Alberta Heritage Savings Trust Fund Special Appropriation Act, 1977-78
99	The Statute Law Correction Act, 1977	Foster	Bill 69	The Alberta Heritage Savings Trust Fund Special Appropriation Act, 1978-79
MR. HYNDMAN: Mr. Speaker, His Honour the Honourable the Lieutenant-Governor will now attend upon the Assembly.			Bill 70	The Motor Vehicle Accident Claims Amendment Act, 1977
[Mr. Speaker left the Chair]			Bill 71	The Nursing Assistants Registration Act
			Bill 72	The Alberta Insurance Amendment Act, 1977
			Bill 73	The Motor Transport Act
			Bill 74	The Environment Conservation Amendment Act, 1977
			Bill 75	The Energy Resources Conservation Amendment Act, 1977
			Bill 76	The Provincial General Hospitals Amendment Act, 1977
SERGEANT-AT-ARMS: Order! His Honour the Lieutenant-Governor.			Bill 77	The Natural Gas Price Administration Amendment Act, 1977
[His Honour the Lieutenant-Governor took his place upon the Throne]			Bill 78	The Attorney General Statutes Amendment Act, 1977 (No. 2)
HIS HONOUR: Be seated, please.			Bill 79	The Nursing Homes Amendment Act, 1977 (No. 2)
MR. SPEAKER: May it please Your Honour, the Legislative Assembly has, at its present sitting, passed certain bills to which, and in the name of the Legislative Assembly, I respectfully request Your Honour's assent.			Bill 80	The Alberta Labour Amendment Act, 1977
			Bill 81	The Department of the Environment Amendment Act, 1977 (No. 2)
CLERK: Your Honour, the following are the titles of the bills to which Your Honour's assent is prayed:			Bill 82	The Industrial Wages Security Amendment Act, 1977
Bill 15	The Planning Act, 1977		Bill 83	The Social Services and Community Health Statutes Amendment Act, 1977
Bill 46	The Banff Centre Act		Bill 84	The Statutes Repeal Act, 1977
Bill 51	The Wildlife Amendment Act, 1977		Bill 85	The Social Development Amendment Act, 1977 (No. 2)
Bill 54	The Petroleum Marketing Amendment Act, 1977		Bill 86	The Domestic Relations Amendment Act, 1977
Bill 56	The Forest Development Research Trust Fund Amendment Act, 1977		Bill 87	The Metric Conversion Statutes Amendment Act, 1977
Bill 57	The Forest and Prairie Protection Amendment Act, 1977		Bill 88	The Social Care Facilities Licensing Act
Bill 58	The Alberta Income Tax Amendment Act, 1977 (No. 2)		Bill 90	The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1977
Bill 59	The Tobacco Tax Amendment Act, 1977		Bill 91	The Alberta Housing Amendment Act, 1977
Bill 60	The Fuel Oil Tax Amendment Act, 1977		Bill 92	The Consumer and Corporate Affairs Statutes Amendment Act, 1977
Bill 61	The Farm Implement Amendment Act, 1977			

Bill 93	The Pension Statutes Amendment Act, 1977
Bill 94	The Alberta Union of Provincial Employees Act
Bill 95	The Glenbow-Alberta Institute Amendment Act, 1977
Bill 96	The Trust Companies Amendment Act, 1977
Bill 97	The Legislative Assembly Amendment Act, 1977
Bill 98	The Motor Vehicle Administration Amendment Act, 1977 (No. 2)
Bill 99	The Statute Law Correction Act, 1977
Bill 100	The Appropriation (Supplementary Supply) Act, 1977
Bill 101	The Temporary Anti-Inflation Measures Amendment Act, 1977
Bill 104	The Municipal Government Amendment Act, 1977 (No. 2)
Bill 220	The Blind Persons' Guide Dogs Act

These are the bills to which Your Honour's assent is prayed.

[The Lieutenant-Governor indicated his assent]

CLERK: In Her Majesty's name, His Honour the Honourable the Lieutenant-Governor doth assent to these bills.

HIS HONOUR: Mr. Speaker, at this time I would like to express my thanks to the members of the Legislature for the way you conducted the business of this government for the people of the province of Alberta. In your deliberations you've shown a great deal of concern for the people of this province. It is my opinion that they appreciate this very much.

At the closing of the session, also, I would like to wish you a pleasant time at home among your constituents. Although it seems rather early I want to express my wish for the holiday season, which by the feel of the weather is coming fairly close. It'll be my pleasure to meet with you again when the new session is called in the new year.

SERGEANT-AT-ARMS: Order!

[The Lieutenant-Governor left the House]

MR. FOSTER: It is the will and pleasure of His Honour the Lieutenant-Governor that the Legislative Assembly be now prorogued, and this Assembly is accordingly prorogued.

[The House prorogued at 5:40 p.m.]

