

**LEGISLATIVE ASSEMBLY OF ALBERTA**

Title: **Wednesday, October 25, 1978 2:30 p.m.**

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

**PRAYERS**

[Mr. Speaker in the Chair]

head: **TABLING RETURNS AND REPORTS**

MR. CHAMBERS: Mr. Speaker, I'd like to table the annual report of the Alberta Home Mortgage Corporation for the fiscal year ended March 31, 1978, as required by statute.

MR. GETTY: Mr. Speaker, I'd like to table a summary of the Energy Resources Conservation Board report entitled Energy Requirements in Alberta, 1977-2006. Copies will be made available to all members.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. LOUGHEED: Mr. Speaker, I'm delighted again this year to introduce to you a group from a high school within my constituency, the Ernest Manning high school. I had the opportunity to meet with the group, 50 in number, before the Legislature was called to the afternoon sitting. They are accompanied by their teacher Hazel Brown. They're in the members gallery. I'd ask them if they would all rise and have the welcome of the House.

MR. GETTY: Mr. Speaker, I'd like to introduce a group of some 40 students from the D.S. McKenzie junior high. They are accompanied by their teachers Mrs. Chorley and Mrs. Covey. They're in the public gallery. I would ask them to stand and be recognized by the Assembly.

MR. SHABEN: Mr. Speaker, I'd like to introduce to you and through you three visitors in the members gallery today. They are Mr. Ed Yoder, chairman of the advisory board for ID 17, accompanied by Arlene Olafsen and Joe Hugo, all three of whom are members of the Smith development association. I would ask them to rise and receive the welcome of the House.

head: **ORAL QUESTION PERIOD**

**Housing and Urban Development**

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of Housing and Public Works. It's really a follow-up to the questions of last week with regard to the joint report done by the HUDAC people and the Department of Housing and Public Works. Has the minister had discussions with developers in the Edmonton region with regard to the servicing of the 40,000 lots that could be available in

the northwest area of Edmonton, namely Castle Downs, if in fact services were available?

MR. CHAMBERS: No, Mr. Speaker. My only discussions have been very general.

MR. CLARK: Mr. Speaker, to the minister. Has the minister had discussions with the city of Edmonton with regard to the approximately \$20 million needed to get the main trunk services into that area of the city so that the serviced lots could be available?

MR. CHAMBERS: No, although the department officials are of course in ongoing contact with not only Edmonton but many municipalities in Alberta.

MR. CLARK: Mr. Speaker, to the minister, so there's no misunderstanding. Mr. Minister, has the minister's office had no discussions with the city of Edmonton or developers in the Edmonton region with regard to the \$20 million needed to get the services to the land waiting to be developed in the northwest area of the city of Edmonton, namely Castle Downs?

MR. CHAMBERS: No. Of course I have lots of discussions with the people in the city, but I don't recall any specific discussion of that aspect.

MR. CLARK: Mr. Speaker, just one further question to the minister on this question of getting services to land. Now that the new UDI brief has been finalized and the minister has had an opportunity to look at it, is he in a position to indicate to the Assembly when the government will move on making funds available so that there can be access to serviced lots both in Edmonton and Calgary?

MR. CHAMBERS: Well, I suppose the hon. leader is asking me the identical question, Mr. Speaker, that he asked me last week. The mayor of Edmonton offered information with regard to the supply of serviced lots for the short-term, and his opinion on long-term. Of course my answer is the same answer I gave the hon. Leader of the Opposition last week, that I'm looking hard at that question.

MR. CLARK: Mr. Speaker, then a supplementary question to the Minister of Municipal Affairs. Last week we asked the Minister of Municipal Affairs about changes in the annexation procedures in the province. Is the minister in a position to indicate when the government will be making an announcement concerning new procedures used by the Local Authorities Board, dealing especially with the problem of speeding up annexation decisions?

MR. JOHNSTON: Mr. Speaker, without assuming that any new procedures will flow, I can advise the House and the hon. member that on Monday of this week I was fortunate to have a meeting with the Urban Development Institute to discuss the representations they were making to the government with respect to their views on annexation, to give us a balanced perspective and to supplement the information given to us by the Housing and Urban Development Association of Canada. They made some very important recommendations to us, and I'll be carrying those forward.

MR. CLARK: Mr. Speaker, to the minister. Could the minister give any commitment to the Assembly when some decisions will be made to make changes in the annexation procedures in the province, primarily the administrative procedures? Or in fact will the minister give us a time line when we can expect that to be arrived at?

MR. JOHNSTON: Mr. Speaker, I think it's a fairly legitimate question that we should be very conscious of the process in the Edmonton metropolitan area — and I'll limit my comments to the Edmonton metropolitan area for the time being. By recognizing that we have several unique communities on the fringe of the city of Edmonton, recognizing the city of Edmonton's new position, taken by the mayor, that certainly they have to have a determination of the boundary question, I generally believe that we can find a reasonable solution which would involve a great degree of co-operation between and among the municipalities, and that we'll have to bring into play in some part the process of the Local Authorities Board hearing, which certainly is a preliminary opportunity to review the assessment question, to review the population, and to make sure that there's a forum at least to discuss the fundamental issues of annexation.

But as I'm sure the House is aware, Mr. Speaker, I have initiated some discussions in that area. We are now proceeding with a broad discussion with the reeves and the elected people in the Edmonton metropolitan area.

MR. CLARK: Mr. Speaker, to the minister. Mr. Minister, can you give us some kind of time line when you expect these discussions will be completed and you will be in a position to indicate to the reeves, the mayors, and other people you're meeting with, in addition to the Assembly, either that there will be some changes as far as the procedures are concerned, or in fact know the government is satisfied with the existing procedures?

MR. JOHNSTON: Mr. Speaker, I think it would be difficult for me to make a time commitment as to a change in the process, which first of all is a legislative process that has been passed by this Assembly.

Secondly, Mr. Speaker, I would not want to preempt the rights of any of the participants, certainly not the rights of the city of Edmonton to prepare their arguments well. They are now in the process of doing that as a result of the meetings we have had.

I might add as well that the county of Strathcona is also preparing its position and has completed a study which sets forth the implications of the annexation proposed by the city of Edmonton, recognizing that the fundamental issue is of course economics, and probably will have to be dealt with in a forum somewhat different from the LAB process.

But to give a specific commitment as to changes in the LAB process would, I think, be a bit preliminary at this point.

MR. CLARK: Mr. Speaker, I'd like to ask the Minister of Housing and Public Works one further question. Has the minister had discussions with the elected officials of any of the other cities in the province dealing with this question of either a revolving fund

or using heritage money to get more serviced lots available?

MR. CHAMBERS: I don't recall any discussions on that specific point with any other elected officials, although again I would point out to the hon. leader that officials of my department have discussions with municipalities across the province on a regular basis. That's about all I can add to that.

DR. BUCK: A supplementary question, Mr. Speaker. Can the Minister of Municipal Affairs indicate if the city of Edmonton has made a formal application to the minister or the government for the annexation of refinery row?

MR. JOHNSTON: Mr. Speaker, there has been no application.

#### **Fort Saskatchewan Correctional Institution**

MR. CLARK: I'd like to direct the second question to the Solicitor General and ask him very directly: was it the decision of the warden at Fort Saskatchewan jail to remove the film yesterday from certain members of the media, or was it in fact a decision handed down by senior officials in central office to the warden, who carried the decision out?

MR. FARRAN: Mr. Speaker, I'll answer the Leader of the Opposition very directly. It was the warden's decision on that particular question.

MR. CLARK: Mr. Speaker, then to the Solicitor General. What instructions had previously been given to the warden that led to this decision being made?

MR. FARRAN: Mr. Speaker, the only instructions I gave in this particular incident were cardinal ones of principle in incidents of this kind. I think perhaps you should listen very carefully, because my successor may benefit from this little advice.

First of all, everyone should keep his head and remain cool. Only one person is in charge; you can't conduct an incident like this by committee. The person in charge is governed by The Corrections Act and the regulations. Under The Corrections Act it is mandatory to have the permission of the warden before you enter a prison or its grounds. Second, it's illegal to take a photograph within a prison without the permission of the warden. Third, it's illegal to take any object into a prison without the permission of the warden, who has the right to search.

Now the reasons for these regulations are pretty obvious. First of all, in a prison there's the threat of contraband, of plans for escape, of incitement to riot, of danger to persons. Here we had an incident where the life of a correctional officer was threatened by five inmates who actually had weapons. They had razor blades concealed in toothbrushes.

The staff carried out their instructions perfectly. As I forecast in the House yesterday, the incident fizzled. They did keep their cool. It's sometimes very difficult to keep your cool when the media are buzzing around like bees around a honey pot, looking for a colorful story.

But within the prison their first interest must be in

maintaining peace and good order. All the other 500 or 600 inmates have access to radios and even television. Quite naturally the feelings are very tense, and the atmosphere is very highly strung in the prison at large when an incident like this takes place. So in order to contain it, you should order, as I did, a blackout on news. We're not in the entertainment business. We're there really just to maintain the peace. As far as I'm concerned the director did everything he should.

Two journalists did sneak into the building under the cover of some visitors leaving the visiting room — this took place within the building — and began to take photographs through Plexiglas windows and to try the handles of doors leading into the security area. The director, Mr. Downie, in whom I have complete faith — and I have known him for many, many years, long before I got into this job. He is a very cool, competent leader. He took these journalists into his office. He didn't arrest them. He said, now what you're doing is illegal; you shouldn't have come in here without permission. They voluntarily exposed their films, but I must confess that he invited them to do it. As far as I'm concerned he behaved absolutely properly.

DR. BUCK: Mr. Speaker, I have one or two supplementary questions for the hon. Solicitor General. Can the Solicitor General indicate to the Legislature what directions go to the warden or the director of corrections at Fort Saskatchewan relating to the availability to comment on the situation in the jail? Many times it seems that the director says, you will have to check with the office in Edmonton. What directions come from the Solicitor General's Department as to what the warden can do and say and what he cannot say?

MR. FARRAN: The directions that come from me are these. I am the elected representative. I am the one to take the flak from the opposition and the media. The civil servants, who find it very difficult to answer back, don't have to expose themselves to that sort of critical reporting.

DR. BUCK: A supplementary to the hon. Solicitor General. Can the Solicitor General indicate what is available for the protection of the staff, the employees, the jail guards who work in the institution? Then I have another supplementary.

MR. FARRAN: Sorry, I don't understand the question. What is available to the staff?

DR. BUCK: Mr. Speaker, to the hon. Solicitor General. In a hostage incident such as this, what information is given to the other correctional officers for their protection and for the protection of the people who are being taken hostage?

MR. FARRAN: Well, that's deployment and tactics of the moment. Keep calm in the prison. We naturally contact the relatives of the correctional officers being held hostage and tell them to keep calm, everything's under control. Everything was under control and went according to Hoyle. In fact we should all be proud of the actions of this correctional staff employ-

ed by the government of Alberta in this particular incident.[applause]

DR. BUCK: A further supplementary, Mr. Speaker. I'm sure I probably know more of the staff than the hon. Solicitor General does, and I'm proud of the work they do. But I would like to ask if the Solicitor General is aware that because of the chronic shortage of staff many of these men have to work overtime. Is the Solicitor General looking at doing something about the shortage of staff and the number of hours the staff have to work in the institution?

MR. FARRAN: Well, Mr. Speaker, the amount of overtime has been drastically reduced in the last year, and we have hired more correctional officers. But, you know, they're also desirous to maintain restraints on the growth of the civil service. In all prisons we have complications over staff, of people going sick, of the impossibility of estimating how many times people are brought up to court on remand, how many times they have to be escorted to hospitals. With the new emphasis on work, I require more correctional officers to supervise work camps.

It is an ongoing problem. But I can say the overtime has been reduced enormously during the last year.

DR. BUCK: A final supplementary to the hon. Solicitor General. With these so-called new initiatives of the minister's department, can the minister indicate if the institution is still crowded, or has the overcrowding been lessened?

MR. FARRAN: Yes, Mr. Speaker, the overcrowding has been lessened. But as I've said before, there will be no substantial relief until the Edmonton Remand Centre is opened. It has been lessened; as a matter of fact, we seem to have gone over the peak of the number of inmates in the system. There has been a slight decline from a peak of around 2,000 to around 1,800 to 1,850.

MR. CLARK: Mr. Speaker, a supplementary question to the Solicitor General. Given the blackout that the Solicitor General imposed, and I think rightly, could he indicate to the Assembly how it was possible for the media people to get into a place to take the kinds of pictures the warden felt were necessary to have voluntarily exposed?

MR. FARRAN: They did take some. Apparently the director didn't object to the CBC being on the grounds. But by and large they can't.

I know that in the media of today there are a lot of immature journalists who despise the notion of a newspaper report and are constantly looking for confrontation or some type of critical approach to a story. The complete story can easily be given very quickly after the incident is completed. They don't have to force their way in. But certainly pictures within the prison are just a no-no.

MR. CLARK: Mr. Speaker, my question to the Solicitor General is simply this: how did the members of the media get in during the period of this blackout? Were they let in by the warden, were they in there before, or how did that happen?

MR. FARRAN: Well, according to my report — and I understand the *Edmonton Journal* is taking the whole matter to the Alberta Press Council on Monday; their story may be different from the one I'm getting from my staff — the two photographers got in under cover of some visitors who were leaving the visitors' area, and they went in without permission. The visitors were there when the incident took place. The life of the prison was going on, so there were visitors in the jail for normal visiting hours. They got into the visitors' area and tried to go beyond that.

MR. CLARK: With their cameras.

MR. FARRAN: With their cameras. So in the confusion and the excitement of an incident of this sort, a really enterprising reporter can certainly find his way in.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Attorney General. Is it the intention of the Attorney General to meet with lawyers from the *Edmonton Journal* to consider their request for a special investigation into the events of yesterday?

MR. FOSTER: Mr. Speaker, all I know is what I've read in the *Edmonton Journal* in the noon edition suggesting that some people were interested in meeting with me to discuss that aspect of it or something else. My position is that if people want to meet with me to discuss those kinds of matters, I'm happy to meet with them. I don't know what more I can say.

MR. NOTLEY: Mr. Speaker, a supplementary question for clarification. The Attorney General will in all likelihood be meeting with lawyers from the *Edmonton Journal*, then?

MR. FOSTER: Mr. Speaker, let me be clear. I'm not seeking the opportunity of meeting with anybody on this issue, except my colleague the Solicitor General if he wants my advice or assistance on something.

What you're saying to me is that some people apparently have expressed an interest in wanting to see me on some aspect of it because they presumably feel that I have some role to play. Perhaps I do; I don't know. I doubt it. But if some people feel that I have, and they want to meet with me, I'm happy to meet with them. But I'm not standing here saying, please come and meet with me, because I don't know what they want.

MR. NOTLEY: Mr. Speaker, I'd like to direct a supplementary question to the hon. Premier. I don't intend to get into the question of what happened yesterday, which at this stage appears to be in some dispute. But I would ask the hon. Premier whether the government has any overall policy with respect to a "notwithstanding" clause being inserted in certain pieces of legislation like The Corrections Act where, as a consequence of a news blackout, one could argue that the freedom of the press guaranteed in the Bill of Rights is compromised.

My question, Mr. Speaker, is whether the government had any overall policy with respect to that kind of trade-off.

MR. LOUGHEED: Mr. Speaker, I find it very unusual that the hon. Member for Spirit River-Fairview would talk about trade-offs when we're dealing with a situation where human lives are at stake. I don't look at it that way. I would think that a matter of that nature should follow the usual course through the courts.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. In view of the fact that Bill No. 1 is the basic law of the province — the most important law in the province — in view of the fact that all other acts if they in any way qualify Bill No. 1 must have a "notwithstanding" clause, is it the intention of this government to insert a "notwithstanding" clause in The Corrections Act?

MR. LOUGHEED: Mr. Speaker, I believe I answered that.

MR. SPEAKER: A supplementary by the hon. Member for Stony Plain followed by the hon. Member for Lethbridge West. Then I think we should leave this topic. There are still a number of members who have not yet asked their first question. The topic is undoubtedly important, but if there's time we can revert to it at the end of the question period or tomorrow.

MR. PURDY: Mr. Speaker, I'd like to address a supplementary question to the Solicitor General. Can the Solicitor General determine, for information purposes of this Assembly, the time that press members arrived at the Fort Saskatchewan Correctional Institution yesterday? Was it after the story broke in the Legislature?

MR. FARRAN: I'm not quite sure of the answer to that, Mr. Speaker. My impression is that they arrived before that. The incident started around 11:50, which was before the Legislature began to sit and discuss the matter. So I don't know when they arrived or if they all arrived together.

I'll just quote this little piece from regulations to The Corrections Act:

No person shall photograph, sketch, or interview an inmate for the purpose of publication without the consent in writing of the Minister or the Chief Executive Officer.

The reason for that is that it's also an invasion of privacy of the inmates who are serving a sentence, and of the guards who are in a very exposed position.

#### Constitutional Conference

MR. R. SPEAKER: Mr. Speaker, my question to the Minister of Federal and Intergovernmental Affairs is with regard to the upcoming constitutional conference. I was wondering if the minister could advise whether the agenda has been or could be made public at this time.

MR. HYNDMAN: I'd have to check on that, Mr. Speaker. I'll do so and report to the House tomorrow.

#### Social Planning

MR. NOTLEY: Thank you, Mr. Speaker. In the absence of the hon. Minister of Social Services and

Community Health, I'd like to direct this question to the hon. Premier. He may choose to ask one of the other members to answer it. It's with respect to a consulting report prepared by Co-West Associates entitled Social Planning Implications for Health and Social Services: Northeast Alberta Region. The basic proposition in the report is that social planning should be given equal priority with natural resource planning in the northeastern area of the province. My question to the hon. Premier is: is the government prepared to act on this recommendation?

MR. LOUGHEED: Mr. Speaker, in the absence of the minister, I will have to take notice of that and advise her.

MR. NOTLEY: Mr. Speaker, a supplementary question, if I may, to the hon. Minister of Energy and Natural Resources, flowing from the same consulting report. Now that the ERCB is going to be holding hearings in the Cold Lake region, hearings which will examine social and environmental implications as well as the technical data, is it the position of the Alberta government that the ERCB report will be limited to the technical information that is usually supplied? Or will the cabinet be requesting an assessment of the social and ecological matters raised in the ERCB hearings?

MR. GETTY: Mr. Speaker, we will not be requesting anything special from the Energy Resources Conservation Board, nor was the hon. member correct in saying that the Energy Resources Conservation Board usually deals only with technical matters.

MR. NOTLEY: Mr. Speaker, a supplementary question. Then will all the information that is gathered dealing with social questions in the ERCB report be automatically referred to the cabinet?

MR. GETTY: Well, I can't prejudge the ERCB report.

#### **U.S. Investment Survey**

MR. PURDY: Mr. Speaker, I'd like to address a question to the Minister of Energy and Natural Resources. Reports from the United States indicate that in 1979 major investors from the U.S. will be spending about \$2.1 billion on exploration, mainly in Alberta. Has the minister had an opportunity to discuss this exploration with U.S. officials or any of the principals involved?

MR. GETTY: No, I haven't, Mr. Speaker. I noticed the report, and I understand it's a U.S. government survey asking companies for their intentions to invest. What I guess was the highlight of the companies' intentions was that many of them were going to be investing money in Alberta. I suppose it's a reflection of the incentives, the strong economy, and the stable government policies in the province.

I may have an opportunity at some time to meet with officials from the U.S. government. I don't have anything planned at present. If I do, I certainly will take that chance to discuss it with them.

MR. PURDY: A supplementary, Mr. Speaker, to the minister. From the report it appears that a major part

of the \$2.1 billion will be spent on oil sands development. Has the minister had an opportunity to discuss with the Alberta Oil Sands Technology and Research Authority this particular exploration, so that the principals of American companies would not be duplicating what is now carried on by the Oil Sands Technology and Research Authority?

MR. GETTY: Mr. Speaker, I don't believe there'll be duplication. Most of the companies which are interested in oil sands research, which is AOSTRA's mandate, are very familiar with the responsibilities of the Oil Sands Technology and Research Authority and are co-ordinating with them. There may be one or two companies which feel they do not want to participate with the authority, but that would be because they want to maintain their knowledge. I don't believe, though, that the report the hon. member is referring to would lead to any duplication or conflict in development within our province.

MR. PURDY: A final supplementary, Mr. Speaker. Will the minister's department and other government departments carry out a study to ascertain the impact on the economy of Alberta of additional exploration and this \$2.1 billion amount?

MR. GETTY: No, Mr. Speaker.

#### **Rental Accommodation**

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Consumer and Corporate Affairs. Could the minister indicate to the Assembly whether his department is monitoring the effect of rent controls, and whether the vacancy rate is rising in the province?

MR. HARLE: Mr. Speaker, as far as the vacancy rates are concerned, the Department of Housing and Public Works has done most of the surveying, while the Department of Consumer and Corporate Affairs does some work in areas where it's not overlapping with the work by the other department.

As far as monitoring the effectiveness of The Rent Decontrol Act, yes, a certain amount of monitoring is done. I can say that from the information we have at the moment, the applications for rent increases, for example, are down about 80 per cent compared to the same period last year.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Could the minister indicate whether his department has received any reports on excessive rents being charged on units not controlled by the rent controls?

MR. HARLE: While we don't monitor from the point of view of obtaining further information on decontrolled units, obviously there are people who receive notices of increase in the decontrolled units who quite often complain to the office. Therefore we do have some indication of substantial increases. However, because they are in the decontrolled units, they do not come under The Rent Decontrol Act.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister with respect to the government

proceeding with The Rent Decontrol Act. Is the minister in a position to advise the Assembly what the government's strategy is with respect to Bill 34, The Landlord and Tenant Act? Will that be proceeded with the during the fall session and then referred to the court, or will it in some way be referred to the court before being evaluated by the House?

MR. HARLE: Mr. Speaker, it is the intention to introduce The Landlord and Tenant Act at this sitting. At that time we'll probably get into the matters raised in the member's question.

#### Student Loans

DR. BUCK: Mr. Speaker, my question is directed to the hon. Minister of Advanced Education and Manpower. In light of the fact that the age of majority is 18 and the guideline for eligibility for provincial student loans seems to be 21, can the minister indicate if this is a firm policy, or is it in essence something that just crept into the system?

DR. HOHOL: No, Mr. Speaker. It is a basic tenet of the student finance program and has been for several years. The board has the capacity in its judgment to make exceptions when it considers those to be reasonable. It's a matter that's been under a lot of discussion for several months, and indeed in the last couple of years, and will continue to get the kind of attention until we get the task force from the people who are looking at the costs of postsecondary education to the students in Alberta.

DR. BUCK: Mr. Speaker, a supplementary question to the minister. Can the minister indicate if there is an appeal procedure in a case where an independent adult is not even a member of the family, but because he happens to have a mother and father, that makes him ineligible? What can be done in instances such as this? [Interjections] That's just the way you guys have it set up, Foster.

DR. HOHOL: Mr. Speaker, there are criteria on the basis of which a student may apply for student assistance. It's on those same criteria that he can apply for an appeal. He may have new information or feel that the judgment on the initial information was improper. So the second question would fall into the capacity of the board to make exceptions for cause. The incidence for that kind of exception would not be high.

DR. BUCK: Mr. Speaker, a short supplementary question to the minister. In the instance where the student appeals, and he has really no direct connection with the family, are exceptions made and how often?

DR. HOHOL: Let's be clear on this, Mr. Speaker. One of the basic requirements for a person who applies for student assistance is the entry on the application form of the income of the person in the home — father, mother, or both. That is taken into account in terms of assessing his application; first, whether he will get some assistance and, second, how much. If he is turned down because of his parents, with whom he is not living — if I follow the hon. member's question carefully — and is independent for all pur-

poses except The Students Finance Act, he has the right to appeal. The regulation in this instance is applied pretty regularly and in a standard way. There would have to be, for the most part, other considerations to make that concession for the applicant one that would be recognized by the appeal board.

DR. BUCK: Mr. Speaker, can the minister indicate if this very reasonable change could be made before the minister's task force reports? It's a reasonable request the student is making, because in many instances the student has really no relationship whatsoever with the parents. That is where the real problem lies, Mr. Minister. Are you in a position to indicate if that amendment can be brought in very, very quickly, before the other study is brought in?

DR. HOHOL: The vast majority of students go from secondary school, living at home, and into a postsecondary institution. So it's not unreasonable, on balance, for the parents to assist a student in his initial years in postsecondary education. At the same time the circumstance the hon. member describes is accurate, and I have some sympathy for it.

It's important to note though, Mr. Speaker, that the task force on the costs of postsecondary education is to report by the end of December 1978. This being the end of October, it would be unusual for us to move on an area in which the task force will be reporting. In the examination of the costs of postsecondary education, the task force will look at what assistance the students are open to in meeting those costs. It would be unreasonable for us to move in this significant area before the task force reports. As I say, its report is due at the end of December.

#### Dirigible Research

MR. YURKO: Mr. Speaker, I have a question for the hon. Minister of Transportation. It's general knowledge that his department is conducting a feasibility study and analysis in regard to the use of high-flying Horner dirigibles as a transportation system for the movement of hydrocarbons from the Arctic to the southern part of the continent. I would like to ask the minister if he has completed these studies, and if the information is available for tabling or release.

DR. HORNER: Mr. Speaker, contrary to public belief, my department is not doing these particular studies. However, it has been interested in all forms of transportation on an experimental and research basis. Out of that came a study done by Goodyear Aerospace of the feasibility of using lighter-than-air vehicles to transport goods, particularly in northern climates. That particular assessment is available, and I would file a copy in the near future with the House so that my hon. friend might sharpen up his engineering.

In addition, Mr. Speaker, two other items have taken place in that particular area. NASA from the U.S. chose Alberta to do its review of lighter-than-air ships in the future of North America. That particular report has not been made public and is internal to NASA.

Thirdly, jointly with the National Research Council a very important seminar of the lighter-than-air ship institute of the world will be held in Alberta sometime next year, at which the experts from all countries in

the world will be gathering here in Alberta to exchange information on this important form of transportation.

MR. YURKO: A supplementary, Mr. Speaker. I'm wondering if the minister would give very serious consideration to perhaps initiating in the near future the construction, or the undertaking to study the construction, of a prototype as a heritage savings trust fund project.

DR. HORNER: No, Mr. Speaker, not at this time. I think work is being done in the U.S., Germany, and England relative to this matter. A relatively small group of corporations, companies, and people have the necessary engineering expertise and the ambition and drive to make one of these things fly.

#### **Hovercraft Ferry**

DR. BUCK: Mr. Speaker, a supplementary question to the Deputy Premier. Can the Minister of Transportation indicate if he has his hovercraft off the ground, or if it's still sitting on the bank of the Peace River?

DR. HORNER: Well, no, Mr. Speaker, it's been operating off and on, as we indicated it would. [interjections] My hon. friend can bang on the table as much as he likes, but when the program was announced it was a two-year research program. I could table a letter from the National Research Council which commends us a great deal for the kind of work that has been done. The problems we knew we were going to encounter . . . Yes, the program is ongoing. It's being funded 50 per cent, again, by the National Research Council.

If we can make a breakthrough in this kind of river crossing, it will have substantial impact on northern Alberta and northern Canada. At the moment, to allow the designers and builders of the ferry to learn more about it, we have entered into a contract with them that they would operate it for the next three months and perhaps in that way work out some of the bugs as well.

So I'm quite pleased with the progress relative to that research and development project. It has led to Alberta's being the major technical centre in North America for this type of transportation.

#### **Waste Container Recycling**

MR. TAYLOR: Mr. Speaker, my question is to the hon. Minister of the Environment. In the interests of keeping the rights of way of our highways and roads the cleanest in Canada, is the Department of the Environment considering the inclusion of fruit juice cans in its bottle depot program?

MR. RUSSELL: Yes, Mr. Speaker, we are. That's something we've given a great deal of attention to, and the amendments to the act within the last year permit us to do that. Bearing in mind the intricacy of the industry, devising a workable system is unfortunately proving to be very difficult. I'm not too optimistic that we'll be able to do that at an early date, unless we first get in place some kind of progress with respect to standard containers.

#### **Grain Marketing**

MR. COOKSON: Mr. Speaker, I'd like to ask a question of the Premier. It stems from an article, which I might quote, in which President Carter spoke to a large number of farmers in Kansas:

Speaking to [this group] Carter said the U.S. had neglected the Chinese market for too long and will now combine salesmanship and short-term credit to compete with Canada and other countries for sales to mainland China.

He refers specifically to the area of grain. I'd like to ask the Premier whether he has had a chance to respond or react to that particular comment.

MR. LOUGHEED: Well, Mr. Speaker, I haven't had an opportunity to respond or react to it, although I consider it a very important matter. In the debate we had in the House on the matter of grain marketing, I detected in certain quarters in the House still a complacency with regard to that area. We don't share it, and we've made that clear. We think the farmers of Alberta are in a very, very difficult position in depending upon these sales to China.

I'd like to give further thought to the nature of the response, but merely underline how disturbed we were — and I guess this has not been reported to the House — with the meeting of the Minister of Agriculture with the federal minister responsible for The Canadian Wheat Board in mid-June, after the House adjourned. The reaction and response we received from the federal minister in that meeting was one of just extreme complacency. How you can be complacent in this situation is just beyond me. It is very, very serious. If the United States gears up and uses its salesmanship ability, its credit ability, and its technology to compete with us in terms of grain sales to China, we'd better be concerned.

MR. COOKSON: Perhaps, Mr. Speaker, I could add a supplementary to that question, because of the concurrent responsibility of a province, along with the federal government, for sales of products. I'd like to ask the Premier whether he has had any response from the pools across Canada, the Alberta Wheat Pool, and/or Unifarm with regard to the proposal which will be taken to the first ministers' conference this weekend asking for 40 per cent representation on major boards, which would include The Canadian Wheat Board, in the hope that we might have more aggressive sales in this particular area.

MR. LOUGHEED: Mr. Speaker, a very important question, but I think it can best be responded to during the course of the debate on the motion on the constitution, perhaps by the Minister of Agriculture or by me.

MR. COOKSON: One more supplementary, Mr. Speaker. I'd like to address it to the Minister of Agriculture. Could the minister indicate whether he has had any response to the proposal to remove barley from The Canadian Wheat Board and place it on the open market again, with the hope of improving sales in that particular area? Has he had any response from the Alberta Wheat Pool or perhaps Unifarm or other farm organizations that should be alerted and concerned about it?

MR. MOORE: Mr. Speaker, I've had no direct response from the organizations mentioned by the hon. member, although some comment has been made by farm organization leaders in Alberta — publicly, I understand, but not directly to me.

## ORDERS OF THE DAY

### head: GOVERNMENT MOTIONS

23. Moved by Mr. Hyndman:

Be it resolved that the Alberta Government Position Paper on Constitutional Change and the Report of the Alberta Advisory Committee on the Constitution be received.

MR. HYNDMAN: By way of introduction, Mr. Speaker, I would point out that this opportunity for debate, this afternoon and on Friday of this week, on the subject of a renewed constitution is unique and special. Two useful Alberta documents have been provided to members by way of focus and background. The debate and the opportunity are unique because only the government of this province has prepared and tabled such a document, asked for an advisory report, and arranged for an opportunity for MLAs in a provincial Legislature to discuss and debate the matter. In British Columbia, of course, there is a position paper. It has not been and will not be debated in their Legislative Assembly. In Ontario there is an advisory committee report; no position of the government of Ontario is available. Not even in the House of Commons or in the Senate is there an opportunity on their agenda to debate this topic prior to the conference next week.

Of course the debate today is therefore, as well, very timely, coming five days prior to the first ministers' conference to be held next week, one of what I'm sure will be a series of conferences in the process of constitutional revision and reform.

The purpose of the document the government has filed is, I think, clearly evident, Mr. Speaker. It's a constructive contribution to the nation-wide and provincial discussions on a renewed constitution. Essentially, the topic is before us because in recent years we've found not only the emergence of a new west but also, in 1976, the election in Quebec of a government whose aim is to separate the province from the country. There's also been a growing frustration and feeling of alienation, I'd suggest, which has manifested itself right across the country from Newfoundland to Vancouver Island, a feeling of being left outside the decision-making.

I think it's time we get perhaps a true definition of the national interest. This is what many Canadians have been seeking in the areas outside the centre of the country. Too often that term "national interest" has been defined as what is best for all of us enjoying life at the centre of the country. It's time that definition was stretched and reflected the true country from east to west.

Mr. Speaker, we as a province will participate fully in this debate. We will seriously assess all constructive proposals from all quarters. We invite the thoughtful consideration not only of members of the Assembly, to whom we would look for constructive

proposals, if they have concerns as to proposals made by the government; we also look for reaction from Albertans and indeed from all Canadians. We're aware that we share responsibilities in this country as partners.

Mr. Speaker, in a way I think it should be pointed out that it's to a degree regrettable that it's necessary to have this document which has been filed by the Alberta government, because if a very unwise federal government had not thrown the gauntlet to the provinces by introducing their legislation after secret preparation, unilaterally and without consultation, we could perhaps have had a joint proposal for constitutional reform in the country. Unfortunately the federal government decided to dump their proposal on the provinces, to set rigid deadlines, to propose that the discussion go on in pieces rather than in a comprehensive way. Surely the preferable way, Mr. Speaker, would have been for the federal government, over the course of the last year or year and a half, to have sat down with the provinces and jointly worked out a bill, a position paper, or some document that perhaps we could all be discussing at the same time in 10 provinces, in the federal Parliament, and in the Senate. But the federal government took away that option. I think they have blown it in terms of the approach to federal/provincial reform, and so the leadership of Alberta and other provinces is necessary to pick up the pieces.

Therefore, Mr. Speaker, I would underline that the document and position paper provided by this government is not a response to the federal bill. That is not the route which is going to assist us in arriving at a renewed federation. The initiative of this province and other provinces will be the better way.

I'd suggest, Mr. Speaker, that there are two basics, two fundamentals, and two givens in the document the Alberta government puts forward, which I introduced to the Assembly today for debate. They are these: firstly, the maintenance of the status quo in terms of the Canadian constitution is unacceptable. I think it's generally agreed in most parts of Canada that that is clear. There may be some in the country who are enjoying the comfortable life and who are now realizing that perhaps the status quo should be maintained if they, in parts of this country, are to maintain what has proven to be a leg up on the other provinces. But I think those people must now realize that no longer will they go into the game, like some elements of central Canada, with a built-in 20 points. It's going to be equality, and therefore the status quo is unacceptable.

Secondly, of course the continuation of a united Canada is basic to the document. The concept of independence of Quebec and sovereignty association, whatever it means, is out. It's not acceptable. It's not the way to go. I think it's clear, certainly as far the government's concerned, that Albertans stand tall, Albertans stand proudly as supporters of a united Canada. There's no question about that. [applause]

That's why, Mr. Speaker, the title of the document is Harmony in Diversity: A New Federalism for Canada. I suggest that is in no way a contradiction. That, in fact, is what Canada is all about. I would submit that harmony in diversity is a goal that is sought by Canadians from coast to coast.

In our history, Mr. Speaker, we haven't followed the American philosophy of a melting pot. I think it's



undesirable, and would be for this country. Whether we live in the north, east, west, or central part of Canada, surely we have now come to realize that those differences, that diversity, is something to be valued. Within each province, as within the province of Alberta, there is a rich diversity. And with the rich, varied cultural backgrounds of this province, I think we as Albertans can stand proudly as an example of harmony in diversity.

So those three words, "harmony in diversity", are basic really to a solution to the problem of finding a renewed federation. Therefore it's crucial that there be respect for diversity and a willingness to understand when Canadians from coast to coast make submissions. That willingness has not been very evident on the part of the central, federal government in the last decade.

Some people in the country feel that major surgery on the institution of the Canadian Senate is the answer. In going through the document, members will note that the Senate is nowhere mentioned. That is deliberate. I think there's a real danger that some in Canada will be mesmerized by some of the proposals for constitutional change involving major surgery on the Senate. It's not the answer. It's the wrong approach. The solution will not be found there, and I suggest that any suggested cut-and-paste job on the Canadian Senate is simply a blind alley and a dead end in terms of reform of the constitution. The key is the relationship between the governments of this country, federal and provincial, and the division of powers. It is not the Senate; the Senate is not part of the solution.

The recommendations in the document, Mr. Speaker, are summarized at the latter part of it, before the appendices. There are 29. I point out that the 29 are not listed in order of priority; the 29 flow from the table of contents, in what I suggest is a logical flow for consideration and discussion.

I think it should be made clear that two parts of the white paper are of special urgency to Alberta: firstly, the protection and preservation of the existing and, indeed, historical rights of the province vis-a-vis resources; secondly, the matter of a representative constitutional court. I will deal at some greater length with those two items in a moment.

Mr. Speaker, I think it should be pointed out, lest some forget, that Alberta as a province is certainly not alone in evidencing its concern, through this document, at the erosion of provincial rights and at the unfortunate trend of having the Supreme Court of Canada making social policy. Throughout this document members will find that there are, consistently and regularly, quotations and support not only from the western premiers but also from all premiers of Canada at the various meetings they've held over the last four years. So the elements of this paper, and the basic proposals that I suggest are proper for constitutional reform in this country, come from the premiers of Canada — in many cases unanimously agreed to by 10, sometimes by a large majority — at their meetings in Toronto in 1974, in Edmonton in '76, New Brunswick in '77, and Regina this year: all have that consistent message, that theme, that thread.

I'd like to refer briefly to the second important document I tabled last week, Mr. Speaker, the advisory committee report. I want very briefly to pay

tribute to the eight members of the committee. In my view they are men and women of judgment and competence and in many ways very typical Albertans in the views presented. I suggest they've made, by this document, a very useful contribution to the process and indeed to the upcoming conference and the Alberta position at it. There are variances, but they're not at odds in any material way with the position found in the government white paper. I'd be surprised if there weren't some variances. You'll note the advisory committee covers the subject of the preamble and statement of aims in Chapter III; the document we submitted does not. The Senate is covered as well in Chapter X. In many ways the proposals of the advisory committee are more of a response to the federal Bill C-60, and I suggest a very effective response. So I commend it to the members as another base document, a very useful one for Alberta and in this debate.

The white paper which has been presented reflects, as I mentioned, Mr. Speaker, the disenchantment and frustration of too many parts of this country. The root cause of the problem is of course the feeling manifested across the country of being left out, being cut out of major decisions taken in shaping the destiny of and in providing the opportunities for the country.

Much of it of course is not a legal problem; it's an attitudinal problem. It boils down to problems of the views and attitudes of certain members of the senior public service in Ottawa and others in the central part of the country. Unfortunately they've used essentially a negative approach. They seem to favor confrontation policies rather than trying to work on a teamwork basis. Their approach is essentially paternalistic. It looks upon provinces as inferior, as being junior entities in the country. Their approach is essentially one of centralized decision-making, of we know best here in Ottawa for the rest of the country. Of course, unfortunately, it's also been a philosophy of conformity: let's make Canadians, wherever they live, conform to these certain basic rules. Canadians aren't like that; that's what "diversity" means.

So in opposition to the negative approach, the paper we have proposed is positive. I suggest it's an upbeat paper, very different in the sense of replacing confrontation with the concept of partnership and shifting from the view of provinces being weak and inferior to provinces being equal and strong as being the solution.

Bill C-60 unfortunately perpetuates this centralization and this attitude of centralization. If it is read carefully and considered, Mr. Speaker, I suggest it's really an illusion. It's something like the old conjurer's trick, whereby one thing is said and it really appears to be the opposite. The document has been put forward and commented upon by the federal government as being one which shifts decision-making to the provinces. In fact, when it's studied, it not only cements the centralization of power in Ottawa, it goes in the other direction. So it is completely an illusion to suggest that document in any way is part of the answer to remaking Confederation.

Those positive elements of replacing confrontation with partnership and strong provinces are reflected in the government white paper in the six principles found at the beginning. They're basic. They are these: of course, the parliamentary system in a federation; that's axiomatic. We're not moving to any

unitary state.

Secondly, a constitutional monarchy, the crucially important role of the Crown as a symbol of stability, continuity, and the rule of law is, in our view, absolutely basic and fundamental.

Thirdly, the equality of all provinces from the point of view of their legal and constitutional status. That's nothing new of course, Mr. Speaker. It was reflected and in the amending formula proposal debated in this House in 1976 and found in the document. It means that as far as Alberta is concerned, there are not going to be any second-class provinces in terms of the legal or constitutional review and status in this country. Whether you're a new or old, a large or small province, basic equality under the constitution is fundamental. Now I concede immediately that that position varies somewhat from the one expressed recently by British Columbia. We respect their right to put forward a point of view involving five regions, but frankly we disagree with it.

Fourth, the matter of strong provinces — absolutely fundamental to understanding the position. Strong provinces operating side by side with a strong federal government will equal a strong Canada. That is the equation that makes sense. Again, fundamental to everything in this document, we suggest, is that concept of strong provinces.

The federal and provincial governments are collectively equal within their spheres of jurisdiction. The principle that provinces are not subordinate — I heard in this Assembly in the late '60s, concepts and suggestions by the government of the day that Alberta was a junior government. That's not so. Under the constitution of Canada, of course, Alberta is the senior government with respect to those matters under its jurisdiction in Section 92. But unfortunately the federal government follows the line of suggesting they are the senior government, everyone else is junior. It's a teacher/pupil relationship, a kind of parent/child relationship, that the federal government sees as one where the provinces should be. Not this paper; that's not Alberta's view.

Lastly, of course, the principle of respect for the points of view of the federal and provincial governments. Why was it necessary for the four western Premiers to document more than five dozen intrusions by the federal government? Because it's a complete lack of respect by Ottawa of the fact that under the constitution there is a valid jurisdiction for the provinces. That means real consultation, not sending a telex on Friday afternoon and saying, if you don't respond by Monday noon, we'll do as we want. Too often that's what consultation has meant in this country.

I think those few in Alberta — and there were always a few — who want the provinces always to be conducting themselves in a manner of tiptoeing meekly to the federal giant, or automatically submitting to the orders of the centralists on high, have a pretty harebrained approach to provincial status in this country. They would see provinces being secondary and docile, sort of hesitant supplicants to the Ottawa throne. Well that's not the way we see it, Mr. Speaker, and that point of view betrays, in my view, a total misunderstanding of what Confederation has been for 111 years, what it's about today, and what it must be in future decades.

I want to deal briefly, Mr. Speaker, with the ques-

tion of provincial ownership of natural resources which, as I mentioned, is one of two crucial positions of the Alberta government. I suggest it's a fundamental principle of Confederation, because if there is a cutting away of that basic concept of provincial ownership of resources, we really do violence to the whole fabric of this federation. Of course until recently, Mr. Speaker, it was recognized and accepted that that was a clear provincial jurisdiction. Unfortunately, over perhaps the last nine or 10 years we've seen a series of almost brazen daylight raids by the federal government on the resources of all provinces, regrettably aided and abetted by the Supreme Court of Canada. That has resulted in a great deal of doubt and uncertainty as to the position of the provinces.

Therefore our position, and that of our neighbor to the immediate east, and of many other provinces, is simply to try to reconfirm, clarify, and protect what we and other Canadians have understood was supposed to be the rules of the game for the last 100 years. That's the emphasis; those are the words that are key to that question. It's an urgent priority, and of course it not only appears in the section under resources but relates indirectly to five or six other recommendations. A good start by the federal government here of course would be with regard to Section 109. In producing their bill and their position paper, they apparently lost it somewhere, feeling it was of little consequence. Well maybe it's in the back drawer of some dusty office in Ottawa. I suggest that was a major error, and they should move quickly on that score.

The second element, the constitutional court, is seen as crucial to us. The key word there is that it be a "representative" constitutional court, seen to be an objective arbiter of questions where there is a division of power situation. We're not making any adverse comments about personalities in this. The concern is that the Supreme Court of Canada has been making decisions in the area of social policy that are best left to this Legislature, other provinces, the House of Commons, or intergovernmental meetings. It may be the method in the United States Supreme Court system to have the court make social policy. It's the wrong way to go. The court is there to interpret the laws. If the law, in this case the constitution, is wrong, the law should be changed to prohibit the court from going in what I suggest are unreasonable directions.

Therefore the objective is to have a national court that is seen to be a national court, not a federal court. Of course we've been reviewing this since 1976. I suggest that the proposal reflects diversity. Its elements are straightforward. They relate, particularly in one of the suggestions, to a panel drawn from the jury concept. Federally appointed judges would reside in communities across the country. That is a crucial element in ensuring that we have a representative court, Mr. Speaker.

Let's not forget that every individual is a product of his or her environment. Like it or not, that's a reality. Ottawa has a hothouse atmosphere. Too often in its discussions Ottawa has the point of view that it is the country, without realizing that it is only representative of the rest of the country. Therefore it's important that those experienced, federally appointed judges reside in communities across the country. I would think that about half the cases would be held

outside Ottawa, probably half in Ottawa. There are not more than usually five, six, or seven major constitutional cases a year, so that would not cause a problem. Certainly there are wrinkles to be ironed out; that could be done with further discussion. A representative constitutional court is the goal.

Mr. Speaker, I don't intend to go through the document in great detail. Suffice it to review four or five of the key points. For example, if we look at the division of powers, it is crucial that that be the key discussion. As is stated, the federal government must be endowed with sufficient powers to foster a national identity, ensure national security, and promote national economic well-being with broad powers still being retained by the federal government if these are put into effect.

Mr. Speaker, the matter of international relations and also the subject heading dealing with the 40 per cent membership proposal takes on added urgency by reason of the comments in the question period today — President Carter indicating very clearly that he intends to move American grain marketers into what has been a Canadian grain situation in China. That's why we need provincial involvement in international relations. That's why such things as The Wheat Board and other major Canadian entities, involving us all directly, need a 40 per cent provincial input. [applause]

Mr. Speaker, four elements of concurrent powers are listed: communications, fisheries, transportation, and culture. Nothing new there of course. Agriculture and immigration have been concurrent powers; they worked. I suggest that they have great potential and can provide the expanded use of the concurrent jurisdiction, of being ball bearings for the machinery of federation in the years ahead.

Mr. Speaker, I have discussed the constitutional court. On page 13, the provisions affecting equal status: there seems to be some misapprehension about powers of disallowance. In no way does the removal of those, which are really aspects of being a colony, in any way affect the positions of the Lieutenant-Governor or the Governor General in Council. The Lieutenant-Governor still has the right to refuse assent. The proper route to go here is *ultra vires*. Those powers of disallowance and reservation are found in no other mature federation in the world. That's why they should be repealed.

Declaratory power is also a colonial hangover. That's why it should be exercised to prevent erosion only with the concurrence of a province affected. Emergency power: well, we know of Alberta's intervention in that from the Supreme Court of Canada. We know what can happen when the federal government decides to define an emergency by itself through its majority in Parliament. The limitations there are fair and reasonable.

The spending power: in the '60s, particularly in the health area, we saw all Alberta's priorities badly distorted by the federal spending power not having some guidelines. Delegation of course is in effect under the highway transport laws and is a useful and practical mechanism. Consultation is self-evident. The amending formula, again, is something which this Legislature has put forward. The final comments there relate to the referenda approach, which the hon. federal Minister of Justice is pleased to suggest as a panacea. It's completely wrong in principle,

therefore we make a point of resisting it.

Mr. Speaker, regional disparities: frankly, we're sensitive to the concerns and desires of other provinces, particularly the maritimes. Therefore the objective of reducing regional disparities and the principle of equalization is endorsed, provided it doesn't involve a tearing down of those strong and successful provinces. We're prepared to pull our weight in this exercise.

The entrenchment of language rights has been dealt with and reported on. I think "best efforts . . . wherever numbers warrant" is a fair, realistic, and practical approach, endorsed by the Premier. The entrenchment of other rights: there are different views there, but no question that the best guarantee is a vigilant legislature. Of course this Legislature is unique in Canada with the primacy legislation of The Bill of Rights and The Individual's Rights Protection Act.

Mr. Speaker, in conclusion I suggest it boils down to this: our best hope for a renewed and revived Confederation in the years ahead lies in strong and diverse provinces working in tandem with a strong and viable federal government. Given that strength, that diversity, I think the result can be a great country that moves ahead with vigor in a harmonious way, toward achieving remarkable potential. In my view, that's best for Alberta and the west; that's the right recipe for Canada in the years ahead.

MR. R. SPEAKER: Mr. Speaker, in entering this debate with regard to the constitution, first of all I'd like to say that I very much appreciate the invitation to the opposition to act as delegates to the first ministers' conference. I also want to comment on that delegation. I very much appreciate the fact that we have representation in the delegation of governments since 1935. I think the invitation to Senator Manning, me, and the present government spans that total length and breadth of experience. Certainly, I give due credit to the Premier and officials for extending that invitation.

Secondly, Mr. Speaker, in discussing the total constitution, as we look at progress over a period of time we recognize that it has been varied. We've had the Fulton/Favreau formula; the Victoria conference, where there was almost agreement; and the shock treatment of the federal constitutional Bill C-60. Different things have happened. But I think at this time we are reaching one of the lows in constitutional debate. The challenge before us is greater than it has ever been before.

A picture that hangs on the fourth floor of this Legislature Building has been brought to my assistance. In his discussions with Laurier, F.W.J. Haultain, an early leader from 1897 to 1905, introduced the principles I want to talk about and the approach that I think is necessary in the conferences in the next few years — some of the principles established in developing the western provinces of Alberta and Saskatchewan.

[Mr. R. Speaker placed before his desk the portrait of F.W.J. Haultain]

I'd just like to set that there, this figure of a man smoking his cigarette, for all the members to view if they haven't had an opportunity to look at it. His

approach is very significant, and I think there are lessons to be learned in the history that has gone before us. I'd also recommend to Members of the Legislative Assembly an excellent book in the Legislature Library covering that period of time, *Territorial Government in Canada*, written by Lindgard. It gives a very excellent overview of the techniques, the problems, and the things that occurred prior to Alberta becoming a province.

Now there are two main reasons that I bring this picture before us: one, to focus our attention, but as I said, to elaborate on some principles. If we look back in history, Haultain was the man who presented the first charter or the memoranda to the federal government to implement the province of Alberta. But it took a number of years before that came about. The Laurier government at that time refused and reacted. Finally, in the 1904 election, they consented. But his memoranda set the ground rules.

Haultain did a second thing which was very, very important, and I think most important as a reference point in the discussions before us in the coming week. Haultain had a very unique perspective on how best to represent western interests within a confederation, a perspective from which this Assembly and certainly all of us in the delegation can profit much in our presentation. The territory over which Haultain was Premier in those early years was all of Alberta, all of Saskatchewan, part of Manitoba, and all the area extending from the U.S. border up to the Arctic Ocean. His presentation said that that should all be one province. At that point in time his west and his concept in reality were very, very broad.

As the elected Premier of the federal territory, Haultain had a dual responsibility: one, he was responsible to the people who elected him in this district established by the federal government, over which the federal government held much control; but second, and because of that, he had an unavoidable responsibility to the federal government and to the interests of the nation as a whole. Now that was the way the discussion, some of the political activities, occurred and Alberta became a province.

But during the discussion Haultain coined two phrases which I think are relevant to our discussion here in this Assembly. He said there are "Big Westerners" and there are "Little Westerners". I think those two items are worthy of our consideration. He said the little westerners are politicians, federal and provincial, who concentrate exclusively on articulating the grievances and aspirations of their own particular province or region. They play a necessary role because the western provinces have legitimate concerns and aspirations which demand attention and expression. But the contributions of such politicians to the resolution of truly national issues or to the enhancement of the west in Canada are extremely limited. The little westerner is useful only to his western constituency. On the other hand, it was Haultain's contention that westerners might also find themselves spokesmen as big westerners. The big westerner is just as dedicated to the things I have just mentioned about the needs of the west, the needs of the province; but the big westerner, he said, was capable of putting forward positions which take into account needs and positions of other parts of Canada as well as the west, and to contribute a western perspective to the resolution of the problems of other

regions and of Canada as a whole. I must say that Haultain, from my examination and reading, is certainly an example of just that.

So what's the issue that's before us here as legislators today? What is the real issue, and what is the message that I feel should go with that delegation to Ottawa next Monday? To me the issue is this: when we go to Ottawa to represent Alberta we must ask ourselves, do we go as little westerners or do we go as big westerners? Are we going to set a framework that is recognized in terms of leadership, or do we set a framework in terms of provincialism? To me, that is a very, very important question at this point in time. As little westerners it's going to be easy to make our presentation. We can list the number of grievances, the concerns, the items we need in Alberta. No question about that; we can list those things. The formula is well established in history, and the booklet *Harmony in Diversity* presents part of our shopping list and our needs and our grievances.

In that document we're going to go down there as little westerners and we say we're going to fight Ottawa. That's a good comment. We're going to fight Ottawa. We're going to be rather suspicious of what Ontario and Quebec do. We're also going to be a little suspicious of what Saskatchewan and Manitoba, our western partners, present. We're going to go down and try to put proposals which enhance just our interests. We're going to continually ask a basic question: what's in it for Alberta? That course is often pursued. In the short run it can be justifiable. Other provinces of Canada may do the very same thing. We can have little Newfoundlanders, little Maritimers, little Quebecois, little Ontarians, narrow federalists, and so on.

Mr. Speaker, if that is the approach we and other provinces of Canada take at this time in the debate on the constitution, there is only one result: Canada will tear itself apart, and we'll be in a much worse situation than at the present time. In my view at this point in time, we in Alberta must provide leadership way above that standard, a leadership of big westerners. We can do that. We have a House with a great majority. We have the people of Alberta behind us in the things we want to do. We have a resolution passed in this Legislature that gives us the support. So at this point in time we have a heavy responsibility.

When I call on the government, and the Premier leading this delegation, what are some of the suggestions I would like to make so we can act as big westerners? The first thing I suggest on behalf of our side of the House — and we could go through the different proposals here, but that's not my intention — is that we must look at a new national policy for the whole of Canada, examine where we're going at the present time. We should be very critical even in doing that — very, very critical. Like the Minister of Federal and Intergovernmental Affairs, I would even extend the criticism with regard to Bill C-60. We should be critical of that. But on the other hand, we should look at the changes and the items which are necessary to meet the demands we see that are so ignored in Bill C-60, that's been presented to us as Canadians. I think we have to point out in this new national policy that the constitution of modern provinces must serve economic as well as political, social, and cultural purposes. Our current constitution, the

BNA Act of 1867, did have an economic rationale. It was elaborated by Sir John A. Macdonald under the heading of a national policy. But a western economist, Vern Fowke, said that the national policy was fully formulated prior to Confederation — prior to the constitutional change, not after.

What has been the economic development, though, that was seen at that point in time? We notice that we built two kinds of economies: a central Canada economy and an economy out in the hinterlands. The hinterland was to serve the heart of industrial development, that Ontario-Quebec area, where we in western Canada or in the Atlantic provinces didn't or don't have an equal position in that economic development. I think it is time we changed that. We have matured in the west; we are flexing our muscles of greater independence. The eastern provinces, I am sure, feel that they desire greater independence and want equal opportunity, particularly equal economic opportunity across Canada at the present time.

I believe the time has come to replace the old economic rationale with a new economic rationale. The industrial heartland of central Canada can no longer be protected from outside influences or supported by cheaper resources from what I would call the hinterland. The central Canadian economy requires a new framework within which it can move into the post-industrial era, with an adequate level of support to make that transition as smooth as possible.

Likewise, the demands of Atlantic and western Canada must be accelerated in development, for their regional economies cannot be met any longer by piecemeal attempts to compensate on the biases of the old national policy that came in with the BNA Act. The regional economies of the hinterland also require a new framework within which they can move into the next stages of their economic development, a new, more equal status in this confederation of Canada. The time has come to develop and fully articulate a new national policy for Canada, an economic rationale for the future. Any new constitutional arrangements must take in the demands of that new national policy.

I'd like to say that the assumptions upon which Bill C-60 was based totally disregard that particular objective. I think it's incumbent upon us as a delegation to make it very, very clear to the Prime Minister and to the rest of Canada that we must work and have equal economic opportunity, but we are willing to develop that opportunity on a total national basis under a new kind of national policy. To me, and I'm sure to members of this Legislature, that is very, very important.

What are some of the opportunities for big westerners here in Alberta, for us as Albertans, to make a positive and major contribution to the current national unity and constitutional debate? What are some of the things I would recommend be included?

First of all, I think we should address ourselves to the absence of the economic rationale behind Mr. Trudeau's constitutional proposals. Secondly, we should call for the definition of a new national policy, this time to be written not only on behalf of central Canada but on behalf of all Canada, and that each and every region of Canada, with its aspirations, hopes, and objectives, is well recognized in that new national policy. Thirdly, we should make suggestions as to what purposes the west would expect a new

national policy to serve.

Fourthly, a program that could immediately confront us is that we should look at the possible ways to strategically invest a substantial portion of the Alberta heritage savings trust fund in projects that are supportive and can work within a new national policy. We have some funds, the Canada investment fund, with which we can help and work with other parts of Canada. But at present we haven't a strategy to help the other parts of Canada, nor has Canada a strategy by which we in the west can be of assistance to all Canada. To me, it's most important that we face that challenge at this point in time.

What is the second suggestion that I have with regard to us in Alberta acting as big westerners? As big westerners we should search out our own history and constitutional past. I think we should work — and I'm sure we are — toward trying to relieve the tensions in the relationship between Quebec and Ottawa at the present time. I think there are some precedents by which we can govern ourselves.

I would like to see us stand up and tell the story about what happened with regard to the natural resources transfer act of 1930. It was a significant and important document, and certainly a change in our history here in Alberta. It's a precedent, however. I think we should tell the story of the early stages when the western provinces were not given the privileges outlined under the change contained in the last page of our booklet, *Harmony in Diversity*, where the right to lands and natural resources was given to the provinces of Alberta and Saskatchewan. To me, that was a significant event, and a precedent in constitutional change.

Why do I think it's significant? I think we can relate that type of change and transfer to the concern with regard to culture and language in this country. I believe that on the basis of that transfer agreement we could draw a very obvious parallel when we discuss the concept of culture and language.

When the question of land and natural resources was discussed, and the federal government wouldn't give the powers or autonomy to the provincial governments, the federal government said, the provinces won't handle them correctly; they can't be successful. But prior to 1930 the governments did handle their lands and natural resources in quite an effective manner.

At the present time, we have the very same situation with regard to language and culture across Canada, particularly in Quebec. The federal government under Mr. Trudeau is saying, we are the keepers and protectors of culture and language in this country. But who has really caused the Quebecois culture and language to thrive? The Quebec government has been the best keeper and has been able to promote it in the best manner. Why then can't we give the jurisdiction, the supremacy for culture and language, to the responsibility of the provinces in Canada under what we could call a cultural resources transfer agreement? To me that would be a more sensible thing. We should get the federal government out of that area and quit causing the conflict that is going on at the present time.

So, Mr. Speaker, in summing up my remarks — and I have intentionally not gone into the details of the report, because I believe at this point in time that the attitude we convey when we go to Ottawa is the most

important thing. If we can go to Ottawa as big westerners, looking beyond our own provincial needs and relating to the whole of Canada, and if we impress other premiers and other delegations and the federal government that we are standing with that kind of profile, I think that will most likely be the biggest accomplishment we can make at the first ministers' conference. To make accomplishment with regard to details, I'm not sure that can happen. I haven't been convinced by past situations.

So, Mr. Speaker, I want to make the point as well as I can: at this point in time we have to be bigger westerners. I think we shouldn't consider the document presented before us, called *Harmony in Diversity*, as sort of our shopping list of needs. Hopefully it has a broader objective than just that.

I think we have to say something with regard to the problems of Quebec, Ontario, and the maritimes, and be considering it. As I have outlined already, we have to define a new national policy for Canada, including a role which Alberta natural resources should play in the national economic development as well as the development of this province. We should use the transfer agreement precedent I mentioned a few moments ago as a way that maybe we can solve some of the problems that confront us at the present time.

I can only say, Mr. Speaker, that I'm pleased the Premier is here today and I'm able to make remarks directly to him. I'm hoping that within a number of years — we won't put a time limit on that specific question — someone down the line will be able to say that at that point in our history we had a big westerner as Premier, that he was able to lead the delegation and lead Canadians into broader and bigger thinking about the constitution.

The Premier has the capability of doing that at this point in time. I'm calling on him to take that opportunity and show not only Albertans but Canadians that in Alberta we have leaders and that we as Albertans can show the way and bring the bigger Canada that we really need here today.

MR. NOTLEY: Mr. Speaker, I certainly welcome the opportunity of speaking in what will in many respects be perhaps the most important debate of this Legislative Assembly. In beginning my remarks I would like to join with the hon. Member for Little Bow and thank the government for the opportunity of attending the conference, not as a member of the delegation but as an observer. I would just say to the members of the government that you can be congratulated for this. Not all provincial governments in Canada do this. I think it is probably an excellent approach to make sure the opposition parties are at least afforded the opportunity of being observers at some of these crucial conferences.

The hon. Member for Little Bow talked about Mr. Haultain, the Premier of the Northwest Territories. It reminds me of one of the most famous statements of Sir Wilfrid Laurier who, in my judgment, was the greatest Prime Minister this country has ever seen. At the Imperial Conference in 1896 Sir Wilfrid Laurier made the statement that the nineteenth century belonged to the United States; the twentieth century belongs to Canada. Unfortunately 80 years later things do not appear to be looking quite that way. We see today a Canada plagued by a number of serious

divisions: alienation in the west, disaffection in Atlantic Canada, and the real threat of separation in the province of Quebec.

That being the case, Mr. Speaker, as we discuss constitutional change I think it is imperative that all of us recognize that indeed the future of this federation is at stake. I share with many people in both western Canada and the Atlantic region a certain frustration at the events that have taken place over the last dozen or 15 years as we've looked at constitutional change.

I remember the debates that raged through most of the '60s in my own party but also in the national Liberal Party and the Conservative Party over this question of two nations. While there was a good deal of validity to much of that argument, one of the problems in that dialogue was that it was essentially a dialogue between Ontario and Quebec, Upper and Lower Canada. The west and Atlantic Canada were sort of lumped in with English-speaking Canada.

I raise this, Mr. Speaker, because I think one of the problems facing Canada today is that in the west and in Atlantic Canada there is not just the question of economic grievances such as freight rates, tariffs, or some of the specific things we've talked about for years in this Assembly; there is the feeling we have been left out of the decision-making process. That is a criticism I think can be levelled not at just one but all political parties. It is a criticism that can be levelled not just at government but indeed at our institutions in the largest sense, whether they be our large national newspapers, our media, or our universities. There is a sense of frustration that we have not been able to speak in this whole constitutional dialogue up to the present time. That being the case, it seems to me as we look forward to the constitutional debate over the next few days that the tone the province of Alberta and indeed other western provinces adopt is going to be crucially important.

I would say — not using the exact terms of the hon. Member for Little Bow who talked about "big westerners" and "little westerners" — that there probably have been two major schools of thought in western Canada. One has been the viewpoint of those who argue for very strong provincial rights, decentralization: the kind of policies, Mr. Speaker, that I think it can fairly be said are exemplified by this document. The other option has not been one of complete centralization at all, but the view that we must try to make federalism work for the west, concentrating on a clarification of legitimate provincial rights within the constitution.

I believe that is the approach the government of Alberta should take when it enters the constitutional debate next week. Clearly there is no doubt in this Assembly or, I would say, among the people of Alberta, that Albertans feel natural resources should remain under provincial jurisdiction. I'm not just talking about the technical question, Mr. Speaker, of whether natural resources are a provincial or federal jurisdiction. I'm talking about the provincial control of resources in the largest sense, to include taxation and royalties, so we don't get into the position we've seen in the last several years where the federal government has been a co-plaintiff with private companies attempting to upset resource and royalty legislation, set, in the case of Saskatchewan, by the government of that province. I think that sort of thing

has to be clarified. As a result of the prorating decision in the province of Saskatchewan, I think there must be very clear statements in the constitution that we have the right to control the production of our resources. That raises the whole question of conservation legislation and that if the trade and commerce section of Section 91 of the BNA Act is to be interpreted at all, it should not be used as an excuse to qualify provincial control, not only over the royalties levied on natural resources but, equally important, the rate of production.

Mr. Speaker, while I think all Albertans can join in supporting that position, I would just mention to hon. members something I raised two years ago when we discussed the amending formula — I believe the hon. Member for Little Bow mentioned it as well — the natural resources transfer act that took place in 1930. That was under a United Farmers of Alberta government at the time.

But, Mr. Speaker, while we support the principle of provincial control over natural resources, I would say to the members of the government that when you go beyond that position and look at some of the other proposals contained in this particular document, *Harmony in Diversity*, we are, in my view, taking far too extreme a stand in favor of provincial rights.

When the hon. minister introduced the proposal before us today, he suggested the federal legislation said there would be more power going to the provinces but the bottom line would cement federal control and lead to even more federal control. There is a certain amount of accuracy in that statement. But by the same token, Mr. Speaker, when one reads *Harmony in Diversity*, while there may be the occasional comment about the need for some sort of overall federal leadership, the bottom line of the proposals we are debating today would be a decentralized Confederation that would, in my judgement, seriously balkanize this country.

Mr. Speaker, let me move from there to look at some of the basic assumptions that this particular document is based on. Certainly no one argues the question of parliamentary responsible government; no one in this province argues the question of the constitutional monarchy. But I would have thought that one of the things in this document should have been a rather more important premise than anything else; that is, in any democratic society, be it a republican system such as the United States or the parliamentary system we enjoy in the Commonwealth of Nations, sovereignty flows from the people, not from institutions. While we can talk about institutions being treated equally, the crucial question in a democratic society is that the citizenry must be treated equally.

I raise that because one of the important areas that I think must be changed in our position is that in a Canadian constitution we should be supporting the entrenchment of a bill of rights, so that the rights of all Canadians are the same, that we don't have hyphenated Canadians. Ten years ago John Diefenbaker talked about hyphenated Canadians in the context of English-Canadians, French-Canadians, Irish-Canadians, et cetera. But, you know, we can also have a different kind of hyphenated Canadian if we're talking about Alberta-Canadians, Saskatchewan-Canadians, or what have you. When it comes to the basic rights of being a Canadian citizen, those rights

should be the same in one part of Canada as in the other.

Mr. Speaker, I know that the document suggests we don't need to worry about this because we have provincial legislation and we have the federal Bill of Rights. But the only problem with that kind of argument is that if one looks over the history of Canada, you see some rather horrendous examples of where human rights have been trampled. We have a case in British Columbia at the turn of the century, where the question of whether or not people could vote, something as basic as whether one could vote, was considered to be provincial jurisdiction. We had the Jehovah's Witnesses case in Quebec, where freedom of religion was raised. We had the famous padlock case in Quebec, where the Attorney General had the authority, without trial, charge, or conviction, to evict anyone from a building or to padlock a building for one year if it was suspected it was being used to promote communist propaganda. Later the Supreme Court overturned this particular bill. But the point is that these examples — and I might even cite the famous press act in the province of Alberta in 1938 — underscore in my mind the need to entrench in the constitution those basic rights that should exist for all Canadians.

Much has been said about the Bill of Rights we have in this province. That's true. But all we need to do is put a "notwithstanding the Bill of Rights" clause in any bill, and we can set aside those human rights. We couldn't do that if they were placed in the constitution as part of the basic rule of law in Canada.

Mr. Speaker, let me go from that particular point to examine some of the specific matters raised in the government's position paper. I would say to government members that it is wrong to embark upon constitutional renewal as if one were negotiating a collective agreement. We are not a group of labor and management negotiators going in with a shopping list and making the most extreme demands we can. The federal government wants to centralize more power in Ottawa, and the provinces want to erode the power of the federal government. At this juncture in our history, Mr. Speaker, I submit that a document presented to the Legislature must represent the position we are prepared to take in the constitutional meetings next week and not be a base, if you like, to start the negotiations — that we'll give up this feature if you'll give up that feature, we'll change this if you change that. I say very frankly that that is the wrong way to go about the process of constitutional renewal.

But when I read the 29 points in this document, Mr. Speaker, I must confess it reminded me of something from my university days. That something was the constitution of the Confederate States of America. There was no question about the federal government having power to spend in areas of state jurisdiction; that was precluded. No general welfare clause, no appropriation of money for internal improvements, spending restraints, et cetera. Mr. Speaker, I say to the members of this House, not in jest, that this position paper has set out a number of proposals which, if implemented, would strip the federal government of any serious capacity to lead this country.

Let's look at some of the specifics. This paper suggests that we extend taxing powers to the provinces in both direct and indirect areas of taxation. I

don't argue that point when it comes to natural resource development. That kind of clarification seems reasonable to me. But, Mr. Speaker, if we go beyond that point and provide provinces with the general extension of the same sort of taxing powers the federal government possesses, two problems arise. First of all there is the possibility of a tax jungle, where we have taxation rates that are completely prohibitive. That's a very practical possibility. It happened before World War II. It was one of the reasons we had the tax rental agreements during World War II. The other problem is that you can't really say the federal government should have the responsibility of setting the economic climate of the country if it doesn't have the fiscal ability to do the job. If the provinces have equal fiscal power with the federal government, how can Ottawa be expected to act?

We then have the question of international relations. I recall an incident that shook up the Conservative Party in 1968. Hon. members may recall that the Union Nationale government in Quebec had been invited to send a delegate to Gabon. I raise this with a certain amount of knowledge and regret because my own party jumped on the bandwagon; both the Tories under Mr. Stanfield and the NDP said that was fine; that was a reasonable extension of provincial jurisdiction; after all, why shouldn't they be able to send a cultural mission to Gabon? But unfortunately for the NDP and the Tories in that election, Mr. Trudeau was able to talk about "one Canada", was able to make a position that so far as he was concerned this was federal jurisdiction. When it came to the average voter, I don't think one person in 10 agreed with the Tories and the NDP. The vast number of people saw that the federal government really should have paramountcy in the area of international relations.

I acknowledge that some treaties will require provincial action in order to be signed. But I would say to the members of this House that it would be injudicious indeed for us to climb out too far on this limb of having a stake in international relations, because I think Mr. Trudeau is extremely capable of outmanoeuvring the provinces on this one as far as Canadian public opinion is concerned.

Mr. Speaker, we have a new area developed in the constitutional proposals of the government: the whole question of concurrent powers but provincial paramountcy. No one argues that there isn't a role for concurrent powers. As the minister pointed out, we've had them in several areas for years. Fair enough. But some of the areas we're looking at in provincial paramountcy — for example, sea coast and inland fisheries. That is designated under Section 91 of the BNA Act as federal jurisdiction. It's the only place in the BNA Act where one can argue that harbors would come under federal jurisdiction. What we're saying here — and I read it over very carefully, because the explanation talks about fisheries — they took the very phrase from the BNA Act that applies to harbors and are now saying it will be a concurrent jurisdiction with provincial paramountcy, which means that in the final analysis the provinces call the shot.

Mr. Speaker, I'm not entirely sure I agree with that proposition. It could mean, for example, that if we got into a dispute with the province of Ontario, what

would happen in Thunder Bay? If we got into a dispute with the province of British Columbia, what would happen at Prince Rupert or Vancouver? At the very least, Mr. Speaker, the whole movement of concurrent power with provincial paramountcy is something I for one would want further explanation of before jumping on that particular bandwagon.

Another area of provincial paramountcy — and here I don't agree with the hon. Member for Little Bow. I'm not sure how far we should go in saying to the provinces that culture should be an area of provincial jurisdiction. I say that very frankly, Mr. Speaker, because while I acknowledge that there has to be concurrent jurisdiction in culture — that's fair ball; the hon. Minister of Culture here has done a lot of good work in promoting multiculturalism in this province, and that's first-rate — how far, for example, can we go in a confederation where we say provincial paramountcy lies with the province? How far are we prepared to allow, for example, the PQ government in Quebec to go in denying rights to other people under the guise of the cultural rights of the French-speaking people of that province? How far are we prepared to go? Where do we expect the federal government, or where do we expect the rights of people in Canada, regardless of where they live, to counterbalance the right of a provincial government to say, culture is our area of paramount jurisdiction so we're going to do as we choose.

Mr. Speaker, on the question of the 40 per cent representation on federal agencies, I would just remind the government that the farm organizations are not at all enthused with this proposal. The president of Unifarm made his position clear shortly after the Legislature adjourned last spring. Most farm leaders I've talked to are not at all enthralled with the possibility of having more politicians involved with The Wheat Board. They're interested in having better, more representative advisory committees, and perhaps more power for the advisory committee chosen by farmers. But the possibility of turning The Wheat Board into a political football between the federal and provincial politicians is not tempting to any of the farmers I've talked to, even those of Conservative inclination.

Mr. Speaker, one of the features of this bill that really does upset and concern me is the proposal that we radically change the peace, order, and good government clause, the so-called emergency power contained in the constitution. The reason the emergency power was placed in the BNA Act in the first place was the strong belief of Sir John A. Macdonald that there were times, there were emergencies, when the federal government would have to be able to act in the interests of the nation.

Mr. Speaker, in Harmony in Diversity we're saying the federal government can only exercise its emergency power in areas enumerated under Section 91 of the BNA Act if they have the consent of the provinces. I would ask hon. members to cast their minds back to World War I and World War II. Under this provision, there would have been no way we could have had conscription in either war. I ask hon. members of the Legislature to consider what would happen if a province in Canada were unilaterally to decide to leave Confederation without going to the people. The only power the federal government would have to deal with that kind of emergency, Mr.



Speaker, would be the powers enumerated in Section 91 of the BNA Act, less the powers we transfer to the provinces — powers that were set out 111 years ago. Hardly a way to allow any kind of federal government to deal with a genuine emergency.

Mr. Speaker, no doubt we could deal with an emergency if we had a consensus. But members of this Legislature know that from time to time there have been major challenges in Canada where no consensus could be reached. So I ask the members of the House whether or not that particular proposal has really been thought through and what the implications would be for our country as a whole if we were to amend the constitution in that manner.

Mr. Speaker, the paper also suggests spending limits on the federal government in areas of provincial jurisdiction. Again I think that erodes the ability of the federal government to provide overall economic leadership. I'm quite aware that many, perhaps most, members in this House were not pleased with the developments that took place during the 1960s. But you know, when I go to high schools around the province and ask the students what makes them proud to be Canadians, I must say to members of the House that the first thing that comes to their minds is not our legislative system, not our system of parliamentary government, not the fact that we have a constitutional monarchy. More often than not the first thing they will raise is some of the social benefits we have in this country, like health insurance and hospitalization benefits, that came in because we had cost-sharing programs.

Mr. Speaker, I can say to members of the Legislature that there may be many members who, enthused with the current Proposition 13 mentality, would like to very substantially restrict spending of governments at all levels. That's fair ball. That's the kind of legitimate debate that should occur in the political system. But I don't think it is reasonable to amend your constitution so that you make the federal government incapable of dealing with issues when they arise.

I don't know what the public climate is today on additional federal spending. It may well be that if you took a public opinion poll today you'd find most Canadians would say no, we don't want increased government spending. But that hasn't always been the case. Ten years ago you would have found a totally different public climate; 10 years from now, a different climate again. What I'm saying, Mr. Speaker, is that we should not confuse an area of legitimate political debate with the question of constitutional change. I notice also, Mr. Speaker, and this is where the bias in favor of what I would call extreme provincial rights comes through, that while spending limits are to be applied to the federal government in areas of provincial jurisdiction, the corollary — spending limits to the province in areas of federal jurisdiction — has not been included.

As far as the constitutional court is concerned, Mr. Speaker, I would say I really have some difficulties with this proposal. I think there's a lot of legitimate argument for some provincial input to the selection of judges in the Supreme Court of Canada. I'm perfectly prepared to accept that argument. But it seems to me that if we move from there to have a constitutional court, we're opening ourselves to a rather incredible proposition, because so many of the cases that go to the Supreme Court have implications that deal with

the division of powers. So we're going to have the whole process dragging through the district court, the Supreme Court. Then on to the Supreme Court of Canada; then, when it gets to the point where we're almost ready to resolve it, there are three, four, or five issues that have interprovincial or federal/provincial implications, so we're going to have to empanel this constitutional court. Mr. Speaker, the difficulties that is going to create for the due process of law and the resulting administrative problems would, I suggest, make the Attorney General's rather gentle reprimand to the judges the other day very gentle indeed, because we would have the whole process completely bogged down in judicial bureaucracy. I really question whether that is a very sensible proposal at this time.

Mr. Speaker, in the couple of minutes remaining to me I'd like to say that I know there's a good deal of concern among many people about intrusions, provincial and federal. There have probably been a great deal more federal intrusions, and I share many of the concerns expressed by the western premiers not too long ago. But I don't think you want to change your constitution to stop intrusions. Intrusions in a healthy Confederation will always exist unless you strip one level or the other of power. It happens to be the kind of ongoing political debate which will occur. And an effort to say we will amend the constitution to stop federal intrusions is as dangerous, Mr. Speaker, as it would be for the federal government to turn around and say, we will amend the constitution to eliminate provincial intrusions. Because the cost of that kind of amendment would be to so strip the other level of government of any capacity to do the job that it would be rendered completely impotent.

In closing, Mr. Speaker, I would say that the position we should take as we enter the debate on constitutional renewal is a recognition that we do have some pretty fundamental provincial rights, the most important of which is control of our natural resources. But at the same time, we must recognize that if Canada is to keep that date with destiny that Laurier talked about 80 years ago, we do need a strong, effective federal government. And yes, Mr. Speaker, we do need the recognition that the whole is indeed greater than the sum of its parts. It's the kind of approach to government that I think was best exemplified by John Diefenbaker's commitment to a new Canada, the vision he gave Canadians 20 years ago. That vision of a strong, united Canada was not one where the provinces had all the effective control and met only occasionally to decide whether or not the federal government should continue to run the post office. It was a vision of an effective federal leadership that would lead to one united Canada. I think that's the sort of approach we should be taking to the conference in Ottawa next week.

MR. HORSMAN: Mr. Speaker, I had not intended to participate in the debate quite this early. Nevertheless it gives me an opportunity to answer some of the remarks made earlier this afternoon, particularly by the Member for Spirit River-Fairview. In listening to his most recent remarks, it seems to me that he has once again attempted to cloak himself in the mantle of John Diefenbaker. He's done that on other occasions in this Assembly, and I find it quite inconsistent with the facts. The facts of John Diefenbaker's vision

of one Canada and the socialist version of a centralized, authoritarian government are completely inconsistent. While it is perhaps presumptuous of me to rise in this Assembly and, in my very inadequate way, defend the Rt. Hon. gentleman who is not present in this Assembly, who indeed is probably at this moment in the House of Commons in Ottawa, defending the rights of the provinces, I will do what I can.

It seems to me that what we have heard this afternoon is a defence by the Member for Spirit River-Fairview of a strong, centralist, socialist government which no doubt he, along with his other socialist friends in Canada, wishes to impose upon Canada and the provinces. I take strong objection to that particular type of approach. He and I do not agree on this issue.

MR. NOTLEY: I sensed that, Jim.

MR. HORSMAN: Certainly we do not agree on the interpretation he has placed upon the role played by the past Conservative government of the Rt. Hon. John Diefenbaker.

Dealing specifically, if I may, with the point raised by the hon. member with regard to the entrenchment of the Bill of Rights in the constitution, I think it is useful at this time to underline the fact that it was a Progressive Conservative government in Canada that brought about the first Canadian Bill of Rights in 1960, under the leadership of the then Prime Minister, the Rt. Hon. John George Diefenbaker. And indeed it was the Progressive Conservative government under the leadership of our Premier Peter Lougheed that in 1972, as the first act of the Progressive Conservative government, introduced the Bill of Rights into the province of Alberta, providing in that Bill of Rights primacy of that legislation over all others. Indeed on the wall of this Assembly in this session we have that Alberta Bill of Rights for all of us to acknowledge as legislators and to accept as Albertans.

I would suggest it is quite appropriate, as set out in the papers provided to the House today, that it is not necessary to enshrine those bills of rights in the constitution. But indeed it is a recognition of the paramountcy of the legislatures in dealing with property and civil rights within the province to leave that jurisdiction where it belongs, in the hands of the legislators duly and properly elected in the various legislative assemblies throughout Canada, and indeed for the federal Parliament in its proper and legislative capacity to enact the Bill of Rights or, from time to time, to make whatever changes in the Bill of Rights that it deems proper. Surely, Mr. Speaker, the judges of the rightness or wrongness of any amendments to the Bill of Rights are the people, the people of Canada or indeed of the various provinces. I would suggest that any effort to meddle with or change any of the basic rights set out in The Alberta Bill of Rights, or [that of] any other province, would surely be a clear and fundamental reason for changing the government of the day in whatever province or indeed in Canada. That should be the right of the people.

The hon. Member for Spirit River-Fairview has said that supremacy flows from the people. I think it is fair to say, Mr. Speaker, that we recognize we are here as legislators in this Assembly, as other legislators in other assemblies in Canada today are there, only

because the people will them to be there in free elections. I can think of hardly any other topic — other than fiscal mismanagement, which has been a traditional means of changing governments and which no doubt will be a topic of debate in many future general elections, be they at the provincial or federal level — that would lead to the fall of a government than any effort to tamper with the very basic rights set out in the bills of rights of Canada or of the provincial governments. For that reason I fully support the concept, advanced in this paper, that it is the responsibility of each and every one of us as legislators in Alberta, and indeed the responsibility of other legislators in other assemblies, to protect those rights through our own legislation. I certainly urge other assemblies in this country who have not yet adopted a bill of rights of the significance and importance our Bill of Rights presents to Albertans, to do so. Mr. Speaker, that is their responsibility and their right. It is up to the people of the provinces involved to urge their governments and to elect governments that are prepared to take the same stand this Legislature did in 1972.

Mr. Speaker, I could turn to other aspects of this paper. If I may say, I appreciated the remarks earlier today by the Member for Little Bow with respect to the role played on behalf of all of us and western Canada by Premier Haultain in his efforts to bring about responsible self-government for the people of western Canada. I also acknowledge the very real importance played by the government of the day in Alberta and Saskatchewan in bringing natural resource rights to Albertans and to the people of Saskatchewan, the governments of Alberta and Saskatchewan, as set out on page 40 of our paper. It's interesting — and I find the way this is set out in our paper is very useful to me as a legislator — to examine the development of our constitution to the present time and to observe therefrom that the agreement between Alberta and Canada was entered into pursuant to the British North America Act, 1930. How well this serves to underlie the fact that many people in Canada and Alberta regard the British North America Act of 1867 as the constitution of Canada. Indeed, it is not entirely the constitution of Canada. Many amendments have been made to that act throughout the history of this nation. Indeed, the Statute of Westminster forms a very important part of our constitution for us as Canadians.

So I wish to join with the hon. Member for Little Bow in acknowledging, indeed in retrospect, the very fine work done by the UFA government, which preceded the Social Credit government, in negotiating with Ottawa the rightful ownership of the natural resources of the province to the province and then seeing that that was enshrined in the constitution by an amendment to the British North America Act in 1930.

Mr. Speaker, I've thought and perhaps suggested in this Assembly that we're not quite as prepared to pound our chests or build statues to our great leaders of the past as are other people in Canada. When we go to Parliament Hill in Ottawa, we find statues of past prime ministers of Canada. In Quebec City, which I and other members of the Assembly visited recently, the grounds of the legislature building are filled with statues to recognize great people in Quebec's past. A most recent addition is that of the late

Maurice Duplessis, which is a rather interesting addition and was put there by the present government after the previous Liberal government had conveniently hid it in some storage place for years. But that's an aside.

I suggest to members of this Assembly that we might well consider erecting a significant statue or two on the grounds of this Assembly, to Haultain, to the first Premier of this province, and certainly to the Premier of the day, who brought home to Alberta, where they rightfully belong, natural resources and their control. [interjections] Now that's an idea I've had for some time. Perhaps a future government may wish to follow up on that.

Mr. Speaker, I don't think there's any doubt that the people of this province fully support and endorse the control and ownership of natural resources. To think that the federal government went to the people of Canada with a document called Bill C-60 and left out of that the question of natural resources and their control, is absolutely beyond comprehension. Why indeed did they do that? Certainly, I fully and totally endorse the position taken by this government in including a strong position on the ownership and control of natural resources in this important document.

I'm pleased that we have had the general support not only of the member of the official opposition who

spoke today, but even to some modest degree from the other speaker. Mr. Speaker, I think we have the editorial support of most papers in this province. But above and beyond that, I am absolutely convinced that the government has the tremendous support of the people of the province of Alberta from whom, as has been said earlier, we derive our very existence as a government, our very existence in a freely elected democratic state.

Mr. Speaker, I had a few more comments I wanted to make with respect to the proposal regarding the court. But in view of the hour and the efforts that I understand will be made to carry forward with the Commonwealth Parliamentary Association dinner, I beg leave to adjourn the debate.

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

HON. MEMBERS: Agreed.

MR. HYNDMAN: Mr. Speaker, in view of that annual dinner beginning at 6 o'clock, I move we call it 5:30.

HON. MEMBERS: Agreed.

[At 5 p.m., pursuant to Standing Order 5, the House adjourned to Thursday at 2:30 p.m.]

