

LEGISLATIVE ASSEMBLY OF ALBERTATitle: **Friday, November 3, 1978 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF VISITORS**

MR. SPEAKER: I have the honor to draw to the attention of hon. members the presence in the Speaker's gallery of the distinguished Speaker of the Legislative Assembly of Manitoba. I would ask Speaker Harry Graham to stand and receive the welcome of the Assembly.

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

MR. TRYNCHY: Mr. Speaker, pursuant to Section 8 of The Ombudsman Act, the select standing committee has had under consideration the Ombudsman's salary and has agreed to set it at \$45,000 per annum commencing October 1, 1978.

head: **INTRODUCTION OF BILLS**

Bill 267
An Act to Amend
The Election Finances
and Contributions Disclosure Act

MR. NOTLEY: Mr. Speaker, I beg leave to introduce Bill No. 267, An Act to Amend The Election Finances and Contributions Disclosure Act. The principle contained in this act would be to prohibit directors of either Crown corporations or quasi-public companies such as PWA or the Alberta Energy Company from collecting funds for any political party. The prohibition would be accompanied by a \$10,000 fine.

[Leave granted; Bill 267 read a first time]

Bill 268
An Act to Amend
The Expropriation Act

MR. KUSHNER: Mr. Speaker, I request leave to introduce a bill, being An Act to Amend The Expropriation Act. The purpose of this bill is to establish equal or better as criteria for compensation where a home is unique or unusual, or cannot be exactly replaced in a locality. In these circumstances the market selling price too often is inadequate to replace a home being expropriated.

[Leave granted; Bill 268 read a first time]

Bill 266
An Act to Amend
The Election Act (No. 2)

MR. CLARK: Mr. Speaker, I beg leave to introduce Bill 266, An Act to Amend The Election Act (No. 2). The prime purpose of this bill is to make it possible to force a plebiscite or referendum on matters of provincial jurisdiction when a petition is signed by not less than 10 per cent of the eligible voters of the province.

[Leave granted; Bill 266 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. SCHMID: Mr. Speaker, I beg leave to table the annual report of Alberta Culture.

MR. HYNDMAN: Mr. Speaker, I wish to file copies of the opening statement of the hon. Premier to the federal/provincial conference of first ministers in Ottawa October 30 to November 1. As well, I wish to file copies of the communique of that conference, dated November 1, 1978.

head: **INTRODUCTION OF SPECIAL GUESTS**

DR. WALKER: Mr. Speaker, it is my honor and privilege to introduce to you, and through you to this House, two very prominent people from my constituency, Sherm and Claire Ewing. Sherm Ewing has been the president of the cattlemen's association and has been associated with the cattle industry in this province for very many years. They are also very active in community and provincial affairs. I would ask them to stand and receive the welcome of this House.

DR. BUCK: Mr. Speaker, I take great pleasure this morning in introducing to you, and through you to the members of the Assembly, 90 grade 6 students from Fort Saskatchewan elementary school. They are accompanied by their teachers Mrs. Sprague, Mr. Mandrusiak, and Ms. Ackerman; their bus drivers Mr. Gabert and Mr. Hennig; parents and friends Mrs. Peden, Mrs. Prochnau, Mrs. Wickman, Mrs. Stevenson, Miss McIntosh, Mrs. Olson, and Mrs. Naundorf. They are sitting in both galleries. I would ask them to rise and receive the welcome of the Legislature.

head: **ORAL QUESTION PERIOD****Board Memberships**

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Premier. It is a follow-up to questioning we did in the Assembly earlier this week with regard to chairmen of Crown agencies and members of the board of the Alberta Energy Company being actively involved on the financial committee executive of the Conservative Party of Alberta. I want to preface my question, if I may, by saying I do not deny the right or the opportunity for these people to be politically involved.

But my question is this: has the Premier considered

the impact of having gentlemen in these positions sending letters to businessmen and companies which do business with Pacific Western Airlines and the Alberta Energy Company?

MR. LOUGHEED: Yes, Mr. Speaker, we've considered the matter. I think it was clear that both the gentlemen involved — and I would deal with it because I think it's somewhat different between Pacific Western Airlines and Alberta Energy Company. With regard to Pacific Western Airlines, Mr. McDaniel and Mr. Mitchell have been key members of our finance committee since 1965-66. When we reorganized Pacific Western Airlines, we felt it was very important that we have acting as chairman and vice-chairman of Pacific Western Airlines individuals who had the same political philosophy as we did.

If I follow the hon. member's question — because we reviewed at that time whether there was any conflict between the two situations. We came to the conclusion that clearly there was not. Solicitation for funds for the Progressive Conservative Party of Alberta which would be made by Mr. McDaniel and Mr. Mitchell was, in our view, an entirely separate matter from their responsibilities with Pacific Western Airlines. We don't see any way in which their position in terms of the operation of the board of directors is in any way affected relative to the fact that they're carrying on the other activity.

MR. CLARK: Mr. Speaker, to the Premier. I've had this representation made to me by businessmen who deal with PWA and who — I emphasize the point — have not been approached from this vantage point to date, but who see the very clear likelihood of this kind of association with PWA as virtually right-to-do-business contributions. It puts people who do business with PWA in a very, very difficult position if they choose not to make a financial contribution to the Conservative Party.

Mr. Speaker, my question is: is the Premier prepared to reconsider the position of either the Conservative Party or the government with regard to this question of having the chairman and vice-chairman of PWA actively soliciting funds from the standpoint of members of the Conservative finance executive committee?

MR. LOUGHEED: Mr. Speaker, I just am sorry, I fail to see the conflict. I don't think any businessman is going to feel in any way that the fact the chairman and vice-chairman are involved in the solicitation of funds for the Progressive Conservative Party of Alberta is going to make any difference whatsoever in the relationship between that businessman and Pacific Western Airlines.

MR. CLARK: Mr. Speaker, I take it from the Premier's answer that the government is not prepared to give a commitment to the Assembly at this time that the chairman and members of the board of PWA and the Energy Company, who deal in a wide variety of areas with the business community of this province, are prepared to say, look, we will keep those people off the fund-raising executive of the Conservative Party.

MR. LOUGHEED: Mr. Speaker, I just don't see the conflict. As far as I'm concerned, they are carrying

out the two functions. It's been known for years that they are. As for the people who do business with PWA, if they aren't disposed to give donations to the Conservative Party, it's certainly their business. In no way are they going to be treated any differently from any other business that deals with Pacific Western Airlines.

MR. CLARK: Mr. Speaker, to the Premier. It's a very assuring statement here by the Premier. But this is the very same government which says it keeps a completely hands-off approach as far as PWA is concerned. The Premier may say that, but the mere fact that the chairman and vice-chairman of the PWA board are on the executive of the Conservative fund-raising venture in this province filters down to people and companies that do business with PWA. It's for that reason that I'd ask the Premier again to reconsider this position.

MR. LOUGHEED: Mr. Speaker, I can't see any conflict whatsoever. As far as I'm concerned, it's been going on in terms of the . . . Mr. McDaniel has been doing an excellent job as chairman of Pacific Western Airlines for, I guess, over three and a half years now; Mr. Mitchell has been the vice-chairman. The company is doing well. I don't think any businessman has felt that whether or not he contributes to the Conservative Party is going to have any bearing whatsoever on his relationship with that company.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. In view of the fact that Pacific Western Airlines at this stage is 99 per cent-plus owned by the government of Alberta, what is the position of the government with respect to the code of conduct for public servants? Are we going to have two standards: the code of conduct that says on one hand that public servants should not be allowed to solicit funds, yet directors of a company that is almost 100 per cent owned by the people of this province can?

MR. LOUGHEED: Mr. Speaker, they are not public servants in any way, shape, or form.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. What is the position, then, with respect to board members of any other Crown corporation, such as AGT? Would they be allowed to solicit funds for the Conservative Party or any other political party, if they choose?

MR. LOUGHEED: Certainly, they might even solicit funds for some other party. That's their business. [interjections]

MR. NOTLEY: A supplementary to the hon. Premier. Is the Premier saying to the Legislature, then, that the major policy makers, people who sit on the boards and shape the policy of these — in the case of PWA, an instrument that is almost totally owned by the people of Alberta — should be allowed to solicit funds without any restrictions, while on the other hand employees of the public should not?

MR. LOUGHEED: But they are not acting as civil servants; that's the very point. They are acting as

agencies at a board of directors level. In my view, both the Alberta Energy Company, which — if you want to deal with that for a moment, the Alberta Energy Company is run by a board of, I think, a dozen directors. I can't even remember which ones are appointed by the government and which by the public shareholders. But in terms of the Alberta Energy Company, the public shareholders are basically running the company, as we've said here in the House. That's why we've not been prepared to provide information with regard to their activity.

As far as the Pacific Western Airlines concern, we very clearly want the major people who are running that organization at the chairman and vice-chairman level to reflect the philosophy of this government and have an awareness and understanding of it.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. The question is not whether the chairman and vice-chairman of PWA will reflect the philosophy of the government; the question is whether they should be out bagging money for the Conservative Party.

SOME HON. MEMBERS: Order!

MR. NOTLEY: That's the question, Mr. Speaker, to the hon. Premier. Are we going to have a dual set of standards, one for people on the board of an almost totally publicly owned company, who set policy, who are in a position to make major decisions, yet a totally different set of standards for the average employee of the Alberta government?

MR. LOUGHEED: As far as I'm concerned, when you're dealing with Pacific Western Airlines, you're dealing with an entity in the operations of which we're not going to be involved. From my point of view, I think we're going to have businessmen. They're going to conduct these responsibilities. If they want to get involved, we have an election receipts disclosure act, to which the hon. member moved a suggested amendment today. Who is disclosed will be there. It's full and public knowledge who is disclosed. It's been full and public knowledge that Mr. McDaniel and Mr. Mitchell have been conducting both those tasks for well over three and a half years now.

MR. NOTLEY: Mr. Speaker, one further supplementary question to the hon. Premier. Is the Premier telling the Legislature, then, that as far as the policy-making aspect of major government instruments is concerned — whether it be Pacific Western Airlines, which is almost totally owned by the people of Alberta, or the Alberta Energy Company, which is 50 per cent owned by the people of Alberta — in this crucial policy-making aspect of a public body it's all right for those people to participate in the solicitation and collection of money, but not the average employee?

MR. LOUGHEED: Mr. Speaker, I am saying precisely: they are not civil servants. The people who are involved in those operations are management people involved in a situation. In no way, shape, or form are they civil servants. They are citizens at large.

MR. TAYLOR: Mr. Speaker, a supplementary. If the Premier were going to do something about this particular case, would he also look into the fact that free enterprisers who are in unions are having some of their money, through their union dues, diverted to the NDP? [interjections]

MR. CLARK: I don't plan to follow that one up.

AN HON. MEMBER: No, you can't win on that, Bob.

MR. CLARK: Mr. Speaker, I'd like to go back to the Premier, though. Mr. Premier, with regard to the statement you made concerning like political philosophy, how far does that extend to government appointments to other agencies and boards? Is like political philosophy a needed component to be appointed to organizations like the Human Rights Commission, the Racing Commission, the Alberta Housing Corporation, to name three?

MR. LOUGHEED: Mr. Speaker, the hon. leader would have to give me a specific one. I was referring to Pacific Western Airlines which, obviously, because of the debate we've had in this House, was acquired to develop as an instrument of economic policy in the province. For that reason I think it's absolutely crucial that we have there, as chairman and vice-chairman particularly, people who represent, understand, and are fully familiar with the policy we have in terms of economic development in the province. As far as the Alberta Energy Company is concerned, not in a majority way but to some extent, I think, some of the directors, particularly those appointed by the government, should have the same position.

But I've dealt with specifics. If the hon. member wants to ask me about some other particular agency, I am prepared to answer. The answer may be different or the same.

MR. CLARK: Mr. Speaker, very specifically then, I ask with regard to the Human Rights Commission. In light of the fact that one of the members of the Human Rights Commission is now the Conservative candidate in the Three Hills constituency, is it a necessary component to be of like political philosophy, to use the Premier's term, before one is appointed to the Human Rights Commission?

MR. LOUGHEED: Mr. Speaker, obviously not in the case of the Human Rights Commission. For example, one of the members of that commission ran for the New Democratic Party in the last election. [interjections] We didn't think there was anything wrong with that. In fact, we encouraged the fine lady to continue in her position.

MR. CLARK: Mr. Speaker, then let's go to the Alberta Racing Commission. I just happened to find that the defeated Conservative candidate in Olds-Didsbury has been appointed as a member of the Alberta Racing Commission. How far does one go there? [interjections]

MR. FOSTER: [Inaudible] after the next election.

MR. LOUGHEED: I almost would choose to use the Attorney General's answer, but I won't.

In the case of the Racing Commission, no, I don't think we have had any thought that we would need somebody there who would reflect government policy in the same way as in Pacific Western Airlines.

MR. CLARK: Let me go one step further and ask about the Alberta Housing Corporation. In light of the fact that the southern Alberta vice-president of the Alberta Housing Corporation is now seeking the Conservative nomination in the Banff constituency, how far does it apply as far as the Alberta Housing Corporation is concerned?

MR. LOUGHEED: Well, I know we are having difficulty, because so many people are enthusiastically wanting to run for our party. I don't know what we can do about it.

The individual you are referring to obviously would have to follow the provisions of the code of conduct for public servants. But as to the Alberta Housing Corporation, we certainly would not want to have on the board of directors people who reflected a view completely contrary to government policy.

DR. BUCK: Mr. Speaker, a short question for clarification. Did the Premier indicate that the executive of Pacific Western Airlines were in executive positions before they became bagmen for the PCs? I'm just trying to clarify in my own mind . . . [interjections]

MR. NOTLEY: Ask them if PWA supplies the bag.

DR. BUCK: Mr. Speaker, I sincerely wish to know: were the members . . . [interjections]

MR. SPEAKER: The hon. member's clarification deserves to be heard in silence.

DR. BUCK: Were the executive members of Pacific Western Airlines in positions they are in now before they were actively involved in the Progressive Conservative Party of Alberta?

MR. LOUGHEED: I'm sorry, Mr. Speaker, I thought I had made that clear. Mr. McDaniel, the chairman, has been the chairman of the finance committee of the Progressive Conservative Party since 1965. At that time it wasn't a job too many people particularly wanted. In 1966 Mr. Mitchell took a position on the finance committee. So both of them were on the finance committee of the Progressive Conservative Party when we asked them to serve as chairman and vice-chairman of Pacific Western Airlines either late in '74 or early in '75.

DR. BUCK: Just so my mind is clear, Mr. Speaker, did the Premier say the gentlemen we're discussing were not on the board of directors previous to 1974? They were not. They were appointed after the year 1974. [interjections]

DR. WALKER: Mr. Speaker, a supplementary question to the Leader of the Opposition. [laughter] I wonder, could the hon. leader please explain why the vice-president of the Social Credit organization of Canada sought the nomination in . . .

MR. SPEAKER: Order please.

MR. CLARK: Mr. Speaker, seldom do I get to point out to the hon. Member for Macleod that since I've taken over the leadership of the Social Credit Party we have no federal connections at all. We're the only provincial political party in that fortunate situation. [interjections]

MR. TAYLOR: Mr. Speaker, I might add: very little party. [laughter]

DR. BUCK: Mr. Speaker, as I said one time: Ottawa's loss is going to be Alberta's gain.

MR. CLARK: I'd like to direct my second question to the . . .

MR. SPEAKER: I thought we'd had it.

MR. CLARK: What was the topic?

MR. SPEAKER: I apologize to the hon. leader. I thought I had distinguished a difference between the two series of questions.

Government Building Leases

MR. CLARK: Mr. Speaker, I'd like to direct a question to the Minister of Housing and Public Works. It deals with this question of the practice of Public Works providing office accommodations for various government departments. Has the government considered the practice where individual departments are fully aware and responsible for the annual cost or market value of their accommodations?

I ask the question in light of the fact that the old Administration Building up here has sat vacant for some six months now. It's not being used. The Natural Resources Building is in a similar situation. Is the government seriously considering the possibility of government departments assuming the cost of office accommodation and paying that to Public Works?

MR. CHAMBERS: Mr. Speaker, I think the Leader of the Opposition is well aware of the way user departments are charged. Obviously buildings may be recently completed or in the process of being finished or refurbished, so parts may be empty at times and so forth. I don't know what he's getting at.

MR. CLARK: Mr. Speaker, I'm simply getting at this: how much longer is the Administration Building going to be sitting empty? It's only a block north of the Legislature Building. I believe it's been empty for some six months.

MR. CHAMBERS: I presume the Leader of the Opposition doesn't really have much awareness as to what it takes in terms of refurbishing time, renovation time, and so forth. From the line of questions I've heard from him the last few days, I'm well aware of that. Refurbishing, planning, designing, and this sort of thing are a carefully planned engineering and architectural procedure.

MR. CLARK: Oh, baloney!

MR. CHAMBERS: If the Leader of the Opposition would come into my office, I'd be quite happy to acquaint him with this.

MR. CLARK: Mr. Speaker, to the hon. minister. Did the minister ever hear of the concept of doing things on a floor/time basis so he could save the taxpayers some money?

MR. CHAMBERS: Mr. Speaker, if I pursue the line of questioning of the Leader of the Opposition in these various areas in the last few days, I'd also be happy for him to come into my office and I'll give him a lecture on how to save the taxpayers' money.

MR. CLARK: If he'd start using the buildings, it would help. [interjections] Oh, to know some answers in the House for a change.

DR. BUCK: Mr. Speaker, a supplementary question to the Minister of Housing and Public Works. Can the minister indicate the process when a public building is vacant? As an example, the liquor store in Fort Saskatchewan was vacant for approximately 18 months. In trying to ascertain what is going to happen to that property, we had three or four different departments involved, and the building is still vacant. Can the minister indicate to the Legislature what happens when a public building is vacated? Which departments are involved so that that building is being used?

MR. CHAMBERS: Mr. Speaker, you know . . .

DR. BUCK: You don't have to shake your head. We just want some answers, Chambers.

MR. CHAMBERS: Well, ask some sensible questions and you'll get some sensible answers. [interjections]

Mr. Speaker, obviously when a building is in need of renovation the department will find adequate accommodation for a department in this or that building. Tenders are let; the lowest bidder gets the job. That's the way we operate. That's why we save the taxpayer money. Renovations take time. I guess the Member for Clover Bar doesn't realize how long it takes to build anything. These things take time. Planning takes time. It's done in a logical, proper sequence to save the taxpayer the optimum amount of money.

DR. BUCK: Mr. Speaker, I appreciate the minister getting a little excited. But my question is about a building that is already built. It has been vacated. The minister doesn't have to design it; he doesn't have to do anything with it. I was trying to find out for the people trying to rent the building: what is the chain of events that leads — and the last point that was brought to my attention is that Government Services has first call. That's really what I'm asking the minister: which departments are involved? Where can a person who wants to rent the property find out if it's rentable?

MR. CHAMBERS: Perhaps the hon. member would like to direct the question to the Minister of Government Services.

DR. BUCK: Maybe the minister would like to do that, so he could find out what's happening in his department.

MR. CHAMBERS: Mr. Speaker, I suggest the hon. member should find out what's happening in Clover Bar.

MR. CLARK: The hon. member has known what's been going on in Clover Bar long before you got here, and will after you're gone, too.

DR. BUCK: Mr. Speaker, to the Minister of Government Services. Can the minister indicate if the department has the decision how public buildings will be used when they are vacated by a government agency?

MR. SCHMID: Mr. Speaker, the Department of Government Services is responsible for the maintenance and the operational undertaking of government buildings once they have been rented or leased to government departments. The actual leasing between, let's say, private contractors and the government, and the building and renovations of government buildings, are the responsibility of Housing and Public Works.

Highway Upgrading

MR. BUTLER: Thank you, Mr. Speaker. My question this morning is directed to the Deputy Premier and hon. Minister of Transportation. If you'd permit just a short preamble. We have two very important corridors running north and south in the eastern part of the province, highways 41 and 36. The extra activities taking place in these areas now, particularly in the oil fields, are showing their toll on these two roads. Mr. Minister, does your department have any short-term plans for upgrading, such as pavement, for either of these highways?

DR. HORNER: Mr. Speaker, as a matter of fact this year we have four contracts for pavement on Highway 36, and will have an additional contract let this fall for a stretch of pavement in the Hanna-Sheerness area. I believe three different contracts are now going on Highway 41.

Hallowe'en Vandalism

MR. TAYLOR: Thank you, Mr. Speaker. My question is to the hon. Solicitor General. Would he undertake to find out from the police forces of the province if charges are going to be laid against persons who, in the name of Hallowe'en, destroyed the property of others, where such persons are known to the police forces?

MR. FARRAN: Yes I will, Mr. Speaker, and let the hon. member know.

Iron Ore Deposits

MR. NOTLEY: Thank you, Mr. Speaker. I'd like to

direct this question to either the hon. Minister of Energy and Natural Resources or the hon. Minister of Business Development and Tourism. It is connected with the Alberta Energy Company in a sense, and I'm not sure whether the board of directors has had an opportunity to look into it in view of their busy schedule of collecting money for the Conservative Party.

Mr. Speaker, can the minister advise the Assembly whether or not Steel Alberta has purchased the iron ore properties and rights held by Imperial Metals and Power Ltd. in the Clear Hills north of Hines Creek?

MR. GETTY: Mr. Speaker, I don't normally try to stay on top of individual things the Alberta Energy Company does. However, inasmuch as it involves a lease in the province, I'll check into the matter and advise the hon. member.

MR. NOTLEY: Mr. Speaker, a supplementary question, if I may, to the hon. Minister of Business Development and Tourism, also in charge of the Northern Alberta Development Council. Is the minister in a position to advise the Assembly whether he has any information with respect to the Steel Alberta intentions as far as the Clear Hills iron ore deposits are concerned?

MR. DOWLING: Mr. Speaker, I can talk about Steel Alberta in a general way. They are most assuredly interested in finding a source of raw iron and have examined the deposits in Saskatchewan, Manitoba, Ontario, Alberta of course — which includes the Clear Hills deposit — and the state of Montana. I understand the Steel Alberta organization does have some interest in the Montana deposit in particular, because the others are either too deep or the research process of removing the iron from the little pellet is not so far advanced that it can be done with ease and in an economic way.

I also know that the Energy Company has expressed some interest in the Clear Hills deposit. I'm not in a position to say where it is at this point.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. With respect to the purchase, I gather, of rights in the Carter Creek area near Dillon, Montana, the minister has indicated those deposits seem a little more favorable. Is he in a position to advise the Assembly whether or not, in his discussions with Steel Alberta, they would see that as an area of primary development and the Clear Hills as a secondary or very much down-the-road development? Or has there been any discussion at this stage between the government and Steel Alberta as to where things stand on the priority list as far as the Clear Hills deposits are concerned?

MR. DOWLING: I can't answer for Steel Alberta, Mr. Speaker. But I can say from the standpoint of the provincial government that our priority of course is to develop the Clear Hills deposit or any other resource. But because that is the only deposit of some magnitude that we're aware of in Alberta, we have continued the research project undertaken some time ago through the Research Council to try to develop an economic process so the deposit can be developed properly.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Will the research carried on by the Research Council of Alberta be expanded? Will additional projects be undertaken in the forthcoming year?

MR. DOWLING: Mr. Speaker, the project is still under way. As to an update of where it stands, the project is now in a position where they can remove the iron from the sand granule in the lab. But in order to do it in the field, the cost of the structures and all the capital requirements would be so large that the project would not be feasible at this time. The research project, however, is continuing. It's our hope that even with the key they now have, it can be developed into a sophisticated model that can be moved into the field.

MR. SPEAKER: The hon. Member for Camrose, followed by the hon. Member for Bow Valley.

MR. STROMBERG: Mr. Speaker, I was wondering if I could defer my question until later in the question period when the Member for Clover Bar is back, because it concerns some of his constituents.

Wildlife Population

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Recreation, Parks and Wildlife. Could the minister indicate whether the results of the survey taken by his department of the losses of antelope during the last winter showed sharp reductions?

MR. ADAIR: Mr. Speaker, yes. I have to go by memory right now, but to my knowledge the results of last winter's drastic snowfalls in the area were certainly very harmful to the antelope population, but not to the point of almost total reduction. I think it would be fair to say a safety factor is certainly still there for the reproduction and continuation of the antelope herds in the province of Alberta.

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Could the minister indicate whether, as a result of antelope losses, as many licences will be issued this year as have been in the past?

MR. ADAIR: Mr. Speaker, I would have to take that question as notice, and I will respond to you as to how many were provided.

MR. MANDEVILLE: One final supplementary question, Mr. Speaker. Each year a resolution comes up from the Eastern Irrigation District and the county of Newell asking that as a result of heavy population in the Eastern Irrigation District, hunting not be allowed. Has the minister made any decision as to whether there will be hunting in the Eastern Irrigation District this year?

MR. ADAIR: Again, Mr. Speaker, I would have to take the specific area, go back to the hunting regulations, and identify for sure what is taking place. I don't have it right at my fingertips.

Stony Plain Hospital

MR. PURDY: Mr. Speaker, I'd like to address a question to the Minister of Hospitals and Medical Care. During the spring session I asked the minister when the Stony Plain hospital board would be reinstated. The answer was that it would be looked at after the spring session and a decision made during the summer. It is now November, and the Stony Plain hospital still has no board. When will the minister make that decision?

MR. CLARK: After he returns from Australia.

MR. MINIELY: Mr. Speaker, the department is having some meetings with local people to see how it can be pulled together and within what time frame. While the fall sitting will be adjourned, I'll certainly advise the hon. member of the full details as to the status of that matter.

MR. PURDY: A supplementary, Mr. Speaker. Will the minister's department also notify me as to when these meetings are going on so that I may be included in the debate in the constituency?

Oil Well Drilling Industry

MR. YURKO: Mr. Speaker, my question is to the Minister of Energy and Natural Resources. Last evening a number of members of this Assembly were invited to dinner with the Canadian Association of Oil Well Drilling Contractors. It was a very enjoyable dinner, and the members of that association put forth and thanked the government for their very progressive policies in this area, as they've had a banner year of drilling in the . . .

MR. SPEAKER: Possibly the hon. member should overcome the custom of making ministerial announcements. [laughter]

MR. YURKO: Mr. Speaker, could the minister advise the Assembly whether or not he's planning any changes to the land tenure regulations or the drilling incentives that now exist in the province?

MR. GETTY: Mr. Speaker, we annually assess the activity and needs of the industry and the public interest of Alberta. However, I'm not aware of any changes currently under consideration.

MR. YURKO: A supplementary, Mr. Speaker. Is the minister conducting any study in his department as to whether or not the level of drilling activity in the province can be maintained during the next 12 months at the level it has occurred in the last 12 months? In other words, is there any study anticipating a drop-off in drilling activity and therefore a layoff in this very vital industry, which employs some 30,000 people? In fact, the province of Alberta is the centre of this tremendous technology, which is now worldwide.

MR. GETTY: Mr. Speaker, I'm not aware of any study to that effect, to judge the future level of drilling and exploration activity in the province. About the only two matters that seem to be causing some concern,

which could influence that level of activity, would be: one, should the surplus natural gas position become so large and so overwhelming, and should there be no potential for additional markets, there would have to be some slowdown of drilling, because businessmen just cannot invest dollars and see no chance for a return.

The second would be a degree of uncertainty raised by the federal government in requesting that negotiated and signed agreements be put aside. That kind of uncertainty often will cause a slowdown in investment. However, I'm hopeful that both of those matters can be solved. Nevertheless they do create some uncertainty as to the level of activity.

Wildlife Population

(continued)

MR. WOLSTENHOLME: Thank you, Mr. Speaker. My question is to the hon. Minister of Recreation, Parks and Wildlife. I wonder if any consideration has been given to assistance to ranchers who have problems with ungulates that use their hay supply for winter food.

MR. ADAIR: Mr. Speaker, yes. I assume the hon. member is referring primarily to those areas in the eastern slopes, southwestern Alberta, and the Cypress Hills area. My response would be: yes, we have, aside from the present program where we allow some slabs — I guess that's the term — for fencing of haystacks. At the request of the hon. Member for Pincher Creek-Crowsnest and a number of people in the south region, the hunting season for elk in that area was brought forward. This year as well, a special management/conservation hunt was introduced in Cypress Hills Provincial Park for the region that was affected by the overpopulation of elk and some moose.

MR. GHITTER: Mr. Speaker, on a point of information. I wonder if the hon. member could advise us urban members what an ungulate is.

MR. SPEAKER: It would probably include buffaloes, I think. [laughter]

MR. WOLSTENHOLME: Well, for the education of the learned urban members, an ungulate has a forked hoof and two stomachs.

MR. GHITTER: I'd like to thank the hon. member for that answer. It sounds to me like an ungulate is a camel. [laughter]

MR. COOKSON: Mr. Speaker, it's nice to know that lawyers don't know everything.

Volunteer Firefighters

MR. TAYLOR: Thank you, Mr. Speaker. My question is to the hon. Minister of Labour. Recognizing the quiet, mostly unheralded, and dedicated service of our volunteer firemen — some of which we saw in evidence in the last few days — and the very high price of equipment such as fire engines, is the government giving any thought to giving some financial

assistance to volunteer fire brigades for the purchase of fire engines and that type of equipment?

MR. CRAWFORD: Mr. Speaker, not at the present time. I should indicate, though, that I think the subject has become of greater interest over the past few years as a direct result of the interest taken in it by the hon. Member for Stony Plain on the number of occasions he, as a volunteer, has brought that subject here.

I would have to say, though, that with the type of review we've been able to do, we haven't yet come to any conclusion in regard to possible assistance.

Mobile Home Park — Airdrie

MR. CLARK: Mr. Speaker, I'd like to direct a question to the Minister of Housing and Public Works. I'm sure this is one he will be able to answer very quickly. What steps has the minister taken with regard to the two recommendations in the heritage savings trust fund legislative committee report dealing with the Airdrie situation?

MR. CHAMBERS: Mr. Speaker, following the tour of the Airdrie project and our meeting with the townspeople, I recognize that while obviously we were doing a tremendous job in providing houses — lot costs were averaging \$10,500 and the majority of the people were happy — nevertheless a few people weren't quite sure what the process was; in other words, that the Housing Corporation was delivering lots for sale to the people.

Therefore it became clear to me there, and I agreed at the town meeting to do something to improve communications so that people could readily come in to get advice as to where they should go. While the Housing Corporation is really only in the business of developing lots for sale, nevertheless we obviously want to be as helpful as we can to everybody who moves in there. Whether we should be directing them to see their mobile-home dealer or whoever, I felt an obligation that we should provide that service.

Immediately thereafter, I had a full-time co-ordinator moved to Airdrie who would be available for anybody to come in and talk to and to get advice, if you like, as to whether the occupant should be talking to the town, the mobile-home dealer, a contractor, or whoever. Also, for a fixed period of time every day a representative of the Alberta Home Mortgage Corporation would be present. To accommodate these people, I directed that a trailer office be installed in the Airdrie subdivision.

I'm pleased to add that as a result of good weather, the second part of phase one is now complete and people are moving in. I think we can all be proud of that project. It's providing affordable housing for an awful lot of people in this province.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Mr. Minister, in light of the recommendation by the legislative committee that that co-ordinator be attached to the minister's office, is the co-ordinator attached to the minister's office or does the co-ordinator report directly to the minister?

MR. CHAMBERS: No, Mr. Speaker. Because of the commitment I gave to the people and the town of

Airdrie, I reacted immediately in terms of putting in an Alberta Housing Corporation co-ordinator, because I felt that was a fair recommendation to me by the people of Airdrie, and the representative of the Alberta Home Mortgage Corporation. I then went an extra step by putting in an office trailer. The fellow who's in there is a project co-ordinator for the Alberta Housing Corporation. I get very regular, essentially daily, reports on the Airdrie project. That's the way it operates, Mr. Speaker.

MR. CLARK: Mr. Speaker, to the minister. In light of the recommendation made both by the citizens of the town and by the legislative committee that this co-ordinator be attached to the minister's office and have direct access to him, can the minister give a commitment to the House that in fact that co-ordinator now has direct access to the minister's office? He doesn't have to go through the bureaucracy of the Housing Corporation or Home Mortgage Corporation, so that in fact he can get direct answers and action from the minister?

MR. CHAMBERS: Mr. Speaker, you know, I'm not that hard to talk to if one asks me a reasonable question. Anybody in the corporation can obviously feel free to call or talk to me at any time. I might say that I haven't got a copy of the minutes of that meeting. I don't know if any were actually made in Airdrie.

Nevertheless the commitment I undertook there was to improve communication. I don't recall any specific recommendation from the people in Airdrie that the person I appointed — actually I have two people working there on that communication effort — should be out of the minister's office. I recognize that was a recommendation of the Alberta heritage savings trust fund committee. However, I feel that what I have done is sufficient and will provide the adequate communication requested by the people and the committee.

Arctic and Boreal Institutes

MR. NOTLEY: Thank you, Mr. Speaker. I'd like to direct this question to the hon. Minister of Advanced Education and Manpower. It concerns the Arctic Institute, which I gather is facing an approximately \$350,000 deficit at the end of this year. Is the government at this time considering any additional funding to the Arctic Institute?

DR. HOHOL: Mr. Speaker, discussions on the subject are in progress amongst the University of Calgary, my department, and the Arctic Institute.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is any consideration being given at this stage to possible heritage trust fund funding for the Arctic Institute?

DR. HOHOL: No, it is not, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is it the position of the government of Alberta at this time that there should be a transfer to the University of Calgary? I gather there is a relationship now, but it's not formally under the U of C. Is it the view of the government that the Arctic

Institute should in fact formally become part of the University of Calgary before any additional funding is made available?

DR. HOHOL: Mr. Speaker, no, it wouldn't be that position. It would be mostly the initiative of the institute itself. The relationships that may develop with the university — it's located there now on a sort of rental basis. But no, the government would be careful not to have a position with respect to an independent institute like the Arctic.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. In view of the rather serious deficit, but the fact that we have, I believe, over three years committed \$160,000 a year to the Arctic Institute, is it the view of the government of Alberta that the institute has used that money properly? Or is the government concerned about this rather serious deficit, which I gather was certainly not planned for?

DR. HOHOL: Mr. Speaker, of course deficits are always a concern. There is a co-ordinating committee made up of representation from the University of Alberta, the University of Calgary, and the Boreal and Arctic institutes. One of its functions is to recommend and assess the use, assignment, and allocation of money. On the basis of that committee's report to me, I have to be reasonably satisfied that the funds have been properly used and that the deficit was a normal kind of circumstance for the institute this year.

MR. NOTLEY: Mr. Speaker, one final supplementary question to the hon. minister. Will the government's position with respect to the Boreal Institute be precisely the same as with respect to the Arctic Institute, or will different standards be used?

DR. HOHOL: Mr. Speaker, I have to respond in two parts. The Boreal has of course been here for many, many years. The Arctic has been elsewhere for many years; it's not the same kind of institute, though. In some ways they do the same kind of work, particularly with respect to library and some of the research. We treat them the same way with the additional funding, but the Boreal also gets funding from the global budget of the University of Alberta, unlike the Arctic which does not from the global budget of the University of Calgary.

MR. SPEAKER: We have somewhat exceeded the time for the question period, but since I've already recognized the hon. Member for Camrose, if hon. members will agree, perhaps we might have one further question.

HON. MEMBERS: Agreed.

Miquelon Lake Park Staff

MR. STROMBERG: Mr. Speaker, I would have preferred to ask my question in the presence of the Member for Clover Bar. But since he has probably left his chair for the day, and since we are paroling today . . . [laughter] Proroguing, I'm sorry. Since the Member for Clover Bar has indicated that an election is around the corner, perhaps he has left, never to

return to this Legislature.

So on behalf of his constituents, I would like to ask the Minister of Recreation, Parks and Wildlife why he is allowing inmates from the Fort Saskatchewan jail to displace 10 to 12 law-abiding citizens, from the Clover Bar constituency, who will lose their winter employment of cutting wood for provincial campsites, highway campsites, at Miquelon Lake Provincial Park.

MR. ADAIR: Mr. Speaker, first of all I should clarify that at Miquelon Lake Provincial Park we have six permanent staff and that is all, not the number referred to by the member. During some of the off-seasons or winter months, we do hire up to four people on wage staff to assist in the renovations that take place: tables, cutting some firewood, and the like.

But I point out that in co-operation with the hon. Solicitor General we have a work camp established at that park to assist in wood cutting for that and possibly other parks in the region. To my knowledge there is no one — and I say that quite emphatically — who would be displaced, if I can use that term, from a wage position for this coming winter or any winter as a result of that particular wood-cutting crew coming in. There is one in the discussion stage for another region to provide wood for some of our parks in that area as well.

ORDERS OF THE DAY

head: GOVERNMENT BILLS AND ORDERS (Third Reading)

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

No.	Name	Moved by
13	The Collection Practices Act	Harle (for Tesolin)
32	The Court of Queen's Bench Act	Foster
33	The Court of Appeal Act	Foster

Bill 34

The Landlord and Tenant Act, 1978

MR. HARLE: Mr. Speaker, I move third reading of Bill No. 34, The Landlord and Tenant Act, 1978.

In moving third reading, I'd just like to add a few comments. The Member for Spirit River-Fairview of course was absent from the House when we dealt with the matter in principle at second reading. I listened very carefully to the debate by the hon. member that occurred during the committee stage, particularly as it related to the discussion with regard to security of tenure. On this particular matter, I guess we would obviously agree to disagree. I would just point out that I really heard very little in his debate that might persuade me otherwise.

The comments by the hon. Member for Drumheller related to the discussion on security deposits. I'd just point out that a landlord cannot make deductions

from security deposits unless the actual conditions for the deduction have been agreed to by the tenant. So if the tenant has agreed that arrears of rent can be deducted from his security deposit, that's one thing. If that is not there, of course the security deposit can't be used for that purpose. Similarly there must be an agreement by the tenant that the security deposit be used for repair of damages. The bill itself provides that a security deposit shall be returned to a tenant unless the tenant has agreed that deductions can be made from it.

On the other part of that problem, I'd point out the very important addition to the legislation in Section 30, which provides that there can be no deduction from a security deposit for "normal wear and tear". With those comments, I would ask hon. members to support the bill.

MR. NOTLEY: Mr. Speaker, in rising to make a few comments on third reading of Bill 34, I would reiterate some of the points I made yesterday.

It seems to me, Mr. Speaker, that we are not inserting in this legislation reasonable security of tenure for tenants. No one argues that landlords don't have rights; any landlord and tenant act has to balance the rights of the tenant against the rights of the landlord. On the other hand, I'm not so sanguine about the housing prospects as was the hon. Member for Calgary McKnight yesterday. He indicated we have additional units being constructed and everything is fine.

It was only a matter of a few months ago, Mr. Speaker, that we had virtually a zero vacancy rate in the city of Edmonton and the same sort of lamentable situation in the city of Calgary. To suggest that those conditions might not occur again is, in my view, to be rather naively optimistic. If major projects proceed in Alberta in the years ahead, as I suspect they will — the government has every intention of going ahead in one way or another with several major projects — this is going to have an impact on the housing market and certainly a tremendous impact on rental accommodation. We could very well foresee, one or two or three years down the road, that those vacancy rates will once again be low.

Mr. Speaker, no one argues that the vast majority of landlords are not reasonable, good businessmen. No one argues that the vast majority of tenants are not good tenants. The fact of the matter is that you need legislation because there are going to be some cases where you have either unreasonable landlords or irresponsible tenants. My concern with the legislation we're dealing with today is that we are quite clear in setting out the rights of landlords, but in terms of the rights of tenants we're saying: let the market prevail, let the buyer beware. Whether or not we realize it, in my judgment we are tacitly accepting double standards: protection for the landlord, but inadequate protection for the tenant.

That is certainly true when it comes to the onus for repairing the premises. I think the hon. Member for Drumheller pointed out very ably yesterday that while tenants have an obligation to keep the premises in reasonable repair during their stay and not to wreck the unit, by the same token where repairs are made or are necessary that appreciate the value of the apartment building or the unit, which are the responsibility of the landlord — we don't put that in the act. We codify the responsibilities of the tenant, but we

don't insert in the legislation the reasonable responsibilities of the landlord.

I'd just like to make one additional comment, Mr. Speaker. The hon. Member for Calgary McKnight was quite exercised about the statistics I cited in the Legislature yesterday. He may well be, but I would just draw his attention that those figures came from the government's own study. He may very well conclude that the study was improperly drafted and worthless; so be it. I suppose it wouldn't be the first Alberta government study he didn't agree with. Having said that, the fact is that that information was contained in the study prepared by this government, tabled in the Legislature as a matter of fact.

Under those circumstances, Mr. Speaker, to suggest that everything is fine, that we can pass legislation which in my judgment does not apply even-handed justice between tenants on one hand and landlords on the other, in my submission is just fooling ourselves and fooling the people of Alberta. We've heard an awful lot about even-handed justice from the Conservative Party. Well, let's see a little bit of it in legislation that either says nothing at all, or at least if we are going to protect the rights of one side, let's be prepared to protect the rights of the other.

I would say very strongly, Mr. Speaker, supporting landlord and tenant legislation as I do, that reasonable security of tenure should be in this act. In addition, as the responsibility of the tenant to keep the premises in reasonable condition should be in the act, so should reasonable repairs on the part of the landlord.

Mr. Speaker, as I look at this legislation before the House today, I submit that what we've done is set in law one party's rights and ignored the rights of literally tens of thousands of tenants in this province. Were we facing the situation where we had rent control, that might be a different matter. But we've removed rent controls. We have rent decontrol legislation on the statute books. Bearing this in mind, surely it is not unreasonable that this government take a look at some of the recommendations, including the recommendation by the Institute of Law Research and Reform which specified the responsibility not only of the tenant to keep the premises in reasonable shape, but of the landlord to be obligated to make the kinds of repairs that are necessary from time to time.

That being the case, Mr. Speaker, I do not feel I can support legislation which carries with it double standards that are not acceptable, not reasonable, and not even-handed.

MR. MUSGREAVE: Mr. Speaker, I feel obligated to respond, partly to the hon. Member for Spirit River-Fairview. I think it's a matter of trying to educate him, and I will attempt to do so once again.

Mr. Speaker, I'd like to point out that a tenant is a very precious thing to a landlord. No landlord in his right mind is going to do anything to lose that tenant. I think the 90-day notice required within the act is a reasonable approach to this.

I would point out to the hon. member that I don't necessarily agree with every government agency and statistical report that's put out. I've taken enough statistics and worked with them long enough to know there can be many interpretations depending on your point of view, how the body of statistics is collected, and what you're trying to put forward by them.

But I would suggest to the hon. member that thousands of homes have been built in this province. Newspaper editorial writers are saying that over half the market in the city of Calgary, for example, is renters. I talked to a major landlord who estimates there are 40,000 rental units in the city of Calgary. Taking an average of 2.5 people each, that comes to roughly 100,000 people. Yet our population is over half a million. Just think about it, Mr. Speaker: 500,000 versus 100,000 doesn't represent 50 per cent, yet we'll have editorial after editorial saying that over half the people in our urban areas are renters.

Another point I would point out to the hon. member is this: about a year ago there were roughly two pages of For Rent columns in the Calgary newspapers. Today it's running to 10 columns. I would suggest that the market would indicate there is lots of accommodation available.

Finally, on the matter of the landlord looking after his property, again I think it's a process of educating the hon. member. I am quite pleased to do it, and I'll be prepared to do it as long as I'm able to speak to him. Mr. Speaker, any landlord in his right mind is not going to let his property deteriorate. As I mentioned, there are minimum maintenance by-laws that ensure the property is maintained from the point of view of health, fire, and safety.

We talk about protecting the landlord. I can point out to him the case of a landlord who had a tenant for two years; when the tenant moved out, the landlord had to spend \$4,000 to fix up the property and remove a ton and a half of garbage. I would ask the hon. Member for Spirit River-Fairview: what good would a \$100 damage deposit do in a situation like that?

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

HON. MEMBERS: Agreed.

MR. HARLE: Mr. Speaker, the debate with regard to this bill seems to resolve itself to security of tenure; to the difference that obviously exists between me as minister and member of the Legislature who has sponsored this bill, and the proposal by the Member for Spirit River-Fairview, which is basically the security of tenure provision contained in the institute's report and which the institute itself could not recommend that we accept.

I think the point must be made that while the proposal made by the institute is a proposal — and I have said in this Legislature that I thought it was a reasonable proposal — the difficulty is that it can so easily be circumvented in many ways. I'd just like to mention three. First, the *bona fide* sale of the premises obviously terminates the tenancy and, under the proposal of the institute, gives the right to terminate the tenancy.

The other difficulty — and I haven't heard any logical debate that gets at the very nub of the problem; it was alluded to by the institute in its report — is that in the absence of rent controls the landlord would be able to keep raising the rent until the tenant said, I can't pay any more and I must leave. The institute pointed out that it may be very difficult to put in place their proposal for security of tenure without having some control on rents. I have heard no debate

from the hon. Member for Spirit River-Fairview to answer that very difficult problem; a problem the institute found and which has not been assisted, I submit, by the debate of the hon. member. I listened very carefully to the arguments at the committee stage of the bill and here today, to see what could be offered, what he might offer as a better proposal than the one we have in this bill, which provides for the 90-day security of tenure. I haven't heard any debate that would prompt me to tell this Legislature that we should come up with a different proposal or accept the proposal made by the institute.

Sure we have concerns about housing. Sure we have concerns about the removal of rent controls, vacancy rates, and the number of tenants. But it still gets down to the problem we have to resolve; that is, what in all those arguments suggests we should have the security of tenure proposal of the institute? The institute itself, as I have said, could not recommend for or against the proposal. It's a proposal that has been adopted by the hon. Member for Spirit River-Fairview — not any different proposal, just that proposal. In fact, in all the debate in the committee stage and here today, not one argument was presented that was brought up by the institute.

Mr. Speaker, I submit that when a landlord and a tenant for some reason — and I submit that the reason is really irrelevant — have come to a decision that they cannot continue their relationship, either party should be able to call it quits; the tenant by a month's notice and the landlord by a 90-day notice.

We've rejected the institute's proposal. The argument might be made that the period of notice should be longer, but that is not the submission of the Member for Spirit River-Fairview. The Member for St. Albert said that the 90 days may be too long, and may work against the interests of the young, the single person looking for rental accommodations. I recognize that landlords may in fact react negatively to the 90-day provision, and may be more fussy about who they accept as tenants. But I would also submit that the negative reaction would be many times worse with a security of tenure system which went so far that a tenant could not be evicted except for rather limited reasons set out in the legislation. That, I submit, would work a far greater hardship on tenants and potential tenants, as investors might see fit to place their investment elsewhere than in rental accommodation, with the result that in future there would perhaps be less new accommodation available for rent, and landlords of existing accommodation might take steps — as provided in the proposal of the institute — to convert the premises to other use or to sell the units as condominiums than rather renting them.

Yes, we did indicate that while rent controls were put in place to attempt to solve a specific problem with regard to inflation, The Rent Decontrol Act was put in place to gradually bring back to more normal circumstances the system we have in this province. We undertook to bring in a new Landlord and Tenant Act, and we have done that. In debate on second reading I mentioned that in this bill there were 18 or more new provisions in favor of the tenant, all directed to the objective of providing to the tenant greater security and greater enjoyment of tenancy. I submit that those new matters in this bill go very much further than the present law.

Finally, I'd just like to respond to the debate regarding reasonable repairs; whether or not a landlord should, by statute, have an additional obligation to maintain the premises in good repair to some standard. In response to that I would say, and I said it on second reading: if we place on the landlord an obligation to maintain the premises, the cost of that maintenance has to be reflected in the rents. All we do by that is place an additional burden on tenants, because there are many landlords who would say, look, I'll have the premises in shape when you come into the property; my rents are based on the fact I'm not going to do very much in the way of repairs. Many landlords don't, and the rents reflect it. If we place a statutory burden on all landlords to maintain the premises, all we're doing is putting a burden on the tenants, because the tenants have to pay for it and for additional repairs.

I submit that whether or not the tenant wishes to be in accommodation where repairs are covered is surely a matter of contract between them. They can provide that either the tenant or the landlord do the repairs. Whatever provision is made, the rents reflect that very important decision. We want to see accommodation of many types, where rents are variable to suit everybody's needs and wants. I submit that merely putting an obligation on the landlord to maintain repair can work nothing but further hardship to tenants, particularly at this time when we're seeing inflation in costs.

With those remarks, I'd ask hon. members to support this bill.

[Motion carried; Bill 34 read a third time]

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

No.	Name	Moved by
46	The Election Amendment Act, 1978 (No. 2)	Hyndman (for McCrae)
47	The Department of Education Amendment Act, 1978	Kozlak
48	The Litter Amendment Act, 1978	Stromberg
49	The Land Surface Conservation and Reclamation Amendment Act, 1978	Butler
50	The Glenbow-Alberta Institute Amendment Act, 1978	Schmid
52	The Dairy Board Amendment Act, 1978	Moore
53	The Alberta Opportunity Fund Amendment Act, 1978	Dowling
55	The Oil and Gas Conservation Amendment Act, 1978	Getty
56	The Gas Resources Preservation Amendment Act, 1978	Getty
57	The Energy Resources Conservation Amendment Act, 1978	Getty

No.	Name	Moved by
58	The Agricultural Development Amendment Act, 1978	Moore
59	The Freehold Mineral Taxation Amendment Act, 1978	Getty
61	The Students Finance Amendment Act, 1978	Hohol
62	The Crowsnest Pass Municipal Unification Act	Bradley
63	The Attorney General Statutes Amendment Act, 1978 (No. 2)	Foster
64	The Provincial Court Act, 1978	Foster
65	The Election Finances and Contributions Disclosure Amendment Act, 1978	McCrae
67	The Consumer and Corporate Affairs Statutes Amendment Act, 1978	Harle
68	The Maintenance and Recovery Amendment Act, 1978	Ashton
69	The Municipal Taxation Amendment Act, 1978 (No. 2)	Johnston
70	The Social Care Facilities Licensing Amendment Act, 1978	Hunley
71	The Statute Law Correction Act 1978	Foster
75	The Companies Amendment Act, 1978	Harle
77	The Hospital Visitors Committee Amendment Act, 1978	Miniely

Bill 259 The Burial of the Dead Act

DR. WEBBER: Mr. Speaker, I move that Bill No. 259, The Burial of the Dead Act, be now read a third time.

MR. NOTLEY: I'd just like to say a couple of words on this bill. Unfortunately I was not here either for second reading or for the committee stage.

Mr. Speaker, first of all I would say that I don't think there's any doubt that during the strike last spring in the city of Calgary there were a lot of heart-rending situations, and no doubt many people had a good deal of justifiable concern. I would not want to get into a debate over whether it was the fault of the city of Calgary. It does seem to me that before we pass legislation that affects the collective bargaining process we have to look at its implications. However sympathetic we may be to people who were affected during the strike by the Calgary outside workers last spring, we have to weigh that sympathy against the implications of the legislation for the collective bargaining process.

In discussing this matter with representatives of the Canadian Union of Public Employees, I was interested to look at similar strikes elsewhere in the

country. To my knowledge, there have only been a couple of occasions where there has been a problem as far as the burial of the dead is concerned. Yet in this legislation, Mr. Speaker, we are providing broad latitude to meddle in the collective bargaining procedure. I'd like to quote page 3 of a letter submitted by the Alberta division to Mr. Crawford, the hon. Minister of Labour:

The consideration of such legislation would mean that strikes would become less effective, with some members being required to work while others walked the picket lines, which would cause considerable confusion. Also, members who are required to work would have the same opportunity to vote on the matter of the strike, with the knowledge that they would be required to work in any event.

In other words, Mr. Speaker, people in the bargaining unit would have an opportunity to vote on whether a strike takes place, knowing full well that the government would exercise the authority contained within this act and they would be sent back to work.

I simply say, Mr. Speaker, that however sympathetic and concerned we are about the rather unfortunate problem that developed in the city of Calgary, I think we have to look at the experience elsewhere in the country. The experience of other work stoppages by municipal workers, with only one exception, has been that this particular problem has been handled without the government having to resort to still more meddling in the collective bargaining procedure.

I would say to members of the House that collective bargaining doesn't always work, but it is probably similar to Winston Churchill's definition of democracy: the worst possible system, except for every other system known to man. Mr. Speaker, that's probably true of collective bargaining too, as it applies to industrial relations. There are all sorts of problems with it. At times it may create considerable inconvenience. But I have yet to see any effective argument that we can substitute regimentation for the collective bargaining system.

That being the case, I have great concern with the bill presented to us this afternoon. No question at all about the motivation of the hon. member; no question about the concern many hundreds of families in the city of Calgary felt during that particular strike. But I would say that before we significantly alter labor legislation in this province, we have to ask ourselves what the long-term impact will be. I can readily see the difficulties this will create on the picket line. I can see the difficulties it will create in the bargaining unit. I can see the strains that will be caused among the workers as a consequence.

I would suggest, Mr. Speaker, that CUPE in Calgary makes some rather excellent suggestions with respect to moves the city of Calgary could undertake so this wouldn't be necessary next time and we don't drag the concerns of families of the departed into a collective bargaining dispute. In my judgment that is a better route to follow than changing the act. There's no question that this act will be sympathetically received by many people. The judgment must not be whether we allay the concern in the short run, but what the impact will be over the long haul to the collective bargaining procedures and to the ability to settle amicably differences between government on one hand — whether it be municipal government in

the city of Calgary or other types of government — and its workers on the other. With greatest respect to the hon. member who's moved the bill today, Mr. Speaker, I really think we are asking for trouble if we pass this legislation.

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

HON. MEMBERS: Agreed.

DR. WEBBER: Mr. Speaker, I'd just like to say a word in response to the hon. Member for Spirit River-Fairview. Bill 259 is certainly in response to the unfortunate situation in Calgary last spring, when a number of bodies were in ice hockey arenas. The purpose of the bill is not lay to blame on employer or employees involved in that particular dispute, but simply to ensure that that type of unfortunate situation does not arise in the future. Also, there's no intention of interfering with the bargaining process that takes place at the time the dispute occurs, whether it be the management's or the employees' fault. The collective bargaining process continues, and whatever settlements are arrived at, the employees who have been ordered to provide the services necessary will be affected by the collective bargaining results in any case.

So, Mr. Speaker, I don't think this is a precedent-setting interference in the collective bargaining process in the country, but simply a response to a concern of constituents in the city of Calgary.

[Motion carried; Bill 259 read a third time]

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.

[Adjourned debate October 27: Mr. Schmidt]

MR. SCHMIDT: Thank you, Mr. Speaker. It's not my intention this morning to enter the debate. I had assumed my responsibility and indeed looked forward to joining the debate at the adjournment. Much has happened since that adjournment. But I would like to make a few comments.

One doesn't have to raise more than one family to come to the basic understanding that if you wish a strong and happy family, first of all there has to be respect, a working arrangement, and a deep understanding between the parents and the youngsters who make up that family. There has to be equal status amongst the family and an air that everyone understands that responsibilities go with the freedoms to each and every one. There has to be respect for individual rights in ownership and privacy. I'm sure we can all look back and say that any special privileges extended to one for any length of time create disharmony and upheaval in any well-regulated family.

Mr. Speaker, I see little difference between a normal family and what we're faced with across

Canada, and indeed with the provinces. After the first ministers' conference, it is very apparent that we in this province, as Canadians and indeed as Albertans, have a very serious role to play if we wish to achieve that strong family.

MR. JAMISON: Mr. Speaker, almost two years ago to the day, I spoke at length on the constitutional debate in this Assembly. I expressed some real concerns at that particular time. Having had the opportunity to view on television the constitutional debates in the last few days in Ottawa, I would like again to express my concerns in this Legislature.

Constitutional matters have their base in legal concerns. As everyone knows, Mr. Speaker, I'm not a lawyer. However, I strongly believe that the basic requirement of a constitution is to guarantee freedom of the people. It should be designed to protect people and alert them to be conscious of their freedoms. I agree with the principle that not only is it necessary that justice be done; it is necessary for people to see that justice has been done.

In my opinion, Mr. Speaker, the people of Canada cannot presently see that justice is being done in all cases. The rich, who can afford better lawyers, have a better chance than, say, our native people, legal aid notwithstanding. The wealthy have an advantage, and how difficult it is to convict a Mafia boss. It is common knowledge that lawyers will endeavor to bring a particular case before a particular judge who they are aware will be more inclined to rule in their favor. Why is this so?

Another point, Mr. Speaker, is that equal justice for every Canadian is too important a matter to leave to lawyers and judges. Elected representatives have to decide on constitutional issues and be accountable for them. It seems to me elected people are going to have to make some important decisions vis-a-vis so-called experts. The spectacle of two psychiatric experts each giving opposite views in a courtroom is too ludicrous to be tolerated. Too often the record is clear enough. The psychiatrist succeeds in releasing the sex deviate because he claims his expertise has cured him. Then the rapist strikes again. Let us have the law administered clearly and concisely. Legislators should define penalties for proven infractions, and lawyers and judges should not be confused as to what legislators intended: a given infraction involves a given penalty, so criminals also are aware of what will happen if they are convicted.

I'm saying that the law must work equally for every citizen. At present it does not. Witness the ridiculous judgment on the Rolling Stones case, compared to the little guy on the same charge. I believe the constitutional debates must address this question of dispensing justice, because our freedom, the first concern of government, depends on legal justice.

The other concern I have is this: in Canada we must relate constitutional matters to the large size of our country. Communist systems rule autocratically from the top down. The bosses in a strongly centralized government have the whole say. To maintain that control, dissenters are silenced. With apologies to Messrs. Trudeau and Lalonde, I don't think free people in a democracy either need or want such a system. The people in our huge country cannot easily make their voices heard in Ottawa any more than the Soviet people in their huge country can make their

voices heard in Moscow. Canadians can make their views known to a provincial government. Democracy demands decentralized control. I make the reference to the Soviet system, Mr. Speaker, because it is beginning to appear that outside agents have been at work in Canada to influence and undermine the workings of our democracy.

In another large country, the U.S.A., control is decentralized through the powers of states. At the same time, on the global scale the U.S. federal government has a very strong voice. Ten strong provinces, which will become 12, do not mean a weak federal government is required or desired.

One more issue, an issue currently being raised in the British press, might be worth some thought, Mr. Speaker. Is it truly democratic to have a labor movement as an instrument of government?

Finally, Mr. Speaker, there are many other crucial factors to be considered in constitutional debates, and we can be thankful that our Premier is not prepared to compromise the right of the provinces to manage the resources they own under our existing constitution. The BNA Act has served Canada well for 111 years. To me it is absolutely incredible that a Prime Minister proposes that Canadians should revise it drastically — and I choose the word with care — by July 1 with, or without it seems, a fair measure of agreement among the 10 provinces and two territories which make up the country. Sadly, Mr. Speaker, I've reached the conclusion that Mr. Trudeau is more concerned that he go down in history as the author of a new patriated constitution, than that Canadians have a wise and just constitution that will stand the test of time.

Thank you, Mr. Speaker.

MR. LOUGHEED: Thank you, Mr. Speaker. I felt it would be important to participate in this debate after the first ministers' meeting on the constitution had concluded. One of the first matters I would like to raise in the discussion, Mr. Speaker, is to impress upon the members of the Assembly and the citizens of the province that we're really not dealing with a dry, legalistic document or an argument over power or a discussion that is merely going to involve lawyers. Not at all. We're dealing with and considering what sort of Canada we are going to have in the decades, perhaps generations, ahead. From that point of view I think it is very important for us to consider the consequences of our deliberations here and of the directions given by this Assembly to your government and to your government's representatives, and to say to you, Mr. Speaker, and to the members of the Legislative Assembly that we treat these discussions — difficult as they may be; unresolved, as might occur — as a responsibility of our administration and of this Legislative Assembly and the people of Alberta, in terms of vigilance. And I think "vigilance" is the crucial word. When change is proposed, it is very important for us to be very much on our guard and vigilant in terms of protecting the interests of Alberta within Canada.

Mr. Speaker, in the conference that just concluded in Ottawa only two governments, British Columbia and Alberta, presented a position paper in advance, a position paper which, we have noted, contains a number of recommendations, some of which are very high priority items. Others are presented merely for

discussion purposes, and others of course are subject to modification and discussion as the debate and dialogue continues. We were, though, the only government in Canada that had a debate in our Legislative Assembly before entering into these constitutional discussions. Hence I felt very pleased to have had the input of all corners of the Legislative Assembly with regard to their views on this matter.

Mr. Speaker, there is some concern in my mind about a need for improved communication, perhaps in Alberta but perhaps throughout Canada. I stayed in Ottawa an additional day to try to do my best in that regard. Our document is entitled *Harmony in Diversity*. That is a well-considered title, because the emphasis in what we're attempting to create for the future of this country is harmony within the diversity, which can't be denied, of Canada. Now most of the federal observers — and I use that term "federal observers" intentionally — who were at the meeting . . . So you don't misunderstand me, Mr. Speaker, I'm not referring merely to those observing from the federal government. I'm referring to those who were observing from a federal government point of view. And that is extensive in Ottawa, for logical reasons.

Now it was apparent that we were ignored in terms of some of the positions we took for Canada in this document, and I believe they need restating here. They're not all easy positions for this province either, and they have great implications for all of us. What are we saying in this document for Canada? First of all, we're saying that we should enshrine in the constitution the principle of equalization. And we all know what the major province is, in terms of contribution. Mr. Speaker, it's our view that equalization is sound for Canada, sound as a principle to give from those provinces that at some time in the history of our country have the resources, while some other provinces don't have the resources. It's a principle of equalization that we've accepted. It's a wise one. And, as the Atlantic provinces have suggested, I think it should be enshrined within the constitution as a principle for how the Canadian federal state would work. Mr. Speaker, that's not to say we accept any predetermined formula relative to equalization. That is a matter, as it will be from time to time over the years, of negotiations between 11 governments. It's \$2.6 billion in equalization payments just this year. That will obviously grow.

So the first thing we've done in this document is agree that we would support for all time the principle of equalization in a constitution. Secondly, we say: let's put in the constitution the view that we will attempt to minimize regional disparities in Canada. Some may be doing well now, but perhaps not in the future; others are not doing as well now. We will endorse proposals trying to move towards overcoming regional disparities in Canada. I think that's very important, and we're prepared to say that in the constitution.

We also feel that at this time it's important for us to put in this document for Canada some of those areas in which particular provinces have a concern that they would like to see a greater involvement by their provincial governments to meet the needs and aspirations within their provinces in terms of economic development, and less dependence on the federal government. We feel strongly about that with regard to resources, which I'll be coming to in a moment.

But other provinces have other views and other concerns.

I was teased a bit by a few at the conference. They hoped I wouldn't have to defend too strongly the position in our document with regard to fisheries, recognizing that the Premier of Alberta could not present himself as being fully acquainted with that. But, Mr. Speaker, we did it for a purpose. I've talked to the premiers of Newfoundland and Nova Scotia about how important fisheries is to their provinces, to move them from a have-not to a have status in Confederation. I felt our document should be for Canada in reflecting that, and the position of our government presented to this Legislature should be that. That's why those matters are in there. Sure we could have ignored it and left it out. But we wanted to express our thinking in that regard to people across the various parts of the country.

What about the situation with regard to the province of Quebec? We recognize the feelings and aspirations in that province: feelings that their particular identity is different from other provinces in Canada, that they are concerned about maintaining the French culture and language. What have we done in our document? Not easily for us, because some in this province might not fully agree, we presented a number of propositions that are initially responsive to the people of Quebec. The first, a very strong and important one, is that we're prepared to see enshrined in a constitution the Official Languages Act of Canada, which recognizes English and French as the official languages of this country for federal purposes. There was a great deal of debate about that matter in Alberta in the mid-1960s, and a great deal of tension. It doesn't mean there are any sort of mandatory provisions on the provincial government within its area. For that reason, we're not prepared to move beyond that point in terms of any compulsory moves with regard to the French language within this province. We think that can be done, relative to educational purposes and a best efforts basis, and is being done. But we have made a very important position for Canada.

We've also responded to presentations by previous premiers of Quebec on some of the matters they're concerned about in Confederation. I attended and chaired meetings in 1976 with representatives of the government of Quebec who were then determined to try to stay within Confederation. Of course, they raised with us the need to have culture with some impact with regard to provincial paramountcy. Now that's not a matter we in this province feel [is] overriding, but we felt this document for Canada should reflect it. We felt too that there was a desire on behalf of the people of Quebec and other provinces with regard to communications, and that there should be some statement in this document to reflect that the point of view. We, Quebec, and others have recognized that the Canadian Senate has an appropriate role with regard to the provincial governments in the international sphere.

But more than anything, Mr. Speaker, we recognize that the underlying mood in the province of Quebec today, from everything we've been able to analyse, read, and discuss with their leadership — that is, the leadership that will soon be fighting to oppose the separatist cause in Quebec — is a recognition that the status quo in Canada is simply not adequate. The

status quo of extreme centralization we have in Canada today is not adequate. Those troops, so to speak, who are going to fight to keep Quebec within Canada in the referendum debate, probably in 1979, can't go in naked. They have to go in armed with and supported by propositions, new arrangements, which will really support those people in Quebec who want to stay within Canada but do not feel the present relationship of an overly centralized direction from Ottawa is adequate, and who want to see a shift of control from the federal government in Ottawa to their capital in Quebec City. They want to see strong provincial rights in a new constitution before they go into this battle of the referendum.

The province which has presented the strongest proposition for the strengthening of provincial governments in Canada — and they all accept it, whether or not they disagree with it — is the province of Alberta. [applause] Mr. Speaker, in my judgment, when people analyse in historical terms the proposition we present, they will analyse it on just that basis. They'll analyse that this document and what it implies and the position of the people of Alberta, is the strongest document for a united Canada, because we're responding not only to the people of the west, not only to the people of the Atlantic regions, but also to the people of Quebec. In my judgment, there shouldn't be a member in this Legislative Assembly who can't feel proud of this position, because it is responsive to the various alienations across the country. It's a strong position in terms of Canadian unity, and also strong in terms of Alberta.

I suppose I haven't said this before, but perhaps should: when we went to the Western Premiers' Conference in Brandon, in May of 1977, I believe, I took the initiative — and the other western premiers agreed with me — that we should issue a statement that day to the government of the province of Quebec,

Parti Quebecois, that they should not delude themselves into thinking they can separate from this country and have sovereignty association. Some people felt that the Premier of Alberta, both then and in later stages, was far too threatening and too strong. But I believe there is no way — and perhaps we may find opportunities in the future to communicate even better — that the people of Quebec should be deluded into thinking that sovereignty association is a credible option. It's not. In my judgment, we again have to take a leadership role in communicating more and more to the government of Quebec that we do not see it. There is no way we in Alberta, feeling as deeply as we do about Canada, will go along with the view of sovereignty association, which means one can separate and then negotiate. We don't think that is at all practical.

But from my meetings with the present leader of the Quebec Liberal Party, Mr. Claude Ryan — it's interesting, I wasn't asked about that very important meeting — I do know that much of what Alberta is proposing in this document reflects the views of those people in the province of Quebec who want to meet the separatists head-on in a referendum battle, and who don't want to stay with the status quo position of centralization in Ottawa. When the Pepin-Robarts task force on national unity comes out within a number of weeks, I hope it will perhaps reflect some of the points we presented to them, and will reflect more clearly the need to develop a third option

for Canada. When I refer to "third option", and I'll be referring to it quite a bit, the third option is simply this: the status quo on one side and separation in Quebec on another, and the third option is a package that comes together, that moves and responds to the people within that province and all across Canada, to the view that our country will be better if our provinces are stronger. That's what the third option I'm talking about means, and that's what this document is all about.

Mr. Speaker, I would like now to turn to the conference specifically and some of its highlights. The most serious part of the conference was at the very outset, in the Prime Minister's opening remarks when he made such a point of how impossible it was, in his view, that we could have a constitution with an amending formula which required the unanimous approval of all provinces. He went on in a somewhat threatening way, in my view, to imply that if we did not resolve the matter when we met again, he might consider presenting a bill to the House of Commons which would patriate the constitution. It would patriate it with an amending formula that, even though it might be dissented to by a number of provinces, would still be the amending formula in a patriated constitution unilaterally moved by Parliament in its present majority.

Now we in this Legislative Assembly are all aware of our motion that binds the government of Alberta. I think the motion, passed here in the fall session of 1976, needs to be read into the record again. It says, to the following effect:

Be it resolved that the Legislative Assembly of Alberta, while supporting the objective of patriation of the Canadian constitution, reaffirm the fundamental principle of Confederation that all provinces have equal rights within Confederation and hence direct the government that it should not agree to any revised amending formula for the constitution which could allow any existing rights, proprietary interests or jurisdiction to be taken away from any province without the specific concurrence of that province.

And then the amendment that came from the official opposition, which was approved by the Legislative Assembly, to the following effect:

... that it should refuse to give its support to any patriation prior to obtaining the unanimous consent of all provinces for a proper amending formula.

As you recall, Mr. Speaker, that particular motion passed this Assembly on the basis of a vote of, I believe, 67 to 1.

Mr. Speaker, if there should be such a unilateral move, the implications for this province are very important indeed. As the conference went on, I was reassured it would be very unlikely to be something that would happen between now and February 5 and 6 and our next meeting on these constitutional matters. But what could happen, either prior to February 5 or 6, 1979, or shortly thereafter, and I would think it's unlikely before, is that the federal government is so determined to patriate that constitution as to attempt to impose an amending formula.

That amending formula concerns me even more today than it did two years ago; an amending formula where, depending on the federal government, sometime in the future a socialist government in British

Columbia and Saskatchewan, which is known to have happened, together with the comfortable status quo position in Ontario and Quebec, two Atlantic provinces, and the federal government, could decide to turn the Alberta oil sands into the federal oil sands. That's not just idle concern. It's a deep concern. We've seen enough that has happened, in terms of constant federal effort to encroach upon our resources, to recognize that that's certainly not beyond contemplation, beyond probability. A very deep and real concern. And when we deal with constitutional matters, Mr. Speaker, we are acting not just for us in the immediate two or three years but for quite a period of time. The pressure will be very strongly on this government. If anybody wants to change his view from that motion in that Legislative Assembly of two years ago, he better speak pretty soon. So we're going to face the amending formula question on February 5 and 6 when we meet again.

The second matter — not quite as important, but important — has to do with the enshrining of a charter of a bill of rights in the constitution. In this case we approached the conference with a view to trying to have an open mind, recognizing — and I think the wording in our position paper is important — that there are two points of view here. On one hand there is that Alberta Bill of Rights. Do we want to take it out of this Legislature, figuratively, and place it in a document with the Canadian constitution? I don't know. At the meeting, we had a discussion of a possible way of doing it that might meet some of the objections, and that was that we could enshrine a bill of rights that would take the Canadian Bill and The Alberta Bill of Rights into a constitution and provide in the constitution that same provision we have in our own Alberta Bill of Rights, that notwithstanding the enshrined bill of rights, a legislature or Parliament may pass a law stating: notwithstanding such, the law would be. That has worked fairly well for us in Alberta, within our own Alberta Bill of Rights. I think it's a matter we should think about before we go back there in early February.

Next came the question of the distribution of powers which, after all, is what a federal state is all about. With regard to that, Mr. Trudeau, the Prime Minister of Canada, tabled on Tuesday morning a document entitled *An Agenda for Change*. He described eight points. This document — perhaps with the advantage of having been at these conferences for seven years — contained eight points. I have some advantage in being able to read quickly.

The first item has to do with the federal spending power, which is not really all that crucial to Alberta right now. I think we had the major breakthrough when we had the discussions in 1976, and shifted the established program financing over to tax points. It's not really an overriding factor with the province of Alberta, but important to some other provinces. We referred to the constitutional obligations of equalization and regional development, and the Prime Minister notes as follows in his document:

I was also encouraged to note that the more affluent provinces have explicitly or implicitly supported the concept of benefit-sharing for all through the federal government. Provinces might also wish to consider how best their own responsibilities for reducing disparities within each province [can be conducted].

It's an important point. We've accepted it. It's a matter of working out the wording.

The third one has to do with the federal declaratory power, and Mr. Trudeau goes on:

I suggest . . . we instruct our representatives on the Constitutional Committee to come up with a procedure which might be acceptable to us all. In saying that, however, I want to make it clear that I think there must be some means by which the interests of the total Canadian community can be protected if, at some future time, a provincial government were to act in a way that would be quite contrary to the interests of the country as a whole. We have to envision undesirable possibilities at a provincial level, just as [well] as at the national level!

Frankly, Mr. Speaker, I don't think that says very much at all. We'll have to press, as the Minister of Federal and Intergovernmental Affairs and the Attorney General will, to find out what that really means. Because you could put the caveat on in such a way that the limitations on the federal declaratory power would frankly be relatively insignificant.

The fourth one had to do with one of our proposals, and Saskatchewan's, to levy indirect as well as direct taxes, which was part of the consensus at the premiers' conference. I will quote again from the caveat:

The only conditions that I must make, as Prime Minister of the whole federation, are that the relevant constitutional provision be so drafted as to ensure that provincial taxation would not create impediments to interprovincial and international trade, and drafted in such a way as to substantially confine the burden of each province's taxes within its borders.

Mr. Speaker, my first reaction is that that proposal is meaningless. If you're involved in an indirect tax of any significance that deals with goods that flow in interprovincial commerce, and that is going to be passed into the stream of interprovincial commerce, and you caveat it and say it can't do that, then what are we really talking about? We'll have it analysed by our legal advisers, but my quick view is that it's really meaningless.

Now the fifth is the key one for Alberta, so I will read it in its entirety, Mr. Speaker. I quote from Mr. Trudeau's document:

I propose that we agree in principle to clarify the respective powers of federal and provincial authorities in respect of:

- the control, management, and taxation of natural resources;
- the control and regulation of interprovincial and international trade.

The object, of course, being to ensure that both orders of government can acquit themselves of their responsibilities effectively, and that a fair share of the benefits from natural resources accrue to the people of the province where they are found, without depriving other Canadians of a reasonable share of these benefits. This is an aspect of the distribution of powers on which you, Premier Blakeney, and you, Premier Lougheed, hold strong views. Accordingly, I suggest that we and our colleagues not only agree to talk about it, but also try on an urgent basis to resolve the issue.

Mr. Speaker, just these observations: quite prepared

to talk about it; very anxious to inquire what it all means; notice that the word "ownership" is not included, that there's no specific reference to Section 109, that it refers not to equalization in the way to which we're accustomed, but to transfer of the benefits of natural resources to other parts of the country. Some of you may find comfort in that provision. I find little. Frankly, it doesn't mean anything to me. It merely means this is a subject for discussion and clarification; let's go into it and look at it. That's all it says.

The Prime Minister then goes on with another item that is not particularly major for Alberta, unification of family law under provincial jurisdiction, and another one dealing with the broad field of communication. That's the document that everybody was so excited about, except I guess the representatives of the people of Alberta at the conference.

Well, I take the view that we've got some months; let's find out what is involved and whether they really intend anything. But I don't intend to be taken into a situation where impressions are given that something important happened. It didn't. Maybe there's something important there, Mr. Speaker; we'll find out. But in that document there's nothing important in terms of distribution of power.

Some premiers responded in a positive way, Mr. Speaker, and I think some of you may know that I was, to quote an understatement, the least encouraged Premier there on Tuesday morning. As Tuesday afternoon went on, it was clear that the status quo was going to be the present Supreme Court of Canada and that there would be no change. Then we had further discussions, and a few other premiers began to read the fine print, so to speak, and by the time we met for our final discussions at lunch . . . The communique which the minister has tabled today frankly just left aside those seven points, because of the reaction of the others involved.

Where do we go from here? We have quite a few meetings and quite a bit of pressure on our excellent Minister of Federal and Intergovernmental Affairs and his department. [applause] We have some work the Attorney General has to do as chairman of the attorneys general of Canada, and quite a series of meetings to lead up to February 5 and 6. I suppose somebody should reasonably ask my assessment of what would happen on February 5 and 6. I'd say this: if the view of the present federal government remains about what it is today, I really don't see much hope to pull together a significant new constitution. We from Alberta are prepared — not in all areas; not in the amending formula, not in resources — to go to the meeting with an open mind and be prepared to adjust our positions, and so are the others, I think. But if what we see on February 5 and 6 is merely restating what's been presented many times before by the federal government, I doubt there will be agreement. Mr. Speaker, this document presented by the Prime Minister contains some points which our research tells us are no more than, and very little different from, what he presented between '68 and '71. Nobody should be misled with regard to that. So we will have these intervening meetings.

Mr. Speaker, in my opening statement, which was tabled in the Legislature today, I made it emphatic, and we make no apologies about it, that we think

Alberta, but a better Canada — if we move to a Confederation where the provinces are strong; not weak, strong. We quoted former Prime Minister Lester Pearson in talking about federalism: that it's not a contradiction in terms to talk about a strong federal government and a strong provincial government. We made the point at Ottawa that in this huge country with small population, it's important that the elected people be sensitive to the aspirations of people within various communities. Our country is simply too large and diverse for it to be done with overcentralization in Ottawa.

As an aside, because I welcome it, the representative for the municipal government said to me in a friendly way: Mr. Premier, I heard you, and I'll make the same case to you on behalf of my association when we come to meet with you in December. That's fair enough.

Within this nation of ours it's important that we recognize what it is all about. It is a diverse nation with very different levels of growth and opportunities for growth, cultural and ethnic differences within the various provinces. We'd have so much better a country if we could somehow communicate that feeling of recognizing the flexibility. It's involved if the provinces can make some of these decisions.

It isn't a matter of grasping for power over one level of government rather than the other, which some people seem to feel. We know we've got enough to do in this Legislature, in this government. We're not out there looking for more. But we are saying that in order to develop this province and the people of this province with the resource base we've got, we can't be running into constant obstructions by the federal government. To use the vernacular, we've got to have the opportunity to do our own thing. [applause] Mr. Speaker, it's not just resources. It's the opportunity to be able to make decisions from a jurisdictional point of view.

Some have recognized that there is some pressure on us. There's some pressure on us in the sense that we should not be too strong. Some people say that if we take this position we're too extreme, we'll weaken the federal government. I can't get over that one: weaken a federal government. As I said in my opening statement, I'm summoned to a meeting in Ottawa on Thanksgiving 1975; I'm sat down and given a document; it's going to be announced that night that there's going to be wage and price controls, an anti-inflation program for Canadians. I'm not asked my view on behalf of the people of Alberta; I'm told. It affects the lives, the wages, the salaries, the prices of all Canadians — like that, without even having it concluded in the federal parliament. A decision of that magnitude, wiping out property and civil rights and all their meaning within our province, confirmed by unanimous judgment of the Supreme Court of Canada that they can do that — and we're worrying about weakening the federal government? That's ridiculous.

No, Mr. Speaker, I may be an outcast, if some want to term me that. My colleagues may be. But as I understood it, we were elected in '71 and '75 for a mandate to work within Canada for the people of Alberta. There's no way we have to be defensive that our position isn't the strongest of all for Canadian unity, but also strong for Alberta. That's our view.

Mr. Speaker, I wanted to make just two observations with respect to the opposition points of view with regard to this matter. First, with regard to the official opposition, I was alarmed, as I'm sure all are aware, with the observations made by the Member for Clover Bar when we had this debate last Friday and he concluded with his observations. I perceive that it's an attitudinal matter that really evolves around the debate of junior government or not. In my judgment, the official opposition point of view is that we go to Ottawa as a junior government. I can't accept that. They know it. It's been the obvious difference we have. I don't think our differences are in specifics, but in the approach we make. As we recall in the rather tense debates in this Legislative Assembly in '73 and '74, they said to us: you're too strong; you're coming on too strong in Ottawa with the oil export tax; you're too pro-Alberta; you should go down there more with a spirit of compromise. Well I look at what happened. We took a strong position on the oil export tax. If we hadn't, there would have been a natural gas export tax. Instead of that, what do we have? Not a natural gas export tax flowing to the federal government, but a border price in which the total revenues flow back to the producers in Alberta and the government of Alberta. That's what being strong is. [applause]

Mr. Speaker, the representatives of the New Democratic Party, through their representative in this Assembly, have been consistent. That's all I'll say in praise. They have been consistent for socialism, for state control, and for control by a dominant federal government which can override us. Their national leader came into this province, with the endorsement of their representatives here at a party conference, and cast aspersions upon my love for my country and my patriotism towards Canada. I find that very disturbing; in fact disgusting. That's a personal attack by the NDP, and I don't like it. It's fine to have different approaches, and I welcome that. That's debate. But these personal attacks upon a citizen's patriotism and love for his country are another thing indeed, and it sadly reflects the views that party presents from time to time.

Well, perhaps soon we must give an opportunity to Albertans to decide what they want. Do they want an expansion of that point of view within this Legislative Assembly or not? Do they want to see a government of Alberta at this crucial time in our history saluting the federal government? Do they want to see in this province a provincial government that not only considers itself junior but basically takes the position, in terms of the future of our country, that it will be clearly dominated, as it has been historically, from Ottawa and Toronto? Is that what the people of Alberta want? I don't think they do, and I think we should soon give them the opportunity to determine it.

Mr. Speaker, the constitution is a crucial document. There's no way it won't be an issue in this forthcoming decision of our citizens. There's no question that the amending formula as it applies today will be an issue in this forthcoming decision of the people of Alberta. If the NDP favors the Victoria formula, as does the government of Saskatchewan, fine; that will be an important issue. On our part, there's no way we accept that position. There's no way we accept having weakened provincial governments. There's no

way we're not prepared to resist what is obviously a federal decision that the time has come that Alberta's resources are too valuable to be entrusted to Albertans, but must be gathered in and taken over by a federal government. We'll soon have to find out.

I just want to say in conclusion that I obviously feel very deeply about this matter. I intend to do what I can to help in the Quebec referendum in terms of resisting separation there if I feel I can help. I feel confident we have an approach that will help those who seek to unify this country, that we are the ones presenting to Canadians the true third option for Canada which will help to unify this country. And history will record it to be so. We take as an Alberta position on the constitution that the best way for Canada to strengthen and unite our country is also the best way for Alberta, and that is a way in which we have strong provinces not beholden to or dependent upon a federal government.

Mr. Speaker, I have to go to that table on February 5 and 6 to represent Alberta. I don't intend to back up at all on the positions I've expressed here today. [applause] I approach the table with a view that certainly areas are open for modification, discussion, and adjustment, but there are some overriding positions for Alberta too. I have mentioned them in my remarks today. They include an amending formula along the lines of the motion of the Legislative Assembly. They include protection of resources, in terms of the provinces and their rightful ownership position, and constraints upon the trade and commerce provisions of the federal government. They include an overall shift of responsibility to the governments that can do the best for the people; the provincial governments. Despite any attacks, any slurs, I approach that conference with the view that what we're doing is good for Alberta and good for Canada, and we don't intend to back down. [applause]

DR. HORNER: Mr. Speaker, I beg leave to adjourn the debate.

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

HON. MEMBERS: Agreed.

MR. HYNDMAN: Mr. Speaker, His Honour the Honourable the Lieutenant-Governor will now attend upon the Assembly.

[Mr. Speaker left the Chair]

head: **ROYALASSENT**

SERGEANT-AT-ARMS: Order! His Honour the Lieutenant-Governor.

[His Honour the Lieutenant-Governor took his place upon the Throne]

HIS HONOUR: Pray be seated.

MR. SPEAKER: May it please Your Honour, the Legislative Assembly has, at its present session, passed certain bills to which, and in the name of the Legisla-

tive Assembly, I respectfully request Your Honour's assent.

CLERK: Your Honour, the following are the titles of the bills to which Your Honour's assent is prayed:

Bill 13	The Collection Practices Act
Bill 32	The Court of Queen's Bench Act
Bill 33	The Court of Appeal Act
Bill 34	The Landlord and Tenant Act, 1978
Bill 46	The Election Amendment Act, 1978 (No. 2)
Bill 47	The Department of Education Amendment Act, 1978
Bill 48	The Litter Amendment Act, 1978
Bill 49	The Land Surface Conservation and Reclamation Amendment Act, 1978
Bill 50	The Glenbow-Alberta Institute Amendment Act, 1978
Bill 51	The Alberta Income Tax Amendment Act, 1978
Bill 52	The Dairy Board Amendment Act, 1978
Bill 53	The Alberta Opportunity Fund Amendment Act, 1978
Bill 54	The Alberta Heritage Savings Trust Fund Special Appropriation Act, 1979-80
Bill 55	The Oil and Gas Conservation Amendment Act, 1978
Bill 56	The Gas Resources Preservation Amendment Act, 1978
Bill 57	The Energy Resources Conservation Amendment Act, 1978
Bill 58	The Agricultural Development Amendment Act, 1978
Bill 59	The Freehold Mineral Taxation Amendment Act, 1978
Bill 60	The Special Forces Pension Act
Bill 61	The Students Finance Amendment Act, 1978
Bill 62	The Crowsnest Pass Municipal Unification Act
Bill 63	The Attorney General Statutes Amendment Act, 1978 (No. 2)
Bill 64	The Provincial Court Act, 1978
Bill 65	The Election Finances and Contributions Disclosure Amendment Act, 1978
Bill 66	The Fuel Oil Administration Amendment Act, 1978 (No. 2)
Bill 67	The Consumer and Corporate Affairs Statutes Amendment Act, 1978
Bill 68	The Maintenance and Recovery Amendment Act, 1978

Bill 69	The Municipal Taxation Amendment Act, 1978 (No. 2)
Bill 70	The Social Care Facilities Licensing Amendment Act, 1978
Bill 71	The Statute Law Correction Act, 1978
Bill 72	The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Supplementary Act, 1978
Bill 73	The Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1978
Bill 75	The Companies Amendment Act, 1978
Bill 77	The Hospital Visitors Committee Amendment Act, 1978
Bill 259	The Burial of the Dead Act

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

[The Lieutenant-Governor indicated his assent]

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

HIS HONOUR: Mr. Speaker, Members of the Legislative Assembly:

Before official prorogation, I would like to express my appreciation of the diligent manner in which you have conducted the affairs of the province. I feel the people of this province are very proud of their elected representatives, and I know they would wish that I express to you their pleasure at your deliberations during this session.

May you have a good recess. Do take the opportunity to have a few days' rest. Come back to the next session full of that vim, vigor, and vitality that you show in this Legislative Assembly when you're debating the issues before you.

Thank you. [applause]

SERGEANT-AT-ARMS: Order!

[The Lieutenant-Governor left the House]

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

[The House prorogued at 12:45 p.m.]