

Legislative Assembly of Alberta

Title: **Wednesday, March 29, 1995**

8:00 p.m.

Date: 95/03/29

head: **Committee of Supply**

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd like to call the committee to order. I'd invite the members of the Committee of Supply to take their seats.

head: **Main Estimates 1995-96**

Justice

THE CHAIRMAN: To begin this evening's discourse, we will call on the Minister of Justice to make his comments at the outset. The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you very much, Mr. Chairman. I'm absolutely delighted to have yet another opportunity to discuss the budget and the estimates of the Department of Justice and Attorney General. I can see that there's a great deal of enthusiasm in the room tonight, and thus I'll try to keep my comments brief.

I do want to begin, though, Mr. Chairman, by recognizing three important people in the members' gallery. My long-suffering deputy minister, Neil McCrank; my executive assistant, Donna Mastel; and from our administrative staff a fellow I went to high school with, Mr. Ian Hope. I appreciate very much all of them being up in the gallery tonight to give me a hand and to look down from the gallery and smile and keep everybody in a good mood.

Well, it seems like just moments ago, March 2, when I was up before the committee before. I would advise, Mr. Chairman, that I've tried to answer by letter all of the questions that were posed which I didn't get around to answering verbally. I've signed off all of those letters, and they're on their way to hon. members on both sides of the House. What I would like to do tonight in the little bit of time that I have before I answer questions and listen to some of the comments from members is just go over some of the broader issues that I didn't have a chance to deal with on March 2.

I'll begin with the young offender issue. Of course, the hon. Member for Calgary-Fish Creek was very, very hard working this past year. She and her committee, made up of five members of government caucus including herself, went around the province to about 16 different locations and took input from Albertans on the Young Offenders Act, which is federal legislation, and created a paper on that, as well as the administration of justice, which of course is the responsibility of my department and of the government of the province of Alberta.

We have taken in particular the recommendations with respect to the administration of justice that relate to our department, and we're reviewing all of those recommendations very carefully. We've also taken recommendations that impact other departments of government – and just off the top of my head I would advise that those include Health, Education, social services – and moved those comments out to those departments. We're compiling all of the information that we get back from them and trying to make sure that we give force and effect to the recommendations that were in that paper.

In terms of the Young Offenders Act itself we've given a copy of the paper to Allan Rock. I actually hand delivered it him, Allan Rock, of course, the federal Minister of Justice. We are

hopeful that he will incorporate some of the recommendations. In fact, I hope he'll incorporate all of the recommendations that we've made regarding that Act. He is setting up a parliamentary committee to review the Young Offenders Act on a broad base Canada-wide, and I know that the recommendations from our task force will be of benefit to him and to Members of Parliament.

Bill C-37, which has now reached third reading in Parliament, dealt with some minor changes to the Young Offenders Act, but this comprehensive review I think will create greater changes than C-37 ever could. We certainly were in favour of the changes in C-37, but we also recognize that there must be more significant changes to the Act if the Act is to address the concerns of Albertans.

I'd like to move on to another important issue, and that is the youth justice committees. We are trying to create in our communities across Alberta different ways of dealing with youths who are involved in crime, youths who are dealing with problems often in their homes, in their communities, and we want to deal with particularly those minor offenders in a diversionary way outside of the normal criminal justice system.

We are focusing and concentrating on alternative measures programs for young offenders, and we recognize the role of public education in making sure that the general public in Alberta understand what's going on and that the general public will also contribute to these youth justice committees. I'm happy to say that we have 13 officially designated in Alberta thus far. They are formally designated. There are in excess of 40 additional committees that are either operating informally or are in some stage of development.

Moving along, Mr. Chairman, I want to talk a little bit about some of the ways that we are trying to deal with the youth justice system. We have the Shunda Creek camp, just outside of Nordegg. This is a very highly structured environment for young offenders. It allows them to develop a basic work ethic and other related skills, and it's working so well. Certainly the hon. Member for Rocky Mountain House, the Minister of Environmental Protection, knows it well. It is working so effectively that we're looking at the viability of a second small wilderness camp, and I'll share with members that we're focusing on the northern part of the province at this point in time.

We want to ensure that we have effective rehabilitative programs for young offenders so that we can minimize the number of repeat offenders, and in this regard we also have a special management unit for seriously violent young offenders. That's been established at the Calgary Young Offender Centre. There's another one soon going to be in place in the Edmonton Young Offender Centre. We have psychological services for young offenders in custody in Grande Prairie, and we of course have established the Boy Scout program here in Edmonton, that has been widely publicized as of late.

We want to make sure, Mr. Chairman, that when we bring young people who have offended and have been found guilty and are serving their time into communities, they do community service work that will be of benefit to Albertans. That way they repay their debt to society, and at the same time they have an opportunity when they leave the correction facility at the end of their sentence to have, I hope, a better sense of self-worth than what they had when they entered and hopefully have learned some skills that will keep them on the straight and narrow and out of the criminal justice system thereafter.

There were some comments, Mr. Chairman, about the legal aid system that we have in the province, and I assure hon. members

on both sides of the House that I consider the legal aid system that we have to be very, very important. It has to be fair, and we have to ensure that no one is deprived of their right to legal counsel when their livelihood or their freedom is at risk solely because they just cannot afford a lawyer. We are working with the Alberta Law Society and the Alberta Legal Aid Society to ensure that eligible Albertans are covered in both criminal and civil matters.

8:10

We are also looking at the most effective way to deliver those legal aid services, and we have a project that's been undertaken to review a staff counsel model. That's a three-year proposal that began in October of 1993 in Edmonton and Calgary to provide legal representation to eligible accused young offenders. We want to of course look at the quality and the cost-effectiveness of utilizing a staff lawyer model as opposed to a *judicare* model, and to date about \$4 million has been provided to the Legal Aid Society to fund that pilot.

We have reviewed the budget, and we're convinced that the moneys that have been expended thus far are sufficient to keep that project going to October of 1996. So the \$2 million of the \$2.5 million reduction that's shown in the 1995-96 legal aid budget results from a discontinuation of additional funding. The balance represents other savings that have been identified by the Legal Aid Society.

In addition to that, the Legal Aid Society and the Department of Family and Social Services have put into place necessary arrangements to begin to claim costs of providing civil legal aid to social allowance recipients within the claims under the Canada assistance plan. That was a question that was raised by a couple of members opposite the last time we were before the committee.

The federal budget, Mr. Chairman, identified cuts to the federal Department of Justice of 5 percent for administration and 3 percent for programs over the next three years. We're not sure how those cuts will impact our department, but we have been advised that by April 1 of 1996 the existing legal aid and juvenile justice agreements with Alberta will be terminated and that the federal government intends to create new agreements by March 31 of 1996.

Diversion. As members would know, the alternative measures program for young offenders, has been in place in Alberta for a number of years. It allows young offenders who meet the program criteria to be dealt with outside of the traditional justice system. One important factor to realize is that before any young person is placed in this program, he or she must accept responsibility for the offence in question. Now, the present criteria for this program are some of the most restrictive of any jurisdiction in Canada, and we are looking at the criteria in the sense of trying to bring our system into line with programs in other provinces, but that doesn't mean that any serious offender will be placed within the program.

What we are considering, though, is another program, an alternate measures program for adults. It's our view that the resources of the justice system are best used to deal with serious and violent crime with the intention of making our communities safer, so if we can use diversion with minimum security and minimum crimes perpetrated by adults, we can focus on that serious and violent crime.

I will make a couple of comments just in passing, Mr. Chairman, on the closure of the Belmont correction facility in June of last year. That's resulted in savings to the government of approximately 1 and a half million dollars annually. The balance of the budget from Belmont has been reallocated to operate the new community surveillance program, the house arrest program,

and the attendant centre in Edmonton. Now, these programs provide intensive community supervision, skills development, and treatment to selected low-risk offenders who were previously incarcerated at Belmont. In addition, supervised community service crews provide labour to complete projects for nonprofit groups, for the physically and mentally challenged, and for the elderly.

I want to say a couple of words about privatization of our prisons, our correction facilities in the province. As you know, I have set up an efficiency review team that is to submit a report to me by October of 1995, this fall. I've asked them to look at about a 10 percent saving in the budget of corrections, and that would be about an \$11 million saving. Certainly my priority, if we are to look at privatization or any other efficiency measure, is to ensure that safety and security of the public is job one. I decided to ask for this efficiency review because a number of staff in corrections had indicated to me that they thought they could contribute to the downsizing of the department by making some concrete suggestions, and I thought it was only reasonable to give them that opportunity.

There has been some discussion in the House and in committee about release of the report that was given to me on this privatization model. It does, Mr. Chairman, contain a confidential budget and operational information. I do not believe that it is in the best interests of public safety for that document to be made available to the general public, but I have talked to the critic for the Official Opposition, and I've indicated to the hon. member that I'm going to provide him with excerpts from that report. He's also asked for excerpts from the report on the provincial policing contract, and I intend to give those to him as well, insofar as it does not create an issue of security and confidential budget information.

Mr. Chairman, I could speak about a number of exciting initiatives, such as the question of living wills. I did talk about that before, but I sense that hon. members are getting excited about having an opportunity, so maybe I can try to answer some questions if that matter comes up later on this evening.

In terms of maintenance enforcement, the model of service delivery for maintenance enforcement has been in place in Alberta for almost a decade. I believe firmly that it is one of the most successful in all of Canada and in fact internationally. It was properly designed and adequately resourced during its infancy. Over the years we've made a commitment to continue to improve it. In the last year we've done everything from introducing new legislation allowing us to seize joint bank accounts and withhold motor vehicle registrations and licence renewals to beginning to . . . Mr. Chairman, I know you're anxious.

THE CHAIRMAN: No, I'm not anxious at all, hon. minister. I can no longer hear you. There is such a loud noise going on that they're drowning you out, and I have trouble following your logic.

MR. EVANS: Well, I'll try to speak up. I don't know whether speaking up will make me sound any more logical. Sometimes I use that technique with my children, so we'll see how it works here, Mr. Chairman.

In terms of how we can make the maintenance enforcement system better, the Official Opposition has talked about the possibility of automatic wage reductions at source. I don't think that's the way to go, Mr. Chairman, and I'll tell you why. We have a very high compliance level in the province of Alberta. I don't think the context of the government of the province of Alberta is to be onerous with those who don't need government to

tell them what to do, because they're doing it voluntarily. So what we would prefer to do is focus our attention on the percentage – and it is a small percentage – of those who do not obey the orders that they have for maintenance enforcement, rather than a blanket policy of having the government intervene and deduct wages at source. There may be some more discussion about that as the night goes on as well.

THE CHAIRMAN: The hon. Member for Calgary-Mountain View is rising on a point of order.

MR. HLADY: No.

THE CHAIRMAN: There are so many people standing it is a little difficult to determine who's wanting to speak and who's wishing to bring points of order.

The hon. Minister of Justice.

MR. EVANS: Well, the enthusiasm level, Mr. Chairman, is just increasing by the moment. So I'm going to take my chair now, and I look forward to comments from hon. members on both sides of the House.

THE CHAIRMAN: The hon. Member for Edmonton-Strathcona.

8:20

MR. ZARIWNY: Thank you, Mr. Chairman. I spoke on the budget before, and there are about three areas that I missed asking some questions on. So if the minister will indulge me, I'll proceed with those questions. But before I do, I'd like to acknowledge that I did meet with the minister, at which time we discussed the two reports, the policing report and the privatization of jails. I acknowledge his kindness in releasing those two reports to me with excerpts deleted from them dealing with public security.

The first point that I'd like to raise with him deals with the Cawsey report. Now, I know that the Member for Edmonton-Glenarry did raise the matter a number of times in his presentation, but I think there were a couple of areas that he neglected to deal with that I'd like to cover today. About one and a half years ago in Slave Lake the Treaty 8 First Nations from Alberta met with the superintendent of the RCMP – I think it was K Division – as well as former Justice Cawsey and various chiefs and the public at large. I also believe this served as awareness training, both for the government people there and the RCMP.

They examined the recommendations in the report; for example, how can police respond to policing priorities and the needs identified by Indian communities? As you know, Mr. Chairman, all the Indian communities up north in that area are Cree. They also examined the overall crime prevention program as it deals with Indian people and the establishment of a native Indian police force. Now, I've heard – and I don't know whether this is the truth or not; perhaps the minister can shed some light on this statement – that the government may be looking at funding in part or helping in part the establishment of a native police force in the Lesser Slave Lake area. The meeting with the RCMP and former Justice Cawsey at that time ended on a positive note, where there was encouragement given to the Alberta government and the RCMP that action needed to be taken on establishing this police force. My questions in this regard are: can he substantiate that this in fact is occurring or has occurred with his department or is being considered to be something that he'd actually put some money into? If he has, what are the parameters of the program? What are the objectives? Who has the department consulted with?

As well, is he also prepared to give us a report, a very short written report, on the recommendations and the status of the recommendations as they apply to Indian people?

The second area that I'd like to deal with – and here it's more of a fact-finding question rather than one which I'm absolutely positive about. I'd like to address something called forensic assessment and community services. The acronym is FACS. Now, I understand that this is a group of psychologists and psychiatrists who are charged by the court with conducting psychological assessments of those awaiting sentences. I've seen a number of times in court this particular demonstration of expertise. It has been suggested to me that the largest percentage of the assessments completed by this group are overly negative and impact detrimentally on those awaiting sentencing. That's basically what I've been told. So my first question is: can the minister respond and tell us whether or not there are some facts to that, and what is his assessment of this particular group? There is, however, a group of FACS peers who have organized a challenge to these assessments, which possibly brings up the validity of the allegation that they are overly negative. So my second question in this area is: what is the relationship between this group and the Department of Justice, if it exists? If it doesn't, is it a private group that your department has contracted with, or is it an arm of some other government department? If it is an arm of Justice and it's contracted to Justice, has the minister included within his business plan measures to assess the performance of this particular group? Has the minister been apprised of the group challenging the assessments, and what is he planning, if anything, to do about this challenge?

The last set of questions that I have deals more with the philosophy or the ideology of the department, which essentially drives the department and consequently helps establish the high points and the priorities of the estimates. The area of concern that I have is that of punishment, which really deals with justice and the notion that to do justice means you have to threaten people unequally but only according to their relevant inequalities. Now, to do justice, in my estimation, means that we must disregard all differences between those that accord to certain appropriate criteria in various areas of our concern. Given this short preamble, I would be very interested in knowing how the Justice department, firstly, justifies from a philosophical point of view – but it is related to the budget – punishment, and secondly, how does it define punishment and consequently public security, which is the last vote in the department budget? In the estimates where is there a distinction drawn between the moneys that are allocated for punishment in a general sense and punishment in a particular sense? When I mention punishment here, Mr. Minister, I'm talking about that within the ambit of the provincial government, not the federal government.

Now, when preparing, for example, the rules or the standards that are translated into statute law, what are these rules and standards that the Justice department uses to in fact guide various laws that are created through the statute system? What principles are relevant to the determination of an offence that is summary within, again, the provincial ambit? Finally, what criteria govern the allocation for particular offenders within the ambit of the government jurisdiction?

With those questions, I will stop.

THE CHAIRMAN: The hon. Member for West Yellowhead.

8:30

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I'd like to begin by commending the Minister of Justice, and the commen-

dation is actually based on some personal experiences. After the minister had taken over his new department last November, I heard via the grapevine that he was going to embark on a flight to Grande Cache. Since I hadn't been there in a while, I decided I was going to call his office and ask if I could hitch a ride. Now, I don't know much about the etiquette of this kind of thing, but lo and behold, the word came back, after it had been duly filtered through several filters, that, yes, I could hitch a ride. So I reported at the appropriate hour to the Municipal Airport and was privileged to . . . [interjections] I don't think they want to hear any commendations. They're so used to negative criticisms. Anyway, directing my remarks to the minister himself, I was allowed to hitch this ride, and I was privileged to join him aboard the government plane, which was a very first for me. It was most enjoyable. The conversation was stimulating and so on and so forth. We ended up talking to the mayor and several councillors, in fact I think the whole council of the town of Grande Cache, about what was going to happen to the correctional centre. I was very conscious, Mr. Chairman, of keeping my remarks within the bounds of civility, because I also wanted to hitch a ride back. I obviously succeeded, because I was allowed to go back with him. I enjoyed it very much, and I would like to thank him for it. I think this minister, in my view, is able to strike a happy medium between, shall we say, partisanship and simple civility, helping out when help is needed, and I appreciate that very much.

Now, that led me to the subject of the Grande Cache Correctional Centre, Mr. Chairman. I'd like to ask a few questions on that particular subject. Before doing that, I'd like to do a little historical review here, going back to February of last year, when the bombshell hit the community of Grande Cache in the form of the budget and it was announced that the provincial government was going to close down the centre as of I think it was April 1 of 1995 but that they were engaged in the most secretive of all negotiations with an unnamed, unspecified partner.

Well, Mr. Chairman, before opening my mouth and shouting from the highest rafters, I decided to first make an appointment – "seek" an appointment perhaps is the better word – with the then Minister of Justice, who accommodated my request the very next day. I asked him for an explanation, because – who knows? – there might have been a reasonable, rational, logical explanation. So I asked him for that, and he told me that – I think the word was "catchment" – the catchment area was not very large. It was a new phrase to me, but it meant sort of the population density for prisoners. In order to keep that centre populated, they had to catch them all over the province, and it was an expensive proposition to transport them back and forth. It seemed like a very reasonable explanation except, of course, that the centre had only been built nine years prior to that, and the catchment area at that time was perhaps even less densely populated, shall we say, or sizable. I'm not sure what the term is here. So when I asked for an explanation of that apparent discrepancy, he, as they say in Dutch, stood with a mouthful of teeth, was not able to say very much. I then concluded that perhaps political considerations had been at play.

Now, I hasten to admit, I hasten to say here that this happened well before this present minister took on the job, and of course it had nothing to do with him. I'm not casting any aspersions on his ability to deal with these matters in a logical fashion.

Nevertheless, because of these very sensitive negotiations with this unspecified partner, which the then minister, by the way, did specify to me, I was asked to keep quiet. That request was subscribed to by the mayor and council of Grande Cache as well. Of course I did so, and I was quiet for about three months I think,

very quiet, so quiet that people asked me: "Well, what are you doing about this? Since we elected you, this has happened to us." That was a moment when I stood with my mouth full of teeth, because I thought they were probably right. Anyway, after that particular period of relative quiet was over, I decided to communicate with my federal brethren – I think it is often pointed out – and many letters went back and forth and many phone calls. The long and short of the matter is that due to the communications of many, many people, certainly not least of all the provincial Department of Justice, the Solicitor General of Canada saw fit to give the green light to negotiations for Corrections Canada to either lease or purchase the corrections centre.

Those negotiations then started in January, and they hit a snag I think somewhere towards the end of February. The lines to my office were red hot with questions from jail guards asking me: "Could you find out what's going on? Interviews have been scheduled by Corrections Canada. They were supposed to be here this week. They've canceled, suspended, or what have you because the negotiations have hit a snag." Well, when I made my phone calls, I did find out that the snag was in the process of being resolved, but the question apparently did centre on how much the federal government, Corrections Canada, was going to have to pay in order to buy that corrections centre. I would imagine that the provincial government and the Minister of Justice, perhaps, can shed some light on this. I would imagine his department would ask for a minimum of the full price of construction originally, which was I think \$43 million, whereas the federal government no doubt was trying to get a steal for the sum of \$1. Now, I would hope that eventually the negotiations will result in an amicable agreement somehow. In the meantime, though, Mr. Chairman, the negotiations are back on track. The people in Grande Cache are happy again.

I would like to make it clear to the members here that every glitch in those negotiations caused a ripple – almost an earthquake, not just a ripple – in the economic affairs of the town of Grande Cache. At the precise moment that the news of a glitch reached town, there would be a halt in any real estate sales, no expansions were contemplated, no vacations were taken, and no new cars and so on were purchased. So it's tremendously important to the community of Grande Cache that the jail continue there. I'm fully confident that that's going to happen and that the guards will all be asked to stay on, after of course a short course in the federal side of matters. I think they're happy accommodating an increase in prisoners. I've been told that Corrections Canada views the size of the cell as on the luxurious side, and they've decided that double-bunking is going to be very easily achieved. I hope never to be a prisoner in that particular facility. It's beautifully located, but I've looked upon the cells, been in them with the minister, and I find they're barely sizable enough for one person. Then again, I do not intend to commit any crimes.

Mr. Chairman, I would like to ask a few questions here of the minister. One is: what is going to happen to the Medicine Lodge? Now, I realize that it is administered, I think, out of Fort Saskatchewan, but perhaps he can shed some light on it.

Next, I would like to know if he has any idea – perhaps it would be a bit speculative on his part, because it's Corrections Canada that will have to make the decision, but would they be interested in adopting the programs of the present centre? I'm referring specifically to the free labour provided by the inmates to the town of Grande Prairie. That's an important item for the town, because it saves them quite a few dollars.

MR. EVANS: You're talking about Grande Cache?

MR. VAN BINSBERGEN: Yes.

Perhaps he could also explain why there is still \$6 million or so allotted to the operation of Grande Cache for next year. I don't quite understand that.

Good. That is all in connection with the correction centre in Grande Cache. As I said earlier, it's extremely important to the town of Grande Cache and therefore to my whole riding.

I have a question for the minister regarding the court operations in the town of Hinton, where he has seen fit to reduce the budgeted funds from \$423,000 to \$418,000. I was wondering if he could tell me how these cuts will be applied, this decrease in funding. How will it affect court operations? Is it going to be a case of a loss of any employees, or how?

8:40

Then, Mr. Chairman, I'd like to leave the particulars and go into a few generalities here. I'm looking at the blueprint. Once again I'd like to state that this is a very impressive document. I'd just like to go over a few points that the minister has written in here.

Specifically, in the executive summary on page 3 of the Justice department's share of this veritable Bible the minister is stating that "the Department has taken an approach that is sensitive to the public's interests in the administration of justice." It kind of struck me as strange that the minister implies that until this time his department has not been sensitive to the public's interest, and I was wondering if there is a conscious shift. Perhaps you could explain that.

Then as we go on to I think it's the third paragraph, the minister admits that he has been forced to consider how the department "approaches the business of justice in global terms." Now, I always have some difficulty with that word, Mr. Chairman, because I cannot help but think in terms of the whole world, and I thought we were talking about a jurisdiction that was specifically restricted to the province of Alberta. So maybe the minister has expansionary visions in his head.

Goal 1, just below the mission statement - which is very good, I think, and I wholeheartedly concur with it. The mission statement, just in case the minister has forgotten it for the moment, is "to ensure equality and fairness in the administration of justice in Alberta." That's a bit of a motherhood statement to which we can only say amen. Goal 1: "to maintain law and order in Alberta communities." I totally concur with that, but I'd like to compare that goal with the performance measures on page 11. I have some difficulty understanding where the minister looks at "services delivered efficiently measured by . . . police to population ratio." I don't quite understand how that ratio proves that the services have been delivered efficiently. Certainly in financial terms if you only have a low ratio, that will be financially effective, but will it also look after the security part? I'm not convinced, or maybe I'm mixing up the very first set of intended results with the second. Perhaps the minister could clarify that somewhat. I don't quite see here that a good measure of effective public security would be a decrease in crime. It seems to me that that's an obvious item to look at. So that's just a question when one compares the performance measures with the goals.

Then I switched to strategy. I'm kind of jumping around a little bit, but I'd like to turn to the strategy, number 5 on page 10. Strategy 5 is "to ensure legal aid is delivered in the most effective manner." Now, obviously that invites the question: why, then, was the funding for legal aid cut by 2 and a half million dollars?

I think the minister will have a hard time making the point that the delivery of legal aid will be more effective or efficient simply by cutting the funding by \$2.5 million.

I think that leads me to another point here that I have just kind of passed over. Yeah, back to page 3 of the executive summary there. My memory was twiggled here by this financial item because the minister states that "reduced funding is a constraint the Department must deal with but not the reason for re-structuring Departmental services." I submit that that is perhaps a little murky. It seems to me that the sole reason is the need to eliminate the deficit and therefore the finances. The rest sounds good. I think Albertans will accept that a lot more readily than any talk about the need for restructuring per se.

Mr. Chairman, I'm reaching the end of my rambling discourse. The Member for Pincher Creek-Macleod does not appreciate the pearls of wisdom that I have obviously cast before the members opposite.

My final item is goal 5, where the minister states that the goal is "to provide access to social programs administered by Alberta Justice." One important one there is maintenance enforcement. I'd like to point out to the minister that there, too, I think he intends to collect more money from the users, if I can call it that. Also I'd like to point out that soon what I think is a very effective Bill will appear before the House for discussion, second reading, and that's Bill 207, which deals with the collection of maintenance enforcement payments. It suggests some very good ways and means of sprucing that up. So if the minister is serious about doing a better job of collecting, then perhaps he will throw his weight behind Bill 207. [Mr. Van Binsbergen's speaking time expired]

Mr. Chairman, that's it? I didn't realize I was going to talk that long. I'd like to thank the minister for his attention.

THE CHAIRMAN: The hon. Member for Barrhead-Westlock.

MR. KOWALSKI: Thank you very much, Mr. Chairman. We're dealing with the estimates of the Department of Justice tonight. A fascinating aspect about being a minister is that being a minister is more than simply a title. When you're called Minister of Justice, there's much, much beyond the fact of just the title Minister of Justice. It's much more than simply being the custodial person associated with the administration of justice in the province of Alberta and much, much more than being a curator associated with justice in the province of Alberta. We've heard the minister identify some of the key people associated with him in the Department of Justice.

The Minister of Justice must be an advocate for justice in the jurisdiction that he is the minister of. So it's on that theme that I want to leave with the minister a very interesting case that just recently came to my attention, dealing with one aspect of the administration of justice in the province of Alberta and also associated with the whole question of maintenance enforcement in the province of Alberta.

Now, years ago in this Assembly when the government brought forward legislation dealing with the maintenance enforcement scenario in the province of Alberta, that was one area and one aspect that I advocated for and I supported then and I very, very much support today. In a question where there is family breakup, there is spousal responsibility of both adults who are the parents of whatever children are involved. They must take responsibility for that.

I want to leave with the Minister of Justice a case that was brought to my attention today. A man who has his 55th birthday today comes to see me. Now, he'd seen me before. He'd seen me some four or five years ago when I was his MLA. Today I am not his MLA. He happens to live in the city of Edmonton, but he happens to work in a particular facility in the constituency that I represent. Now, the man is 55 years of age. In 1984, 11 years ago, he and his wife divorced. There were three children, and he was told that he would have to pay \$900 a month in maintenance support. He's the father of these three children, and that's his responsibility, and he accepts that and he understands that. This is 1984.

8:50

In 1992, eight years later, his three children – one is turning 18, one is 16, and one is 7. He attempted to seek an arrangement with his spouse, whom he had been divorced from for some eight years, and he went before the courts on the question of maintenance enforcement as one of his children was now becoming a legal adult, to have the maintenance enforcement order adjudicated, changed, revised. In his view he thought that it should be revised downward, because one of the children had now reached the age of majority. The decision of the court, the Court of Queen's Bench in the province of Alberta – and I know the Court of Queen's Bench falls under federal jurisdiction – ruled that instead of continuing to pay \$900 a month maintenance for these three children and his spouse, he should now pay twice that amount, \$1,800 a month.

Now, the time frame when this was approached in 1992 continued through to 1994. So today, on this day of March of 1995, here is the scenario for the person that I want the minister to spend some time thinking about and trying to determine how he can advocate for justice in maintaining the balance of the need for maintenance enforcement in the province of Alberta and also recognizing the condition that this particular person is in. I would hope that all of those who have legal training in this Assembly would in fact provide me with some free advice after I give this story.

The individual in question is currently making in his March 30, 1995, pay stub from the province of Alberta – he is an employee of the province of Alberta. He showed it to me today. His gross salary is \$3,850 a month. After all of his deductions come off, including that which he pays for his garnishee fee, which is clearly identified, he has \$860 a month left over. A salary of \$3,850 a month; he now has \$860 a month left.

Now, I indicated that in 1992 he had obtained the services of a lawyer to go to the courts with him. Well, by 1994 the courts had determined what the decision was. In the interim he lost his house because he couldn't afford to make the payments for his house. But on the 23rd day of March of 1995 the law firm that he had employed got a legal writ saying that he must now pay, starting April of 1995, \$580 a month to the law firm in repayment of the nearly \$6,000 in accumulated legal fees. So the \$860 a month that he gets in March of 1995, in April of 1995 will now be reduced by \$580 a month. Next month this person, who makes \$3,850 a month gross, will at the end of April have in his hand \$280. That's it.

Now, he lives in Edmonton. He works in a part of the constituency that I represent. He has to drive back and forth. He has to eat. Presumably he has rent. He's lost his house, and he's living in some rental accommodation today. He is desperate. On his 55th birthday today he says to me: "I've got three choices.

Choice number one is that I can quit my job." Now, he can quit his job, and he's seriously thinking of that.

Well, if he quits his job, then what happens? If he doesn't have a job, how does he pay the maintenance enforcement dollars that he's currently caused to pay? And what does he do? Does he declare bankruptcy? Well, he has nothing left. There's nothing to declare. He's lost his house. He's lost all of his RRSP dollars. He's lost all of his savings. They've all gone in the last 11 years, particularly the last three or four. Can he go on welfare? Well, he's not the kind of person. He's a professionally trained person at age 55, and he says, "That's my first choice, quit my job."

Well, he has a second choice. He has two passports. He has a Canadian passport, and he also has a passport from another country in this world. Now, he can do the other thing. Quit his job, leave, flee. Now, if he does that, what will happen in terms of the cash flow expected for his three children next month or the month after? How will that ever be adjudicated?

The most serious option that he has – and this is the one that disturbs me the most. This man has lost all hope. So he said: "I do have a third option. I can opt out." I didn't go further in terms of the discussion in asking, "What do you mean, you can opt out?" But I looked at his eyes, and I knew what he was thinking. He is desperate. He is distressed. He is destroyed. He's lost faith in, quote, the system, and he doesn't know where to turn. Quite frankly, I looked at him and I said that, you know, this is one of the strangest stories that I've ever had told to me in the 16 years that I've been involved in this Assembly. I've advocated for women who have not been able to get payment from irresponsible spouses, husbands, men who refuse to pay. I've advocated time and time again. This is one of the oddest situations that I've ever run across.

Here's an individual, breathing today in the province of Alberta, gainfully employed in the province of Alberta, grossing \$3,850 a month on his pay stub for March 30, 1995, issued by the province of Alberta, and he will have next month a net of \$280. I might add one other thing. His wife is gainfully employed, too, in the province of Alberta, works as an employee of the government of Alberta and makes \$40,000 a year.

So, Minister of Justice, I wanted to intertwine this story dealing with justice, dealing with maintenance enforcement. I go back to where I began. The Minister of Justice is more than a title. It's more than saying: hey, I'm the Minister of Justice. It's more than simply custodial for the justice system in the province of Alberta, much, much more than simply a curator of justice in the province of Alberta. The Minister of Justice must also be an advocate for justice in the province of Alberta. So I leave you with this jumbled puzzle in terms of: how do we deal with this question of maintenance enforcement, fairness for a former wife, fairness for children, and fairness for a husband, dealing with a live situation on this day of March of 1995.

Thank you.

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. I will not touch the issue the hon. Member for Barrhead-Westlock left with us. I only want to remind all members of this Legislative Assembly that if the spouse of that person had come to her MLA, it would be very interesting to hear what her version of these factual events would have been.

The other caution I want to suggest to the Member for Barrhead-Westlock is that when he felt some concern about the

phrase "opt out," remember that there are other ominous aspects of that phrase, too, that can never be overlooked.

For the most part, the courts, I would suggest to all members of this Assembly, work very hard at balancing the interests of both the parents, and it is difficult, I think, for us in this Legislative Assembly to debate something that is before the courts, has presumably had a thorough airing before the courts, but the hon. Member for Barrhead-Westlock does raise a very interesting moral issue. That is that certainly all of us in the legal profession are very cautious when we see clients who want to tinker and tamper with maintenance and return to the courts to touch something that maybe should be left alone. Inflation has been quite an interesting proponent of maintenance payments over the last 10 years. It seems to me that an individual whose maintenance was set 10 years ago and had not been adjusted for inflation or any other way for 10 years might have considered that. In any event, I don't want to deal with the Member for Barrhead-Westlock's concern any further. I want to bring to the Minister of Justice some concerns of members of the bar from Fort McMurray and other places in the province of Alberta.

Before I do that, Mr. Chairman, I want, first of all, to congratulate the minister on his appointment. This is the first time I've had a chance to address this minister in the Justice estimates, and I want to congratulate him. I want to echo a sentiment that has been previously expressed in this Legislative Assembly, that his predecessor filled that role with honour and with great distinction, and I am sure that one who aspires someday to perhaps be the Premier of the province will likely also fulfill that role with honour and distinction.

9:00

I want to talk to you about one of the important principles of justice, and that is that justice must be seen to be done as well as to be done. I want to say to you frankly that in rural Alberta there is a growing concern that justice is not appearing to be done. The hon. Member for Highwood raised that issue in the debates previously, and other rural members have raised the issue in the debates. Rural Alberta appears to be disproportionately bearing its share of cuts to the administration of justice. I must tell you that when a courthouse closes in rural Alberta, just like when a hospital closes or a school closes, it drives a stake through the heart of that community. When people have to drive to larger centres and centres 30 and 40 kilometres away to attend to their speeding tickets and their minor court irritations and their major court concerns, often they will take the Mrs. along. She will buy a shopping bag of groceries, pick up shoes for the kiddies, a new bike, or maybe a dog collar for the family pet, and slowly but surely the lifeblood of rural Alberta gets sucked away from rural Alberta and into the large centres of Alberta, and that is of concern to rural Alberta. Courthouses and the ability of a community to keep them are jealously guarded in this province and rightly so, because people should have not only access to the courts but convenient access to the courts.

[Mr. Clegg in the Chair]

Now, I also want to talk tonight about the issue of making the provincial court judges in rural Alberta masters. I am aware that the bar of Fort McMurray, a bar that is dominated by supporters of the government, has written to the government requesting that their provincial court judges be made masters, and I understand that the minister on his initial review of the thing did not feel that this was an appropriate time. I want to give the minister some

other food for thought in this area, and the food for thought that I want to leave with the minister is this. When the court comes on circuit to rural Alberta, they spend half a day of a three- or four- or five-day week doing chambers applications. That might be reduced by 50 percent if some of the routine matters were handled by provincial court judges as masters. That would allow more time for them to get to the meat of the serious cases in rural Alberta. In addition, on some occasions the Court of Queen's Bench might be able to drop a session in rural Alberta provided that the masters there were able to accommodate the quick issues.

I want to say to the minister that he has also forgotten one other aspect of that equation, and the aspect of the equation that the minister has forgotten is what the judges are doing in Edmonton or Calgary when they're taking telephone calls. If they did not have to sit by the phone and take telephone calls, Mr. Minister, they would be out there doing Court of Queen's Bench duties downstairs or upstairs in the courtrooms of this province where they sit, and as a result you would free up additional court time.

Another important consideration, Mr. Minister, is the quality and competence of your own provincial court judges. The sphere of legal activity for the provincial court judges can be in rural Alberta a narrow one. They can see a lengthy number of repetitive cases with very little changing except the faces of the people who appear in front of them. There would be some opportunity for what we might call psychological respite to allow them to be masters and to deal with other issues.

Finally, Mr. Minister, even though there is telephone access, the telephone does not lend itself well to a contested application such as a builder's lien matter, where you might have charts, you might have elaborate data, and you might have numerous exhibits. The presiding master might ask you for this or for that or to point this or that out to him, and you also would be able to read the body language of the participants.

So I want and I urge the minister to take a look again at appointing rural provincial court judges as masters. I suggest to you, sir, with respect, that there is absolutely no downside to you. There is zero cost, and you might get more benefits even than we can dialogue on here in this Legislative Assembly. So if something costs absolutely zero and it provides an extra benefit to rural Alberta, how could you deny the opportunity for that experiment to be tried in rural Alberta? The worst that can happen is that you retract and cancel the experiment. The best that can happen is that you look like an absolute winner, and you can then travel the width and breadth of this province taking full and absolute credit for it.

MR. EVANS: I'll give you a little credit.

MR. GERMAIN: Don't give me any credit. Just do it. That's my advice to the Minister of Justice.

I also want to talk to the Minister of Justice about legal aid, because legal aid is an important issue in this province, and I heard something here from the government front row a couple of weeks ago that disturbed me greatly. One hon. member of the government cabinet indicated that legal aid was welfare for lawyers. I take exception to that.

DR. L. TAYLOR: That's the truth, Adam.

MR. GERMAIN: I take exception to that, and I take exception to that member suggesting that that's the truth. That type of

comment does not further constructive debate or criticism in this Assembly or in this province.

I want to tell you about the legal profession and their efforts in legal aid. I first want to make it clear to all Members of this Legislative Assembly that I do not take legal aid files, so I speak from the issue of the public importance of this issue, not from any self-betterment issue.

AN HON. MEMBER: Take a Valium.

MR. GERMAIN: No, I won't take a Valium, because one of the things that I've learned is that if you do not stand up and defend your profession from time to time, then you shouldn't be entitled to call yourself a professional. That strikes very near to my heart, so I won't take a Valium.

DR. L. TAYLOR: Are lawyers professionals?

MR. GERMAIN: I will go back to the debate, and I'll ignore that last shot, sir, about "Are lawyers professionals?" Yes, they are. I want to recognize a tremendous professional. You know, the deputy minister of your department, the honourable Neil McCrank, deserves a lot of credit, Mr. Minister. He has served numerous ministers of justice. His trademark is that he very seldom sets a minister of justice up in this province to get any tar on his boots, and that is a commendable sign for any deputy minister. I know that he would want me at this time to say that he is underpaid, but I also know that he wants to carry the deficit and the elimination of the deficit on his back, so probably he will accept the cutback in light of that praise that he's received.

Let's get back to legal aid. Now, let me put legal aid in perspective for all Members of this Legislative Assembly. A lawyer who takes a legal aid case will often defend a very serious charge for a fee in the vicinity of \$200 or \$300, my friends. He may put 30 or 40 or even 50 hours into that particular file. Notionally a legal aid lawyer is supposed to be paid about \$39 to \$43 an hour, but that's notionally, based on a small allowance of time to go to court, a small allowance of time to speak to the case, and a small allowance of time to prepare the case. A professional obligation exists to do the best job you can no matter how much you're getting paid and how many fees you will extract from the file. As a result, many legal aid lawyers end up doing files for \$5 or \$10 or \$12 an hour.

MR. DINNING: Sort of like being an MLA.

MR. GERMAIN: Ah, the hon. Treasurer says that it's like being an MLA, but the hon. Treasurer forgets that his salary is net of all the expenses. Those lawyers have to take their \$12 an hour and then pay their secretary, pay their rent, pay the dues and the charges, and pay the filing fees to the Minister of Justice. So all of those things reduce the cost. [interjections] Just relax. The next speaker will be throwing out raw meat. Just relax.

The point that I want to make is that the legal community provides an admirable service at a deep discount, and rather than insulting them and referring to legal aid as welfare for lawyers, we should stand up once or twice in this House and say thank you. The Minister of Justice should stand up and thank the nearly two-thirds of the Alberta bar that at great personal sacrifice comply with the obligations to administer justice in this province. [some applause]

DR. L. TAYLOR: There's another lawyer that agrees with you. The only two people in the House, and they're both lawyers.

MR. GERMAIN: Cypress-Medicine Hat will well remember that as he's traveling through the province and talking about law and order and justice.

Chairman's Ruling Relevance

THE DEPUTY CHAIRMAN: Order please. I don't think we're here tonight to decide whether lawyers are making too much money or how much they're paying their secretaries or how much rent they're paying. I understand that legal aid is certainly a part of this, but let's just keep it on that. I mean, there are other subjects. Let's not worry about whether they're making too much money.

9:10

Debate Continued

MR. GERMAIN: Therefore, you will appreciate the certain amount of dismay on the part of the legal aid participants when 50 percent of the government's cutbacks in this department this year are borne on the back of a mandated legal aid program. [interjection] It may be less than 50 percent, but it's still a significant percentage.

Let's get into some more details. Minister of Justice, I've made this request of other members of the executive: I would be grateful if you would have your staff break down the job department on these programs, your total full-time equivalent jobs by the program. I want to urge you as one member of the executive, as I have urged other members of the executive, that that is easily produced information, and it would be a very useful change to the style and layout of this information if we in fact broke those full-time equivalents up by the program and presented them by the program. I have asked all the ministers to produce that information for me, and I have had no negative comment on that. I'm sure you will be happy to do the same, Mr. Minister.

MR. EVANS: Have you had any positives?

MR. GERMAIN: Listen; in this Legislative Assembly the lack of a negative is considered a positive from my vantage point.

Incidentally, I must say that the last speaker, the hon. Member for Barrhead-Westlock - for all the comments that have been made about that member, I have never once heard him insult a lawyer in this Chamber, and I think that's a credit to him.

I want to now talk, Mr. Chairman, about the Alberta Law Reform Institute from an economic point of view. I want to suggest to the minister that that is well-spent money, but I know that the Law Reform Institute from time to time wonders about their own worth because of the lack of uptake of their ideas into the government legislation. A perfect case in point is where some of their advice was taken seriously and resulted in the major change to the creditor/debtor relationship in this province, which occurred in a Bill presented and passed by this Assembly in the last session. I'm sure that they felt rewarded by that. We have to remember that the Law Reform Institute gets much free input by just tapping the legal community for free advice. Therefore, they're getting advice that normally the government would pay hundreds of thousands of dollars for absolutely free. I would like to urge the Minister of Justice that if he is not in a position to accept a report from time to time from that institute, he take the time to explain why it can't be accepted at this time and if it will

be accepted later. They are very conscientious about the uptake rate of their ideas into legislation, and I know you have heard that comment before.

I want to ask you a little bit about the special prosecutions, because I'm always interested in special prosecutions. I'd like to know how many cases the special prosecution team handled last year. How many hours were totally recorded in the handling of those prosecutions, and based on that, what would the hourly rate be for those lawyers providing special prosecutions? I want to contrast that with the rate paid to legal aid lawyers when I ultimately get that information, Mr. Minister. So I'm interested in the special prosecutions.

Now I want to talk to you, Mr. Minister, if I might, about maintenance enforcement in this province. It is almost incredible to believe that the government is paying 4 and a half million dollars - 4 and a half million dollars - a year to collect maintenance from individuals who will not voluntarily pay maintenance. I would like to suggest to the minister that those procedures and that legislation change so that those individuals who cannot show cause why they should not pay the full cost of maintenance recovery will be asked to pay maintenance recovery fees on top of the maintenance that they're being asked to pay. For 4 and a half million dollars I am surprised and astounded that there are still MLAs in this province who get people into their offices complaining about ineffective, weak-kneed, and inappropriate maintenance collection. People will come into your office and they'll sit down and they'll produce documentation about assets and about businesses that the person who is not paying has. You ask them if they've turned that material over to maintenance enforcement, and they say, "yes." You ask them how the result has been, and they look at you like you're from Mars, and say, "Why would I be here if the result was good?"

There is a body of opinion out there in the public that maintenance enforcement is ineffective and can only process cheques when people send them in voluntarily. There is little or no locating going on, and there is little or no hard-nosed collection. I would like a report from the minister, if it is obtained at a reasonable price, as to how much hard-nosed collection is going on. How many files are really investigated and maintenance collected over some resistance as opposed to simply a dutiful spouse recognizing their obligations and sending in the money? There is no way that this maintenance enforcement program should cost the taxpayers \$4.6 million, and it seems to me that the people who are not lawfully paying their obligations should in cases where it does not further penalize their children or their spouse be asked to pay additional costs where collection steps are necessary.

Another issue that's important to the bar is that the bar of the province of Alberta is willing to do their part to collect maintenance and to collect the solicitor/client costs that come with maintenance, but they do not have the same power, the same ammunition, and the tools in the collection process that is open to maintenance enforcement. One of the powers that they do not have, Mr. Minister, is the power of a continuing attachment or a continuing garnishee. I would suggest that you take a hard look at the Rules of Court to see whether a continuing garnishee or a six-month garnishee or a partially continuing attachment with stringent rules might allow some of the burden of maintenance enforcement to be picked up in the private sector.

I want to also ask the minister for an explanation as to why the subrogated claims for maintenance enforcement will no longer be included in his budgetary item. Is it because these are almost all Family and Social Services subrogated claims and they now

appear in the Family and Social Services budget as some positive approach? Now, you may not be able to supply that whole answer, but hopefully you will know what happened to the other end of this double-entry accounting item.

Mr. Minister, that concludes my comments tonight. I want to conclude by commending the department on its efforts on behalf of the judiciary, on behalf of the bar, and on behalf of the public of Alberta in attempting to administer justice in a sprawling province like this, a province that combines the best of the urban and the best of the rural, an interesting province with interesting ideas, sometimes inconsistent ideas across the province. You have been blessed with a good staff, a dedicated staff. That dedicated staff starts all the way up at the deputy minister level and slides all the way down to the newest and most junior of your staff. You are lucky. You should be commended. I hope that you will continue your efforts to bring justice back to rural Alberta where it belongs.

Those conclude my comments.

THE DEPUTY CHAIRMAN: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Chairman. I, too, would like to congratulate the minister on his programs. I do have some concerns, and I would like to take just a few minutes - I'll be very brief - to raise them. We had a Bill in here just a short while ago about raising the drinking age for 19 year olds. I wasn't in favour of that particular motion, because from my point of view in our school system what we really have a problem with is drugs. I would hope the minister could spend some time focusing on what the justice system is doing about getting drugs out of the schools and off the streets in this province. My understanding is that if you request now the drug enforcement people to come into a high school, you may well be on a waiting list for six months or longer before somebody can come out and deal with the problem or at least find out if there is a problem. I think that's inappropriate in this day and age. We have enough money to chase people on highways and buy nova cameras, but we are tending to ignore a very real and very serious problem that we have in our local communities.

Another one that I want to raise is the livestock issue. We have what we know to be a very real problem with livestock rustling. Today an announcement come across my desk from the minister of agriculture saying that we had in fact hired a second RCMP to investigate livestock theft, yet I know of at least one case - and I'm sure there are more - where once the investigation is done and the livestock inspector has said, "Yes, there's room for charges to be laid here," the Crown prosecutor has delayed it and delayed it more than once. I'm offended by that, Mr. Minister, because this is a very serious problem in rural Alberta, and it's time that we started dealing with it in a realistic way.

The third point I wanted to raise was again with maintenance enforcement. I have several constituents who are paying maintenance enforcement who are not allowed to see their children. Mr. Minister, there's something wrong with a system that enforces a maintenance agreement and then doesn't in turn force the mother of those children to let the father see them. We need justice on both sides of that coin. Right now, while I'm very much in favour of a maintenance enforcement program where fathers have to be financially responsible for their children, I also believe the other side of that coin must have equal weight. The mothers of those children must make those children available to the fathers

and, if not, must have a very good reason that has gone through the court system in order to allow those children to not be seen by the fathers. If we in fact have a system that bankrupts fathers on a regular basis, then there's something wrong with it, and we need to address that as well. There has to be fairness and equity in all parts of the justice system, not just the part that looks after the payment but also what we're doing to people.

Mr. Chairman, those are the only comments I wanted to make, but I would really appreciate the minister's attention to those three items. Thank you.

THE DEPUTY CHAIRMAN: Can we have unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.
The hon. Member for Lac La Biche-St. Paul.

head: **Introduction of Guests**
9:20

MR. LANGEVIN: Thank you, Mr. Chairman. I have the honour this evening to introduce to you and to the members of the Legislature two fellows that are in town and had a meeting this evening with the minister of environment to talk about securing logs in the Lac La Biche area. They are Mr. Don Sarafinchan from Lavoy, which is east of Vegreville, and Mr. Randy Onciul, who is the operator of a sawmill. So I'd like them to rise and receive the applause from the Assembly.

head: **Main Estimates 1995-96**
Justice (continued)

THE DEPUTY CHAIRMAN: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Chairman. Again I appreciate the opportunity to rise and speak for the first time to the Justice estimates. I want to start off by saying that during our Canada Winter Games in Grande Prairie, many of the prisoners confined added a great deal to the games by their labour, the many platforms and so on that they built over the six-month period. It's good to see that they are at work. They are contributing to society. I just wanted to start with that.

I have a question, first, about the Justice committee that traveled around the province. I want to know why it was not an all-party committee, his explanation for that. When we have a democracy, why aren't all parties included? I know that the cost was \$70,000 for theirs. Ours, which the Member for Calgary-Buffalo did, was less than \$10,000. I would like to ask the minister: has he looked at the report from the Member for Calgary-Buffalo? What part has he incorporated from the report? What part is he using? If he's not using parts of it, why not? An explanation. Again, there shouldn't have been a reason for two reports. For justice to be carried out, I think it has to begin here in the Legislative Assembly, where all parties are included.

What has the minister done to assist the situation where guns are used in crimes? Many times they're plea bargained away. This minister has the power to change this. I want to know what changes he has made to make sure that the penalty fits the crime and not plea bargained away for people who have used guns or weapons in their crime.

Several years ago there was a very damning report on the aboriginal justice system in Canada. I know that it was in another

province, but it applied to aboriginal justice across the country. I'd like to know what the minister is doing with that report. Is he following up on it? Were the recommendations used? Is he working with other provinces so that each province doesn't duplicate what needs to be done, so we can save taxpayers' money? This situation will be similar in various provinces across Canada. If he's not doing it, why is this not happening? Over the last eight or nine years at the Lac Ste. Anne pilgrimage, where the aboriginals go for the annual spiritual journey, I've met with and talked to aboriginals from all parts of the province as well as Saskatchewan, Manitoba, and up in the territories as far north as the Arctic Circle. They come to the pilgrimage. It's been a very rewarding week for me to be part of the pilgrimage and to have the privilege of talking to aboriginals of different ages, especially the elders, who have tremendous wisdom. I come back from the pilgrimage greatly enriched with the wisdom and knowledge of our aboriginal people.

AN HON. MEMBER: Did you walk into the water?

MR. BRACKO: No. I walked on the water.

One concern the leaders all have is the fact of aboriginal justice. They see that they have about 8 percent or so of the population, yet over 50, 55 percent of the inmates in our prisons are aboriginal people. We want to know why. They want to know why that's happening and what they can do to turn that around. We want to know what the reasons are so that the elders can work together with the Justice department to turn things around. We've had many dynamic young aboriginal and older aboriginal leaders who are changing the scene there. I want to know what the percentage of aboriginals in prison is today. Has it gone down over the last five years? I know the minister has a three-year plan. What is the amount he wants to see it reduced over the next three years? I'd even like to know over the next 10 or 15 years. It may not be a fast process, but it's a process that must take place to reduce the number of aboriginal inmates in the prison system. We also need what research has been done that ties education, social services, abuse and that to the prisoners so we know where we have to start, so the elders know where they have to start so that they can move forward with the healing of the members and their community. It's a very important area. It's very important that we give back dignity and pride to our aboriginal people and to the leaders in the community.

Another question there is: how does unemployment relate? I know you've done the research. I know the government has a \$200 million research budget. I'm sure you've used it to see how unemployment correlates to the people in prison: the frustration without jobs, without dignity, not being able to supply your families as a parent and how that can be frustrating and degrading and lead to other abuses in the aboriginal society.

Another question I have is the research you've done on justice for the rich and the poor. It's very much a concern, for many times when people are not knowledgeable, not aware, or not educated, there are two systems of justice. I know this goes back even to when I was in junior high, where if you were rich you could afford a lawyer. You could get away with a lot more than someone who did not have that option and for whom sentences were stiffer. What research has been done to show that this isn't happening or, as has happened in the past, that it's been reduced? We'd like to have that information and research to show that there's fairness in the system, that there isn't a system for the rich and a system for the poor.

I know that the lottery committee has been traveling around the province and presentations have been made to the lottery committee. Mr. Minister, could you supply us with the research that you've supplied the lottery committee with on preventing other things from happening, the crimes? How much has crime increased because of lotteries, whether it be through theft, through embezzlement, through break-ins, whatever means to feed the addiction of people who are addicted to the lotteries system? I think that's a very important point. Would you share that information, the research that you've given to the lotteries committee? I'm sure you have done that or will do it shortly, because it's very important for the lottery committee, in making their decisions, to make sure that prevention is a very important part of the decisions that'll be made in the future.

9:30

Also, with the casinos and that coming up, there is a lot of research information from the States. I'm sure your department will be getting that research and presenting it to the lotteries committee so it will influence the decision about casinos that the big operators in the States want to bring into our country, into our communities, and even into our aboriginal communities. That is to say, some of the agreements have been already signed and sealed; they're just awaiting approval from the Premier. I think this is very important, prevention, before we have to use taxpayers' money for additional costs that are a result of gambling in our province.

Lastly, is the minister doing anything to set boundaries for people who commit offences, even our young offenders? So if they vandalize, they know they'll have to eventually pay back their vandalism, whether it be over years or whatever. So there are boundaries; they know that they will not get away with it. At present you see people of all ages committing crimes because they may not be responsible. We want them to be responsible. I want to know what the minister is doing to set those boundaries, to make all our citizens, all Albertans responsible for any acts or crimes they may commit.

With that, I will conclude.

THE DEPUTY CHAIRMAN: The hon. Minister of Justice.

MR. EVANS: Thank you very much, Mr. Chairman. I want to thank all hon. members who participated tonight. I was not disappointed in the level of enthusiasm at the beginning of this evening. It seemed that as the evening went on, it became more apparent that hon. members were enthusiastic about the system of justice, and I do take them very seriously and the interests that they have. I want to thank hon. members for the compliments to my staff in particular. They are all hardworking members of the government of Alberta. They do an excellent job, and I feel very lucky to have them as members of the department that I'm responsible for.

I want, just in a couple of minutes, Mr. Chairman, to go over a couple of broad issues, and I undertake to answer in writing the questions that have been asked specifically by hon. members on both sides.

On the issue of the aboriginal police force in the province, a specific question on Lesser Slave Lake was asked by the Member for Edmonton-Strathcona. We have identified that as a priority issue. We have a number of agreements that are well on the way and coming close to signature, quite frankly. We've identified that if we have funds available this year, Lesser Slave Lake will be at the top of the list for a new agreement.

I want to thank the hon. Member for West Yellowhead with respect to his comments about Grande Cache. I had more optimism that we were going to be able to work a deal with the federal government than the hon. member did when we went up there, and I'm pleased that due to some very diligent negotiations from our staff in corrections, we have reached an agreement, basically, with the federal government.

Moving over to the comments that were made by the hon. member, my colleague from Barrhead-Westlock. He did share with me the concerns of the worker in his constituency – not one of his constituents – this afternoon, and I've looked into this matter, at least on a preliminary basis. It is possible, of course, if there are changes to circumstances, for this gentleman to make another application to the courts. I believe firmly in the role of the law, and I believe that all information must be available to the court in order to make a decision. My colleague has mentioned that when the application was made in 1992, rather than reducing the amount that was going in terms of maintenance, it was doubled. I presume the lawyers who were making the presentations at that time did the best they could to represent both sides. So I would encourage this individual, if he feels that he has been wronged by the system and his circumstances are changed, to avail himself of the system, because I think it is a fair system.

Fort McMurray had talked about justice being seen to be done. We have had changes across the system, Mr. Chairman, but those changes have been fair. He has indicated that he has made a suggestion that we use our provincial court judges as masters in chamber. I've said on a preliminary basis that I don't think that is required, but of course we are always looking at ways to more effectively administer justice in this province, and we'll continue to review that.

In terms of legal aid and welfare for lawyers, I share the hon. member's comments that lawyers who do legal aid work are not being paid anywhere close to what they could make on a private retainer. However, it should be stated as well that there are some lawyers who almost exclusively do legal aid work, and when the general public sees a yearly billing of something exceeding \$200,000, of which we have a couple of examples, they naturally become quite concerned about whether those lawyers are making more than they should through the system. That's reviewed by the Legal Aid Society, and I have every confidence that that's not the case.

The Alberta Law Reform Commission. I have met with Alberta Law Reform, once formally with the members and once with the chair and the executive director. I assure the hon. member that I believe firmly in the work they are doing. I thank him for the reference to the Civil Enforcement Act, Bill 49, because that was in direct furtherance of recommendations made by them.

Three Hills-Airdrie: the matter of drugs in schools and out on the street. Our courts have taken the view that in terms of trafficking, anyone who is guilty of trafficking deserves a short, sharp sentence even if it is a first-time offence. We have to make sure that we identify those serious crimes, and we are currently producing our own list of serious crimes. I follow what the hon. member is saying: drug trafficking is serious business. Before I came into this Chamber, I served as an agent of the federal Attorney General for drug prosecutions, both under the Food and Drug Act and the Narcotic Control Act, and I agree with the hon. member that this is serious business.

In terms of the livestock issue, I'll look into that, hon. member.

In terms of the maintenance enforcement issue, I agree with you: it's not just a matter of maintenance; it's also a matter of

noncustodial parents and their rights. We must make sure that we deal with both of those.

In terms of the Member for St. Albert, he made some comments about, I think, the Cawsey report and other aboriginal issues. It's one of our priorities, and we're going to try to deal with that issue, but I would mention to the hon. members on both sides of the House that many, many of the recommendations of the Cawsey report have been acted upon by the department. I have sent the letter off to the Official Opposition with some specific statistics on the Cawsey report.

I hope those will answer the questions that have been asked tonight. I will also ensure that we deal with any additional information between the time of my last letter and now.

I did make some reference early on, Mr. Chairman, to the living wills issue and advance directives. Of course, that's an initiative of the Department of Health. The Department of Justice is very much in favour of the initiative on advance directives. It's a follow-up to the ability of individuals to provide a power of attorney that continues beyond the mental capacity of the individual. It does provide more freedom for an individual, when that individual has mental capacity, to make directions in the furtherance of that individual's estate prior to death. I think we will have additional debate on that, but certainly the principles as have been espoused by the Department of Health and that are out there for public review and critiquing I certainly adhere to.

So with that, Mr. Chairman, I would move that the committee rise and report.

9:40

[Motion carried]

[The Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. The Committee of Supply has had under consideration certain resolutions of the Department of Justice and Attorney General, reports progress thereon, and requests leave to sit again.

THE DEPUTY SPEAKER: Does the Assembly concur in Dunvegan's report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Government Bills and Orders**
 head: **Second Reading**
 Bill 1
 Alberta Taxpayer Protection Act

[Adjourned debate March 7: Mr. Wickman]

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'm pleased this evening to rise and participate in the debate on Bill 1, the Alberta Taxpayer Protection Act, sponsored by the Premier of the province.

Mr. Speaker, the purpose behind the Alberta Taxpayer Protection Act is to lay out for Albertans the requirement that a referendum be held in this province prior to any legislation being

tabled before this Assembly that would call for the imposition or the introduction of a sales tax into this province.

Mr. Speaker, I stand in the Assembly this evening to say to hon. members that I am prepared to support second reading of Bill 1, but in saying so, there are some interesting aspects to the Bill and some comments that I wanted to make with respect to the Bill in second reading.

To my way of thinking, Mr. Speaker, with the Premier's approach to introducing as his first Bill of this particular session a Bill that deals with a sales tax, one can't help but think this must be the sort of first attempt by the Premier and by the government of the province to buffer themselves and be ready for the upcoming debate that will ensue with the recommendations from the Alberta Tax Reform Commission. Members will recall that the Alberta Tax Reform Commission did not reject outright the notion of a sales tax in our current economic climate, where admittedly most Albertans are quite prepared to consider that there are both spending and revenue concerns for the government of the province of Alberta. The Alberta Tax Reform Commission was not prepared to reject out of hand a sales tax. So it seems to me that the government is now poised, with this particular piece of legislation, to ultimately accept the Alberta Tax Reform Commission on the introduction of a sales tax into the province of Alberta, but in terms of the process and in terms of the procedure, it would require through this legislation the requirement of a referendum prior to any legislation being introduced that would impose a sales tax on Albertans.

Mr. Speaker, the whole sales tax issue in the province of Alberta is one that I believe every Albertan relates to. I'm aware that the Bill contains in the preamble reference to maintaining the Alberta advantage. I think that virtually every Albertan recognizes the uniqueness of the province of Alberta in that we do not have a sales tax. In fact, that becomes a selling point of the province in many areas of the country and the world where we travel, that we are unique in that situation, that we do not have a sales tax, and I think that Albertans are actually quite proud of the fact that we do not have a sales tax. In fact I know that when I travel - with the advent of the GST it's somewhat different. I know that previous to that when traveling in other provinces and other countries, you forgot. You forgot that on top of the money that you pulled out of your pocket to pay for that particular item, you also had to fork over for some surcharge or some sales tax over and above and on top of that.

So it will be an important issue for Albertans when the debate comes around as to whether or not a sales tax will in fact become the law of the province of Alberta. No doubt, Mr. Speaker, if we ever do get to the point where a referendum is held, it will be a very interesting debate indeed and in fact one of the most important debates that we will ever have in the province of Alberta.

Mr. Speaker, having said that, another one of the comments that appears in the preamble to this particular Bill causes me some concern. I have spoken about the fact that Albertans are I think the correct word is proud of the fact that we do not as a province have a sales tax, but the statement is made in the preamble to the Bill that "a general provincial sales tax is not a desirable tax." That I think actually goes beyond what the Bill should be saying.

There are many Albertans who even today are of the view that in the current economic climate, with cutbacks, a general provincial sales tax may in fact be desirable.

DR. L. TAYLOR: Are you one of them?

MR. COLLINGWOOD: No, I'm not, to the hon. Member for Cypress-Medicine Hat. I am not of that view, but I am also not prepared to say to Albertans who are of that view that their opinion doesn't count.

We are saying in a piece of legislation that we're proposing to this Assembly that we are going to impose on those Albertans the view that a provincial sales tax is not desirable. Mr. Speaker, I think that's a statement of opinion, and it in fact insults many Albertans who may have a different point of view. It's one thing in this Assembly to debate and pass legislation that becomes the law of the province of Alberta, but the imposition of an opinion on every single Albertan by the preamble to a Bill I think is very, very wrong for members of this Assembly to do.

Mr. Speaker, in conjunction with that particular aspect of the preamble, this government and this Premier have been very effective in . . . [interjection] And I note that the Provincial Treasurer is listening intently.

My point, Mr. Speaker, is that the government has been very effective in saying to Albertans that absolutely positively everything in this province that is under provincial administration is, quote, on the table. Absolutely everything under the administration of this government is on the table. So what's interesting is that while the government comes forward with a Bill that the government presumably intends to pass into legislation – and I will support it, as I've indicated to members. What's interesting is that putting the referendum in place for the imposition of a provincial sales tax by legislation, as all members know, is not binding on any other provincial government hereafter. Any other government could be just as effective as the government is in saying that absolutely everything is on the table.

9:50

What that will mean, Mr. Speaker, of course is that the Alberta Taxpayer Protection Act would be on the table, and it would be certainly within the constitutional and legal power of any government hereafter to take this particular Bill and repeal it. Legally speaking, for members of this Assembly, the Bill will not have the effect of protecting Alberta taxpayers; it will only with respect to this particular government. As I've said, I think the Premier and the government have recognized that the Bill has to be tabled and debated in this Assembly now because of the looming Tax Reform Commission report and its recommendation that a sales tax is possible.

The other thing I want to comment on, Mr. Speaker, is that, interestingly enough, the Bill is very narrow. We have had in this Assembly much debate by members on both sides of the House as we debate the merits of or in fact even to the point of debating the definition of: what's a tax; what's a user fee; what's a premium; what's a surcharge? The Bill is interestingly enough very, very limited in its scope in that it only talks about a general provincial sales tax, when in fact we have seen and Albertans have felt the imposition of many, many other user fees and premiums and surcharges that, of course, replace what many other jurisdictions have used their sales tax for. There is no debate that we're able to enter into with respect to legislation that the government is proposing on all of the other user fees and all of the other premiums that the government is imposing behind closed doors through regulation and not bringing forward so that we can debate.

The Bill assumes, Mr. Speaker – and I don't think Alberta taxpayers are fooled by it – that we don't have a sales tax at this point in time. Well, of course that's not entirely the case, and of course the most obvious example is the tire tax that was imposed by the province a few years back. That's a sales tax. I mean,

there is absolutely no question about it; that's a sales tax. The tire sales tax.

AN HON. MEMBER: It's a sales tax; is it?

MR. COLLINGWOOD: It's a sales tax. There's no doubt about it. It's a sales tax.

I can tell you, Mr. Speaker, that when somebody goes to buy a tire or a set of tires for their vehicle and they have to fork over that extra money, the dealer can say: "Well, no. It's an advanced disposal surcharge," because that's the politically correct statement the government has used to collect that money. Nonetheless, it is the law of the province of Alberta that requires you to dig into your pocket, pull out \$4 or \$16, hand it over to that dealer who is required by law to turn that money in to the industry-based board, which is created by the laws of the province of Alberta. I can't say no. I've got to turn over that money when I go to that dealer and buy a commodity. In anybody's books, any Albertan is not going to quibble with me or with members opposite as to whether or not it's an advanced disposal surcharge or a premium or a fee. Mr. Speaker, it's a tax. Absolutely no question about it.

So the Premier and the government are coming forward and saying: we're going to protect taxpayers from a sales tax. Well, a little late, Mr. Speaker. We already have sales tax. In the structure of legislation that we have in place today, in particular under the Environmental Protection and Enhancement Act, there is any number of industry boards that can be set up that can follow the same structure and the same pattern and the same path as the Tire Recycling Management Board. They, too, for any particular commodity for the industry-based structure that it is involved in and required by legislation to administer, if the legislation requires, can require the payment of a surcharge for a particular commodity that they purchase. There's a number of examples. One could think of numerous examples as to how the same system that works for the Tire Recycling Management Board could work for any other number of commodities.

Well, again, Mr. Speaker, the Bill says that the government is going to protect Alberta taxpayers from a general provincial sales tax, that the Provincial Treasurer just can't wait to impose, but he needs a referendum first so that he can satisfy the Tax Reform Commission.

MR. GERMAIN: The other Conservative government imposed a tax.

MR. COLLINGWOOD: That's right. Conservative governments for years have been imposing taxes. Of course, Mr. Speaker, the GST comes to mind as a Conservative tax grab.

Mr. Speaker, I'll continue with the debate. There are any number of commodities that can be taxed in exactly the same way as the Tire Recycling Management Board. Collect the money, put it in a great big pot, and say, "Well, you know, we need these funds."

The Act does not deal with the prevention of the increase of industry-based boards and the setting up of any other kind of surcharge. The Premier and the government in Bill 1 are making no attempt to protect Alberta taxpayers from that sales tax. There are all kinds of avenues that continue to exist in the legal structure of the legislation that we have in place in the province today. There are all kinds of ways that the government can get around imposing a sales tax on Albertans. Whether or not Bill 1 becomes the law of the province of Alberta, there will be lots of ways that

the government can avoid holding the ultimate referendum on a sales tax and continue to dig into the pockets of Albertans and continue to take funds that they'll call a surcharge but to any Albertan having to fork out the money, it's a sales tax.

So, Mr. Speaker, while the concept of Bill 1 attempts to protect members of the public, protect Albertans from the imposition of a sales tax by the requirement of holding a referendum first, I think Albertans have to understand that this is not a be-all and end-all Bill that the government has put forward on their behalf to protect them from having the government dig into their pockets for more funds.

One of the things I found interesting, Mr. Speaker, about the wording of the proposed legislation is that a question will be decided "by a resolution of the Legislative Assembly on the motion of a member of the Executive Council." Once that question is determined by the Legislative Assembly, then it will go forward in the form of a referendum.

What's always interesting about a sales tax, Mr. Speaker – it's not so much the debate. It would be the debate originally about whether or not to impose a sales tax and whether or not to have a tax grab with a sales tax, but after that debate then comes the issue of the level of sales tax. If you're starting out in that game, you're going to get a very different response, I believe, as to whether or not the level of sales tax that the government wished to impose, if they wanted to call the referendum on a sales tax, was a 1 percent surcharge or a 4 percent or a 7 percent or a 9 percent. You reach different thresholds with Albertans. They may be prepared to say, "All right; we'll go ahead with a sales tax." Personally, I rather doubt that Albertans are going to do that. Nonetheless they may say, "We have a certain tolerance level for a certain level of sales tax in the province of Alberta, but after we cross that threshold into a higher amount, we don't." It's very interesting that while the legislation that's being proposed in Bill 1 will set up the referendum, it's very uncertain and very unclear how that question will be put to the Assembly. So, Mr. Speaker, because we can't deal with that issue, it's difficult to debate that side of this issue as to whether or not it would be palatable or acceptable. Obviously, that debate will take place when – and I say "when" given the comments of the Tax Reform Commission – the wording of the referendum does come forward to the Legislative Assembly for debate.

10:00

I think those are the comments that I want to make with respect to Bill 1, Mr. Speaker. I will support it because of my views and what I believe are the views of my constituents on the holding of a referendum prior to any sales tax legislation being tabled before this House. I support the Bill because it is my view and has been the view of my colleagues in opposition that the referendum is the appropriate way to go to talk to Albertans about the issue before a sales tax is imposed. I won't speak for other members, but I think there is general agreement with the concept of the Bill to hold this referendum. It is indeed for the protection of Albertans on the issue of a sales tax and whether or not they should be required by law to dig in for and fork over those funds.

Mr. Speaker, those are my comments. Thank you.

THE DEPUTY SPEAKER: Edmonton-Roper.

MR. CHADI: Thank you, Mr. Speaker. Gee, I sat here all evening long wanting to speak to the Justice estimates, and after being such a nice guy, allowing members on my side of the House

to continue to speak – all I could do was sit back and drink water; with the amount of water I've drunk this evening, it's surprising that I haven't drowned yet – and then all of a sudden the Minister of Justice gets up and cuts me off. But I'm grateful to hear that the Minister of Justice said: come to my office and we'll talk them over. So I'm pleased to hear that that invitation is open to me.

Mr. Speaker, I'm pleased, of course, to be able to speak to Bill 1. Of course, I traveled this province through and through long before I became an MLA, and during the time as MLA I've traveled it, particularly last summer. I can tell you that everywhere I have gone, whether it was Medicine Hat or High River or High Level or Fort Chipewyan, when the issue of taxes arose, they would unquestionably advise me: "We do not want to see a sales tax imposed in our province." I think that's a general reaction from Albertans no matter where they're from.

It was interesting listening to the debate this evening with respect to Bill 1. As the Member for Sherwood Park was speaking, I overheard comments from the Provincial Treasurer, and as he was talking about the possibility of a sales tax, the Provincial Treasurer piped up and said: it's only the Liberals talking about imposing a sales tax in this province. Let me add something to that, Mr. Speaker. Let me refresh the Provincial Treasurer's memory. I'm going to take him back a little while to when our own Premier answered a letter back to the Canadian Manufacturers' Association, and I have a good notion to table that letter perhaps.

MR. DINNING: Not necessarily a tax, but a tax is necessary.

THE DEPUTY SPEAKER: Order. The hon. Provincial Treasurer will have his opportunity to speak when he closes debate. In the meantime, could we hear, uninterrupted, from Edmonton-Roper?

MR. DINNING: Are you asking me to close debate, Mr. Speaker?

THE DEPUTY SPEAKER: I would love to but . . .
Edmonton-Roper.

MR. CHADI: Thank you very much. So, Mr. Speaker, I want to refresh the Provincial Treasurer's memory and just remind him that in fact it was the Premier himself that responded to the Canadian Manufacturers' Association in this fashion. To what was his view of a provincial sales tax, the response was:

at some point, a full review is needed which compares the long-term costs of meeting expectation for government services and Alberta's fiscal capacity to generate additional revenues.

He goes on to say that "if a sales tax should ever be implemented, it would only make sense to harmonize it with the GST." Oh. It was only the Liberals; was it? What about the harmonizing with the GST? Now, here we go. To harmonize with the GST, of course, there was a reason for doing that, Mr. Speaker, there really, truly was. In his comments the Premier, in suggesting that we should have a sales tax harmonized with the GST, said that it would only be because we'd want "to minimize the disruption and the costs of collecting the tax." I mean, that would be the underlying reason there for harmonizing it with the GST. So, Mr. Provincial Treasurer, I don't think you have any right whatsoever to start hollering that it was the Liberals that were talking: only the Liberals talked about introducing the GST.

There were many Conservatives that talked about it. I'm certain that there were Conservatives – and I'm kind of puzzled,

Mr. Speaker, but if my memory serves me correctly, there is an ex-cabinet minister, as a matter of fact, that may be a professor at the University of Alberta, who is a strong advocate of imposing a sales tax in Alberta. I believe and if my memory serves me correctly, it is a Conservative cabinet minister of the day who is now advocating imposing a sales tax in this province. [interjection] If the member from Medicine Hat would like me to provide him with further information, I'd be happy to.

Mr. Speaker, I've been in business for a long time, and I can tell you that the imposition of a sales tax on the people of Alberta would be disastrous. Not only echoing what Albertans have said and will continue to say, but I for one as a legislator and also as a representative for my constituency – I represent probably 30,000, 35,000 people – we do not want to see a sales tax. I'll be voting for this Bill. I'll be voting for it not only in second reading but in committee and to its final stages.

MR. DINNING: You're going to vote against it?

MR. CHADI: The Provincial Treasurer definitely has a hearing problem.

The taxes that are imposed on us here in Alberta are high enough already. We've got to deal with the goods and services tax that comes to us from external sources. We have personal income taxes. We've got corporate income taxes that I have to pay each year, each fiscal year-end in my corporations, and I can tell you then at that point we've got the Alberta taxes and we've got the federal income taxes to deal with. We've got business taxes in this province, we've got the M and E taxes in this province, and we've got property taxes in this province. I can tell you, Mr. Speaker, that they continue to increase because of the activities of this government and what has been going on particularly with the downloading onto municipalities. That is one area . . .

MR. GERMAIN: Stick up for the city of Calgary.

MR. CHADI: Absolutely. Calgary is hardest hit.

I can tell you, Mr. Speaker, that business people are tired of it. I for one am faced with higher property taxes this year because we have a government that continues to download onto those municipalities and they have no choice but to do that. Hopefully, they will start to cut back, because I want to see some cutbacks in terms of my property taxes as well, but until that happens, we don't need a sales tax simply because we're balancing the budget by way of cutting back and downloading onto other areas and sectors of our economy in this province.

MR. HLADY: Have you been reading the papers recently?

MR. CHADI: My friend from Calgary-Mountain View is asking me if I've been reading any papers. The only papers that I've read – and I'm certain that he doesn't read the amount that I read – are those property tax notices that come. Man, that hits me hard, Mr. Speaker, every year. Just remember that. If you'd like copies of my property taxes, Calgary-Mountain View, you're welcome to have them. If you wish to share . . .

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Order. Hon. members, there is a convention that you speak to the Chair, and there are lots of good

reasons for it. Once you start eyeballing each other and shouting at each other and waving your finger at each other, the level of debate deteriorates as the volume increases. So if we could have a reasoned debate here, we'll invite Edmonton-Roper to continue. [interjections] Order. As someone reasonable observed, you don't talk when the Chair is standing. We would ask for a nice, quiet time before we all go home.

10:10

MR. CHADI: Mr. Speaker, I don't mean any harm by my comments. I appreciate the ruling and your advice.

Debate Continued

MR. CHADI: Mr. Speaker, I do want to emphasize and echo the comments made by the Member for Sherwood Park that in fact we do have taxation in this province that resembles a sales tax. Those aren't only my words or the words from the Member for Sherwood Park, but they're words right out of the Financial Review Commission.

The Provincial Treasurer knows full well all about the Financial Review Commission, because it was he and his department that initiated this review, and it was dated February of 1994. Mr. Speaker, there are areas in this document, that was published by the Tax Reform Commission, that clearly indicate that in fact we do have these sales taxes in this province already, and I refer all the members to page 31 of the Alberta Tax Reform Commission, where they talk about the hotel room tax. These aren't my words. I'm reading verbatim. "The 5% Hotel Room tax is a selective sales tax, primarily paid by Albertans." You see, they said it. It was the Provincial Treasurer's own task force that even talks about the amount of taxation and the types of taxation that we've got in this province.

The Member for Sherwood Park talked about the tire tax. I can't imagine any other words to describe the tire tax other than a sales tax. This fund continues to grow, this fund continues to accumulate dollars, and there has been no rhyme or reason for it whatsoever. I know the department of the environment has been working, at least I hope has been working, to try to resolve the issue, but it still hasn't done that. As long as it hasn't done anything of the sort, we continue to accumulate a great amount of money in that fund. I understand it amounts to a considerable amount, almost \$15 million, and there seems to be no end to it. So this is a tax, and I can go on about taxation in that respect, Mr. Speaker.

The other area that really makes me wonder why it is that we would need a sales tax in any way in this province would be the fact that the health care premiums in this province continue to grow, Mr. Speaker. When the Premier was first elected and came out with the first budget in 1993-94, we had health care premiums in this province of \$442 million. But here we are: increased in 1994-95 to \$544 million, almost \$100 million more in one year. Then we have a further increase of approximately \$62 million for this fiscal year, 1995-96. Now, how else do you describe these increases in fees other than as more taxation? No wonder we do not need a sales tax in the province. We're getting it by way of fees. I understand that in 1992 when the Premier of the day became the Premier, revenues from fees, licences, and premiums were 6.8 percent of budgetary revenues, but now we're looking at somewhere in the range of 8.7 percent by the end of this fiscal year. That's almost 2 percent right in itself. [interjections] I hear a lot of uneasiness on the other side. Maybe they're all too tired, or perhaps they're just uneasy because I'm relating the truth to them and they find it difficult to accept that.

I can go on, Mr. Speaker, and I do want to go on, but at this point I think it's appropriate, judging from the reaction coming from the other side, that I move to adjourn this Bill 1.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Roper has moved that we adjourn debate on Bill 1. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[At 10:17 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]