

8:31 a.m.

Wednesday, June 17, 1992

[Chairman: Mr. Pashak]

MR. CHAIRMAN: Good morning, members of the committee and guests. I'd like to introduce the Hon. Ken Rostad, the Attorney General. In a moment I'll give him an opportunity to make a brief statement and introduce members of his department that are with him this morning. As well, I'd like to welcome the Auditor General, Mr. Don Salmon, and his senior associate auditor general, Mr. Andrew Wingate.

I thought since this is the first time the Attorney General has been before the committee, I should take a brief moment to explain the proceedings of the committee. We usually welcome the minister to make a statement outlining his major concerns for the year that's under review, and of course the year under review by the committee is the fiscal year that began April 1, 1990, and concluded March 31, 1991. We try to keep questions to the minister restricted to actual expenditures that appear line by line in the public accounts. It helps if members refer to a line or a page number, so we encourage members to do that. As well, if there are comments made by the Auditor General, members may refer to his report as well.

With that, I'd invite the minister to make his statement. As he's making his statement, I'll recognize members of the committee in terms of order of questioning.

Before I begin, I just have a small item of business I must complete, and that is to adopt the minutes of the standing committee meeting of last Wednesday, June 10. The minutes have been circulated.

MRS. BLACK: So moved.

MR. CHAIRMAN: Moved by Mrs. Black that the minutes be adopted. Are there any errors, corrections? Hearing none, then, are you ready to adopt the minutes as distributed? Agreed. Okay. The Hon. Attorney General.

MR. ROSTAD: Thank you, Mr. Chairman. It's our pleasure to be here as the Department of the Attorney General. That's a formidable bunch across the way. Although it's a first-time experience being in the committee, it's certainly a first-time experience sitting on this side of the House and looking over there. Hopefully it's the last.

I have today a number of officials from my department for two reasons. They're full of information that I may not have my finger on. Also, I think it's good experience for our executive to know what happens in the Legislature in various proceedings. On my left I have my deputy, Neil McCrank; to his left the assistant deputy of civil law, Doug Rae; to his left the assistant deputy minister of property services, Jack Klinck; our chief financial officer, Dennis Medwid; our chief financial something or other, Ian Hope. Behind us is the assistant deputy minister of criminal, Mike Allen; the assistant deputy minister of court services, Rod Wacowich; and to his left John Elzinga, the executive director of the Public Service Employee Relations Board, which is also under the responsibility of the Attorney General. It's our pleasure to be here.

As the Attorney General I'm conscious of my responsibilities to the people of Alberta to ensure equality and fairness in the administration of justice and to ensure that the justice system is administered effectively. The key areas of service provided by my department are the prosecution of criminal offenders, access to civil remedies through our civil courts and our sheriff offices,

provision of Leg. Counsel legal advice and representation to all government departments in matters pertaining to the province's interests, the registration and safekeeping of documents related to real and personal property transactions, civil and criminal legal aid to those individuals unable to afford counsel, enforcement of family maintenance payments ordered by the courts, administration of the estates of deceased and dependent persons, protecting the assets and financial interests of children under the age of 18 years by acting as guardians for their estates, investigation of fatalities, and compensation to victims of crime. When I say investigation of fatalities, we aren't investigators. The police actually investigate fatalities. We do the medical examination. The office looks at them and tries to answer the questions of who, what, why, where, when, and how. Then an arm's-length board, a fatality review board, decides whether there will in fact be an inquiry related to that fatality.

Without exception these services are highly valued by Albertans in terms of either individual rights and protection or the public's well-being. Indeed, most of our programs and services are widely seen as an essential basis for a free and equitable society.

I might make the observation that by nature I am a person that always looks ahead and I have a great deal of difficulty wrapping my mind around what happened, frankly, almost two years ago in terms of the budgeting process, so as you ask your questions you may find I'm searching a bit. But in '90-91 an internally conducted study identified certain stress points in our system. If you recall, we had a lot of controversy going on at the time. I think some of it was purposely orchestrated by various groups that were after us. Judges wanted more money and more judges; Crown prosecutors wanted more Crown prosecutors and what they perceived to be a bit more freedom. Courts were backed up - I don't think alarmingly so within Alberta. The Supreme Court had come down with a judgment known as the Askov decision, which said that you will not be allowed to have undue delay if it's caused by systemic problems. It was at that time that the stress points were addressed by the introduction of many significant changes to the daily operation of our courts. I'm proud to say that these justice initiatives have proven successful in ensuring that Alberta continues as one of the most efficient and effective justice systems in Canada. The measures we have undertaken in the past year are innovative, and we will continue to adapt our practices to respond to the changing needs of our justice system. There's always an ebb and flow as some things become a little bit more high profile than others, and I think your system has to be flexible enough to adjust to accommodating that.

Last year we announced several major initiatives, and I'll report that those and, in fact, many others that weren't highlighted at that time have been enacted and are in place. They include the hiring of 11 new Crown prosecutor positions, six in Edmonton, three in Calgary, one in Peace river, and one in Lethbridge. We initiated a new program - I guess they're identified by two names, either provincial prosecutors or you could almost call them paralegal prosecutors. There are five in Calgary and five in Edmonton. These people will be able to prosecute some cases on their own but are also used to supplement the work done by Crown prosecutors either in court or in helping them get their files ready for taking to court. There were 36 permanent support staff positions allocated to the Crown prosecutors' offices. There was a dearth of clerical support, which was causing delays in getting files ready for court. The alternative measures program for young offenders was expanded. That relates to rather than putting someone through the court system, you look at alternative measures and never get them to court, and that way you take some pressure off the system. In instances where the young offender is assessed by the police

and the Crown's office - to probably be responsive to this, that they don't in fact need that experience of going into court. It has turned out to be effective. There are aberrations, of course, in any program. There are some that you probably should have taken rather than put on this program.

8:41

There were three additional judges hired. One, in High Prairie, was our first native judge, and the other two were in Calgary. There were 12 additional clerical staff hired to support this expanded judiciary. Again, there were stress points in the judges' offices, and five additional ad hoc judges were appointed. I guess another name for "ad hoc" is supernumerary. These are usually judges that have retired and are used on a per diem basis, which doesn't allow for any benefits but allows them to keep their hand in. They are used by us to take stress points or do particular duties when someone else isn't available.

There were 29 permanent court staff positions allocated throughout the province. These are the clerical and clerk people whom the public usually meet when they go to a courthouse to either access documents or file documents or pay fines, that type of thing. Also, we could accommodate the backup in the criminal courts more effectively through the addition of judges, but the youth court was quite backed up in Calgary and Edmonton. Again, coming back to the Askov thing, they weren't backed up from a systemic problem necessarily but through accommodating counsel. Whether it's Crown or whether it's defence, accommodating police, accommodating witnesses, et cetera, you tend to get backed up. So we held blitz courts in both Calgary and Edmonton in July and August utilizing the Court of Queen's Bench, which is usually shut down other than just for process and chambers applications in July and August, and through the summer we were able to eliminate a lot of our youth backlog.

Also, to allow judges who were hearing traffic court in Calgary and Edmonton to get into the criminal or family and youth or civil side and out of traffic court, we hired two full-time and three part-time commissioners. I guess another word you could use is justice of the peace, although you tend to get away from that name because justices of the peace are usually people who are just signing informations or summons or bail, that type of thing. So we tend to call them commissioners. They're legally trained; they're lawyers but they aren't judges. They're appointed for a five-year term, and they hear traffic court in Calgary and Edmonton. That then allowed us to take the judges that were put into traffic court and put them into other areas to fill in and again address some of the lack of time and ensuing delay.

All these steps have had a positive and beneficial effect on all those who come into contact with the administration of justice. As indicated earlier, while we're very pleased with these positive steps, we will not hesitate to seek out new and unique methods of improving our effectiveness in carrying out our responsibilities. If you'll recall, when these initiatives came out, we said we may have to go night court or, in fact, even a Saturday court if these weren't effective in addressing our delays in getting things to court. We have not had to utilize those, but they're certainly not forgotten. They're still on the back burner if in fact they're needed.

Getting into legal aid, which is another pretty important segment of the department, our legal aid was developed in 1970 through a partnership of the Attorney General's Department and the Law Society of Alberta. In the fiscal year we're addressing, '90-91, it celebrated its 20th anniversary, and the operation has brought substantial changes in the delivery of legal aid over these 20 years. It started out as an arrangement through which lawyers shared the

burden of providing service to the disadvantaged. It has now evolved into a very formal organization and is an integral part of our justice system. In fact, if it were not for legal aid, it would be very, very difficult for people to access our justice system.

Greater population and the impact of a growing body of laws has contributed to the increased need for legal services. It's been further compounded by the economic climate throughout the country. A significant increase in the demand for both criminal and civil legal aid began to appear in late 1990 and has continued. One of the challenges faced by any organization that's expanded in size is maintaining consistency, and people in need of legal aid should be determined eligible by the same standards and should receive the same high-quality service regardless of where they live in the province. The administration of the society put considerable effort into achieving this during the '90-91 year.

The provision of services in isolated areas is part of the larger challenge of maintaining consistency of quality. Day offices were opened in High Level and High Prairie during '90-91 and are operating successfully. Now the Legal Aid Society is looking at other remote areas of the province where we might similarly improve access.

The number of locations where docket courts are served by duty counsel has also been increased. What this is: a lawyer from the private bar is designated as duty counsel, and for anybody that appears that requires help and has not been to the legal aid office and had approval at that time for a lawyer, a designated lawyer will access this duty counsel to help them address their initial needs in court. That duty counsel will not stay with the person's file but, if they qualify, will be given over a designated lawyer.

A number of initiatives in the past few years have changed the profile of the Legal Aid Society considerably. The staff lawyer pilot project is one such initiative. Two staff lawyers commenced employment in Calgary and Edmonton offices in the summer of '90, and for the first year the lawyers provided predominantly civil legal services, including summary advice, the handling of reciprocal matters with other legal aid plans, and the preparation of letters of opinion. The project was extended for another year. I guess when we were having stress points in our backup and the judges and the Crown prosecutors, also bubbling along at the same time were some anxious moments by the Law Society, or more particularly probably the criminal trial lawyers component of the Law Society, asking for more money to operate the plan, which in the end would put more money in their pockets. Because frankly the plan - aside from its administration costs, all the money goes out to pay for defence counsel.

We didn't have any more money in terms of our budget, but we were able to strike an arrangement with the Law Society whereby the Law Foundation, which is a fund that comes from the interest on trust accounts lawyers handle - that money can go to a particular client if so designated. Otherwise, it goes back to the Law Foundation and is used for legal research and various other projects. We were able to work out an arrangement with them whereby 25 percent of the Law Foundation money would be put towards legal aid and then the balance would be funded by the province. It worked well in the first year in the sense that it saved the taxpayers some money. It's not germane to our advice today, but just as a piece of advice or information, the next year, because of the lack of activity by lawyers, the Law Foundation money was decreasing and the 25 percent was significantly less than 25 percent was a year before; therefore, of course, general revenue has to put more. That will be on public accounts next year.

8:51

In addition to criminal matters, the legal aid rules provide that a financially eligible applicant may be granted legal aid in civil matters where that matter has merit or a likelihood of success or both. The case must also be one which a reasonable person of modest means would commence or defend. That means you just can't do it on a whim. Finally, for coverage to be granted on a civil matter, the legal costs of commencing or defending the action must be reasonable when compared with the relief sought. Of the certificates issued for the period ending March 31, 1991, 25 percent, or 7,474, were for civil cases.

Rules for coverage in a petitioner divorce were amended last year to coincide with those dictating general civil coverage, and the board of directors of the Legal Aid Society passed a motion to remove the compelling need test, thereby making divorce coverage less restrictive and eliminating the misconception that assistance is available only where there has been physical abuse. This relaxing of the criteria for divorce coverage has resulted in an increase in the number of civil applicants.

In the Auditor General's 1990-91 annual report, the question of cost sharing of civil legal aid was raised, and the department has accepted the Auditor General's recommendation to continue our efforts to explore the potential for cost sharing civil legal aid with the government of Canada. Officials from the Family and Social Services Department, the federal Canada assistance plan, and the Attorney General's department have been holding ongoing discussions to assess the viability of Alberta cost sharing civil legal aid expenditures under the Canada assistance plan. Up to now we have been cost sharing our criminal legal aid but not our civil, and the basis of our not participating in this program is the criteria the feds want to put on accessing the civil legal aid. I guess the bottom line is that we allow more people to access civil legal aid by running it under our rules and regulations than in fact would happen if we went under the Canada assistance program which has, I think, a needs-based criteria that you must meet. We don't have that threshold in ours, and we would in fact be delivering less civil legal aid.

What we're doing in the ongoing discussions is: (a) we think if we can access it, the capping that was put on the Canada assistance plan will not affect - in other words, we had retroactive before the capping so that we would access it, and we're trying to get the federal people to recognize how our system will allow more people access than in fact their system will with their threshold. Of course, we've got Family and Social Services involved because the Canada assistance plan comes under their auspices and not ours. So that is a continuing saga. If you refer to the Auditor General's report, they make reference to the fact that if we could access this, we would be able to get some federal money. We don't deny that, we recognize it, but we're also delivering the service to more people by not going under it. The discussions are ongoing, not with the Auditor General's Department but with the feds.

As the minister responsible for the maintenance enforcement program, I'm particularly aware of the difficulties facing women and children in the province . . .

MR. CHAIRMAN: Mr. Minister, may I just interrupt for a moment. I'm sure you're anticipating many of the questions the members would like to put to you, but I have every single member . . .

MR. ROSTAD: I have two pages. This will take me about three minutes at the very most.

MR. CHAIRMAN: Okay. Fair enough.

MR. ROSTAD: I'm particularly aware of the difficulties facing women and children when court ordered payments are not paid. The maintenance enforcement program continues to grow by approximately 500 new registrations each month. During the '90-91 fiscal year the program collected \$44.4 million, of which \$10 million was recovered for the Crown. That relates to collecting it for the Crown, because money was paid out for some of the women and children through Family and Social Services. The direct deposit system was introduced in May of '90 and resulted in a more efficient handling and issuing of moneys.

Our property registration branch has recently implemented new computer systems in land titles and in personal property registry. These systems have resulted in significant productivity gains and enabled the department to provide improved customer service, including one-day turnaround for document registration in personal property and the ability to maintain our one-day service at land titles. Staffing levels in the property registration branch have been reduced while business volumes have increased through this new technology.

We've received appropriations in '90-91 of \$145.2 million. During the year an additional \$11.7 million was provided through four special warrants relating to court services, legal services, property services, and grants awarded to victims of crime. As a result, our expenditure was \$156,900, of which we expended \$155,200. The rest was lapsed.

We also received substantial revenue through our department. We received \$108 million during the year 1990-91. That was an increase of almost \$8 million.

Two points in the Auditor General's report I'll make brief comments on, and then I'm finished. The \$400,000 of the company's cash and retained earnings was transferred to the General Revenue Fund just at the conclusion of fiscal year '90-91. That relates to the Alberta General Insurance Company. Because it was in ours, the interest being earned on this money was subject to tax by the federal government, so we've transferred the money. Therefore, there won't be that expense. I could advise as a point of interest that we've also moved the responsibility for this company from the Attorney General to the Provincial Treasurer, as it relates more to his responsibility than ours.

I'm now ready to take any questions members might have. If by chance I or my phalanx of officials can't answer, we'll get answers in written form to you.

MR. CHAIRMAN: Well, thank you very much both for your opening statement, which was quite comprehensive, and for your offer to respond in writing if there are questions you can't immediately answer.

I'll begin with Mr. McFarland.

MR. McFARLAND: Good morning, Mr. Minister. Under page 3.21, statement 3.4.4, there's a miscellaneous account that has a fairly substantial number of dollars in it. Would you elaborate on what this \$1.8 million in 1991 and \$2.04 million in 1990 would represent in the miscellaneous category, please?

MR. ROSTAD: What page did you say that was? Sorry.

MR. McFARLAND: It's 3.21.

MR. ROSTAD: Yes, that revenue from bail forfeitures decreased by, I think, \$201,000. When an accused posts bail, there's an

undertaking to appear in provincial court on a specified date. If the accused fails to appear in court, a warrant for arrest is issued. At a later date a show cause hearing is scheduled in the Court of Queen's Bench. At that show cause hearing, if the accused can't show just cause for not appearing in Provincial Court or he doesn't attend the Queen's Bench hearing, the cash bail that's originally posted is forfeited to the Crown by a court order. That can vary from year to year, and in this particular instance the \$201,000 decrease resulted.

9:01

MR. McFARLAND: I suppose that would make the department happy that at least the guys are showing up in court. Does that cause you any concern if you're budgeting for this type of revenue and it continued to decrease?

MR. ROSTAD: No, not really a concern. I guess there is a delight in the sense, yes, that people are doing what the justice system says they must do. If they show up and we get less money or the forfeitures decrease that way, there's another saving that doesn't relate to ours. Frankly, I guess it's just to the whole system. The police don't have to go out and arrest somebody, and they can be doing something else. So we're delighted in that respect. I guess it is a shortfall in terms of we get \$201,000 less, but I think for the system to be running smoother is more important than gaining revenue in that manner.

MR. CHAIRMAN: Final supplementary.

MR. McFARLAND: The last supplementary, Mr. Minister. Then the Miscellaneous is basically totally bail forfeitures.

MR. ROSTAD: I may need a bit more detail on that.

MR. HOPE: Actually, the Miscellaneous revenue category consists of many, many different items. I didn't bring the report with me, but I imagine there's something like 20 or 25 different types of revenue there. Bail is only one of many things on that list. So I'm afraid that if I were to give a full explanation as to what is in this latest revenue, I'd have to give that in writing because it's quite a comprehensive and lengthy list, which I didn't bring with me unfortunately.

MR. CHAIRMAN: Ms Calahasen.

MS CALAHASEN: Thank you, Mr. Chairman. Good morning to you, Mr. Minister and your staff.

On page 3.18, vote 3, statement 3.4.2, there's a transfer totaling \$40,000. Could you please comment on why this transfer was necessary?

MR. ROSTAD: Yes. That is really due to a salary increase. Our salary increases have two components, market and merit awards. In fact, the COLA bargaining thing: in '90-91 there was a 5 percent award given, and there was a 3 percent merit award given to management. During our budgeting process only 2 percent was allocated. There's a shortfall, so we've had to transfer money into there to meet the awards that were given at a higher level.

MS CALAHASEN: So on vote 3 also, where it shows an overexpenditure of \$107,196, could you inform us as to why this overexpenditure occurred?

MR. ROSTAD: Yes. Again that was relating to the salary increases. This particular one relates to the legislative counsel

component, the civil division, criminal division, and the maintenance enforcement division, which are called legal services. Some are up and some are down, and the \$107,196 relates to the net figure. As an example, I think leg. counsel was overexpended, needed \$20,000; civil needed \$33,000; the criminal division had an excess of \$173,000 transferred out to cover these others, and the net was \$107,196.

MS CALAHASEN: Thank you. That's basically it.

MR. CHAIRMAN: Okay.

Mr. Paszkowski, in light of your earlier intervention, did the minister answer the questions that you were going to put? Do you want to pass, or do you want to be recognized?

MR. PASZKOWSKI: Me? Oh, I certainly want to be recognized. I'm not sure what you're referring to: "in light of your earlier intervention."

I'd like to welcome the minister and his staff. I have some questions that I would like to pose as well regarding statement 3.4.4 on page 3.21. Could the minister explain to the committee the reason for the increase in revenue of the clerk of the court this past '90?

MR. ROSTAD: The clerk of the court? Is that going from \$4.2 million to \$4.8 million?

MR. PASZKOWSKI: On 3.21 there.

MR. ROSTAD: It really relates to one initiative. We increased our filing fee. When you start a civil action, you issue your statement of claim and go down to the clerk of the court and file it. It used to be \$50, and we raised it to \$75. Just as information, it's subsequently gone up to \$100. Extra revenue comes to that.

MR. PASZKOWSKI: Also referring to the statement under 3.4.4 on page 3.21, could the Attorney General explain the reason behind the rather significant increase in Refunds of Expenditure, Salaries and Expenses? From \$2,970 to \$242,135: a fairly substantive difference there.

MR. ROSTAD: That's the \$242,135?

MR. PASZKOWSKI: From \$2,970 to \$242,135.

MR. ROSTAD: Yeah. Actually, when you go to court, if you win your case, you can get costs. There's party/party costs, and there's solicitor/client costs. Solicitor/client costs are not usually given. I guess it's almost negligible the number of times that is given, but the *Rules of Court* set out party/party costs that you can get. In this particular instance we had two civil cases where we were awarded costs. One of them was for \$176,000, and the other one was for \$35,000. I think there was also in this the Alberta General Insurance Company, as I mentioned in my opening remarks, that has subsequently been transferred to the Provincial Treasurer. We also got a fee for administering that, and that money also went into this account.

MR. PASZKOWSKI: So is this a one-time occurrence, or is there a reason to anticipate that there may be some additional years where this may happen?

MR. ROSTAD: I'd call it a one-time other than the fact that if we had a case we were on that we might be awarded costs, it would

go in here. You never know that until a case is ended. In fact, even after it's ended, you usually have to go and speak to costs, as to what costs you might get. There's always a chance that that can take place sometime after the case ended and even be in a different fiscal year. We won't get any more money from the Alberta General Insurance Company because we no longer administer that. So the \$15,000 we got won't be there. It's an unusual occurrence. I mean, it could be up and down.

MR. CHAIRMAN: Mr. Lund.

9:11

MR. LUND: Thanks, Mr. Chairman. Good morning, gentlemen. On page 3.21 . . .

MR. ROSTAD: Sorry; I didn't get that one.

MR. LUND: Page 3.21 and statement 3.4.4, revenues of the department. Down under Refunds of Expenditure we've got this number for Previous Years' Refunds. What is that?

MR. ROSTAD: It's again an unusual one. These were costs for legal fees and disbursements that we've recovered from other departments under cost-sharing agreements. When we do certain things for other departments, we have an arrangement with them as to what we'll get, and that's where this came from. They're usually refunded against our legal services program. I just got a message on this particular instance that this one related to gas co-ops. We have an arrangement with them for paying us for certain things, and these were received after the year-end cutoff and had to be treated as a revenue rather than being treated in our normal manner.

MR. LUND: Well, I notice that the '91 receipts were down, just a little over a third of the 1990 number. What would create such a bump? Why wouldn't it be more consistent?

MR. RAE: That particular case, called the gas co-ops case, would have a different level of activity in one fiscal year over another where our council fees - we had an arrangement with two agencies of the government, one being the Energy Resources Conservation Board and the other one being the Alberta Opportunity Company. Since we were all a party to the action, we felt they should pay a portion of the legal costs which our council was running. So we would pay the entire cost and they would pay us back a portion because the level activity on the file was not the same in one fiscal year over another. That's why you would see the difference over the two fiscal years. That portion of the file has subsequently been settled so that that item won't again appear - successfully settled I might point out.

MR. LUND: I would sure like to know a little more about what the gas co-ops have to do with OAC.

MR. RAE: It was a suit that the government brought. It involved the gas co-ops and pipe that had been put in the ground. The pipe had been leaking. It was a negligence suit that the government was involved in in attempting to recover costs of the loss of the pipe.

MR. LUND: What did OAC have to do with it?

MR. RAE: My memory on that is not very good. I'm sorry, sir. They were involved in some way as a supplier or a financier of some sort. I just can't recall how they were involved.

MR. ROSTAD: I think they might have financed some of the installation, the people that were installing some of that or something.

MR. CHAIRMAN: Thank you.

Mr. Doyle.

MR. DOYLE: Thank you, Mr. Chairman. A few more staff there and we'd have the Official Opposition seats full.

Mr. Chairman, my questions are in regards to the Crimes Compensation Board. The minister will recall last year the disaster at Hinton where certain people were injured by contaminated fuel. Under the Crimes Compensation Board those people were unable to reclaim anything, and they lost most everything they had. The minister has said that legal aid would provide funds for civil suits for people who did not have the funds and had a good case. In the case of the injured people at Hinton, would they be able to use the funds from legal aid to try to get something back from the perpetrators who ruined their health?

MR. ROSTAD: I'll let Doug answer. He knows more about the eligibility guidelines than I do.

MR. RAE: Legal aid is a system whereby the government and the Attorney General's department enter into an agreement with the Law Society to run a Legal Aid Society. So we enter into an agreement with the Law Society; they set up a Legal Aid Society. They run legal aid; the Attorney General's department does not. So it's an arm's-length system in that way. We cannot influence their decisions.

We do, however, know the criteria they use to set up their eligibility guidelines, and there are two. There's financial, so there would be a financial eligibility that the people you refer to would have to meet. In other words, what was their income? There would be an income eligibility type test. Secondly, there would be a substantial test. They would have to satisfy the legal aid people on the legal aid board that it was the type of case that a person, for example, of modest means would commence, that the matter had been referred to a lawyer and the lawyer recommended that an action be taken, that the cost of bringing the case is a reasonable cost: those types of criteria would have to be met. That's a legal aid board decision as to whether those criteria would exist in the particular case you're talking about.

MR. DOYLE: Thank you. Mr. Chairman, a question to do with the Crimes Compensation Board. Recently in a possible act of suicide one constituent's husband set a house on fire while he was sitting at the kitchen table. The woman, of course, is out on the street with two little children. Does that qualify under crimes compensation?

SOME HON. MEMBERS: It's out of order.

MR. CHAIRMAN: I think the question, hon. minister, really is out of order in the sense that I'm bound to ask the members to deal with the actual expenditures of dollars or observations that are made by the Auditor General. I do give the ministers that appear before the committee some flexibility in terms of making their own decision about whether they might want to comment on questions, but I think this question is clearly out of order.

MR. ROSTAD: Well, crimes compensation is only payable as a result of a crime if the person has been injured by that crime. It relates to personal injury, other than maybe clothing or something

that a person was wearing at that time. I couldn't give a legal opinion, but I would doubt something like that would. I don't know if the person was ever charged with the crime.

MR. CHAIRMAN: Mr. Doyle.

MR. DOYLE: Thank you, Mr. Chairman. In the Auditor General's report it says:

The Department provides funding for . . . legal aid through the Legal Aid Society of Alberta.

That's the federal government. It says also that the Department has chosen not to claim cost-sharing of these expenditures. As a result, the Province foregoes approximately \$300,000 of revenue each year, and is one of only two provinces that does [that].

Is there an explanation why we're passing up these dollars? Is it a complicated factor?

MR. ROSTAD: Actually, in my opening remarks I covered that, and maybe I went over it too quickly. In fact, we're under negotiation with the federal government through Family and Social Services to try and access the Canada assistance plan funding as it relates to civil legal aid. We have no threshold other than as Mr. Rae just told you. This is the arrangement they've made to be eligible for legal aid. If you go under the CAP system, they also measure your income and your needs. We know that we would have less people accessing our legal aid under that system than now. What we're negotiating with the feds is some way that they will allow our criteria rather than their criteria and still fund with us. It's ongoing and not easy, but we've made a conscious decision that we think we're giving more people access to our system than the \$300,000 that we could be eligible to get. That's cut and dried, the only issue that's there.

MR. CHAIRMAN: Mr. Clegg.

9:21

MR. CLEGG: Thank you, Mr. Chairman, and good morning, Mr. Minister. It's great to have you with us today. Every minister that we have at Public Accounts, which we're always glad to have, I always seem to ask the same question because I'm really concerned about special warrants. You know, in private business when you run out of money, you have to go to the bank and borrow it and you have to pay it back. The government certainly is a big business. So my first question is: page 3.17, statement 3.4.1 shows a special warrant for \$1,600,000. Could you comment on the reason for this warrant?

MR. ROSTAD: Thank you. It's always nice to be addressed by the oldest farmer in Alberta.

The \$1.6 million actually relates to the cost of maintaining our service levels, because we lost 29 positions to an abolishment account. As well, costs of court forms and library books were also increased. When I say "library books," that may sound rather mundane, but all of our courthouses have libraries. Of course, the most extensive ones are in Calgary and Edmonton because of the size. Our system of law being based on precedent, it's important that library books continue to be brought in so that they can be referred to. Witnesses and interpreters, bailiff fees and expenses, and some of our transcripts are volume-based things. If there are a lot of cases that have a lot of witnesses or if there's a need for interpreters, these go up. That's the expense that was paid by the \$1,600,000.

We – and I know we're addressing the '90-91 – have got away from special warrants, I guess, by being a little more accurate in

our assessment but also I think by putting a little bit more onus on our management in the sense of saying, "This is where we're at based on the best estimates we've got, and you're going to have to live with it," rather than setting in a slight increase over the year before and saying, "Well, we'll get a warrant, because it's going to be volume driven." We're trying to set a target, an objective for the management so it isn't happening as much. In this case there was the \$1.6 million. Frankly, the manpower is \$680,000. Court forms and upgrading the library were \$250,000, and the contract services, which relate to a number of things, were \$670,000.

MR. CLEGG: Well, thank you, Mr. Minister. It gives my mind some relief when I hear that it is volume driven, although it may not be totally forgiven in my thinking, being the oldest guy in Alberta.

You did answer my second supplementary in your very good opening remarks about transferring of funds from one to the other, which is not so scary for me. However, when we talk about transferring from one to the other, is it a concern to you, and have you any plan to take measures to address these numbers so that this transfer doesn't have to continue to take place?

MR. ROSTAD: Well, as I just mentioned in the previous thing, in terms of warrants we have over the past two years addressed that significantly so that we are operating our department without warrants. Now, who knows but that something might arise that just goes totally awry that will require one, but we are not planning or budgeting for any warrants, which was not the case, frankly, in the '90-91 year. We used to take a target knowing full well that we're probably going to have to have a warrant, and you don't need to worry about being quite as accurate as you were before. We're doing that.

If you're referring on that same page in vote 2 to the column beside Special Warrants called Transfers, it balances out, but there are a number of transfers. What quite often happens is that in the end the transfers don't mean anything because what you're doing is really transferring money from one place to meet some expenses at the time knowing full well you're going to get revenue to cover those expenses and you'll put the money back where you took it from. That's usually what happened in those instances. We were waiting for our warrant to come, so you're robbing Peter to pay Paul, and then you give it back to Peter when you get the money. Those transfers shouldn't be as necessary, although if we found that we had excess money in a particular element, we would not be against taking that and putting it into another element – just better management – and not have to get a warrant in the end.

MR. CLEGG: Thank you, Mr. Minister.

MR. CHAIRMAN: Mr. Drobot.

MR. DROBOT: Thank you, Mr. Chairman. My question relates to statement 3.4.2, page 3.19, vote 7. Under Grants we witness an underexpenditure of \$155,808. Could the minister comment on the reason for the underexpenditure?

MR. ROSTAD: Yeah. That was an underexpenditure in Crimes Compensation. What it was: we try and do a best estimate. Because crimes compensation is completely volume driven, it depends on the number of people that apply and in fact whether they're worthy and what the Crimes Compensation Board awards. We anticipated what we'd need in our special warrant, and the

actual awards were lower than the warrants, so therefore we had \$155,808 underexpended.

MR. DROBOT: A supplementary then. A similar under-expenditure is reported in the 1989-90 edition of public accounts. Could the minister offer his comments on why this seems to be reoccurring and how he intends to address that issue?

MR. ROSTAD: Not having that particular public account before me, what year was that?

MR. DROBOT: It was '89-90.

MR. ROSTAD: I think it relates to the same thing. It was volume driven. Again what we've done is tried to be a little bit more scientific in how we're determining. I'm talking about our current way of budgeting. Even though it's volume driven, I think it behooves us to try and be as accurate as possible and not just depend on the fact that "Well, we'll put in a figure, and we know we're going to have to warrant it because it's volume driven." That's where we were before. We'd just say, "Well, we think we're going to be out here." We'd be lower; we'd lapse the money even though we had to ask for it in a warrant. There's been the odd instance where we've had to top up but not many; mostly we've been out. So we're trying to be a little bit more accurate. In both instances, that's what's happened. We've gone for a warrant, overestimated where we'd be, and we've in turn lapsed.

MR. CHAIRMAN: Mr. Gibeault.

9:31

MR. GIBEAULT: Thank you, Mr. Chairman. If I could draw the minister's attention to page 3.20 of the public accounts book and start by commending the deputy minister for bringing his office under budget for that year and then ask the minister why he wasn't able to do the same and why his budget for his office was significantly over budget for the year.

MR. ROSTAD: The short answer is that when I took over the portfolio, there was not a minister's office in the Attorney General. Mr. Horsman, if you'll recall, had FIGA and Attorney General, and he ran his office all out of the FIGA vote. When I took over, they took what was then Community and Occupational Health - I think that's what the department was called at the time it was Dinning's - and when they merged that into Health and spun off the workers' compensation and occupational health, they just gave my office that budget and had not made any adjustments. Frankly, it just took this - I forget exactly why his was even a little lower. There was something unique about his. I'm sorry; I don't have the details. I can certainly give you that in writing. But that's essentially where it is. We didn't make any adjustments in the sense that we've spent any more. It's just that there was a need. Well, his travel is a little bit different from my travel, because he didn't go to those things. I'll give you an in-depth.

MR. GIBEAULT: Basically, it won't happen again. Is that what you're saying?

MR. ROSTAD: Well, yeah. You know, actually, if you go to subsequent, you'll find out. Also, I think there was, if my memory serves me right, a wage and salary increase that was the same for the rest of the department because of the bargaining position that has to go in there. That doesn't relate to me; it

relates to my staff, which are in there. If it's any different from that, I'll give you a written thing, but now that I think about that increase, I think it was the year before that we adjusted from Dinning's, and this one related totally to the increase in the staff.

MR. GIBEAULT: Supplementary question then. If we look at page 3.18, vote 2, Court Services: Salaries, Wages, and Employee Benefits of almost \$50 million. A significant part of that is accounted for, I assume, in the judges' and masters of chambers' pension plan. I'm wondering if the Attorney General can tell us why the plan for those people is the only plan which does not require any contributions by the plan members.

MR. ROSTAD: I was not the Attorney General at the time, but when the Provincial Court judges used to be tied to the federal judges in terms of their salaries, they used to get 80 percent of whatever the federal position was, and the federal position, frankly, was going like this. The decision of the day was to cut the umbilical cord between the provincial and federal courts. A compromise was that the contribution by the judges to their pension plan would then be made entirely by the province. It's substantially less cost. It's obviously a benefit and obviously adds to their package, but their salary is not climbing as it was climbing, and this is a lesser cost.

MR. CHAIRMAN: Mr. Jonson.

MR. JONSON: Yes, Mr. Chairman. Good morning to the minister and his staff. I had a couple of questions on the revenue side of things. I think that maybe some aspects of this have been referred to, but I was wanting to ask a couple of questions with respect to payments from the government of Canada. If we look at page 3.21, we note that there is a decrease in revenue with respect to legal aid. I believe that legal aid was referred to extensively in the minister's opening remarks, but what is the federal rationale for this decrease?

MR. ROSTAD: Well, you're right, because this is the amount that is cost shared out of our expenses by the federal government. I think it relates approximately \$280,000, and this is for the adult and young offender criminal legal aid. As I mentioned, the civil legal aid is not cost shared at the moment. Once the provinces have reported their actual sharable expenditures from the previous fiscal year, the federal government adjusts the payments that they are making in your current year to the actual of the other. In this instance there was less paid, and the capping that took place in the Canada assistance plan and the various other - established programs financing, those types of things - also affected our legal aid. So there was less that came. Those are the two reasons for the difference.

MR. JONSON: Mr. Chairman, by way of supplementary I'd just like to explore this a little bit more. As I understand, the financial relationship between the province and the federal government is that there are certain formulas that apply in terms of the way that money is paid. I also understand the concept of capping. In this particular case is this a volume-driven payment, whereby it's reduced because we didn't have as many cases, or how is this calculation actually arrived at? I'm having difficulty understanding the methodology here for calculating these moneys.

MR. ROSTAD: Not having the details of the formula, I'll let Ian give you a short answer on that.

MR. HOPE: Well, it's certainly a complex formula, but I guess the bottom line to it is that the amount of money paid out by the government is pretty well fixed. The federal government, particularly with the capping that occurred, fixed the amount that's payable to the provinces and territories in total. However, the distribution of that money can change based upon the formula. The formula takes into account such things as population, and it takes into account and recognizes total Canadian expenditures; in other words, expenditures of all provinces and all territories on legal aid. It's a very fluid calculation, and it's based not entirely on Alberta's expenditures but on the expenditures, as well, of the total Canadian situation. To give much more detail than that would be, I think, impossible in this particular committee, but those factors start taking into account. It really doesn't relate to, for example, reduced cases in Alberta. I don't think that's the case. I think that the cases are fairly constant or are increasing, even, across the land.

MR. JONSON: Right. Thank you.

MR. ROSTAD: I might make a supplementary just to inform you that legal aid is a significant concern across Canada. In fact, there is now a committee put forward out of all the provinces - I don't know if it's four or five on it; in fact, my deputy is chairing it - to work with the federal government to analyze what's happening in legal aid and where we're going and how we're going to fund it, because it's becoming an extremely important part of our justice system and, frankly, a very expensive part of our system. They may end up reworking the formula as well.

MR. JONSON: Mr. Chairman, my last supplementary would refer to the next line. The amounts of money that we're looking at are not as significant as legal aid. Once again the reduction percentage-wise is even more substantial here from '90 to '91. I'd just like to inquire as to what is in that category and why we are again looking at a reduction, the \$937,000 down to \$689,000.

9:41

MR. ROSTAD: Yeah, those relate to a cost-sharing agreement for programs and services for victims of crime. There's a federal contribution applicable to the payments made by the Crimes Compensation Board for criminal injury compensation. That, frankly, went up in '91 as against '90. The other amounts relate to the federal contributions in respect of the victims' assistance part of a cost-sharing agreement. Prior to the proclamation of the Victims' Programs Assistance Act, we received some money, and since the proclamation these moneys have gone to the programs assistance fund administered by the Solicitor General. So the one year they came to us, and then after proclamation they've gone to the Solicitor General. Therefore, there's a decrease shown in ours. There'd be a subsequent increase if you were looking at the accounts of the Solicitor General.

MR. CHAIRMAN: Mr. Bruseker.

MR. BRUSEKER: Thank you, Mr. Chairman. Good morning to the minister and staff. I'd like to follow up on the questions asked earlier about special warrants. A quick review of special warrants from the department over the last half dozen years shows that they vary from \$2.6 million to \$13.7 million, and the figures we have in the book before us today on page 3.19 show last year at almost \$11.7 million. Now, the minister talked about becoming more scientific to avoid this, and I'm wondering if you could elaborate,

please, on what "more scientific" means in terms of becoming more accurate in your predictions of budget requirements.

MR. ROSTAD: Well, our warrants usually relate to legal services, which could be civil or criminal. We quite often don't know the amount of work that we're going to be doing. On the civil side, just as an example, if we're doing work on the pork countervail, if we're doing an awful lot of environmental work relating to some of the current ones - Daishowa or Oldman dam, the Constitution, those types of things - those are services that we provide, and frankly in many instances you have no idea when you're budgeting that they're coming forward. There was a significant escalation in that, and we weren't as scientific in terms of trying to anticipate and plugging them in. Maybe "scientific" is not exactly the proper word in all the warrants, but what we've done now is looked at our history, because before we didn't look at the history of saying, "Well, we did a lot of outside stuff there." We would just plug in what we knew we'd be doing, left the rest to be done by warrant. What we're trying to do now is assess where we've been going. We know there'll be some aberrations that'll still come, but be a little more scientific in analyzing what we've been doing and try and plug that same kind of work in now so that we don't have to have a warrant that's built into our budget.

I think it's a better management tool, if I could, Frank, and actually so does the team here. They don't like warrants. I don't like warrants, because I think if you can give the objective of saying, "You've got \$7 million to work with in an area," they can then husband that money to the best of their ability. You tend even if you're a really good manager, if you've got a budget of \$3 million full well knowing that you're going to be over the \$3 million, which frankly was the history, you're maybe not quite as diligent, even though you mean to be, in husbanding that money, and it can tend to go. So the team here are happier that we're doing it more by objective than not.

MR. BRUSEKER: Thank you for that reply. I just want to draw your attention to page 3.18, Legal Services, vote 3. We see that the largest special warrant is for \$8.8 million. I understand that much of it is demand driven, but that's a large number. I'm wondering: does that represent a staff shortage in the department? Is there some way that that can be built into the department so that the size of that figure can be reduced in the future, or is that one of those things that's really going to fluctuate from year to year?

MR. ROSTAD: How'd it be if we let Doug Rae, the assistant deputy minister of civil, who has the greatest component of this, give you the details, although I think it relates, if I could just give a preliminary, to just what I was saying. I don't think you're going to see that in the future because we have built into our budget a lot of this type of thing, and then we'll manage it that way. Our plan is not to come back for a warrant in our current fiscal year.

MR. CHAIRMAN: Mr. Musgrove.

MR. ROSTAD: Just a minute. Doug's going to elaborate.

MR. CHAIRMAN: Oh, sorry.

MR. RAE: I think it's fair to say, sir, that that year was probably a particularly high year, bearing in mind that we're dealing with a volume-driven item. When we're in the budgeting process, it's very difficult to budget this year for what you think might happen

in legal services, over which you have no control, in the following year. This year was a particularly tough year.

We have instituted some management techniques to try and deal with that. In addition to the ones that were mentioned by the minister, we have gained additional expertise both in the civil side and the criminal side, and some of the work that went outside we'll now be able to handle inside because we've gained expertise over the years, so that will reduce the requirement. We feel we've made considerable headway there. In addition, we've done a reorganization. We've taken some of our people from one area and we've reorganized them into other areas. These things sometimes take a lead time so that you're not able to immediately react. But we saw the trend, so what we've done is some reorganization so that we are able in future years, in particular this year, to clearly meet as best we can the amount of money we have. I don't expect or predict that we would see that kind of difficulty this year or in the future.

MR. ROSTAD: I might have Mike from the criminal side address it a bit too, because he has a little different complexion. I think we've addressed his side of the problems.

Mike.

MR. ALLEN: Yes, thank you. In that particular year, as you'll remember, there was a lot of controversy about the shortage of Crown prosecutors in the province, and they identified for us the need for some preparation time. Part of the moneys expended here was to make up that preparation time. As a result of getting more Crown prosecutors, we have reduced considerably the need for moneys for ad hoc counsel.

MR. CHAIRMAN: I'm not sure whether the hon. member has used his two supplementaries or whether one was a question of clarification. I think you've asked three questions, have you not?

MR. BRUSEKER: No, I didn't.

MR. CHAIRMAN: Okay. Final supplementary.

MR. BRUSEKER: The last one is a very quick one. On page 3.18 again there are three places where Salaries, Wages, and Employee Benefits are shown as having to have had special warrants. I guess just a quick question, just following up again: is that going to be eliminated in the future? It seems you should be able to plan a little bit better in terms of what's needed in terms of salaries, wages, and employee benefits than what's indicated here.

MR. ROSTAD: Yes, in fact, that will be the case. I can be very frank. COLA awards have been substantially higher than what we've been allocated for manpower in our budgeting. In some departments you can eat that difference - as an example, if COLA is 5 and you're budgeted 2, you've got a shortage of 3 - in departments that don't have the extremely high staff component that the Attorney General has. I think almost 80 percent of our budget is manpower. We don't have a lot of places to eat the difference of the COLA award. What we were doing, frankly, is each year coming at the end and saying, "Hey, we haven't got the money; we're going to have to get a warrant to pay our salaries." We have through Treasury and Treasury Board made adjustments for that, whereas we aren't running behind now, and we're effectively budgeting for what is there because of the high wage component that we have. We don't have any fat that you can

continue to squeeze out of it, so that won't be the situation in ensuing years.

9:51

MR. BRUSEKER: Thank you.

MR. ROSTAD: Is that a fire alarm, or are we done?

MR. BRUSEKER: The next committee.

MR. CHAIRMAN: Members of the committee, we still have a large number of people that haven't had an opportunity to put questions to the minister, but we also have a matter of other business that has to come before the committee at some point. Last day we had a motion, moved by Mr. Moore, that suggested to the effect

that the West Yellowhead motion related to NovAtel be debated after all questions to a minister have been adequately dealt with.

I asked for an opinion from Parliamentary Counsel with respect to whether that applied to just that day or to all subsequent meetings. This is the opinion that I got from Parliamentary Counsel. He is of the opinion that

this motion cannot apply beyond the day on which it was made. It pertains to the order of business on that day only. It cannot extend beyond that day because it is not worded as to amend procedure in the Committee generally. As chairman . . .

and I'm just quoting. He says,

. . . you are allowed to make that ruling on a matter of procedure.

So at this point I think we should deal with the motion, then, that is before us. I recognize Mr. Doyle.

MR. DOYLE: Thank you.

MR. MOORE: Point of order.

MR. CHAIRMAN: Point of order, the Member for Lacombe.

MR. MOORE: I'm standing up because I want to make a point. Mr. Chairman, last week the motion was made. Did I understand clearly from you that Parliamentary Counsel says that this motion made last week only applies to last week? The wording said - and I'll read it - that Mr. Doyle's

motion related to NovAtel be debated after all questions to a minister have been adequately dealt with.

"A minister," not the minister of the day. There are many here that have very important questions to ask the Attorney General, who has appeared today.

On this point of order I would like to point out that if that's your ruling, then I go to the ruling that the committee can overrule the chairman, and we can challenge the Chair on this. I feel that it's very, very important that when we come here and our mandate is to examine the spending of various departments in that given year - and I'm sure I have the support of all parties on this very nonpartisan committee. I have their support, I am sure, Mr. Chairman, because they have said so many times, "We haven't enough time to examine the spending of the various departments," and they're being curtailed and their time limited. When we take into consideration that Mr. Doyle's motion is being addressed by an official of this Legislature in depth at this very time, for this to take precedence over our mandate, which is to examine the spending of those departments in that given year, I cannot agree with it.

However, rather than debate and appeal one legal opinion - and it's only one legal opinion, and the Attorney General will tell you again how many times legal opinions have been given by various

ministers in his department. It's good we have a person like this and the legal people with him. Only one legal opinion doesn't make the law, and that's one thing we should understand. It doesn't make the law. Therefore, rather than challenge the Chair at this moment – if we proceed with your indication of moving to that motion, then we're going to challenge the Chair. But I'm not going to do it at this moment. I would like to put another motion, if you accept it, and that motion will read:

That Mr. Doyle's motion related to NovAtel be debated after all questions to a minister have been adequately dealt with. That applies today, then, if you take that ruling.

That motion I lay before you. I imagine that some of the opposition may want to second that, but somebody will second it.

MR. CHAIRMAN: I can't entertain that motion until the . . .

AN HON. MEMBER: You have no choice.

MR. CHAIRMAN: No, I can deal with the point of order. I recognized Mr. Doyle, then a point of order takes precedence, and I recognized the Member for Lacombe on his point of order. So right now we're on the point of order. I can't accept another motion.

I might point out that any challenge of the Chair cannot be resolved in this committee, that the challenge of the Chair has to go to the Assembly itself. At the point that someone challenges the Chair, the proceedings of this committee immediately come to halt. It in effect adjourns the committee.

If I may take a moment, seeing that our hour is approaching quickly and just exercise a privilege of the Chair, I would like to take this opportunity to thank the Attorney General for appearing before our committee this morning and for bringing all of the guests from his department. I'm sure that members of the committee welcomed the full explanations that you were able to provide to the many questions that they put to you this morning.

Just for the benefit of the members of the committee, if all goes well we will meet again one week hence, and the Minister of Federal and Intergovernmental Affairs will be before the committee.

Back to the question of the point of order. That is the business that's before the committee at this point in time. We still have a minute left to debate it.

Mr. Doyle, did you wish to speak to the point of order?

MR. DOYLE: Thank you, Mr. Chairman. Some two weeks ago I served notice of motion to the Public Accounts Committee that due to the importance of the losses to the taxpayers of Alberta of some \$566 million, we felt better that the Members of the Legislative Assembly ask the minister to answer certain pertinent questions as to his long-term knowledge of this building debt and loss of funds and many other questions of importance that the taxpayers of Alberta want to hear. It's very important that scheduling be set so that we can call the Minister of Technology, Research and Telecommunications before us to address this very important issue. The taxpayers of Alberta want answers.

MR. CHAIRMAN: On the point of order, please.

MR. DOYLE: On the point of order.

MR. CHAIRMAN: In any event we're close to . . .

MR. DOYLE: Mr. Chairman, this motion should be allowed to be debated in this committee, and we should be allowed to put our

points of view across as well as the members on the government side. They're putting just a block up here so that we can't get the truth out to Albertans.

MR. CHAIRMAN: We're still debating the point of order. I recognize Mr. Moore to conclude debate on the point of order.

MR. MOORE: Mr. Chairman, I'll withdraw my point of order. The member can proceed with his motion as of this moment for today.

MR. DOYLE: Mr. Chairman, I'd like to serve notice of motion that at the next meeting of the Standing Committee on Public Accounts . . .

MR. CHAIRMAN: No, you can only debate your motion. That's all. I recognized you on your motion. The time has expired for this committee.

MR. MOORE: We've got one minute, Mr. Chairman.

MR. CHAIRMAN: We still have one minute.

MR. MOORE: One minute on the motion. One minute anyway.

MR. DOYLE: Mr. Chairman, time is of the essence that we set a date, that we bring this minister before this committee, and the sooner the better so that Albertans can hear the truth. I've all the confidence in the world in the Auditor General, but we also as elected members of the Legislature have responsibilities to our constituents, and we have questions that we want answered.

MR. CHAIRMAN: Okay. Do you want to call for the question on the motion? Those in favour of the motion? Do you want a call for the question?

SOME HON. MEMBERS: What's the motion?

MR. CHAIRMAN: Well, it's Mr. Doyle's motion.

MR. SEVERTSON: Could you read the motion?

MR. CHAIRMAN: Well, it's the one that was distributed to all members of the committee.

MR. DOYLE: Mr. Chairman, I can read the motion.

MR. LUND: Mr. Chairman, I wanted to speak on that point of order. What happened to it?

MR. PASZKOWSKI: If this is going to a vote, we want to have an opportunity of debating the motion, Mr. Chairman. I think that right is ours.

MRS. BLACK: A motion to adjourn.

MR. CHAIRMAN: A motion to adjourn takes precedence. Those in favour of adjournment? Anyone opposed?

[The committee adjourned at 10:01 a.m.]