

LEGISLATIVE ASSEMBLY OF ALBERTA

Wednesday, April 26th, 1972

(The House met at 2:30 pm.)

PRAYERS

(Mr. Speaker in the Chair.)

INTRODUCTION OF VISITORS

MR. MANDEVILLE:

Mr. Speaker, it is a distinct privilege for me on behalf of yourself, sir, to introduce to the hon. members of the House a group of Grade VI students from the Rio Terrace School, from the constituency of Edmonton Meadowlark, represented by yourself; Mr. Speaker. The students are accompanied by their teachers Mrs. Bradbury, Mrs. Keeler, Mr. Bubenko, and Mr. Strand. I would ask them to stand and be recognized by the House. They are in the members gallery.

ORAL QUESTION PERIOD

MR. SPEAKER:

The hon. Member for Edmonton Calder followed by the hon. Member for Highwood and the hon. Member for Spirit River-Fairview, and then the hon. Member for Edmonton Kingsway.

Pollution of Waterways

MR. CHAMBERS:

Mr. Speaker, my question is for the hon. Minister of the Environment. It concerns the recent newspaper report on the fining of a coal mining company for polluting a creek east of Jasper. I would like to ask the hon. minister (a) have the technical problems been solved so that this particular creek is no longer being polluted? And (b), are there any other coal mining operations in Alberta which are resulting in any pollution of nearby streams?

MR. YURKO:

Mr. Speaker, the company in question was charged under The Fisheries Act of Canada rather than under a provincial statute. The company was fined \$500 a day for 15 days in connection with the discharge of coal fines into a creek that had fish. I would just like to say that the case itself indicated a much greater awareness on the part of the judiciary with regard to these matters. My department has asked the company to table with the department at the earliest opportunity an overall plan for overcoming these difficulties, and this is being done. In connection with whether or not any additional company is causing the same kind of pollution McIntyre-Porcupine has, of course, experienced this type of pollution in connection with the Smoky River, fines having being carried down the river for some distance. I have written to the company in this regard. I think the hon. Dr. Warrack has also written to the company

37-2

ALBERTA HANSARD

April 26th 1972

and the company, I believe, is scheduled to meet with us on Monday in connection with planning the necessary programs and facilities to do away with this type of difficulty.

I would also like to suggest that under the present Alberta legislation it is difficult for us to enforce this type of action against this type of pollution, but in connection with the revisions to The Clean Air Act, we will have a section which will be derived basically from The Fisheries Act of the Government of Canada, which will then permit us to be more forceful in this regard.

Village Lake Louise

MR. BENOIT:

My question, Mr. Speaker, is to the hon. Premier. In the light of the fact that the government has issued an interim statement putting forth its current position on the potential increased revenue of petroleum development in the province, is the government now prepared or considering to issue a similar interim statement on its position regarding the Village Lake Louise development?

MR. LOUGHEED:

Mr. Speaker, the answer to that is we're not. We're still in the process of working out some various approaches and gathering some information. I would think that hopefully we're now into a matter of weeks and the position that we present can be tabled before this Legislature.

MR. WILSON:

Supplementary, Mr. Speaker. Would the hon. Premier advise us today as to which member of his 48 member team speaks closest to the government's position on Village Lake Louise?

MR. LOUGHEED:

Mr. Speaker, I think it's clear by the answer to the previous question that the Leader on the government side intends to present a statement on behalf of the government.

Farm Machinery Institute

MR. NOTLEY:

Mr. Speaker, I'd like to direct a question to the hon. Minister of Agriculture. In view of the tabling of the report on the Agricultural Machinery Institute, is the minister in a position to advise the House whether enabling legislation will be introduced in the fall session?

DR. HORNER:

Mr. Speaker, as I mentioned when I tabled the report, I would appreciate receiving some feedback from members of the Legislature and farm organizations, and from the agricultural industry generally in relation to the whole idea of a Farm Machinery Institute and of what value it might or might not be in relation to the agricultural industry, and more particularly as to what effect this could have on farm machinery costs, because there is a substantial financial commitment. I wouldn't think that we would be ready by this fall session to introduce legislation. I think, as I said before, that we would like to hear from the federal government in relation to any contribution that they would make to such an institute based in western Canada.

April 26th 1972

ALBERTA HANSARD

37-3

MR. NOTLEY:

Supplementary question, to the hon. minister. In view of your closing remarks, relating to the federal government, can you specify what moves this administration is taking along with the other two prairie provinces, or this administration by itself, to secure federal funding for this project?

DR. HORNER:

The timetable, Mr. Speaker, would be something like this. The three Ministers of Agriculture in Alberta, Saskatchewan and Manitoba had agreed to table simultaneously in our Legislatures, to get some feedback from the people involved in our province, and then to meet again later in the spring or early summer and to have some discussions as to an approach to the federal government, having regard to the feedback received in our own province. So I think we should meet again and we intend to meet on a number of matters after the session is over. This will be one of the points on the agenda and we can then take the next step of a unified approach to the federal government in relation to this and other things.

MR. NOTLEY:

A supplementary question of a very parochial nature, Mr. Speaker. I notice that by way of explanation, hon. minister, that the three locations for these plants are in the southern parts of Manitoba, Saskatchewan and Alberta. I wondered whether the hon. minister had given any consideration to a northern location for the Alberta satellite station?

DR. HORNER:

Well, Mr. Speaker, I'm sure any number of representations will be made for the location of a satellite station in Alberta if it should go ahead, and I fully expect to hear from Fairview, from Olds, and from Vermilion. Already I have received some submissions from the Junior College in Camrose so I would expect I would receive substantial numbers, and I think that the final decision, if and when it is made, will have to take in a variety of details as to where its location might be.

MR. NOTLEY:

One final supplementary question, Mr. Speaker. The report states on page 10 that there will be three representatives from farm organizations on the board, and then it goes on to say, three from industry and it specifies the groups that the industrial representatives will represent. Could the minister advise which of the farm organizations will be represented on this board?

DR. HORNER:

I think that is a matter of detail, Mr. Speaker, that will have to be resolved with further negotiation among the three ministers who are concerned. I would suggest to my hon. friend that we will try to get equitable representation from all farm organizations. I am sure he is aware that the National Farmers' Union are very reluctant to appoint members to a variety of committees.

Nursing Home Funds

DR. PAPROSKI:

Mr. Speaker, I would like to direct a question to the hon. Minister of Health and Social Development. What is the federal portion of financial support in the federal provincial cost-sharing in the support of Alberta's nursing homes, if any, either in capital grants or in operational grants?

37-4

ALBERTA HANSARD

April 26th 1972

MR. CRAWFORD:

Mr. Speaker, the nursing home program is not recognized by the federal government as one that is shareable. Out of interest the overall percentage, according to the formula with the federal government, of sharing for those programs that are allowed, is just under 50 per cent, which I think all of the hon. members would be aware of. But on nursing homes it is not shareable.

MR. SPEAKER:

The hon. Member for Calgary North Hill, followed by the hon. Member for Drumheller and the hon. Member for Stony Plain.

Minimum Wage Rates

MR. FARRAN:

Mr. Speaker, I would like to put a question to the hon. Minister of Labour. Mr. Minister, you have doubtless taken note of demands for astronomical increases in the minimum wage from such groups as the Alberta Federation of Labour. When can we anticipate that the speculation will be put at rest by some reasonable increase from the present low level of \$1.55 an hour, to somewhere closer to the federal level of \$1.75 an hour?

DR. HOHOL:

Mr. Speaker, I appreciate the discussion along with the question. I attended the morning session of the Alberta Federation of Labour at which place the recommendation for an increase to \$2.50 and a second resolution to \$2.75 were proposed. There are two ways we may go on this matter, sir. One is a ministerial recommendation to the Executive Council, and this disposition there and in caucus could deal with the matter proposed by the hon. Member for Calgary North Hill. The other one would be to include the matter of the Minimum Wage Law in the hearings on The Alberta Labour Act, which we will hold following this session. And because it is a working condition our predisposition is to go that route.

On the other hand, because of the representations we have had on this matter and because there is another approach -- and likely the one we would have used had we not reviewed The Alberta Labour Act and instead asked to go through the caucus, the Cabinet and the Legislature -- I am at this point making that kind of decision. Because of the time in the session being as it is, I will soon be able to announce to the House whether we will go through the Executive Council route or to the public hearings. It may be that hon. members may wish to let me know what their private feelings are in this matter. I would certainly consider them. I hope this in some way measures up to the information the hon. member wanted.

Village Lake Louise (Cont.)

MR. TAYLOR:

Mr. Speaker, may I direct a question to the hon. Minister of the Environment. Mr. Minister, were you speaking for the government yesterday when you advised the House that you opposed the Village Lake Louise Village concept?

MR. YURKO:

Mr. Speaker, I made it very plain that that was a personal viewpoint.

April 26th 1972

ALBERTA HANSARD

37-5

MR. TAYLOR:

Mr. Speaker, a supplementary. In order to alert the public to whether you are speaking for yourself or whether you are speaking for the government, could you devise some type of system such as one finger up if you are speaking for yourself, and two fingers up if you are speaking for the government? It is becoming very confusing.

MR. SPEAKER:

Order, order. Which is it supplementary to?

MR. TAYLOR:

It is supplementary to the hon. Premier. I would like to ask the hon. Premier if he doesn't agree that the solidarity of the Cabinet is severely weakened when two cabinet ministers make opposing public statements --

MR. SPEAKER:

Order, please. Order, please. That is not a supplementary in any way. The hon. Member for Stony Plain.

Hog Industry

MR. PURDY:

Mr. Speaker, I have a question for the hon. Minister of Agriculture. Statistics Canada shows that hog population is down approximately 3 per cent from 1971. What are the reasons for this? Would it be because of the decrease in consumption or are we importing more hogs, or is it because of the bad prices last spring?

DR. HORNER:

I didn't catch the initial part of the question. Was it the hog population?

MR. PURDY:

Yes.

DR. HORNER:

Of course, the industry has reacted to price and has reduced the number of farrowings. The interesting thing is that those statistics show that Alberta has 23 per cent of the hog population of Canada here, and so we have a pretty substantial stake in the hog industry. The present indications are that prices will strengthen for the hog producer and remain fairly stable well into next year. We hope that that indication is borne out and that, in fact, at the same time we can develop programs which will allow for planned expansion in relation to our export program, and allow for additional growth in the hog industry in Alberta.

MR. BUCKWELL:

Mr. Speaker, supplementary. Is the hon. minister aware that the Manitoba government is hoping to sign a \$10 million contract with Japan in hogs?

DR. HORNER:

I'm aware of the news release that came out in relation to that. I'm also aware of some of the negotiations that they're doing. As I've reported to the House previously, we have already initiated a pilot program between the producers, ourselves, and the processors in a substantial contract with the Japanese market.

37-6

ALBERTA HANSARD

April 26th 1972

MR. SPEAKER:

The hon. Member for Edmonton Jasper Place, followed by the hon. Member for St. Albert.

Harness Racing

MR. YOUNG:

A question for the hon. the Attorney General, and it relates to an announcement he made recently in relation to appointments to the Alberta Racing Commission. It has been brought to my attention that the harness-racing interests may have been overlooked, or at least considered that they are not currently represented on this Commission, and I would like to know if some thought was given to this at the time the appointments were made, or if some thought can be given to it in the future?

MR. LEITCH:

Mr. Speaker, there are really two parts to the answer to that question. Firstly, the existing members of the Racing Commission are not there to represent any particular point of view, although that misconception may have arisen at the time the make-up of the new commission was announced, in the sense that we referred to people coming from areas where they had experience with track management, and also areas where they had experience with the raising and racing of thoroughbred horses. Those people are there because they have, as a result of their experience, a large body of knowledge in that area. They're not there to represent the particular points of view of the groups with whom they worked while gaining their experience. So it's not correct to refer to a particular point of view being represented on the Racing Commission.

However, at the time I announced the appointments to the Racing Commission, I did indicate that we would be considering the possibility of increasing the size of the Racing Commission, if we felt it was necessary to do so, to bring to it people with experience and knowledge in areas other than those that the existing members of the board have. So the short answer to the question is that we will be considering the advisability of additional appointments.

MR. WILSON:

A supplementary, Mr. Speaker, to the Hon. Attorney General. Is it not true, sir, that the new chairman, Mr. Parsons, has considerable experience in both flat-racing and harness-racing because of his previous experience as general manager of the Calgary Exhibition and Stampede Board?

MR. LEITCH:

Well yes, Mr. Speaker, he certainly had exposure in those areas.

MR. SPEAKER:

The hon. Member for St. Albert, followed by the hon. Member for Little Bow and the hon. Member for Calgary McKnight.

Athabasca University

MR. JAMISON:

Mr. Speaker, I'd like to direct the question to the hon. Minister of Advanced Education. I wonder if the minister could inform the House as to the status of Athabasca University?

April 26th 1972

ALBERTA HANSARD

37-7

MR. FOSTER:

Mr. Speaker, the Provincial Treasurer and I yesterday attended a presentation by the architectural consortium to the governing authority of Athabasca, and I have asked the governing authority and that consortium to provide me with certain additional information, which they are going to do. At this point, Mr. Speaker, no firm decision has been taken by myself, nor for that matter by the Executive Council, on the matter of Athabasca.

There are a number of relevant considerations which I have stated, and I suppose, restated on several occasions, and will now take the opportunity of stating again that we are interested in reviewing Athabasca, given the enrolment uncertainty, the size of the University of Alberta and the University of Calgary and, for that matter, to an extent the University of Lethbridge, and given the economic considerations in this province at this time. I would like, Mr. Speaker, to be more specific than that but it really has not arrived at the point where I can. I am prepared to carry the matter forward to the Executive Council for final reconsideration.

MR. JAMISON:

Supplementary, Mr. Speaker, I wonder if the hon. minister could inform us as to the role of the Athabasca authority?

MR. FOSTER:

Well, Mr. Speaker, the Athabasca Authority is an authority similar to any other board of governors, and in that sense, the legal authority of Athabasca University. But I think the House appreciates, as does Alberta, that Athabasca has not yet broken ground; it is still in a conceptual planning stage -- both physically and academically -- and their authority as such will be limited because no firm decision has been taken on capital development or academic development beyond that which has been made to date. Other than that, Mr. Speaker, I don't think I can add anything further unless this doesn't answer the question.

MR. CLARK:

A supplementary question, Mr. Speaker, to the hon. Minister of Advanced Education. Could the hon. minister give us a ball park figure as to when he expects a firm decision on the future of Athabasca University?

MR. FOSTER:

Mr. Speaker, the architectural consortium has just now completed the phase of their planning unrelated to any site. If they now are to proceed and go forward this planning will have a site relationship. I think that now is probably the time that government decides whether we're going to fish or cut bait on the matter of Athabasca at this time. The architectural consortium is in neutral, if you like, at the present time and hopefully, in the course of the next several weeks, we'll be in a position to give some guidance to the Universities' Commission and to the Athabasca Authority on this topic.

MR. CLARK:

Mr. Speaker, one last supplementary question. Will the hon. minister have a final decision, or can he give the House indication of a commitment for a final decision on Athabasca, shall we say by the first of July?

MR. FOSTER:

Mr. Speaker, I began this guessing game with Athabasca shortly after I became the Minister of Advanced Education, and I learned

37-8

ALBERTA HANSARD

April 26th 1972

rather early in my experience in government that the minute you put a date on a decision you find you have to renege. I think I have been doing that since the 1st of January this year, because I find that there are always other relevant considerations and -- although clever as we are -- we don't think of everything. So I am very reluctant, Mr. Speaker, to put that kind of time-line. Although I appreciate the fact that government is considering Athabasca, it lends a certain uncertainty to the advanced education community and I don't want to prolong that. But I think, in fairness, I would like the latitude to deal with it as expeditiously as possible without firm dates, Mr. Speaker.

Federal-Provincial Relations

MR. R. SPEAKER:

Mr. Speaker, a question to the hon. Minister of Federal and Intergovernmental Affairs. Has the hon. minister had a reply from the hon. Mr. Marchand with regard to his submission?

MR. GETTY:

No, Mr. Speaker.

MR. R. SPEAKER:

Mr. Speaker, a supplementary question. Was the submission to the hon. Mr. Marchand in the form of a personal, confidential letter?

MR. GETTY:

Not a personal, confidential letter. It was a letter that is being treated as confidential -- it's in the form of a letter from the Government of Alberta.

MR. R. SPEAKER:

Mr. Speaker, a supplementary. Does this letter include the complete amount of information that Mr. Marchand requested from the Government of Alberta following your earlier meeting with Mr. Marchand?

MR. GETTY:

I don't know. He didn't request any series of information. He asked for greater detail, Mr. Speaker, as to a proposal which we were making. We have provided additional detail and we expect that we should now have from him a reaction, which can lead to a great deal more detail. But we are still dealing with a broad concept.

Recruitment of Labour

MR. LEE:

Mr. Speaker, I have a question for the hon. Minister of Manpower and Labour. Has your department been able to identify any areas of the province or particular industries in the province where companies are encountering difficulties in recruiting workers this year?

DR. HOHOL:

Mr. Speaker, if I could reply in this way. One of the trades that was difficult to recruit this year and last year and likely will be next year is that of steel-working. Electronics and certain areas of electrical work are also difficult to recruit. So, rather than reply in terms of areas of the province we'll say that the large enterprises like the Procter and Gamble enterprise at Grande Prairie, companies of that size who are in the construction phase at moment

April 26th 1972

ALBERTA HANSARD

37-9

as, for example, Canadian Bechtel are having difficulty with certain specialized trades, and certainly that of steel is one. This will lead me to make some remarks in the estimates with respect to The Apprenticeship Act and certain changes that the House may want to contemplate with respect to The Apprenticeship Act.

The problem of developing inventories in a long-term base of what jobs and what skills this province will need and then to work with the training institutions to make sure that we have them is an objective and a challenge of considerable consequence to the future of this province. I appreciate the question, Mr. Speaker.

MR. LFE:

I would like to ask a question. Has your department been able to identify whether the increase or the change in unemployment insurance benefits has had an effect on any difficulties in recruitments?

DR. HOHOL:

Mr. Speaker, the assessment of people close to this problem in Ottawa and here in Alberta feel that a period of at least six months will have to elapse before a reasonable statement can be made on the influence of unemployment insurance with respect to availability of people in the work force. There are some indications now, but I want to recall that unemployment insurance began late; it has certain difficulties and likely a clear period of four to six months will have to occur before we can make an assessment. But this kind of assessment will be necessary because it will be important information to employers, to employees, to the Unemployment Commission itself, sir, and of course, to this government.

MR. SPEAKER:

The hon. Member for Camrose followed by the hon. Member for Calgary Millican, the hon. Member for Sedgewick-Coronation and then the hon. Member for Calgary Bow.

Motor Vehicle Licences

MR. STROMBERG:

Mr. Speaker, a question to the hon. Premier or to the hon. Minister of Highways. May I be excused from this Assembly for half an hour to go and buy my licence plates, or is it your intention to give me and the people of Alberta, an extension of time past the end of this month?

MR. COPITHORNE:

Mr. Speaker, maybe the hon. Premier should give him a half hour extension to leave the House to buy his licence plates because there will be no extension past this week.

MR. STROMBERG:

Supplementary, Mr. Speaker, since the former Minister of Highways was quite kind at certain times in extending the time limit, would you reconsider that statement?

MR. SPEAKER:

The hon. member has already taken considerable licence in his question and I think the supplementary -- [Laughter].

37-10

ALBERTA HANSARD

April 26th 1972

DR. BUCK:

Supplementary, Mr. Speaker, in this relation, hon. minister, I asked you previously if there was going to be any outlet other than the one here. Have you reconsidered this because I have had many complaints about the fact that it is very difficult to get your licence plates from the outlet down here, and I think it is a serious problem, so I would like your consideration of this.

MR. COPITHORNE:

Mr. Speaker, I think at the time the hon. gentleman asked the question before I explained to him that we have numerous outlets throughout the province, outside of the city, and there has been some extension from what was previously done in the past in this regard.

DR. BUCK:

Supplementary, Mr. Speaker, I mean in the City of Edmonton. I am quite happy with the situation outside but in the city here -- that's where the complaints have been coming, from hon. Minister. Are there going to be extensions in the City of Edmonton?

MR. COPITHORNE:

Not at this time, Mr. Speaker. But we will consider it another year. Actually, Mr. Speaker, I could say this, that this year our licencing agency has not been rushed until this week.

Resources Consultant

MR. DIXON:

Mr. Speaker, I would like to direct a question to the hon. the Premier. Yesterday the Province of Manitoba announced the appointment of former Communications Minister, Eric Kierans, as advisor on their resource policy for that province, and I was wondering if the hon. Premier and his government were considering appointing a resources consultant because of the serious decisions that are going to have to be made here in the next few months.

I would like to ask a supplementary question while I'm on my feet. If the answer is 'yes', I wonder if he would give consideration to asking the former premier, Mr. Ernest Manning, if he would consider acting as a consultant?

[Interjections.]

MR. LOUGHEED:

Mr. Speaker, with regard to the first part of the hon. member's question, of course the government has engaged consultants, in particular Foster Economic Consultants from the City of Calgary, to give some input into the tentative Position Paper.

Regarding as the second question by the hon. member, the concern might be that to a degree the former premier, Senator Manning, is to some extent the prisoner of past policies and past factors of circumstances. On the other hand I would think the Senator could certainly make a very useful contribution by way of input and I personally would welcome any submission that he might want to make to the government and would give it very full and careful consideration. I would hope that he would do so and I would hope that the hon. member might communicate that suggestion to him.

MR. WILSON:

Supplementary, Mr. Speaker. Would Senator Manning qualify under our group regulations?

April 26th 1972

ALBERTA HANSARD

37-11

AN HON. MEMBER:

...a task force.

Converting Farms to Recreation Areas

MR. SORENSON:

Mr. Speaker, I believe I should direct this question to the hon. Minister of Agriculture. In the event that some of us here who are farmers do not get back to our farm in time for spring seeding, we may have to look to new fields of endeavour. What is the picture as far as vacation or recreational farms are concerned in Alberta? I would like to read a brief and very interesting news item:

"A dairy farmer converted his 250 acre dairy farm to recreation. Facilities on his farm include golf course, fishing pond, play grounds, picnic tables, concession stands, a meeting place for groups, softball fields, areas for horseshoes, badminton and shuffle boards, swings, rides and games. The admission charge is ten cents a person for the recreational area and fifty cents for golfing or fishing. The farmer figures his income has doubled since he converted from dairying."

Does it appear to be a paying proposition in Alberta? And how do we get started?

DR. HORNER:

Well there are a number of questions there, Mr. Speaker, that perhaps should be answered, and I would like to suggest first of all to the hon. member that he should put some pressure on his colleagues if he intends to get back to put in the crop himself.

Secondly we have already initiated discussions within the department in regards to the question of the farm tourist business. A voluntary association was formed in the Bentley area. They were the initiators of an association who banded together to develop a program for the taking in of tourists onto their farms and developing that kind of a program. The hon. Minister of Tourism and I have had various discussions with regard to a program that might be developed in this area and we as well have met with delegations from the Rimbey-Bentley area, and have received briefs from a number of other areas in relation to this program. We think it's one of the viable alternatives that farmers can use to improve their income and we intend to develop programs that might initiate positive action in this area.

Hunting and Game Farms

MR. SORENSON:

A supplementary question to the hon. Minister of Lands and Forests. What is the status of the hunting farm or preserve in Alberta?

DR. WARRACK:

Mr. Speaker, I thought with reference to the dairy question I was going to get pulled into the discussion. -- [laughter]

DR. BUCK:

Is that vertical integration?

37-12

ALBERTA HANSARD

April 26th 1972

DR. WARRACK:

I thought it went right over! No seriously, Mr. Speaker, I really do think that the area of rural recreation, the whole matter of a source of income and a source of employment through the provision of recreation services in rural Alberta is an extremely important one, and I think related to that would be the subject that you suggest; also the game farms which would be quite related to the subject you suggest. There is, of course, a very famous one just east of the city, and as a matter of fact, I intend to go to Lethbridge on May 14th to conduct the official opening of the game farm there, Mr. Speaker, and I hope that indicates my very favourable response to the important subject that you bring forward.

Policy re Amendments to Criminal Code

MR. WILSON:

Mr. Speaker, I'd like to address a question to the hon. Minister of Federal and Intergovernmental Affairs. In your government-to-government negotiations, has the federal government sought the policy of the provincial government on its intended amendments to the Criminal Code?

MR. GETTY:

Mr. Speaker, I have not through my department been discussing this matter with the federal government. However, the question more properly relates to our Attorney General, and I pass it to him.

MR. LEITCH:

Mr. Speaker, I am sorry I was checking what I said last night and didn't catch the question.

MR. WILSON:

Mr. Speaker, supplementary to the hon. Attorney General. Has the federal government sought the policies of the provincial government on its intended amendments to the Criminal Code?

MR. LEITCH:

Not that I am aware of, Mr. Speaker.

MR. WILSON:

A supplementary, Mr. Speaker. Does the provincial government intend to make its policies known to the federal government prior to them introducing their intended amendments to the Criminal Code?

MR. LEITCH:

I am not sure, Mr. Speaker, that I followed the question. As I understand it, you were asking whether we intend to make our thinking known to the federal government before the federal government introduces the amendments to the Criminal Code. Mr. Speaker, on those cases where we have a prior indication from the federal government of the amendments they intend to make, and we feel that there is something that we would like to say about the proposed amendments, we do intend to make representation. Quite frequently these amendments appear in bill form as introduced into the federal House prior to our receiving any communication about them.

MR. WILSON:

A supplementary, Mr. Speaker. Does the provincial government have a policy on capital punishment?

April 26th 1972

ALBERTA HANSARD

37-13

MR. LEITCH:

Mr. Speaker, that is, of course, a federal matter that falls wholly within the federal jurisdiction.

MR. SPEAKER:

The hon. Member for Calgary McCall followed by the hon. Member for Vegreville and the hon. Member for Wainwright.

Stockyard Locations

MR. HO LEM:

Mr. Speaker, I have a question for the hon. Minister of the Environment. I was wondering if he would like to make comments on a very serious problem in northeast Calgary. Will the hon. minister comment on what is being done by the department in regard to giving the citizens of northeast Calgary some assurance that the proposed stockyard development will not be built within so close a proximity to residential areas?

MR. YURKO:

Mr. Speaker, my department sets standards for industry of all types and industry must conform with the standards that are set by the provincial government, but the final decision as to the location of the plant, or the location of the enterprise is basically left up to local jurisdiction. Only under the most extreme circumstances would we interfere with a decision by the local jurisdiction in this regard. I think that in this particular instance we would be following that policy as I just indicated.

MR. HO LEM:

A supplementary, Mr. Speaker. Are you aware that this same problem occurred some two years ago. An application was then made to the city -- also a 3,000-name petition was presented to council. Are you aware that this petition was presented to council, and subsequently the council had voted against this application? Would you propose that there should be some change in the legislation to prevent such things coming up again and again, brought about by the same people, on the same problems, in the same vicinity?

MR. YURKO:

Mr. Speaker, I said earlier in the House that this year the Department of Agriculture and my department are conducting an extensive survey into feed-lot operations in massive -- or what is the word -- intensive feeding of livestock and animals. I expect that, as a result of this survey, we might impose some additional regulations in connection with the location of this type of enterprise. I indicated at that time when I talked about this matter, that we would not act hastily, and we would not act without information, and we would only act after we had a body of information which would permit us to act with some degree of knowledge in this area.

MR. HO LEM:

A supplementary, Mr. Speaker. Would you be willing to meet with the representatives of the community who have shown and expressed such concern?

MR. YURKO:

Mr. Speaker, there are just 24 hours in a day, and I suggest that I have been trying to meet with as many delegations as I possibly can. Of course, the government in total, I am sure, is doing this very thing. I would be very pleased to meet with them.

37-14

ALBERTA HANSARD

April 26th 1972

It may take a week or two -- my schedules are pretty full -- but I would be very pleased to meet with them.

MR. HO LEM:

One final question, Mr. Speaker, are you not going to enforce your own standards in this regard?

MR. RUSSELL:

Mr. Speaker, I think the hon. member needs setting straight. He knows perfectly well that what he's talking about is a matter for the properly elected council of the City of Calgary to decide and that they have their own planning authority, they have their own development appeal board. This is what local municipalities want, and his line of questioning shows his complete lack of understanding of the situation.

MR. COOKSON:

A supplementary, Mr. Speaker, to the minister. Would you consider such an application of such a large-scale operation if it were submitted from the Lacombe constituency?

MR. SPEAKER:

This is a strictly hypothetical question. The hon. Member for Vegreville please.

MR. BATIUK:

Mr. Speaker, my question to the hon. Minister of Agriculture, and here again, just like yesterday, I'll have to be a little longer, so I hope there isn't --

MR. SPEAKER:

I would ask the hon. Member for Vegreville, since preambles are of questionable validity, that he might make them reasonably short.

Land Bank

MR. BATIUK:

This morning I heard on the news that the president of the National Farmers Union criticized severely the Land Bank in Saskatchewan. He said that it's a pig in a poke. Since there is co-ordination by the Ministers of Agriculture of the western provinces, are you aware how this works and have you any indication whether you may be considering something like this for Alberta?

DR. HORNER:

Well, Mr. Speaker, I think that we've had some comment in this Legislature on a previous occasion with regard to the proposed Land Bank in Saskatchewan. They have now developed their legislation a little bit further and, in fact, have put some restrictions on the sale of this land for a five-year period. I think I was pretty emphatic the last time I spoke on it that if we had a Land Bank in Alberta it would have to be one that was revolving, and that we had no intention of transferring the farmers of Alberta back to the peasant status of the mid-eighteenth century in Europe. We intend to encourage land ownership and the proper use of credit to enable our farmers, hopefully, to have a better income and to improve the agricultural industry generally.

April 26th 1972

ALBERTA HANSARD

37-15

MR. SPEAKER:

The hon. Member for Wainwright, followed by the hon. Member for Drayton Valley, and then the hon. Member for Lacombe, unless that was a supplementary you wanted to ask.

Then Income Tax Act

MR. RUSTE:

A question to the hon. Minister of Intergovernmental Affairs. Has he made any representation to the federal government in respect to the effect of the new Income Tax Act upon agriculture and farmers in this province?

MR. GETTY:

Mr. Speaker, there has been a variety of representations from the Province of Alberta to the federal government regarding this matter. Yes, definitely.

MR. RUSTE:

A supplementary question. Does he intend to make any further representations in light of the interdepartmental committee comprising agriculture, finance and national revenue, set up by the federal Minister of Finance, to study the effect of this?

MR. GETTY:

Mr. Speaker, I think it would be wise, as more and more is learned of the impact of the new income tax legislation on the people of the province, that we would express that knowledge -- the feelings of the Province of Alberta -- as strongly as possible, especially should it appear that it is detrimental as we suspected it would be.

Highway Approaches

MR. ZANDER:

Mr. Speaker, I wish to address this question to the hon. Minister of Highways as to whether his department has taken notice of the dangerous approaches on our major connecting highways. On a point of clarification, I would draw his attention to the junction of Highways 60 and 16 and Highways 60 and 39 and Highways 57 and 16. The injury that has been caused at these corners has been terrific and I wonder if any consideration has been given in this year's appropriation for fixing the approaches to these major highways.

MR. COPITHORNE:

Mr. Speaker, we are giving consideration to the approaches onto many of the different highways and if the hon. member wants to have specific information on specific areas, would he either write me or put it on the Order Paper.

MR. ZANDER:

Agreed.

MR. DIXON:

Mr. Speaker --

MR. SPEAKER:

Actually, we've come to the end of the question period.

37-16

ALBERTA HANSARD

April 26th 1972

MR. DIXON:

Mr. Speaker, my question concerns what happened today, so if I could --

MR. SPEAKER:

Could the hon. member have leave to put a further question?

HON. MEMBERS:

Agreed.

Municipal Assistance for Calgary

MR. DIXON:

My question, Mr. Speaker, and thank you, is to the hon. Premier. I understand, Mr. Premier, that you had a meeting this morning with the mayor of my City of Calgary, and I'm wondering if there's been any change regarding municipal assistance, because there are thousands of Calgary taxpayers interested in knowing whether the meeting between the government and the mayor of our city was helpful in getting more money for our City of Calgary.

MR. LOUGHEED:

Mr. Speaker, first of all when the hon. member uses the unique phrase 'my City of Calgary' -- as a representative, too, from a constituency in Calgary, I am aware of the concern in the city. The answer is, of course, no. The answer, I believe, and the circumstances were very clearly and effectively explained by the hon. Minister of Municipal Affairs in this House yesterday, that is, the amount of municipal assistance is established pursuant to the bill before the House. The supplementary role was described by the hon. Minister of Municipal Affairs yesterday, and there is considerable additional support granted under the budget revisions to the senior citizens.

The meeting itself was one of a series of meetings which the Mayor of Calgary and myself have agreed to establish on a continuing basis, so that there will be complete communication between the two levels of government. For that reason there was nothing particular to announce arising out of the discussions this morning.

MR. DIXON:

One final supplementary to the hon. Premier, then, Mr. Speaker. Did the mayor indicate they wouldn't be sending out the second supplementary notice later on in the fall to the citizens of Calgary? Maybe this question should be directed to the hon. Minister of Municipal Affairs.

MR. RUSSELL:

Mr. Speaker, the mayor did indicate briefly to us in this meeting the method by which their council had arrived at setting the mill rate and the reasons for doing it. We indicated to what extent they could expect additional financial assistance and that has been clearly outlined, and they are proceeding on that basis.

MR. SPEAKER:

I wonder, just as we end the Question Period, if hon. members would like to give some thought to a suggestion that perhaps we might adopt in regard to the Question Period -- a method similar to what is being done in Committee -- whereby the Speaker might attempt by eye to find which members wish to ask questions, put them on a list, then call their names out as they come up on the list, so they needn't be wondering whether they are next -- thus, save the members getting up

April 26th 1972

ALBERTA HANSARD

37-17

unnecessarily. Perhaps we could try this for the next few days without establishing a long-term precedent until we see how it works.

HON. MEMBERS:

Agreed.

ORDERS OF THE DAY

MINISTERIAL ANNOUNCEMENT

Imperial Oil Refinery

MR. YURKO:

Mr. Speaker, with the indulgence of the House, I would ask if I might be permitted to table a document and make a short statement in connection with the standards set for the new Imperial Oil refinery.

HON. MEMBERS:

Agreed.

MR. YURKO:

Mr. Speaker, I would like to table the new environmental standards established by the Division of Standards and Approvals for the new Imperial Oil Refinery that is being constructed in Edmonton. Also included is a letter of acceptance by Imperial Oil of these standards. May I make some general remarks regarding these standards, Mr. Speaker, at this time?

First, this refinery location is next to an urban area, and thus, the standards are probably the most stringent on record. Two sulphur recovery units are included in the design, and the federal government's desirable ambient standard of 0.17 parts per million for one hour at ground level has been adopted. Source standards were incorporated which include maximum concentrations of sulfur dioxide in stack gases, and limitations on tonnage discharges. Extensive monitoring has been required. Furthermore, effluent rates of the river have been reduced to the lowest levels compatible with known technology. We have worked for weeks with Imperial Oil on these standards.

May I also say at this time that Imperial Oil was most co-operative, and I would not hesitate to say that it displayed a great concern and appreciation of its responsibilities regarding the maintenance of a clean environment. Mr. Speaker, I am not at all reluctant to state that Imperial Oil is an excellent corporate citizen in this regard. Thank you very much.

37-18

ALBERTA HANSARD

April 26th 1972

GOVERNMENT MOTIONS

1. Hon. Mr. Crawford proposed the following motion to this Assembly:
Seconded by Hon. Mr. Werry.

Be it resolved that, a special committee of this Assembly shall be established consisting of the following members:

Chairman: C. Chichak	
Members: R. D. Gruenwald	A. Ludwig
G. Harle	D. McCrimmon
T. Hinman	K. Paproski
C. Lee	G. Topolnisky

with instructions that the said committee:

1. (a) Conduct a review of the existing Alberta Legislation pertaining to (i) Regulation of Professions and Occupations; (ii) Licensing thereof.

(b) Examine generally the policies and principles underlying such Legislation, particularly in relation to those professions and occupations that have been given the power of self-regulation and licensing as distinguished from those regulated and licensed by government; and

(c) Hear representations from Associations incorporated under such Legislation or that are representative members of a profession or occupation, whether it is presently subject to regulation by Statute or not;

and that the said committee meet at the call of the Chairman in the interim between this sitting and the next Spring Session of this Legislature and make any recommendations it considers desirable in regard to the matters herein enumerated or related matters.

2. Members of the committee shall receive remuneration in accordance with Section 59 of the Legislative Assembly Act, and
3. Reasonable disbursements by the committee, made for clerical assistance, equipment and supplies, advertising, rent and other facilities required for the effective conduct of its responsibilities shall be paid, subject to approval of the Chairman out of such appropriation number as shall be designated by the Lieutenant Governor in Council.

MR. CRAWFORD:

Mr. Speaker, I move, seconded by the hon. Minister of Telephones, Government Motion as No. 1 described on the Order Paper No. 1.

This motion relates to the appointment of a special committee which will have the duty of looking into the nature of professions and occupations and their various groupings, societies and associations in the province, to receive briefs from them and make recommendations in regard to certain legislation. I got a ready response from across the way a moment ago which was a sign of agreement. I hope that is generally the case.

I wanted to say that about one-third of the members present would know that in April of 1970, a similar motion was before the last legislature and the committee was, in fact, named at that time. I believe it's also known that that committee commenced deliberations, and the deliberations were not completed by the time the legislature was dissolved. I suggest that it's very important to proceed with the naming of the committee and to have a special committee of the House with such terms of reference.

April 26th 1972

ALBERTA HANSARD

37-19

In moving the motion and asking the support of members for it, Mr. Speaker, I do want to ask leave of the assembly to allow me to move it with a slightly different wording which would clarify the intended meeting time of the committee.

I have a copy of the change that I propose to make in the moving of this motion, Mr. Speaker. Basically it refers to the last part of paragraph No. 1 of the motion, where it says: "...at the call of the Chairman in the interim between this sitting and the next Spring Session..." it's suggested that rather than "in the interim", it should read, "any period during the adjournment of the assembly during this session, and between the prorogation of this session, and the next spring session." That would enable the committee to meet in the summer as well as in the period following the anticipated fall sitting of this session. There would appear to be a distinct advantage in allowing the committee that latitude. I suggest that it's not a substantial change and will assist the committee.

Mr. Speaker, in conclusion, I want to say the government has received -- and I know, the previous government had -- a number of representations on a continuing basis, from occupational groups and associations, asking for various changes in their legislation. I support the idea that in setting about to change some of the rules in regard to self-discipline and self-government of associations, attention should be paid to the associations who don't yet fall into that class. At the same time as urgings to government are being made, to allow occupational groups to determine their own ends as much as possible in their own practices and disciplines, there is also the group of occupations where no such provision or at least no equivalent provision for self determination has yet been made in legislation. It has to do with the form of corporation or society required for the association, the manner in which licensing is being carried out, and the manner in which the discipline of its members is carried out. Most of the associations who have requests to make in this regard, in my belief, are motivated by a genuine desire to serve the public better and to better their own professional associations. I suggest that a committee for this purpose is the most suitable way for the House to set the stage for future developments in this important area.

MR. SPEAKER:

I have sent a copy of the proposed amendment to the hon. Opposition House Leader. Does the hon. minister wish to incorporate the amendment by leave of the House without a formal motion and seconding?

Assuming the motion to have been read, the amendment is, the words: "in the interim between this sitting and " be deleted, and replaced with the following: "during any period of the adjournment of the assembly during this session and between the prorogation of this session and"...

Taking the motion, with the informal amendment as having been read, all those in favour please say, aye.

[The motion was carried without debate.]

Bill No. 39
The Municipalities Assistance Amendment Act, 1972

MR. RUSSELL:

Mr. Speaker, I move, seconded by the hon. Minister Mr. Topolnisky, that Bill No. 39, being The Municipalities Assistance Amendment Act, 1972, be now read a third time.

37-20

ALBERTA HANSARD

April 26th 1972

MR. STROM:

Mr. Speaker, it is not my intention to delay the third reading of this bill, but I would like to make a couple of comments.

Last year when our government took a very responsible position, although at the time it was a most unpopular position in regard to raising the ceiling on unconditional grants, we were told that we had reneged on our commitment to the municipalities. I suggest that what we were doing at that point in time was facing the realities of the then current situation.

This session, in passing Bill No. 39, we have witnessed a repudiation by the Lougheed party of its promises to the municipalities that were made with full knowledge of the present financial situation.

Mr. Speaker, there is a further point that concerns us at this time. That is that we are wondering if we are witnessing the last of such grants in favour of a reorganized tax system where goodies are shifted from one pocket to another and where the taxpayer or the little man gets hit just as hard or harder. Certainly it is not our intention at this time to try and prevent the passing of Bill No. 39, but we are concerned as to what the future holds.

MR. GETTY:

Mr. Speaker, having been in the House last year and having been involved in some of the discussions regarding the decision of the previous administration to change the ground rules regarding the method in which they were going to make municipal grants, I think it should be clear about the position taken by the members of the opposition last year. We are in fact not involved in any type of repudiation at all this year.

Our arguments that were presented last year in this House were in fact that the move was taken without discussion, that it was breaking the commitment of the previous administration, that there had been no warning, and that then they did break that commitment. We did not make a commitment, as they did, to tie the municipal grants to oil royalties in any way. I think it should be completely clear, when the hon. member is talking about repudiation of a stand taken in that he House, he is in fact misleading the House because that did not happen last year.

MR. MINIELY:

Mr. Speaker, hearing what the hon. Leader of the Opposition had to say was somewhat surprising to me in view of the fact that we had a luncheon with the mayor and various aldermen of the City of Edmonton today. I do want to say that when this matter has been raised by members of the opposition in the past, and we have said that we had early consultation with the representatives of municipalities across the province on this matter, I would look across this Legislature and see heads shaking from people who sat in the Cabinet. I wondered whether they were wrong or, we were wrong, because I wasn't sitting in this Legislature last year. So at the meeting today I specifically was interested, and in fact, asked the mayor and aldermen what transpired last year as far as they were concerned. They indicated that there was no advance warning at all. The mayor said he could not recall whether he had been advised by a telephone call one week in advance.

Now, Mr. Speaker, that might have been the way the former government approached this particular matter. But I can recall very early where the hon. minister, Mr. Russell, myself, and other ministers met with the municipalities to advise them of our problems -- and they were aware of them -- and to hear their problems, and they are also very aware of the fact that we had communicated this as a short-term solution to a larger problem. Mr. Speaker, I rise at

April 26th 1972

ALBERTA HANSARD

37-21

this particular time -- because as you know I do not rise in debate very often -- in view of the fact that we have just come fresh from a meeting with representatives of the City of Edmonton, who are very aware of what this government is doing, who I think trust what we are doing and know that the Provincial Municipal Task Force on Financing is reviewing this whole area. It somewhat surprises me that the hon. Leader of the Opposition would make a statement which, in my view, totally lacks any form of credibility.

MR. LUDWIG:

Mr. Speaker, when I hear the remarks of the hon. ministers it certainly indicates very clearly that they are rather short in memory as to the type of attack that they made on the position of the previous government. They might tell us here that somebody is misleading the House. However, it's clear and it's well documented by press coverage that if they're taking the stand that they are taking today, they, in fact, misled the people of this province and misled them seriously. They created the impression, without doubt, that they were attacking the previous government not on any particular matter except the fact that the unconditional grant of the municipalities was too low. That was the general opinion that was put before the people. Now if the hon. Premier wants to back down on the position that he took before, he can do it. He's done it so often that once more won't really matter. But there was a clear understanding by all concerned in the previous House and during the summer, as to the position the hon. Minister of Municipal Affairs took and the hon. Premier took on this issue. In fact they made this a major issue.

Now if my facts are wrong we can dig down and look into this and find out just what they said. Their major attack -- the brunt of the attack -- was that we did not give the municipalities enough money. Then they turned around a year later and they threw in an extra \$4 million to make it look as if there was a real increase. It's in fact hardly enough to take care of the extra spending required by the municipalities because of inflation. There was no real increase in the amount given to the municipalities this year. That's the position I'm taking -- I think that I would have a lot less trouble substantiating the facts as I state them, than the hon. members did.

DR. HOHOL:

Mr. Speaker, I too seldom rise in debate, but when we speak of setting records straight, then this needs to be done. I recall very distinctly that the period of time in which the matter under discussion was a serious matter here in the City of Edmonton, as it was right across the province, was provincial election time. I personally -- as many in this House indeed likely all in this House -- was actively campaigning. The last speaker is inaccurate in his definition or pinpointing of the real issue of the then opposition, as I recall it. My own views on the matter as I expressed them at public meetings to the media, and on my visits to homes, was this, sir: that there was no notice, there was no consultation, there was no advice and consent, before the change, in fact, was made. The change was effected and announced without prior consultation with the citizens and people of this province. I as a citizen recall this distinctly; I as a campaigner at that time recall it distinctly.

So in the matter of setting the record straight I would make this contribution, Mr. Speaker.

37-22

ALBERTA HANSARD

April 26th 1972

MR. LUDWIG:

Just a question. Are the hon. members saying that the amount of the grant last year was not in dispute? Is that what they are saying -- because I said that it was?

MR. SPEAKER:

To whom is the question directed?

MR. LUDWIG:

To the hon. Minister of Municipal Affairs.

MR. GETTY:

You close the debate.

MR. LUDWIG:

After you answer my question.

MR. SPEAKER:

May the hon. Minister close the debate?

HON. MEMBERS:

Agreed.

MR. LUDWIG:

I would like him to answer that question for me.

MR. RUSSELL:

Well, I'll answer the question first, Mr. Speaker. Of course the amount of the vote was under debate because the bluntness and the unfeeling way in which the previous government had frozen the amount was a major point of contention. Also the time of the year in which it was done was a major point of contention. Because of the way the grant is, in fact, built into municipal budgets and the provincial government -- it represents a substantial sum -- it was very easily frozen. But as any of the members who have an understanding of the provincial budgeting techniques must be aware, it's not so easy to unfreeze once you are locked into a position like that. So I hope that answers that question.

Insofar as our commitment, and the hon. Leader of the Opposition questioned this government's policy and suggested that perhaps there was a reneging on a commitment, Mr. Speaker, I think our commitment is well documented. As far back as the time when the SCOAT Committee submitted its report to this Legislature, a minority report was submitted at that time -- or we attempted to submit a minority report under the rules of the House outlining very clearly our position with respect to the role of property taxation and the provincial-municipal fiscal system as it existed. We think it's wrong, the system, and it does need correcting. We have taken steps, I think very major steps, along that road. We've said many times we hope to bring in our major reforms on the basis of the report received from our task force which has been set up to examine the matter.

I must again, Mr. Speaker, because apparently some people in this House have very short memories, outline the methods used in establishing this very important sum by the previous and the present governments.

It's our understanding, and this has been confirmed, the hon. Provincial Treasurer outlined one of the ways in which it was confirmed. Late in the fiscal year, of all our municipal

April 26th 1972

ALBERTA HANSARD

37-23

governments throughout the province, without any advance warning or consultation of any kind, that sum was frozen on the unilateral decision of the provincial government. Mr. Speaker, we think that is wrong. This year very early in January, as soon as we had our first draft of our provincial budget fairly well firmed up, we immediately contacted representatives of the two municipal associations and sat down and explained to them the financial position of the provincial government and what we were trying to do. Their first question of course, when we got to the municipal assistance grants program, was how much is it liable to be? And I told them very frankly that we're going to have great difficulty with the data we have available, if it's correct, of making any substantial increase in the amount. They were told that, and later the news became public. The associations then made their presentation to Cabinet. Cabinet at its next meeting discussed the concern put forth by the associations, and on the basis of what had been discussed and the total fiscal picture of the province, we increased that sum by 10 per cent. Now that increase was in direct response to the very genuine concerns put forth by the municipal levels of government.

The hon. Member for Olds-Didsbury seems to think that there is something wrong with that, but I say, heaven help the citizens of Alberta when the provincial government acts with a closed mind and refuses to respond to the situation that's put forth by the municipal governments.

I know that the hon. Member for Calgary Mountain View finds a 10 per cent increase or \$4 million insignificant by way of his standards. But I can assure you that the response we've had so far from the municipal governments is that they did appreciate, I think, our efforts to make the 10 per cent increase in direct response to their representations, and have no apologies to make in that regard.

Another thing I must comment on -- there is just one more item and then I'll be finished, Mr. Speaker. The hon. Leader of the Opposition made specific reference to goodies being shifted and I realize that the former government did work on the goody system, which they moved around to their advantage and to their liking. This government does not work like that, Mr. Speaker. The allocation of goodies is gone --

MR. CLARK:

Does it work?

MR. RUSSELL:

Insofar as the little man is getting hit harder and harder, I think that's a rather ridiculous statement to make in view of the estimates we have just passed with respect to our, I think, significant assistance to the senior citizens of this province, most of whom are caught in a fixed low-income bracket. So I'm rather proud in our first year, Mr. Speaker, to sponsor this bill, to tack it up with the other programs we're attempting to do, to comment on the work of our task force which is looking towards fiscal reform, and to emphasize again, as the hon. Leader of the Opposition did, this is indeed a one-year amendment. That's why the amendment to the bill is written that way. We are expecting, as a result of our task force report, very major changes in the whole system, and that's why this bill is written that way.

[Leave being granted, Bill No. 39 The Municipalities Assistance Amendment Act 1972, was read a third time.]

37-24

ALBERTA HANSARD

April 26th 1972

MR. HYNDMAN:

Mr. Speaker, I move that you do now leave the Chair and the Assembly resolve itself into Committee of Supply for consideration of the estimates.

[The motion was carried]

[Mr. Speaker left the Chair at 3:47 p.m.]

* * * * *

COMMITTEE OF SUPPLY

[Mr. Diachuk in the Chair]

MR. CHAIRMAN:

The Committee of Supply will come to order.

Department of the Attorney General

Appropriation 1202

General Administration

MR. STROM:

Mr. Chairman, I have a point that I want to raise and I don't know that it would fit into any of the appropriations. It deals with the appointment of a Notary Public. The hon. minister may recall that I was speaking on behalf of one of my constituents who has had this appointment for -- I have the file here, but it seems to me for some 12 years or more. To the best of my knowledge he has handled the appointment in a satisfactory manner. The reply that I have received from you was that because there were two lawyers that came into the town where he was carrying on his business practice for half a day per week, that you could not grant him the appointment. It is my view, Mr. Chairman, that the people of the area are being placed in a position of inconvenience, in that for the days that there is no lawyer there, there will still be occasions when the services of a Notary Public would be required.

What concerns me is that the legal profession as such, I believe, or possibly the department -- I really don't want to say which it is -- feels very strongly that that right should be retained by the legal profession. I know that we have moved toward the area of providing fewer services through laymen as the years have been going by. But I really, Mr. Minister, can't understand why he could not have carried on the responsibility as long as he remained in practice, and if that rule is to be applied, it be applied to any new applicants.

I understand, too, that one of the lawyers spoke in favour of him receiving it and the other one, I believe -- I haven't checked it out -- was opposed to it. I am wondering why he would not be able to have carried that responsibility on until he no longer was in business?

MR. LEITCH:

Mr. Chairman, that is a very fair question and one that I am happy to respond to. I should perhaps begin by saying that the policy we are following is not one that began with our administration. We were merely carrying out a policy that has been in force for some while.

The second point I want to make immediately is that this policy isn't for the benefit of the legal profession at all. That I think should be very, very clear. There is one reason and one reason only for the policy, and that is for the benefit of the public to ensure

April 26th 1972

ALBERTA HANSARD

37-25

that the more serious or more complicated legal work is handled by people with adequate training.

I should quickly also point out that there are two types of notary public appointments. That is the result of a piece of legislation passed a few years ago. The limited appointment permits the notary to put his notary seal on documents that need authentication, and to the ordinary work of the Commissioner for Oaths, and things of that nature. The notary public with full powers enables the notary public to handle more complex legal transactions such as conveyancing, drawing transfers to property and so on.

Now, to return to the question of the protection of the public, and I'm quick to say that even in these relatively simple legal transactions dealing with the drawing of wills and conveyancing, lawyers can also, like anyone else, get people into awful messes. But in those circumstances the public are protected in two ways. Firstly, the lawyer now, under the rules of the Law Society, must carry public liability insurance. That is liability insurance for mistakes he may make in his practice, so that if a lawyer makes a mistake in the drawing of a will or in a conveyancing transaction, and as a result there is a loss, they have the right to sue the lawyer. If he has not done the job the way he should, he will be liable for the loss. But, more important, they are assured that through the compulsory insurance scheme which the legal profession has, they will be paid for the loss.

There is another way in which the public has an increased protection when dealing with the legal profession in those areas, and it arises because the law imposes on the legal profession a greater duty to do the work properly than it imposes on people who don't have the necessary legal training, such as notaries public. There's a distinction in the quality of work you're entitled to expect when you go to a notary public and go to a lawyer, even though it may be the same job, the same as there's a distinction in the quality of work you're entitled to expect if you go to a general practitioner in the country in the medical profession and a specialist in the cities.

So the sole purpose of the policy is the protection of the public. I should also make it clear that there is a very real need for this protection, because we don't have any difficulty at all in going to a number of cases where people without adequate training have made mistakes in the kind of work that the notary is entitled to do under the full power appointments. It's a very tragic case when that occurs. You'll get, for example, a will that's improperly drawn, and at that point the testator's wishes are completely frustrated and the matter is dealt with as if there is no will. That kind of thing we should try to avoid.

I don't want to take individual cases and debate whether they are qualified or not qualified, because I think as a matter of policy the government can't get into assessing whether a particular applicant for a notary public's services is or isn't qualified. I think we have to have a policy that applies throughout the province. Now if we pick and choose and make exceptions, such as the hon. Leader of the Opposition has proposed, namely an exception in this case while the man continues his business practice, we're simply being unfair to all the other people, and there are a great many of them, who are in a similar position. While I'm sympathetic to his request and have spent some time considering it, it seemed to me that granting the full power there was going to be unfair to a great number of other people. When the hon. member speaks about an inconvenience or a lack of service, I should say that our policy is not to grant the full powers of a notary public where legal services by a lawyer are reasonably available. Now just what is reasonably available, obviously, is a bit difficult to determine, but by and large we followed the test that if you can get to a lawyer within

37-26

ALBERTA HANSARD

April 26th 1972

half an hour or so by public transportation, then it's reasonably available. It takes many of the people in the outlying districts of our city a half hour to get downtown. Or, if there is a lawyer visiting the area a couple of times a week, we felt that the legal services are reasonably available. I should say that it's very hard to think of any major inconvenience flowing from the fact that the things that the notary could do with the full powers can't be done during the three days of the week, say, that the lawyer isn't in town. Now again, most of those things are wills; they are conveyancing matters. It's rare that you have to have them done today. Even if he's there it's rare that you can get them done today. It's not very often you can walk into a lawyer's office with a will or a land transaction and get it done that day.

The other things that are the day-to-day functions where you may need a notarial certificate or a notary seal or something, the person with the limited appointment can do those, and those are the kind of things that you may need quickly, or you may want to send letters off or goods and things of that nature, and you want those things done quickly, and that service is available. So while there is some inconvenience, it seems to me in all those circumstances that will occur relatively rarely, I found it very difficult to have a policy unless it has very clear guidelines and then you apply it uniformly throughout the province.

MR. STROM:

Mr. Chairman, I want to make it very clear to the hon. minister that I am in no way raising the individual case, to argue the individual case, I am using it merely as an example to make my point. Again I simply want to say this, that I recognize that in the establishment of legislative acts for various professions, there is often a grandfather clause that includes those who have been practising before, who, I would say, would maybe have some questionable factors related to their qualifications. It is in this area that I am trying to make my point.

Here is a man who has had the appointment for many, many years, and who has then been told that he cannot have it. I agree with you 100 per cent when you inform the House that this was a past policy, which I argued, incidentally, before because it seems to me we have to make some allowances during a transition period. Maybe we have gone through it, and I don't intend to pursue that to any great length. But I do feel, Mr. Chairman, that in this particular area the man provided a good service; I am not aware of any complaints that had been made in regard to the service.

Lastly, I am fully convinced that the kind of documents you referred to would undoubtedly be drawn up by a lawyer, maybe even going to the cities adjacent to the area that I am talking about. So there would really be no problem in some of them. Maybe -- and I have to say this, too, in all fairness to you -- it is just possible that the lesser appointment is filling the bill for him, because I haven't chatted with him just recently, but that doesn't change my argument as to the principle which I still feel is one of permitting him to carry on for a period of time, inasmuch as he had it for the number of years that he did.

Mr. Chairman, let me make it very clear, I don't intend to stand up and make another long speech on it, but I just simply wanted to put that point across to you on a point of principle, rather than on individual taste.

MR. LEITCH:

Mr. Chairman, I think there is a distinction between the application of the grandfather principle in this case, and the other case to which the hon. Leader of the Opposition refers. I can think,

April 26th 1972

ALBERTA HANSARD

37-27

for example, in the hospitals they have used a grandfather clause, but the distinction there, is for the people who fall within that clause, is there is not much question about their ability, their training -- it is merely that they have imposed new methods of determining skills by new degrees, and so on.

MR. STROM:

You fellows are small-town lawyers.

MR. LEITCH:

In this case, Mr. Chairman, the people who held the full powers as notaries public really never had, in the vast majority of cases, any formal training dealing with conveyancing, the drawing of wills and so on, which is becoming, of course, a much, much more complex problem.

MR. HINNAN:

Mr. Chairman, I have talked about this before, so maybe it won't hurt to reiterate a few things to the new government. The first one is, the public should never be protected against its will. I know in the outlying towns the people want this kind of service. In the first place, one little lawyer comes to town; he is probably suing one of these fellows. Then they have to go to him to get something notarized. He is there for half a day. Now, whether you think it is convenient or not to have to drive only half a mile, sometimes you only have two people together once in a while. One comes from far off; they both need to notarize something, and this is a convenience.

My own view is that there is a place for notaries of both kinds, one of whom has some rights to do some of the things such as conveyancing. Most of us who have had much experience in real estate or other fields know that a good share of the conveyancing is done by legal clerks in offices, and that in a great many cases no lawyer ever looks at it. We are also aware that hundreds of conveyances are done by the people themselves. If they make a mistake they invariably get it right back from the Land Titles Office and either they correct it, or they go to a solicitor.

The other thing is that, as I understand the law, it doesn't prevent somebody from making an agreement or a will or a conveyance. It simply prevents him from taking any remuneration for it. Consequently, in my own experience, I think I could find dozens of agreements that are made by somebody -- the two people go to him, tell him what they want, and he makes a memorandum. Some of these I've seen in court, and I've seen them stand up pretty well because they're pretty simple.

Now, I think there are two approaches. I think one is to set up a notarial system where people are qualified -- and we may provide some kind of a training course for those specific things which they are permitted to do. I think it's probably time we did that.

We used to have some members in the House who had an aversion to lawyers, and I know there are people outside who have an aversion to lawyers, who even think that there will be no contracts in heaven because there won't be any lawyers there. Be that as it may, I am serious in saying I think it's time we considered an act or a provision for notarial service where people could qualify for a limited number of procedures.

The other thing is that I think it's still in the best interests of the people to have these limited notaries appointed rather broadly over the province. The people will be very much aware that they don't have the protection of the law, but we could easily provide for those full-time or more fully qualified people -- we could provide

37-28

ALBERTA HANSARD

April 26th 1972

that they have to have insurance just as the others do. I think it's high time we remembered that we are to serve the people. I can tell this House that over the province the idea of eliminating these notaries is not popular at all.

MR. KOZIAK:

With reference to the comments made by the hon. member regarding the place in heaven for lawyers, I perhaps should bring the attention of the hon. member to the biblical interpretation of the word "lawyer", which is law-giver, or law-maker as the case may be. And here we are in this session -- 75 of us -- lawyers. I hope to hell that there's room for some of us in that place above.

MR. LEITCH:

I should say to the hon. member that when dealing with the matter of limited appointments -- that is, appointing notaries public with limited powers -- there is no restriction on that. They are appointed pretty well as they apply for it. It is merely a question of the full appointment which enables them to get into fields where they haven't had any formal training.

MR. BARTON:

I had a few questions when I looked over the appropriation. I was wondering if the Attorney General's department is participating in a HRDA program in a Special Area? And under what appropriation?

MR. LEITCH:

The ARDA program? HRDA? No, we don't.

MR. BARTON:

In the form of counselling services and assistance in a special area, I think it is covered under an agreement.

MR. MINIELY:

I wonder, Mr. Chairman, in reply to the hon. member's question -- you are aware of the native courtworker's program, the director of which is Mr. Cunningham. That's funded through a different appropriation, not through the Attorney General's department.

MR. BARTON:

My second question, then, is his department continuing on with the special area co-ordinating committee to HRDA to report to the ministers? They did have a member last year on it.

MR. LEITCH:

I'd have to check on that.

MR. HARLE:

I'd like to raise a matter right now, which I think is going to become of some concern in the next few months and perhaps the next year. I think all hon. members should be aware of the fact that we're getting into a fair number of liquor plebiscites. I think that as the Liquor Control Board, in effect, reports to us through the Attorney General's department, perhaps this would be the best place to raise this particular matter.

The problem arises because of the refinement in 1958 and the years following that, of the definition of local option areas, and also because of the refinement of the different licensing

April 26th 1972

ALBERTA HANSARD

37-29

requirements in The Liquor Licensing Act. The plebiscite system that we're presently using ties in with The Election Act. When a plebiscite is called, the whole cumbersome procedure of The Election Act becomes the method by which the plebiscite is carried out.

I have some figures which I would like to mention. In 1958 there were 10 plebiscites; in 1959 there were 11; between the years 1960 and 1965 the number varied from 2 to 7; there were none in 1966 and 1967; there were 4 in 1968; 6 in 1969; 2 in 1970; then we come to the year 1971 and we had 96; in 1972 as of April 26th it appears that we are going to have about 48. I understand there are about 400 beverage room licences and if every one of these beverage room licences wants to get into the selling of liquor, there will no doubt be plebiscites for every one of those 400 beverage rooms.

I think hon. members should be aware of the fact that this method of using The Election Act puts an extreme amount of pressure on the Executive Council and the Clerk of the Executive Council. It's a very cumbersome procedure. We're down now to taking a plebiscite for 250 people in a local option area and it seems that there should be some review of the whole procedure of plebiscites involving The Election Act. I would therefore ask that the hon. Attorney General give some thought to this matter and perhaps involve the municipalities themselves in the actual conduct of plebiscites to cover these local option areas.

MR. LEITCH:

I agree, Mr. Chairman, that the matter of liquor plebiscites needs to be reviewed.

MR. LUDWIG:

Mr. Chairman, before we leave this vote on the very serious matter of lawyers getting to heaven -- I was always under the impression if there's a loophole the odd one will get by.

Appropriation 1202, agreed to \$2,305,370

Appropriation 1203 Public Trustee

MR. LUDWIG:

Mr. Chairman, on this appropriation I would like to ask the hon. minister a couple of questions. Is it still the practice of the public trustee's section to take general estate work -- I don't mean the kind of estate work where the law requires a public trustee to be involved -- I mean just general administrative small estates? And if it is, I am just wondering if there is any change in policy in that regard.

MR. LEITCH:

It is my understanding, Mr. Chairman, that the Public Trustee administers any estate that it's requested to administer. While that's my understanding I can assure the hon. member that there has been no change in the policy since we came into office in September.

MR. LUDWIG:

To follow-up -- does the Public Trustee charge the tariff fee for handling estates, or is there a preferred fee in dealing through the Public Trustee in these matters?

MR. LEITCH:

Mr. Chairman, I would have to check that.

37-30

ALBERTA HANSARD

April 26th 1972

Appropriation 1203, agreed to \$1,083,770

Agreed to without debate:

Appropriation 1204 Alberta Securities Commission \$ 348,650

Appropriation 1205 Debtors' Assistance Board

MR. FRENCH:

Mr. Chairman, I wonder if we could have an explanation for the reason that there are three less people and the salaries are up around \$40,000 or so. If I'm right the report that we had from the Debtors' Assistance Board last year indicated that their work has increased appreciably over the last few years. If I remember correctly, ten years ago they only had a few cases and last year it was up into 2,000 or 3,000, with the number of people who seem to be having problems in paying their debts. I recall the hon. Minister of Agriculture reporting to the House quite recently that quite a number of the farmers in northern Alberta are having some problems, and I am just wondering if we are cutting back on this work?

MR. LEITCH:

Mr. Chairman, the explanation for the three less people is a printer's error. There aren't less people and the increase in salaries results from two positions being transferred into that appropriation. So there are no less people.

MR. BENOIT:

How many are there?

MR. CHAIRMAN:

What is the correction?

MR. LEITCH:

The same number.

Appropriation 1205, agreed to \$ 149,080

Appropriation 1206 Law Libraries

MR. D. MILLER:

Under this vote it mentions law libraries but in the next one there is a vote for grants and no mention of libraries. However, they say to be forewarned is to be forearmed and I would just like to bring to the hon. minister's attention a rumour that perhaps is going to be a reality to his department, and the rumour is that the Law Society of Calgary is being asked to contribute \$250,000 -- which would be matched by the City of Calgary -- which total would be matched by a request to the provincial government for \$500,000 for a law library for the University of Calgary, producing more attorneys who are finding few opportunities to article. I say again, to be forewarned is to be forearmed, and I see there is no reference made to any \$500,000 here.

MR. LEITCH:

Mr. Chairman, I am aware of the campaign in Calgary which is to raise a quarter of a million dollars from the community towards a law library. There has been no approach to my department to contribute to a law library and I believe that campaign, followed by a matching grant from the city if that occurs, is related to the establishment of a law faculty at the University of Calgary. And I would think the

April 26th 1972

ALBERTA HANSARD

37-31

question you have raised is something that should be taken up with the hon. Minister of Advanced Education rather than with my department. We deal with the law libraries in the courthouses as opposed to the libraries in the universities.

MR. NOTLEY:

Mr. Chairman, I notice in this appropriation that the materials and supplies are actually being reduced but the salaries -- there are no salaries listed last year but salaries of \$44,000 this year and seven salaried positions. I wonder if the hon. minister could advise us the reason for this?

MR. LEITCH:

These are really the same people. They were earlier charged to Appropriation 1216 which was Supreme and District Courts, and we just moved them into this appropriation.

MR. CLARK:

If I could follow up Mr. Miller's comments to the hon. Attorney General. Is it true that there is an over-supply of articling students as far as Calgary is concerned, because I certainly had been led to believe that the reverse was true?

MR. LEITCH:

Mr. Chairman, up until a couple of years ago Alberta was not producing nearly enough law students to meet the demand, and law students were coming into Alberta primarily from Nova Scotia, Ontario, Saskatchewan, Manitoba, and British Columbia, and it's just in the past couple of years that the supply of law students throughout Canada has gotten close to meeting the demand. In the last year the Law Society became concerned about that, and in the last two years has had programs to ensure that all of the Alberta graduates do get articling positions. It was successful last year, and I have no reason to think it won't be successful this year. The short answer to the question is that there has been a concern about the supply in Canada, and that is the supply, including those who have come into Alberta, exceed the demand in Alberta. It's close, but so far all of the Alberta students have been placed with articles.

MR. CLARK:

I would like to question the fact that there are a number of students that don't come from the University of Alberta, who come into Alberta from other provinces, especially in Calgary and Calgary south.

MR. LEITCH:

Yes, that is so.

MR. DIXON:

A question to the hon. Attorney General, Mr. Chairman. I understand the Province of Ontario was going to do away with the articling requirements of law students in that province and there was some indication -- I had one or two of the law students here inquiring as to whether we had anything like that in mind in the Province of Alberta. I know it has more to do maybe with the Department of Education but I wondered if the hon. minister has had any discussion on this because there will be quite an influx of that type of articling student to Alberta.

37-32

ALBERTA HANSARD

April 26th 1972

MR. LEITCH:

I'd be very surprised if Ontario was doing away with the articling system. I suspect what they are talking about is that they are increasing what they call the bar admission course. I'm speaking from memory but I think the system in Ontario is that, after graduation, you do a one year articling period, of which six months is a bar admission course, and that is a full-time course. Now what they may be talking about is doing away with the remaining six months of the articling period and adding it to the bar admission course, which, far from reducing the requirement to practise law -- the training requirement before you are entitled to practise law -- will increase it.

In Alberta in recent years we introduced a bar admission course. It is now, I think, six weeks in length; it is full time and if anything, I would expect that to increase. The bar admission courses deal with those practical matters of the practice of law that aren't covered in the universities.

Appropriation 1206, agreed to \$ 78,220

Agreed to without debate:

<u>Appropriation 1207</u> Incidental Justice	301,410
<u>Appropriation 1208</u> Contingencies	75,560
<u>Appropriation 1209</u> Staff Training	196,220

Appropriation 1210 Companies Branch

MR. LUDWIG:

Mr. Chairman on this appropriation I'd like to recommend to the hon. minister that the services in this regard to the Companies Branch services in Calgary be upgraded. Perhaps this is being considered now in some other manner, but I had in mind the establishment of an office for perhaps registrations and maybe dealing with names if that is convenient. That may pose a serious problem but in any case there are a lot of people in Calgary and the south, and very much of the business that is conducted with the Companies Branch requires a lawyer or someone to come here to Edmonton if they want to get something done quickly. I think that is a distinct disadvantage and in view of the fact that the fees paid for registration of corporations, etc. certainly pay a great amount of the budget of the Companies Branch, it perhaps would be in order to up-grade the services in the southern part of the province. Now I know that there may be problems with the budget but perhaps space can be located in the John J. Bowlen building where the Land Titles is situated. I would like to urge the hon. minister to give serious consideration to providing more of the services that are now provided out of Edmonton, particularly with the Companies Branch.

MR. LEITCH:

We'll give consideration to that, Mr. Chairman.

MR. LUDWIG:

It appears that the Companies Branch in Edmonton is a very efficient office. They are all working hard, but they are also behind in their work. I'm wondering whether it would not be advisable to increase their staff. Maybe that's intended, because one can't fault them for the fact that they do turn out a tremendous volume of work. At the same time the services elsewhere require more prompt attention to the work that is presented, I believe this is a complaint that is getting around -- that you have to wait quite long to get things done sometimes.

April 26th 1972

ALBERTA HANSARD

37-33

MR. LEITCH:

Mr. Chairman, there are two things that we are doing which I hope will relieve the situation that the hon. member refers to. We are introducing an amendment which will permit the filing of annual returns throughout the year, rather than the beginning of the year. I think that is going to spread the workload over the year and may help to relieve some of the staff problems. We have also been reviewing or discussing the question of whether, in the checking of names, the registrar is not doing more than is necessary. If we conclude that he is, that again will reduce some of the workload and will take up any slack there is in having people provide the other services.

MR. KOZIAK:

Mr. Chairman and Mr. Minister, I have comments on the Companies Branch and on the Land Titles Offices which are similar. They involve equally another department which is the Alberta Government Telephones. That is in connection with the TWX system. The Companies Branch is tied in with the TWX system and it is found that the service on the TWX system is extremely slow in comparison to the service that you get on the telephone and in person. That may, of course, relate to the fact that some of the staff is overworked and is spreading the workload over the course of the year. The change in The Companies Act, dealing with the filing of annual reports, may alleviate this. In any event, it might be necessary to look at the operation of the Companies Branch to see that more people are put on the TWX machines. This would assist the people who are out of the City of Edmonton in obtaining name checks, name clearances, searches -- if the service were immediate on the TWX system, as the system suggests by its very nature.

I have the same comments with respect to the Land Titles Offices. In that respect, I understand the service is excellent. However, it is only obtainable by people outside of the City of Edmonton, so that a search of a title by a solicitor within the City of Edmonton using the TWX system, is not possible. However, a search of a title by a solicitor in, say Barrhead, is possible, and in fact there is immediate daily service. That type of service is extremely practical and well appreciated by all the people who are involved in real estate. I would appreciate it if the hon. Attorney General and the hon. Minister of Telephones would get together and see that that service is extended to the city people, as well as to the outside people as soon as possible.

MR. LEITCH:

Mr. Chairman, I can't respond to those remarks other than to say I will note them and will look into them.

MR. WERRY:

Mr. Chairman, with respect to the Land Titles, that will be fully operational with a TWX system towards the end of August or early September of this year for the City of Edmonton.

Appropriation 1210 agreed to \$ 281,070

Appropriation 1211 Coroners

MR. BUCKWELL:

Mr. Chairman, I was going to ask a question. Is the Chief Coroner a full-time position or a part-time?

MR. LEITCH:

I am hesitating a bit because it took me a while to find out.

37-34

ALBERTA HANSARD

April 26th 1972

He does have an office downtown in which he spends very little time,
so in essence it is a full-time position.

DR. PAPROSKI:

Has the Chief Coroner's salary been adjusted upwards, Mr. Minister?

MR. LEITCH:

Not recently: I can't immediately recall to mind when it was last
dealt with, but it was a few years ago.

DR. PAPROSKI:

Has it ever been reconsidered?

MR. LEITCH:

We have that under consideration.

Appropriation 1211 agreed to \$ 261,190

Agreed to without debate:

Appropriation 1212 Insurance Branch \$ 239,860

Appropriation 1213 Alberta Racing Commission

MR. TAYLOR:

Mr. Chairman, has the hon. minister any comments to make on the
off-track betting, or is it premature?

MR. LEITCH:

Well, I'm not sure what area the hon. Member for Drumheller has
in mind. The position is that the federal government is considering
passing enabling legislation, and if and when they do, we will then make
a decision on whether to have it in Alberta, and if so, under what
system. But final decisions on that haven't been made, and of course,
won't be made until the federal government passes the enabling
legislation.

Appropriation 1213, agreed to \$ 100

Appropriation 1214 Crimes Compensation Board

MR. PURDY:

We had a discussion on this last night, but I'd like to know
what the guidelines are that the board sets for payment to people.
Going through the report that was tabled, we have a few cases where
there was quite a differentiation in payment. I see where there were
two native women with six and eight children respectively who got
settlements of about \$300 and \$500 and then the lady whose husband
was killed by that motorcycle gang north of Calgary got a settlement
of about \$4,000. So I'd like to know what the guidelines are that
they use for settling these claims?

MR. LEITCH:

Mr. Chairman, the guidelines are set out in the legislation, and
beyond that - that is, the legislation setting up the boards and what
payments they can make. But essentially it's compensation for
financial loss.

Appropriation 1214, agreed to \$ 200,000

April 26th 1972

ALBEFTA HANSARD

37-35

Appropriation 1215 Masters in Chambers

MR. HYNDMAN:

Mr. Chairman, for obvious reasons, I would like to have it recorded in the Hansard that I abstained from voting on this appropriation 1215.

MR. LEITCH:

Mr. Chairman, I should call to the hon. members' attention that there is a raise in here for the masters comparable to the raise given to the provincial judges.

Appropriation 1215, agreed to \$ 74,930

Appropriation 1216 Supreme and District Courts and Sheriffs' Offices

MR. LUDWIG:

Mr. Chairman, on this appropriation I'd like an explanation of the decrease in staff and salaried positions -- maybe this was just a transfer to somewhere else -- and also to bring to the attention of the minister that there always appears to be pressure on the court reporters and shortage at times in the Calgary court house. Now, it's bad enough when you have things held up because of a shortage of judges or a shortage of space, but when you get to the position of a shortage of court reporters, this matter ought not to develop to where court proceedings are being held up or delayed because of this shortage.

I'd like to urge the minister to take a good look at the Calgary situation to see if some changes could not be made to improve the situation. These things come and go. Sometimes there is an adequate number and sometimes there is a drastic shortage. It depends on the pressure of the work. It has been brought to my attention, and I think it's generally known, that this situation is not entirely satisfactory. From time to time we have complaints coming out. I would like to know what the decrease in salaried positions amounts to.

MR. LEITCH:

In this appropriation, Mr. Chairman, some personnel were transferred out, and some of them went to the law library positions, which we just dealt with earlier. Where we had none in last year's appropriation, there are now seven in this year's. Some were transferred out to central registry. We had some transferred in, and actually the result is that we have seven new staff in this appropriation, primarily because of the new Edmonton Courthouse, which will be in operation in the first week in June. So, this is deceiving. There has actually been an increase in staff for the court houses, as a result of the new court house in Edmonton.

With respect to the court reporters, that, as the hon. member knows, is a situation I've lived with in Calgary for many, many years. It's been looked at a number of times by the Law Society. They have not found a complete solution, although from time to time they've made improvements. It's an area in which we're concerned, and an area which we're reviewing in the hope that we can find some solution. My memory is that in the new court house we have built in the mechanical requirements to use a mechanical recording system. If that proves advisable, and we are looking into that area, it may be that some of the shortage can be relieved by the use of mechanical equipment. So we're alive to the problem and are looking for solutions.

Appropriation No. 1216 agreed to \$1,158,040

37-36

ALBERTA HANSARD

April 26th 1972

Agreed to without debate:

<u>Appropriation 1218</u>	Official Court Reporters	\$ 973,120
<u>Appropriation 1219</u>	Judges of the District Court	87,480

Appropriation 1220 Provincial Judges

MR. BUCKWELL:

Mr. Chairman, would the hon. minister tell us how many fees or commission judges you have and how many salaried judges you have?

MR. LEITCH:

I tabled, in answer to a question just the other day, the total number of provincial judges. I broke them down into those with legal training, those with non-legal training, and further broke them down into those holding part-time appointments and those holding full-time appointments. I don't have that with me today, but it has been tabled.

MR. BUCKWELL:

One other question. It may be a hypothetical question in a sense, but could you give us a percentage of the number of decisions of the provincial judges that have been reversed or questioned? I am just asking you in general, what is your view of the provincial judges -- their performance in a general sense?

MR. LEITCH:

That, Mr. Chairman, is a difficult question to deal with. I don't suppose there is any field in the administration of justice in which an attorney general doesn't feel there should be improvement. That would include the provincial judges, the police forces, and all aspects of the administration of justice.

In dealing with the provincial judges, it is like any field, we have a great number of extremely able, extremely dedicated people. We have some who don't do as good a job. If I were to look at the thing in its entirety, I think in Alberta we are very much in line with the rest of the provinces. I think they are doing, in that sense, a satisfactory job. We discussed earlier the upgrading of those with legal training. We are trying to increase the number of appointments with legal training, and reduce the number of people holding appointments who don't have legal training. We have a program at the university where a provincial judge takes a leave of absence for a year and goes to the university and is attached to the law school. We think there is a benefit there in two senses, to the law students having that exposure to a practising judge for a year, and to the judge being exposed to the university faculty, the current academic thinking, and the students. So, we are doing a number of things in that area in an effort to bring about improvement.

I wouldn't want it to be taken from that that this is the only area which we feel, within the administration of justice, needs improvement. They all do, and we are working all the time in an effort to bring about those improvements.

Appropriation 1220 agreed to	\$2,365,050
------------------------------	-------------

MR. LUDWIG:

Mr. Chairman, before we get off this one, I would like to ask the hon. minister, do we have a number of itinerant judges, and how is this working out? I know you have some, I don't know how many.

April 26th 1972

ALBERTA HANSARD

37-37

MR. LEITCH:

I can't give you the number of itinerant judges, and by that we mean judges who travel from town to town and hold court so that the people in those communities, whose presence is unhappily required before the provincial judge, don't have to travel to him. He, rather, travels to them. The impression I have formed is that it is working very well. I have no intention of changing it.

MR. DIXON:

A question to the Attorney General. I won't mention this gentleman's name, -- I'm sure he's heard from him several times from the City of Calgary. He was complaining that he cannot get the Crown Prosecutor to lay a charge. There's no appeal -- it's my understanding at least -- that there's if the local Crown Prosecutor turns his request down. Is that correct? Or is there any other way he can do this?

MR. LEITCH:

If the hon. member is speaking of the case I think he is speaking of, those aren't quite the facts. The facts are that a private information was laid -- that is a private individual as opposed to a policeman or a member of the Attorney General's department. The case then came before the provincial judge. This was a number of years ago -- I think it may be ten years ago. The agent of the Attorney General, on the instructions of the Attorney General, entered a stay of proceedings, which merely means he appeared before the provincial judge and said; "I'm entering a stay of proceedings."

The argument then developed as to whether the Attorney General had the jurisdiction to stay proceedings that had been laid by a private individual. The case was taken to the Alberta Court of Appeal, and the Alberta Court of Appeal ruled that when the Attorney General enters a stay of proceedings in any criminal matter, that is the end of it. The courts are then without jurisdiction. It has been taken away from them.

I think the justification for that jurisdiction on the part of the Attorney General's department is to prevent frivolous harassing, or embarrassing criminal prosecutions by a private individual.

Appropriation No. 1225 Agreed to:

\$775,130

Appropriation No. 1226 Public Defence

MR. FRENCH:

With respect to this vote, I well recall the hon. Minister of Agriculture earlier in this session advising the Legislature that in his department they are going to provide a lawyer who will be available to advise farmers throughout the province as to their legal rights. I know from experience that most farmers are most reluctant to phone a lawyer, say in Edmonton or some other place. I'm sure they would much rather drop in to see a local lawyer, or see some lawyer on the street and get the information, as my hon. friend says, free.

Actually, the point that I'm trying to raise is that if we're providing legal aid in the province for people who require some assistance, it seems to me that if we could provide this legal aid through the Department of Agriculture to the farmers in the different

37-38

ALBERTA HANSARD

April 26th 1972

parts of the province, this would be providing an effective service for our farmers all over the province. They would be able to drop into the lawyer's office and get the information at a local level, and I think, being free enterprisers, this would be one way that we could sort of divide the services throughout the province rather than consolidate services in one central office.

MR. LEITCH:

Mr. Chairman, I'm not sure whether the hon. Minister of Agriculture followed those comments, but I'm going to call on him in a moment to respond, and I'm sure he will. I'm not sure we aren't talking about two entirely different concepts.

Legal aid, as I'm sure the hon. members are aware, is provided to those people who, because of financial circumstances, are unable to provide legal service for themselves. My memory of the discussions with the hon. Minister of Agriculture were that he has something somewhat different in mind.

DR. HORNER:

Yes, Mr. Chairman. In our view, we were in fact going to provide an identification service if you like, or identify the rights of the farmer and advise him as to those rights, and on certain occasions we might direct him towards legal aid. But it wouldn't be the intention of the department to provide solicitor's service for every farmer in the province. I think the cost would be too great, and that it would be impossible. I know that we will be able to get the co-operation of the legal profession, as the farmer's advocate, who will advise the farmer of his rights and if he wasn't able to obtain legal counsel, to assist in getting that counsel. If he didn't have the financial ability to obtain legal counsel, then he would assist the farmer in applying for legal aid.

MR. FRENCH:

Mr. Chairman, I have a couple of supplementary questions in view of that information.

Number one is what percentage of the regular fee is paid to a lawyer under legal aid? Number two, what are the prerequisites before a person may apply for legal aid, and number three, where would a person apply?

MR. LEITCH:

I don't know that I can answer the question as to percentages because the legal aid services fall within a field of legal services where there isn't a specified tariff or fee. For example, we have a tariff that's published by the Law Society dealing with conveyancing transactions, the formation of companies and things of that nature. But that's really the only tariff that exists within the profession, and there isn't a tariff within the profession for defending persons charged with offences or taking lawsuits to remedy some civil grievance that you can relate as a percentage of the fees allowed by legal aid. It is substantially less than the regular fees that the legal profession would charge. I would hesitate to guess at a percentage beyond saying that it is substantially less.

The second question, regarding the test used to determine when one gets legal aid. To give you detailed answers I'd want to check with the Legal Aid Committee, but I can say generally the test they use is that: do they have available at the time they need the legal services the money to pay for them? If the answer to that is no, and if there is a need, and they meet the other test for obtaining a legal aid certificate, they get it. It may be, for example, someone owning property really has the assets to provide his own legal aid,

April 26th 1972

ALBERTA HANSARD

37-39

but he doesn't have available the money then, in which case Legal Aid will issue the certificate and expect to be paid back at a later date.

The third question, as to where do you apply -- there are legal aid offices throughout each judicial district within the province and the normal place to apply is through the clerk of the court in that judicial district, and he will then put you in touch with the local Legal Aid Committee. This scheme, as I explained last night, came into existence -- it is relatively new. They didn't get the local Legal Aid Committees set up as quickly as they had hoped to get them set up and there was some delay, particularly in the outlying areas, in the formation of these committees. I believe that delay has now been cured.

MR. FRENCH:

I have another supplementary question. If I remember rightly about two years ago I believe the amount that would be required for legal aid was underestimated, with the result that towards the end of that year, I believe, there was some delay until extra funds were available. I note in the budget this year the increase of \$200,000 and I noticed in Manitoba that their legal aid this year is \$1,300,000, which on a per capita basis would indicate that our legal aid is somewhat less than it is in Manitoba. In other words, it would indicate to me that our aid should be something, maybe double, to be the equivalent of Manitoba. I fully recognize that the hon. minister did advise the House last night that there is a possibility of some joint agreement with the federal government. We've been living in the country a long time and we always look forward to next year, and I suppose if we're going to be living in next year's country that I could ask for representation for adequate amounts, whatever they could be.

MR. LEITCH:

Mr. Chairman, I think it would have been nice to provide more money for legal aid but the hon. member is correct when he says that the fact that the federal government may enter this field played some role in the decision to provide the amount set out in the estimates. There has been some indication that the federal government might come in on a dollar for dollar basis, and if that were so it would double the figure here. The indications we've had are that they were going to deal with this very quickly -- and when I say 'indications' they don't go beyond discussions that have taken place between the provincial and federal people.

I should go back a bit regarding the shortage of funds. I think there was some misunderstanding of the operation of the legal aid plan that raised those comments a while back, and in the fall we provided an additional \$200,000 to Legal Aid, bringing the amount provided for the last fiscal period up to \$900,000, as there was \$700,000 in last year's estimates. And the reason for providing that additional \$200,000 was that Legal Aid had been operating on the expectation that they would get it because they had been told that they would get it; they had been told in fact in June of last year that they would get it. When we came into office in September we found that the payment hadn't been made and we then made it.

It is quite, incorrect in my view, to talk about the Legal Aid scheme being broke or anything of that nature. They are given a sum of money to operate on for the year and, that's a budget; they're to stay within it. And they stay within it by assigning priorities as to who is going to get legal aid. There will then, of course, be a number of applicants who don't get it because the money has been exhausted. I think we then need to assess those applications that they are turning down and make a judgment, as a government or a legislature, as to whether additional funds should be provided to

37-40

ALBERTA HANSARD

April 26th 1972

give legal aid to those applicants who are being turned down under the present money that's available.

MR. FRENCH:

One further comment, Mr. Chairman, and that's all. I would hope that we would never be in a position in Alberta where we have two classes of citizens -- those who can afford legal assistance and those who are not able to, and that's the reason I am raising this matter of legal aid.

MR. NOTLEY:

Further to the points the hon. Member for Hanna-Oyen has raised. Does the profession have any method of allocating legal aid cases among members of the profession or is this done on a voluntary basis? The reason I raise this is that I have received some complaints that have suggested that it is very difficult, because of the fact that the legal aid payments are substantially lower than lawyers would otherwise receive, to get certain firms to take legal aid cases. I wondered if there was some specific method by which the profession allocated legal aid cases?

MR. LEITCH:

Yes, Mr. Chairman, there is. In the past it has, for a certain period of time, tended to go to those people who volunteered for it or wanted it and that is quite understandable. However, the profession's feeling is very, very strong that this is a contribution that the profession is making to those people who aren't able to afford legal services. And the only way it can make that contribution is if all of the members of the profession are involved in the providing of legal aid services. The system that's now in effect is that the legal aid certificates are handed out on a rotation basis. Now, for example, within large firms, there may well be one or two people who do all of the work and that's a good thing because the legal aid work tends to be in the criminal field or in the litigation field and it's much better -- the public is much better served -- if those persons in the large firms, who tend to specialize in that field, do the work, rather than have a lawyer who has done nothing but draw wills for 15 years or prepared prospectuses suddenly show up in the provincial judge's court for an impaired driving charge. Subject to that, they are handed out on a rotation basis to the profession.

MR. JAMISON:

Mr. Chairman, I was wondering if the hon. minister might consider the possible change in the make-up of the Legal Aid Board to include additional non-lawyers on this board.

I would also ask a supplementary, whether or not an MLA is in a position, legally, to be on this board?

MR. LEITCH:

I'll consider the first point, Mr. Chairman. I can't answer the second question, although I wouldn't think there would be any problem.

MR. DIXON:

Mr. Chairman, to the Attorney General. When the legal aid was extended to divorce cases there was quite a rush on the particular problem of divorce cases and I think the former government sort of issued a directive to slow down, or at least, scrutinize them very closely. I wondered if the situation has changed or is there any policy on that as far as the present government is concerned?

April 26th 1972

ALBERTA HANSARD

37-41

MR. LEITCH:

Well again it's a matter of priorities. They start with the budget and the first priority on that budget would be the persons charged with the serious criminal offences. I think there is the greatest need to ensure that legal services are available. Then they work down, and when you come to divorce matters -- many, many divorces -- the need for them is not very pressing, in the sense people may have been living apart for a number of years; they don't have any children, there is no property dispute. They simply now want to be formally shed of each other, although they have been factually shed of each other for a long time. Well, those divorces are very low on the priority list, and I would think under the present budget that it would be unlikely that we would get down to them. But in the domestic cases where there is a problem over custody or things of that nature, then, of course, they rate on a very high priority.

MR. DIXON:

One more supplementary. Where is the co-operation then, say with the social welfare department in some of these cases of hardship? Does the welfare or Social Development Department pay for those or are they all covered under the Legal Aid?

MR. LEITCH:

I can't answer without checking.

MR. JAMISON:

Mr. Chairman, if it has been proven that a person who receives legal aid got it under false pretenses or was financially able to pay his own, have we the ways and means of collecting from that person for what he collected in that manner?

MR. LEITCH:

Yes, on all legal aid there is an obligation to repay. It's merely not exercised in the cases where the people can't repay, but if, and I'm expressing a legal opinion, someone got legal aid as a result of telling lies, that would be a criminal offence. They would probably be obtaining something by false pretences. I don't guarantee that -- I'm guessing.

Appropriation 1226 agreed to \$ 900,000

Agreed to without debate:

Appropriation 1227 Witnesses, Jurors and Interpreters \$ 398,320

Appropriation 1232 Land Titles Office, Calgary

MR. LUDWIG:

Mr. Chairman, on the appropriation Land Titles Office, Calgary, is any progress being made in getting the titles and documents microfilmed? Has that been put into effect or not? It's been discussed and I believe that we keep getting more and more documents. Is it in the plans of the Attorney General to implement this microfilming?

MR. LEITCH:

Yes we're working on that. I can't tell the hon. member the exact position at the moment, but it's something we are working on.

Appropriation 1232, agreed to \$ 757,070

37-42

ALBERTA HANSARD

April 26th 1972

Agreed to without debate:

Appropriation 1233 Land Titles Office, Edmonton \$1,127,040

Appropriation 1236 Royal Canadian Mounted Police

MR. GHITTER:

Mr. Chairman, if I'm going to vote for some \$8 1/3 million I think I must get one matter off my chest about the RCMP and I'll be very brief.

AN HON. MEMBER:

Agreed.

MR. GHITTER:

But Mr. Minister, it's your responsibility as well as enforcing justice to see that justice be done on the other side, that is from the point of view of those who are accused. I'm very disturbed over reports which came out of Vancouver of a former retired RCMP Deputy Commissioner, Mr. Kelly, who talks in terms of legal breaks that are going for criminals. When he talks in terms of the better educated criminal with a knowledge of sophisticated methods and techniques, as well as knowledge of his own rights and rules of evidence, this man, of course, is talking in terms of the need for additional police power, and the need for this to be met. When he says, as some would suggest in this House, that these rising crime rates in all of the provinces are attributable to the fact that the law enforcement agencies don't get the breaks -- that the breaks are set forth to the criminal -- this is far from the truth.

When we come to this vote, I am just compelled to mention a very few matters with respect to the unfortunate position in which the criminal finds himself in this jurisdiction.

In Canada the police are entitled to arrest a suspect without a warrant; they are entitled to use such force as is necessary in order to apprehend the suspect; they are entitled to demand, as a legal right, assistance from the community; they are entitled to conduct unlawful seizures, which evidence may be used at trial; they are not accountable for any of the costs if they take an accused through a lengthy proceeding and are wrong; they are not accountable for their costs -- other than in Calgary, as we saw for the first time in 50 years, where \$50 was awarded -- they are not accountable, in fact, for their mistakes, whereas everyone else in the legal process is indeed accountable for their mistakes.

On the other side are the poor accused who come up to face the well stacked agencies of the government, from the point of view of the investigative modern techniques that they have at their disposal. They come up against a battery of lawyers and a whole department of people equipped to deal with crime. I am not talking about organized crime, I am talking about the average man on the street when he comes to face justice.

When I hear police officers talking of the need for additional police powers, Mr. Minister, I indeed become disturbed and I must talk in terms of the need for a balance in the responsibility that you have in your department to ensure that the balance be maintained; and that this attitude and irresponsible comments by our RCMP officers be negated by this House and by others who are concerned as well with the person who comes into your courts, to see that justice be done, that he be treated properly and respectfully as innocent, until you are able to prove him guilty.

April 26th 1972

ALBERTA HANSARD

37-43

MR. FARRAN:

Mr. Chairman, I hesitate to take issue with my friend for Calgary Buffalo, but I am not speaking in defence of any Deputy Commissioner Kelly of the RCMP. I just want to tell you a little bit about the policeman's lot. He perhaps believes that he has got a prime suspect who has committed a crime and he arrests him, and immediately is faced with this suspect demanding that he should be given the telephone to telephone his lawyer. His lawyer comes rushing down to the cells and advises him that he is not to say a word. Already he has been briefed that he is not going to say one single word in answer to any questions that are put to him by the police, because this is the advice of his lawyer. The lawyer told him this over the telephone. Okay, then he fetches him to trial; they try and put together a case, maybe they have four witnesses. They put them together for a trial that will take place, maybe in Magistrate's Court, in 48 hours -- three days time. A lawyer comes along, perhaps being paid by Legal Aid and he tells the fellow "look, I know you are guilty but plead not guilty. You not only plead not guilty, you won't be tried in this court at all, we will ask for a remand. Are you feeling sick? Okay, we will remand the case." It is remanded for a week. It comes up a week later and they seek another remand perhaps.

MR. CHAIRMAN:

He is still sick?

MR. FARRAN:

Well, he is sick with something else now. Maybe it was a technicality. By now the Crown witnesses are getting tired of being hauled down once, twice, three times. They begin to evaporate across the province. They can no longer be held on vagrancy charges which was once the way police could hold a witness. They disappear, and the Crown case evaporates. The poor old policeman just boils with frustration because he knows that he has done his job. In his opinion he has caught the culprit, but a smart lawyer has got this fellow off on various technicalities and he never really comes under the full process of justice. There are two sides to this story. This is why policemen feel frustrated.

MR. CHAIRMAN:

Thank you, Mr. Farran.

MR. GHITTER:

I just have to respond to the hawk from Calgary North Hill in his concern over a few little cases that come forward, that are causing such grievance by these so-called sharp lawyers. We have already appropriated thousands and thousands of dollars to the hon. minister's department for high-priced lawyers that he has. These poor people can't handle the one little lawyer, usually on Legal Aid -- an articling student, that comes into the courtroom to use these tricky devious methods that Mr. Farran is talking about. I have heard him speak in that area before and I wasn't impressed then and I am not impressed now.

MR. TAYLOR:

Mr. Chairman, I think if anybody in the field of justice requires more assistance and more sympathy it is the defence lawyer. It seems to me that the Crown lawyer, the person who is prosecuting, has the whole police force at his disposal. They have the investigating labs of the police forces, they have a battery of people working for the Crown, but the defence lawyer has to do all this himself and the person whom he is defending has to pay the whole

37-44

ALBERTA HANSARD

April 26th 1972

shot himself, which to me, doesn't seem right. It seems like it is weighted too much in favour of the Crown and not enough in favour of the defence lawyer. The best example that I know of is the Turcott case, where a young boy was convicted and spent 14 or 15 years of his life in prison. In my view, the boy was wrongly convicted and wrongly detained, mostly because he and his folks were not able --

MR. CHAIRMAN:

Mr. Taylor, for the record, I think Mr. Strom gave you the correct name there.

MR. STROM:

Truscott, not Turcott.

MR. TAYLOR:

Truscott, that's right. I'm sorry, Truscott. I was thinking of my friend from Pincher Creek.

Without wasting too much time on it, I think it does illustrate how justice can be miscarried. Now I think justice was miscarried in this case. Perhaps some of my lawyer friends wouldn't agree. I went through the book that was written by the daughter of the chief judge and it seemed to me the evidence just didn't jibe at all, and yet that poor family just couldn't afford to carry out the investigations required to give justice. So I really think if we start spending more money, let's spend a little on the defence side so we can have real justice in the courtroom.

MR. BENOIT:

I'm not going to defend either one or the other. I have only to say that I suppose one is governed by his own personal experiences in these things. I've spent quite a bit of time in the courtroom for one reason or another and I am inclined to agree that there are too many people, both small and large criminals, who are getting away with murder. Too often the law enforcement officer, and I'm not talking about the lawyers, I'm talking about the law enforcement officers -- because that's the vote we're on here now -- are discouraged, because as the hon. Member for Calgary North Hill says, they think they have a good case, they bring it in and it's quite evident they have, and yet the case gets dismissed or for some little technical reason it's thrown out of court. It just seems to me that we're not giving them too much backing. The reason I rose, primarily, Mr. Minister, was to ask you if you did have statistics with regard to the percentage that is paid by the federal government and the percentage that is paid by the provincial government for RCMP policing, and how many towns and villages are under RCMP now in Alberta?

MR. LEITCH:

The percentage, I can give the hon. member. We're presently operating under a ten-year contract which I believe expires in two years. We started by paying 40 per cent of each member's costs, which is part of the provincial contract. It goes up 1 per cent per year, so that at the termination of the contract we'll be paying 50 per cent.

As to the number of towns within the province that are presently being policed by the RCMP, I can't give you the figure, except to say that there are, I think, only seven municipal police forces outside of the major population centres of Lethbridge, Medicine Hat, Calgary and Edmonton. I think all of the other towns would be policed by the RCMP. That's something I'd have to check on.

April 26th 1972

ALBERTA HANSARD

37-45

MR. FARRAN:

Mr. Chairman, I just wanted to add a few words. First of all, the members must be aware of the alarming increase in the rate of crime in Canada generally, and also in Alberta. The percentage is alarming. It's not indicative of an over-strong police force. If anything, it's perhaps indicative of too weak a police force. I appreciate the bleeding heart speeches that we occasionally get from the hon. Member for Drumheller, but my opinion is that we weep too much over the criminal and not enough over the victims.

MR. STROM:

Mr. Chairman, I don't want to say very much on it, but I have given considerable thought to this, too, and I find we're inclined, very often, to blame either the police force or the lawyer or somebody else that's involved in law, because of a situation that has developed. The only point I want to make is that I am afraid that as a person being part of the public sector, we are not doing enough towards supporting law and order. If the general public were to accept their responsibilities, then by example and by support, the crime rate that the hon. Member for Calgary North Hill speaks about would undoubtedly drop. I'm afraid that in the attitudes we have developed over a period of time we are, in fact, encouraging it, and I have had policemen say to me that when they try to get someone in the public sector to support them, they often find they turn their faces and walk away.

I foolishly one time answered very quickly when a police officer asked for some information, and found myself in the courtroom just on very short notice, simply to verify a position that was existing at that point in time. Afterward I was chiding this policeman for roping me in, and I said, "I should have kept my big mouth shut." He said, "Harry, that is the trouble today. There are too many people who are keeping their mouths shut and refusing to become involved."

So before we start pointing fingers, let us take a look at ourselves and see whether or not we are, in fact, supporting law and order to the extent that we should.

MR. JAMISON:

Mr. Chairman, I take a little exception to a single remark made by the hon. Member for Calgary Buffalo, in that legal aid cases were being handled primarily by articling students. I think if this is the case, we had better make sure we have the Legal Aid Board look into it.

DR. PAPROSKI:

Mr. Chairman, I would like to take serious exception with the hon. Member for Calgary Buffalo. I would like to indicate that I support the comments made by the hon. Member for Calgary North Hill and the hon. Member for Highwood, and the hon. Leader of the Opposition. I do agree with balance. I think this is important in law, but my feeling is that the criminal actually is given an advantage in his favour, in order to protect the freedom and rights of the individual, which I think is logical. Actually in practise, various loopholes for escape of the law by the various expert criminals have been well demonstrated in the United States over the past few years. I think these loopholes have to be looked at by the judicial system so that it is not allowed in Canada.

MR. HARLE:

I cannot resist joining in on this particular little bit of debate on this subject. There was mention made that police constables become discouraged. I think I should point out the

37-46

ALBERTA HANSARD

April 26th 1972

difference between the training that an RCMP constable or police constable receives and a lawyer receives. A lawyer has gone through a set of training which conditions him somewhat to the idea of fighting for a side or cause or matter. He wins some, he loses some, but he is prepared to get up the next day and go back to it.

Unfortunately, our RCMP constables and policemen do not receive that training, with the result that when they lose a case they have to make voluminous reports. I think this is what discourages them. I don't know where this comes from. I don't know whether it comes from within the organization of the RCMP or from the city police or from the Attorney General's Department, but there is a distinct pressure on that man because he happens to have lost a case.

I think this is wrong, because if justice is justice, then when he has done a good job, just as when the lawyer has done a good job, presented his case and lost his case, then I don't think the pressure should be put on him. This is the discouraging part for the RCMP officer.

MR. BUCKWELL:

I would like to make a comment. As far as I can remember, I think Moses was the first law-giver. Somebody mentioned about the other law-givers later on in history. I think the time has come when we have to defend the legal profession. It just goes to prove we have sat here too long.

MR. PURDY:

Mr. Chairman, before we go any further on this vote, maybe we should find out from the hon. Attorney General exactly where we stand with the replacement of the RCMP insignia and lettering on our cars and buildings.

MR. DIXON:

Before the hon. Attorney General gets up to answer the question, I think we should be very proud of a fact here in Alberta. Just recently -- if anyone has read Dr. Matthews Report -- of all the cases that were brought into courts that Dr. Matthews referred to, it shows that our policemen in Alberta did a good job when they laid particular charges. If you follow through you will see that they carried out a very good investigation before they brought a particular person into court. So I think that report itself substantiates that we have an efficient police force, and they do their work well before the person is put to the inconvenience -- if that is the proper term to use -- before he goes before the magistrate or the judge.

MR. BARTON:

I would like to change the subject a little bit. I would like to ask the hon. Attorney General how many new detachments are going to be planned in this appropriation and whether he is considering a detachment in the Wabasca-Desmarais area. There are around 1700 people there, and they are in very desperate need of a detachment.

MR. TAYLOR:

Mr. Chairman, in order that the minister may be able to answer them all at the same time, I'd like to make one or two comments that I would hope might be considered in any revision of The Police Act.

I have every respect for the RCMP, but I do not think it is wise to force the RCMP on towns and villages on the premise that they will lose their grant if they don't accept the RCMP. Particularly, I

April 26th 1972

ALBERTA HANSARD

37-47

oppose this when the population of the town or village is in the 1200 or 1300 grouping because at 1500, under the present law, they can then decide whether they want the RCMP or whether they want their own police force. But if they are forced to take the RCMP at 1300, then they are left in a very awkward predicament when they reach the 1500 mark.

I would like to suggest that in populations of possibly 1100, 1200, 1300, before a town or a village is forced to accept the RCMP as the policing agency that meetings be held between the Attorney General and the council of that town or village to determine where they want to go, so if they do at that time have a police force of which they are proud, that's doing an excellent job, they at least have some consideration given to retaining that police force, rather than being forced to take the RCMP, as under the present act. I simply mention this in order that it might be considered when The Police Act is being revised.

MR. LEITCH:

After listening to the views of the left and the right, Mr. Chairman, you will appreciate the difficulty I have walking down the middle.

To answer some of the specific questions, I'd like to deal firstly with the question about pressure from my department on policemen or anyone else for losing their case. I'd like to say categorically, to the hon. member who raised that, that no such pressure comes from my department on any other personnel within the department or anyone else. I'd also be pretty astonished to find there was any pressure on RCMP constables by their superiors for having lost a case in court. I think what might well occur is some criticism about their method of investigation, their method of compiling evidence. That would be perfectly proper criticism. But I would be very astonished to find any suggestion that the mere fact they lost would result in some pressure from their superiors, although it may well involve some examination of their method of gathering evidence and preparing their case.

There was a question about the insignia. I would like to tell the member that I have had personal discussions with the Solicitor General and I am in correspondence with him. I have received a letter from him just recently. I am satisfied with the way in which the negotiations are proceeding, and in keeping with earlier statements from members in the House, I don't wish to go beyond that until those negotiations are completed.

With respect to the additional members to the force, my memory is that this year we're adding 16 new RCMP personnel to the provincial contract -- 16 or 18 I think is the number. If you'd like the actual number, I'd have to check that, but it's in that range.

With respect to the new detachment, I don't have any present plans for it. These things normally come up from the communities to the police force or to my department. I can't recall having been asked to deal with it.

MR. DIXON:

I have a question. The provinces of Ontario and Quebec have their own police forces and some of the other provinces have a contract. Do the other provinces get any rebate from the federal government because they don't use contracts of the federal government? In answer to what the hon. Member for Drumheller was saying I think, in fact, that we do get a bargain when it comes to the RCMP because if we had our own provincial police force it would run to a greater amount of money than \$8 million.

37-48

ALBERTA HANSARD

April 26th 1972

MR. LEITCH:

I can't answer the hon. member as to the financial arrangements with the other provinces, but my guess would be that the matter has been worked out so each province is treated pretty well the same by the federal government. However, there are RCMP in Alberta which are not under our provincial contract. They perform the policing services of the federal force and we only pay one-half of the costs of those that are within the contract. I can't comment on the financial arrangements with the other provinces and the federal government, but my guess would be that they are all treated pretty much on the same financial basis.

Appropriation 1236, agreed to \$8,336,260

Agreed to without debate:

Appropriation 1238 Police Commission and Training \$ 54,890

MR. FRENCH:

Mr. Chairman, I have two questions to ask. I see that there is a decrease of 23 in salaried positions. I see there is an increase of about \$52,000 and I'm wondering if this is a typographical error. Secondly with respect to Family Courts, is there provision or will there be any provision in this next year to provide the family court service in areas other than in the larger metropolitan areas? I'm wondering if there are any possibilities to come out of the larger centres into the smaller centres?

MR. LEITCH:

There are no plans that I'm aware of to do that in the immediate future. It's a point we will take under consideration. With respect to the positions, we have transferred 27 positions out of this appropriation and added four positions to this appropriation, which accounts for the difference between 223 and 200.

MR. LUDWIG:

Mr. Chairman, I may be in the wrong appropriation, but is this the appropriation that deals with family court judges? If not I would still like to pose the question to the hon. minister to find out if there are still any judges in family courts who are not legally trained, and is it the intention to phase this thing out?

MR. LEITCH:

This isn't the appropriation that deals with family court judges that was dealt with in the provincial judges appropriation.

There are judges in the family court who do not have legal training and we have one with a degree in one of the social sciences -- I can't call the degree to mind at the moment, and I've forgotten whether it's a master's or a doctor's degree. I can only think of one who doesn't have legal training.

Appropriation No. 1244, agreed to \$1,728,650

Agreed to without debate:

Appropriation No. 1251 Belmont Rehabilitation Branch \$ 587,490

Appropriation No. 1252 Bowden Institution

April 26th 1972

ALBERTA HANSARD

37-49

MR. TAYLOR:

Mr. Chairman, I wonder if I could ask the hon. minister a question? Has the government adopted an incentive allowance pay plan for prisoners -- if so in what amounts?

MR. LEITCH:

Yes, we have. The necessary regulations were passed last fall. I can't quote the exact figures, it depends on the type of work they are doing. It ranges upward, I think, to \$2 or \$3 a day. There's a saving portion and a spendable portion of it. The figures are, I believe, set out in the regulations. I can't quote them from memory.

MR. TAYLOR:

Would it be possible to get a copy of the regulations?

MR. LEITCH:

Yes.

MR. BUCKWELL:

Are the prisoners covered under Workmen's Compensation?

MR. LEITCH:

That question was asked of the hon. Minister of Labour the other day and I'll let him answer it.

DR. HOHOL:

Thank you, Mr. Chairman. No they aren't, and without anticipating legislation, I did say, Mr. Chairman, that it's fair to say that the House will have a chance to discuss this particular problem, relating to whether the prisoner is working in the building or outside the building. This will be a consideration through amendments which I will bring to the House under the appropriate act.

MR. MINIELY:

Mr. Chairman, I have indications from one hon. member of the opposition that they would like -- if it doesn't take much longer -- to finish this particular department. I think as long as it's not terribly long the government is prepared to do that if the opposition is prepared to do that as well.

MR. CHAIRMAN:

Is it agreed by the hon. members present?

HON. MEMBERS:

Agreed.

MR. LUDWIG:

Mr. Chairman, this is Wednesday and I had about ten minutes at the end -- I'd just like to make a few remarks on the department.

MR. CHAIRMAN:

I didn't hear any positive reaction from your side, Mr. Ludwig.

Mr. Hyndman.

37-50

ALBERTA HANSARD

April 26th 1972

MR. HYNDMAN:

Accordingly, I move that the Committee rise and report progress and beg leave to sit again.

MR. CHAIRMAN:

Very well, it has been moved. Is it agreed?

HON. MEMBERS:

Agreed.

[Mr. Diachuk left the Chair.]

* * * * *

[Mr. Speaker in the Chair.]

MR. DIACHUK:

Mr. Speaker, the Committee of Supply has had under consideration certain estimates, reports considerable progress and begs leave to sit again.

MR. SPEAKER:

Having heard the report and request for leave to sit again, do you agree to receive the report and the request for leave to sit again?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until tomorrow afternoon at 2:30 o'clock.

[The House rose at 5:32 pm.]